

**CLAY COUNTY BOARD OF COMMISSIONERS**  
**8:30 A.M., TUESDAY, MARCH 10, 2020**  
County Board Room, 3rd Floor, Courthouse  
**MINUTES**

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Frank Gross, Jim Haney, Kevin Campbell, and Grant Weyland. Absent: Commissioner Mongeau, Others present: County Attorney Brian Melton, County Administrator Stephen Larson, and Senior Administrative Assistant Colleen Eck.

**CALL TO ORDER**

Chair Gross called the meeting to order.

**APPROVAL OF AGENDA**

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board approved the agenda with one addition: Commissioner Campbell will report on the Buffalo-Red River Watershed meeting.

**REQUEST FOR \$500 CHANGE FUND FOR MOTOR VEHICLE (ISSUED IN MAY 2019)**

By consent, the Board accepted the \$500 change fund for Motor Vehicle.

**REQUEST FOR ADDITIONAL \$150 CHANGE FUND FOR MOTOR VEHICLE**

By consent, the Board accepted an additional \$150 change fund for Motor Vehicle.

**CITIZENS TO BE HEARD**

There were no citizens present who wished to be heard.

**APPROVAL OF MINUTES FROM FEBRUARY 25, 2020**

On motion by Commissioner Haney, seconded by Commissioner Weyland, and unanimously carried, the Board approved the minutes from February 25, 2020.

**APPROVAL OF PAYMENT OF BILLS AND VOUCHERS**

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved payment of bills and vouchers totaling \$567,550 from 121 vendors. From that total, 83 warrants issued were under \$2,000 (\$57,673) and the following 38 were over \$2,000:

MEnD Correctional Care, LLC	\$59,577	Burns McDonnell	\$24,084
Otter Tail Co Public Health	\$58,636	City of Moorhead	\$18,471
Clay County HRA	\$42,032	MN State Auditor	\$13,164
Lakeland Mental Health Ctr, Inc.	\$37,479	Delta Design & Construction, Inc.	\$13,000
Construction Engineers, Inc.	\$32,673	Summit Food Service, LLC	\$11,676
Polk-Norman-Mahnomen CHB	\$29,875	Clay Co Public Health	\$10,857
Prairie Lakes Municipal Solid Waste	\$25,840	Swenson/James & Bridget	\$10,148
Becker Co Public Health	\$24,574	Accurate Controls, Inc.	\$9,854

Trinity Services Group, Inc.	\$9,754	Nancy Hein-Kolo, PsyD, LP	\$3,000
West Central Regional Juvenile Center	\$7,263	Anjaam Holdings, LLC	\$2,789
Verizon	\$6,999	Powerplan	\$2,672
Petro Serve USA	\$6,351	River Valley Forensic Services, PA	\$2,500
Ramsey Co Med Exam	\$6,212	Sanford HealthCare Accessories	\$2,405
Uline	\$4,705	Capsa Healthcare	\$2,348
Farmers Coop Oil Co	\$4,493	MacQueen Equipment, Inc.	\$2,310
Amazon Capital Services	\$3,822	North Point Geographic Solutions	\$2,244
Wild Rice Electric Cooperative, Inc.	\$3,481	Wilkin Co Public Health	\$2,134
Stellar Services, LLC	\$3,201	Asso. of Minnesota Counties	\$2,100
Town & Country Oil, Inc.	\$3,070	Sabin C Store	\$2,049

### **ANNUAL DEPARTMENT UPDATE - SHERIFF'S OFFICE, CORRECTIONS, AND EMERGENCY MANAGEMENT**

Sheriff Empting stated that 2019 was a busy year in the Sheriff's office. He took office in January 2019. Three new deputies were hired and trained due to retirements and advances. New lieutenants were also assigned, and various other shifts were made between divisions. The Investigations Division recently wrapped up the 2018 Hitterdal homicide investigation. There has been an uptake in the Narcotics Division. The Support Services Division had 796 transports and the Civil Division served 24,087 papers. A new magistrate was brought into the courthouse with additional security needs. The Records Division makes sure the reports are done in a timely manner and keeps the department running. The Patrol Division, served by three deputies, has seen a dramatic increase in calls for service comparing January and February 2018, 2019, and 2020. The total annual calls for service have risen over the past few years with 2019 reaching 15,933. The office was able to purchase active shooter vests with grant dollars and add one K9 with funds raised through donations and various fund-raising events over six months. Sheriff Empting was very pleased with the support from the community and the Board.

