

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 A.M., TUESDAY, MARCH 16, 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: Assistant County Administrator Darren Brooke 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 Mongeau, and unanimously carried, the Board approved the agenda with an addition: Request to fill two positions for correctional officers who are currently deployed with the military.

CORRECTION OF BIDDERS/AMOUNTS ON MINUTES FROM MAY 26, 2020

By consent the Board approved the correction of bidders/amounts on minutes from May 26, 2020 as presented.

CITIZENS TO BE HEARD

Citizens are able to appear in person or may complete a form at the following link:

<https://claycountymn.gov/CivicAlerts.aspx?AID=288>

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 \$1,479,492 from 135 vendors. From that total, 100 warrants issued were under \$2,000 (\$42,765) and the following 35 were over \$2,000:

Comstock Construction, Inc.	\$ 754,127	Red River Valley Co-op Power	\$ 10,012
Lakes Country Service Co-op	\$ 288,898	Psychlogics	\$ 7,740
City of Fargo	\$ 93,895	Toshiba Bus Solutions	\$ 7,200
Trinity Services Group, Inc.	\$ 33,623	CDW Government, Inc	\$ 7,059
Clay Co. Public Health	\$ 29,458	Verizon	\$ 7,035
Clay County HRA	\$ 28,949	Dakota Plains Mechanical, Inc.	\$ 6,210
MEnD Correctional Care, LLC	\$ 25,194	Interstate Power Systems, Inc.	\$ 6,126
City of Moorhead	\$ 21,610	Nitzkowski, Inc.	\$ 5,846
Houston Engineering, Inc.	\$ 16,308	American Enterprises, Inc.	\$ 4,538
Lloyd's Auto Body Inc.	\$ 14,430	Fidlar Technologies	\$ 3,189
Advanced Business Methods	\$ 11,812	Petro Serve USA	\$ 3,133
Mn State Auditor	\$ 10,620	ConvergeOne, Inc.	\$ 3,122
Medical Pharmacy (SH)	\$ 10,509	Marco Technologies LLC	\$ 3,025

Xcel Energy	\$ 2,898	Team Laboratory Chemical LLC	\$ 2,500
Deputy Registrar	\$ 2,841	Sauve/Julie	\$ 2,400
FIREGUY	\$ 2,840	MN IT Services	\$ 2,270
Thompson/Jennifer L.	\$ 2,570	Best Buy	\$ 2,240
Clay County Sheriff's Office	\$ 2,500		

APPROVAL OF MINUTES FROM FEBRUARY 23, 2021

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from February 23, 2021.

COVID-19 UPDATE

Public Health Director Kathy McKay provided handouts that included the current COVID-19 data.

	Clay County	Minnesota
Cumulative Cases	7047	498,218
Cumulative Deaths	89	6,747
Out of Isolation	6,826	482,984
Active Cases	90	8,487
Median Age of Cumulative Cases	33	38
Cumulative Hospitalizations	292	26,295
Cumulative ICU Admissions	77	5,427
14-Day Case Rate per 10,000	25.96	
Ages for highest active cases	25-29	
Total with at least 1 dose of vaccine	13,006	1,260,771
Percentage with at least 1 dose of vaccine	20.5% of population	22.7% of population
Total who completed vaccine series	6769	724,692
Percentage who completed vaccine series	10.7%	13%
Age group 50-64 with at least 1 vaccine dose	29.4%	22.2%
Age 65+ with at least 1 vaccine dose	69.3% of age group	75.6% of age group
Cumulative # of doses administered by CCPH	7,785	
Vaccines administered previous week -CCPH	897	

Hospitalizations throughout the State have remained stable. Vaccine continues to be available for individuals age 65 and older. Online sign-up is required at <https://claycountymn.gov/462/Public-Health>. The phone number is 218-299-7204. Notifications for eligible appointments will be emailed from Vaccination Clinics. All school staff in Clay County have had the vaccine offered to them. Vaccine Phase 1b Tier 2 includes those with rare conditions or disabilities. Vaccine Phase 1b Tier 3 includes age 50 years and older in multi-generational housing; age 45-64 with one or more underlying medical conditions; and age 18-44 years with two or more underlying medical conditions.

AGENDA ADDITION: REQUEST APPROVAL TO FILL TWO POSITIONS FOR CORRECTIONAL OFFICERS WHO ARE CURRENTLY DEPLOYED WITH THE MILITARY

Justin Roberts, Asst. Administrator of Correctional Facility, requested filling two positions for two 12 to 16 month deployments. There is no pay or benefits during the deployments. They would not be increasing the staffing level or the budget. The item has been discussed at Personnel Issues Committee. They expect some open positions in the department in the near future with retirements. Staffing allowance at the Correctional

Facility is set for 51. If they get to approximately 150 inmates, the staffing level would need to increase.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the request to fill two FT Correctional Officer positions during two deployments.