Correctional Administrator Julie Savat stated the new Correctional Facility is now fully operational including the tunnel to the courthouse. Meals have been prepared onsite in the new kitchen since the first of February. The Jail Ministries Program is being expanded. They are looking at the public library for book donations for the jail library. They are operating with full staff for a maximum of 150 inmates. Currently, there are 116 inmates, but they have reached the 150 mark. Bookings in 2019 totaled 3,447 with the average length of stay at 12 days. Their Behavioral Health Unit is up and running and is generally always full. The River Project has two Lakeland Mental Health employees who come in and work with all the population in the facility. The facility is working with the DOC for two new programs. One program is for training those at the facility due to parole violations and the other is for work-release inmates. The new finger printing machine at the facility is operational and available to the community and employees.

Lt. Gabe Tweten, Emergency Management Director, stated he also started his new position in January 2019. They are wrapping up with FEMA from the flood last spring. He attended the Association of Emergency Management Conference and took part in a train derailment exercise. He also attended the Governor's Conference in February. The Moorhead Fire Department is training drone operators and will take over drone operations in June. Valley Water Rescue also has three efficient drone operators. They continue to work on garnering interest for rural emergency responders. The department was able to purchase a pick-up with a plow for emergency responses. A new mobile command trailer was ordered and will be delivered sometime in April. There will be a new round of Certified Emergency Response Team (CERT) classes for interested employees of Clay County and City of Moorhead. Nicole Reno, Assistant

Emergency Management Director, is organizing the CERT classes. They recently received some guidance in dealing with people if the Coronavirus affects this County. Flood preparations are underway following meetings with the Highway Department, watershed district and township officials. They are performing a peer review of the County Emergency Management Plan and updating the Hazard Mitigation Plan. The region will be transitioning to a new emergency notification system called Everbridge. It will go public in May. It has more sign-up options and is a more robust system.

#### **APPROVAL OF RESOLUTION 2020-14 DECLARING A STATE OF EMERGENCY**

Lt. Tweten commented that Emergency Management is in close communications with the County Engineer, David Overbo, on snowpack and conditions for the potential for spring flooding. He asked the Board to approve a resolution for a State of Emergency in preparations for flooding.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board executed the following resolution:

#### **RESOLUTION 2020-14 Resolution Declaring a State of Emergency**

**WHEREAS the potential spring flooding event will impact the population of Clay County and its cities due to the large amount of snow and already saturated soil; and**

**WHEREAS the potential spring flooding event will cause a significant amount of public property damage; and**

**WHEREAS the Clay County Emergency Management Director requests the Clay County Board of Commissioners to declare Clay County in a STATE OF EMERGENCY for the potential spring flooding event of 2020;**

**NOW, THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners declares Clay County in a State of Emergency for conditions resulting from the potential spring flooding event of March 2020.**

#### **ADDITION: REPORT ON THE BUFFALO-RED RIVER WATERSHED MEETING**

Commissioner Campbell stated he and Commissioner Mongeau attended the Buffalo-Red River Watershed District (BRRWD) meeting last night. He referred back to the data request this Board sent to BRRWD last month that was made for several reasons: open meeting violations; hiring an expert witness without proper approval; etc. That information was received, as requested, leading to some concerns about how business was conducted at the BRRWD. Those concerns transpired into some media coverage. At the watershed meeting last night the issue of hiring an expert witness surfaced. Prior to the meeting, Commissioner Campbell had been told by a source close to that board that the board was going to be “concocting” the method they used to hire the expert witness, and that they had authorized their attorney to hire the expert witness.