ANNUAL DEPARTMENT UPDATE: WEST CENTRAL REGIONAL JUVENILE CENTER (WCRJC)

Juvenile Center Superintendent James O'Donnell provided a power point on WCRJC's secure and non-secure programs. The secure program operates with a cooperative service agreement between Clay County and 10 other member Counties including Cass County, ND. The non-secure program is funded by Clay County and provides services for youth (delinquent and non-delinquent) who need Out-of-Home Placement. They will also accept youth from other Minnesota Counties when there are open beds.

Their services include K-12 schooling thru Moorhead Public Service; GEDs; cognitive/behavioral programming; counselling (group and individual); religious services; chemical dependency; trauma therapy; evaluations; sex offender treatment; Dialectical Behavioral Therapy; community service opportunities; and transitional services.

There were fluctuations in the secure unit population throughout 2020. The breakdown of offenses in 2020 were 50.34 % personal, 19.59 property; and 30.07% societal. Half of all 2020 intakes had some type of violent offense. The increase in more dangerous, violent offenses are also being reported in the news in Minnesota. They are finding a lot of adverse childhood experiences including violence, abuse, neglect, divorces, mental illnesses, and household dysfunction. Out-of-Home Placement can also cause additional trauma. For instance, they may not be able to look out for a sibling after placed outside the home. The facility has 10 key ingredients for trauma-informed care. Trauma therapy with a Psychotherapist in the secure unit totaled 2,550 hours in 2020. They were not hugely impacted by COVID other than more cleaning and sanitizing.

Commissioner Ebinger stated he is proud of this remarkable facility that goes way beyond being a punitive facility. The youth are given so many more opportunities, education, and life skills. Chair Campbell noted the facility is recognized as one of the best in the State. Commissioner Kahly thanked them for taking care of our children.

PUBLIC HEARING: REQUEST FROM W. BORGES FOR PLATTED / MAJOR SUBDIVISION (RED ROCK ESTATES)

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board opened the public hearing.

Planning Director Matt Jacobson stated the applicant is seeking approval of a three-lot platted subdivision in Oakport Township. The Planning Commission recently heard the request and recommended approval. Oakport Township has also issued their approval. The property consists of 103 acres that is zoned Agricultural General. There has been other residential development in this area which is out of the floodplain. This plat consists of two six-acre lots and one remaining 118-acre lot which will continue to be farmed. The property is all in Torrens. Access and traffic have been addressed. Land use notifications and ditch cleaning notices have been provided. The Planning Commission took some public comments about any impacts of drainage to the surrounding properties. The landowner is scheduled to come back to the Planning Commission this evening for a Conditional Use Permit (CUP) for the site. There are six items listed

in the proposed CUP. Most important is the need to elevate the building sites to the height of Co. Rd. 9.

The applicant, Bill Borgen, stated that the elevations should not be a problem. He commented there is also drain tile and none of the water from these sites should affect Anderson Acres.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board closed the public hearing.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board approved the Red Rock Estates Platted Subdivision with six policy recommendations:

1. Lot 3 must not be developed for residential use.
2. Property owners must sign and record a Land Use Notification.
3. Property owners must sign and record a Drainage Notification.
4. Residential structures must be at the same grade as Co. Rd. 9.
5. Any land disturbance greater than one acre requires a Construction Stormwater Permit and Stormwater Pollution Prevention Plan.
6. Any other conditions the County Board of Commissioners deems necessary.

PUBLIC HEARING: PETITION FORM TREBIL PROPERTIES, LLC FOR TEXT AMENDMENT TO DEVELOPMENT CODE

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board opened the public hearing.

Mr. Jacobson stated this Petition is for a text change in the Land Development Code. The request is to add Service Business as an Interim Use in the Urban Expansion District Tier 1. Nine standards were drafted by the Planning Director. There had been some questions at the Planning Commission meeting on standards one and two.