One of the requests of that Board was Item 3) Minutes showing the approval to hire the expert witness from Washington D.C. The response was: “We do not provide any data for Item 3 as staff here agree that no minutes exist in said regard.” Item 4) Breakdown of the costs related to the \$12,000 bill that was received from said expert witness. In response, a letter was received from the expert witness, to the BRRWD attorney, saying: “per instructions from Jay Leitch, please find enclosed my invoice for my services supporting the BRRWD.” Commissioner Campbell commented that if the attorney had hired the expert witness, why did Jay Leitch need to instruct him to send the bill to the attorney. Another item requested was for billings/invoices pertaining to the FM Diversion Authority. From one billing that was paid by BRRWD on 2/4/2020, it was written: “on 1/3/20 there was a strategy meeting at Vogel Law Firm with key

individuals present.” It included representatives of the JPA (Joint Powers Authority), their JPA’s attorney, and a member of the JPA. Commissioner Campbell found it concerning that they were going outside their own people and discussing a lawsuit. He noted that, more importantly, on the billing from 1/28/2020 it was written: “attorneys for the watershed were billed for an email to Jerry Von Korff regarding the watershed’s decision to use Larry Prather as their expert witness and fund him at 100%.” In conclusion of this matter, Commissioner Campbell stated that he and Commissioner Mongeau were both concerned about transparency at the watershed meetings and use of the proper method for going into executive meetings. He noted his facts show that BRRWD did, in fact, hire the expert witness outside of any meeting.

Commissioner Campbell referred back to 2012 when the BRRWD Board changed its makeup from five to seven members, and Clay County went from having the majority vote to a minority vote. That change led to non-member Counties voting on issues that pertain to water flowing into Clay County and Clay County members having the minority vote on the issues.

Also, at the latest watershed meeting, the current president of that board who was appointed by Clay County stated he does not need to vote if they have a majority vote and they do not have to follow Roberts Rules of Order. Commissioner Campbell commented that their performance on the board is tracked by the way they vote. He suggested a letter be written from the Clay County Board to all its watershed appointees stating it is extremely important for them to vote on matters during their meetings. If they wish to descend from a vote, the public has the right to know.

On motion by Commissioner Weyland, seconded by Commissioner Haney, and unanimously carried, the Board approved sending a letter to all their watershed appointees stressing the importance of their aye or nay votes on issues during meetings.

Commissioner Campbell also found it upsetting that Administrator Bruce Albright, who is a very well-respected watershed administrator in the State of Minnesota, was “scolded” by the board president during the public meeting last night.

#### **PROCLAMATION FOR SOCIAL WORK MONTH**

Social Services Director Rhonda Porter asked the Board to proclaim March as Social Work Month. She noted there are over 60 Clay County Employees in the Social Services Department. The Proclamation, read by Ms. Porter, highlighted the all the important work being done in the Social Services Department.

On motion by Weyland, seconded by Campbell, and unanimously carried, the Board proclaimed March as Social Services Month.

#### **REQUEST APPROVAL OF REGISTERED LAND SURVEY**

Planning Director Matt Jacobson and Recorder Kimberly Savageau brought forth a request for approval of a registered land survey in Oakport Township. The request is unique and relatively new because the land is Torrens and requires a registered land survey.

On motion by Haney, seconded by Campbell, and unanimously carried, the Board approved the request of a registered land survey, subdividing Tract B from Tract A as shown on the land survey.