Pedro Rodriquez stated he is a neighbor to Jesse Trebil's site which looks better than ever since he came in and cleaned it up. He added that one other neighbor who had objections at the Planning Commission meeting objects to other requests as well. Jesse Trebil referred to a certain site where he wants to run a business that would be screened appropriately and be an asset to the community. Peyton Mastera from the City of Dilworth clarified that this request is a for a text amendment of the development code. It is not to address a particular property or a particular business. He supports the proposed text amendment. This business will be addressed separately if the text amendment is approved.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board closed the public hearing.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the Petition to add Service Business as an Interim Use in the Urban Expansion District Tier 1 in the County Land Development Code with the following standards:

1. Limited to Existing Structures: Service Business must be in existing structures on the property.
2. Employees: The number of allowable employees will be set by the Planning Commission, with considerations for traffic, parking, utilities, and surrounding properties. No business shall have more

- than 10 full-time equivalents.
3. Signs: One non-illuminated sign only of a maximum size of thirty-two (32) square feet is allowed to advertise the service business on site. Such sign shall meet the setbacks for structures in the Urban Expansion Tier 1 Zoning District or attached to the building.
 4. Traffic and Roads: Traffic generated by the use shall be considered by the Planning Commission and traffic generated by the Service Business shall not exceed that which is reasonable for the area in which it is located and the road adjacent to the service business.
 5. Performance Standard: No equipment or processes used in the Service Business shall create noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
 6. Buffering: Buffering may be required by the Planning Commission to minimize adverse effects on adjacent properties and roadways.
 7. Utilities: The use shall not create usage exceeding the capacity of available on-site sewage treatment and drinking water. The user shall not prematurely stimulate investment in public utilities in a municipality's future growth area.
 8. Parking: Additional parking spaces may be required by the Planning Commission for the use of clients, deliveries, etc.
 9. Inspections: Service Business Interim Use Permits shall be reviewed and inspected every five years for compliance with conditions.

ANNUAL DEPARTMENT UPDATE: VETERAN SERVICES

Veterans Service Officer Curt Cannon addressed the Board with his annual update. He noted they have one of the smallest departments but they probably have the highest impact of revenue in the County for their veterans. His staff includes a full-time Veterans Benefit Coordinator and a half-time Administrative Assistant. They also have 12 volunteers with afternoon office hours and various out-of-office work. They receive an annual grant of \$12,500 which has been primarily for travel for National Accreditations.

The staff serve as advocates for entitlements for the veterans and their dependents. They fill out all their forms and get them processed properly. They obtain their documents and affidavits. They work in partnership with MN Dept. of Veterans Affairs, VA Claims Office, VA Medical Centers, National Service Organizations, and other agencies. They assist with applications for housing, medical, and dental benefits.

The DD214, a veteran's active duty discharge form, is always the first documentation they obtain. The benefits, based on eligibility, include pensions, education and training, counselling, home loan guaranty, life insurance, burial and memorial benefits, health care, and disability compensations. There needs to be tie-in between their current situation and what happened in the service for disability compensation. There are also widow pensions if certain eligibility requirements are met. Service connections may be incurred, aggravated, secondary, or presumptive. The claim development process is extensive and is submitted for a rating. In 2019 they had 152 claims with federal VA awards totaling \$1,223,672.43; state awards totaling \$69,505, and 1,930 forms completed. In 2020, the numbers were down. They processed 73 claims and obtained \$761,760 in federal awards; \$150,231 in state awards; and completed 1,797 forms. Their office was closed for one month due to COVID-19. They found that face-to-face interactions are much easier with veterans than over the phone. Many claims, forms, and awards are underway for 2021. They also participate in Veteran Treatment Court involving veterans charged with offenses. They are currently assisting a veteran who may enter the Veteran Treatment Court.

Mr. Cannon and his staff were applauded for the good work they continue to do. Commissioner Mongeau noted that Curt and his staff always treat those who they serve with the highest amount of respect.

PUBLIC INPUT FOR 5-YEAR ROAD CONSTRUCTION PLAN FOR 2021-2025

County Engineer David Overbo and Assistant County Engineer Justin Sorum were present for reviewing the 2021–2025 Five-Year Road Construction Plan and take input on any of the projects. They went over the yearly projects:

2021: Projects 1-9 include four bridge replacements, mill and overlays, radius reconstruction, and an urban reconstruct in Hawley.

2022: Projects 10-21 include a couple large projects on CSAH 11 and 52.

2023: Projects 22-28 with #26 being the largest full-depth reclamation project.

2024: Projects 29-36 include a 9.5 mile stretch on TH 75 to CSAH 19 and the 11th Street Underpass project in Moorhead. The County will provide \$1.5 million toward the 11th Street project with the potential of shifting more funds as it gets closer.

2025: Projects 37-42 include six bridge replacements and three mill and overlay projects.