**REQUEST TO EXTEND ARCHITECTURAL CONTRACT WITH MICHAEL J. BURNS FOR JUVENILE CENTER PROJECT**

County Administrator Stephen Larson and Juvenile Center Superintendent James O’Donnell requested an extension of the contract with Michael J. Burns Architects. The process of expanding and renewing the West Central Regional Juvenile Center (WCRJC) is still underway; however, the 24-month contract with Michael J Burns Architects has ended. The request is to extend the existing contract with the same language. The project has also hit another delay due to fire damper issues. The completion date has been moved back to mid-April. The contract extension will include January 1, 2020 to May 1, 2020.

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board approved extending the WCRJC contract with Michael J Burns Architects until May 1, 2020.

**ANNUAL DEPARTMENT UPDATE – VETERANS SERVICES**

Veterans Services Officer Curt Cannon thanked the Board for the support and leadership. He informed the Board that Clay County has 3,736 registered veterans. The Veterans Office operates with two FT and one PT staff along with 17 current volunteers. The volunteers put in 1,368 volunteer hours in one year’s time. The office received the 2019-20 Operational Enhancement Grant of \$12,500 that goes for operations, training, and office purchases. The Veterans Court is going well with a few graduates. The annual national accreditation for both FT staff is in Atlanta this year. The unemployment rate for veterans is .7 and currently there are zero homeless veterans identified in the County. The department routinely refers veterans to the housing and employment offices. The goals of the office include maintaining outreach events, identifying as many veterans as possible, finding additional resources for veterans, and maintaining a family veterans office. The office stays busy with appointments and many walk-ins daily. He thanked his staff and volunteers.

**OVERVIEW OF PROCESS FOR “ONE WATERSHED, ONE PLAN”**

BRRWD Administrator Bruce Albright; SWCD District Manager Kevin Kassenborg, and BRRWD Assistant Administrator Kathy Fenger presented handouts and shared a PowerPoint for One Watershed, One Plan. This state-wide program is for Counties, Watersheds, and SWCDs to all work together with one plan. County Planner Matt Jacobson has been a good asset to get the process underway. The local partners include the Counties of Clay, Wilken, Becker and Otter Tail, Soil and Water Conservation Districts from the four Counties and the Buffalo-Red River Watershed District. These partners have conducted many meetings. Commissioner Gross represents the Board from Clay County. Public input has been taken at a public open house and there will be another chance for public review of the plan. This is a 10-year plan with a five-year update which is headed by the Board of Water and Soil Resources (BWSR). Locally, they are nearing the end of an 18-month process. They have taken a total of 73 concerns and issues which have been prioritized. Many types of action will be pursued to make progress toward their goals to complete the process.

**BID OPENING – LANDFILL CELL**

Solid Waste Manager Kirk Rosenberger along with Administrative Assistant Kathy Ihle opened bids from three contractors for new landfill cell construction. There were four addendums listed in the bidding packet and the estimate for the project is \$2.5 million. The following bids were received:

<b>Bidder</b>	<b>Bid Bond / Addendums</b>	<b>Base Bid</b>	<b>Alternate Deduct</b>	<b>Base - Alternate Deduct</b>
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Blombeck Construction Eagle Bend, MN	Yes	Yes	\$2,930,458.42	\$118,500	\$2,811,908.42
Comstock Construction Wahpeton, ND	Yes	Yes	\$2,706,286	\$192,230	\$2,514,056.00
Burski Excavating Rice, MN	Yes	Yes	\$2,405,581.70	\$143,600	\$2,261,981.70

Mr. Rosenberger requested time to thoroughly go through the bids and bring a recommendation back to the Board in two weeks.

**APPROVAL TO ADVERTISE FOR THREE BRIDGE REPLACEMENTS**

County Engineer David Overbo, Assistant County Engineer Justin Sorum, and Kim Carpenter, Road Maintenance Supervisor were present with the request to advertise for three bridge replacements.

On motion by Weyland, seconded by Campbell, and unanimously carried, the Board approved the request to advertise for three bridge replacements (CSAH 2 and 12 and 90<sup>th</sup> St N in Morken Twp) with the bid letting on April 14.

**PROPOSED MOU WITH BUFFALO-RED RIVER WATERSHED DISTRICT TO REPLACE DRAINAGE STRUCTURES**

Mr. Overbo noted there are three culvert structures that are pulling apart and creating hazards. Two of them are in Ditch 11 and one in Ditch 1. They would partner with Buffalo Red River Watershed District on the project. A Memorandum of Understanding (MOU) was drafted and discussed at Highway Tracking. The watershed also discussed it at their meeting this week.

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board approved the MOU with Buffalo Red River Watershed District to replace three drainage structures.

**PROPOSED 2020 HIGHWAY EQUIPMENT**

Mr. Overbo asked for approval to replace four motor graders that are off warranty. The items were discussed at Highway Tracking and will be funded from the internal service fund. The proposed new units were provided on a handout with the details listed.

- Units #141, 143, 145:            Replace with three 2020 John Deere 772GP’s from RDO
- Units #146:                    Replace with 2020 CAT 150 AWD - Butler Machinery Co.

On motion by Campbell, seconded by Haney, and unanimously carried, the Board approved the Highway Department’s proposed replacement of four motor graders.

Mr. Overbo stated he would also like to replace two of their four 2016 batwing mowers that are pulled behind the mowing tractors. The other two batwing mowers would be used for an additional year. The MN State Bid from Butler Machinery Co. for two 2020 Schulte mowers is \$27,184.32 apiece and the trade-in price for each of the two mowers is \$10,000.

On motion by Commissioner Haney, seconded by Commissioner Campbell, and unanimously carried, the Board approved replacing two mowers.

#### **GOVERNMENT SERVICE MASTER PLANNING PRESENTATION**

Scott Fettig and Ryan Weber, Klein McCarthy Architects; Nick Fiecke and Ben Matson, Construction Engineers; and Stephen Larson, County Administrator, presented themselves to the Board.

Mr. Larson commented that last July Clay County hired Klein McCarthy Architects to conduct a Master Planning study of the existing Courthouse, Family Service Center, and Motor Vehicle buildings. The study is to determine long-range space needs.

Mr. Fettig stated the process began with questionnaires to assess the County's needs and anticipated needs over the next 15 years. Next, they looked at the mechanical and electrical conditions at the buildings and the existing floor plans. They evaluated the property surrounding the County campus and considered the amount of space that would be gained by eliminating the lessees at the Family Service Center. The information was then analyzed and presented to a County Committee with Department heads, Commissioners and a construction manager. The committee identified priorities and possible solutions. Several expansion options were presented on aerial photos as Option A1, A2 (south of campus); Option B2 (northeast of Campus); Option C (southeast of campus); Option D1 and D2/B1 (west, northwest of campus). Information was provided on the various options, timelines, and affected departments. Parking needs, judicial needs, and phasing options were included in the projected costs.

Commissioner Gross favored doing something for the County employees and addressing their needs. Commissioner Campbell noted this information is very preliminary and involvement and discussion with neighbors would need to take place before any commitments are made. The presentation was for planning purposes only and no final decisions have been made.

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

- Commissioner Campbell attended meetings for Highway Tracking; Joint Powers Committee; FM Diversion Authority Executive Committee; and Buffalo Red River Watershed District.
- Commissioner Haney attended meetings for City of Moorhead Planning Commission; Joint Powers Committee; Clay County Local Advisory Committee for Children; and Clay County Collaborative Governance.
- Commissioner Weyland attended meetings for construction updates and toured Phase 2 of the Correctional Facility.
- Commissioner Gross attended meetings for Highway Tracking; Clay County Local Advisory Committee for Children; and Canvased Election Ballots.
- Mr. Larson attended meetings for Highway Tracking; Social Services; Master Planning; phone conference regarding FM Diversion; Joint Powers Committee; and County Management.

The meeting adjourned at 11:27 a.m.

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Frank Gross, Chair

County Board of Commissioners

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Stephen Larson, County Administrator