Wayne Leppard addressed the Board and Highway Engineers with his issues with the road he lives on - County Road 115. He described the three miles of road as the most bumpy, washboard road in the County for over 30 years. He noted that areas of the road are lower than the fields and it becomes a snow trap. There are also portions of it without ditches. He has blown snow from his place to Hwy 33. When he gets west of Highway 9, he will see roads that are on the fifth pass for snow removal and yet Co Rd. 115 hasn't been touched. Years ago, all the neighbors petitioned to have that road raised and improved, but have since given up. They were told it was put on the list but it was never fixed. He has heard the road is beyond repair. There are 11 residents and one business along the road. People avoid the road because it shakes their vehicles badly. He and other residents do not believe their roads get the same attention as the roads in the western part of the County.

Mr. Overbo stated they have done work regarding a culvert. There is a sizable pipe that has washed out. The hydraulics and survey are done on this road and they want to get it included on their bridge list. The Maintenance Foreman did not say anything about this road when they talked this morning about roads with snow issues. More regular maintenance could help the washboard issue. Mr. Overbo suggested this item be added for a Highway Tracking meeting and for he and Commissioner Gross to tour that road soon. Commissioner Mongeau stated they need to do a better job getting to that road after it snows.

Mr. Leppard added that there have been some improvements since Peters started with Highway Maintenance, working on the washboard areas. He commented that the culvert by his place washed out last spring because there was no band connecting the culverts. They put the culvert back in but still did not band it.

APPROVAL OF 5-YEAR ROAD CONSTRUCTION PLAN FOR 2021–2025

The Five-Year Construction Plan 2021 – 2025 was also presented to the Highway Tracking Committee.

Their recommendation is for approval of the plan contingent upon comments from the public.

Commissioner Gross noted that Co. Rd. 115 had been on the list for years, but they checked it out and it was not quite ready for reconstruction. There is a working list of roads that are pretty bad and they are

put on the five-year plan as funds become available. The working list and the five-year plan list are distinctly different.

On motion by Commissioner Gross, seconded by Commissioner Gross, and unanimously carried, the Board approved the Five-Year Road Construction Plan for 2021 – 2025.

AUTHORIZATION TO ADVERTISE FOR THE YEARLY SUPPLY BIDS

This request is for an authorization to advertise for the Yearly Supply Bids. The bids will be opened publicly at 10 a.m. on Thursday, April 15th in the County Board room. They will then tabulate the bids and bring in the abstracts to be approved at the regular County Board meeting on April 20th.

The yearly supply bids are for Gravel, Bituminous Asphalt, Culverts and Rental of Construction Equipment.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board authorized advertising for the Highway Department’s yearly supply bids.

APPROVAL OF FINAL CONTRACT AMOUNT FOR SAP 014-603-012

The Highway Engineers recommended approval of the Final Contract amount for the 11th St. and 15th Ave N Traffic Signal. This was a City of Moorhead project that the County participated in, as two of the four traffic signals belong to the County. The contractor was Central Specialties, Inc of Alexandria, MN.

	Original Contract	Final Contract to be approved
SAP 014-603-012	\$130,352.50	\$133,126.23

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the final contract amount of \$133,126.23 for the County’s portion of SAP 014-603-012.

APPROVAL OF BIDS FOR HAWLEY URBAN RECONSTRUCT SAP 014-633-018

The abstract was handed out for the urban reconstruction in Hawley. The recommendation was for approval of the low bid from Hough, Inc. of Detroit Lakes, MN, contingent upon approval from the City of Hawley. The City of Hawley opened bids on February 18th and have one more assessment hearing on Tuesday, March 16th. Clay County’s portion of the project is for \$325,703.71, which is 16.5% under the Five-Year Plan estimated cost. CSAH 33 is a State Aid roadway and State Aid funds will be used for the County’s share.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the low bid from Hough, Inc. for Hawley Reconstruct Project - SAP 014-633-018, contingent on approval from the City of Hawley.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

Many of the following committee reports are from virtual meetings.

- Commissioner Gross attended meetings for Wild Rice Watershed Board; Personnel Issues Committee; and Mn Rural Counties.

- Commissioner Mongeau attended meetings for Clay County Extension; Cass Clay Food Partners Committee; Red River Basin Joint Powers; Clay County Soil and Water Conservation District; Landfill; Interviews for Regional Extension; MetroCOG Executive Committee; and Mn Rural Counties Caucus.
- Commissioner Ebinger attended meetings for NW Regional Communications; Dancing Sky Area on Aging; and met with Sheriff Empting and Chief Monroe regarding the deadly force bill. Many border cities, including Clay County, are having issues and community impacts due to the deadly force bill that need to be addressed.
- Commissioner Kahly attended meetings for Clay County Extension; Cass-Clay Food Partners; Historical and Cultural Society of Clay County; and met with Representative Fischbach's local staff regarding local issues.
- Commissioner Campbell attended meetings for Metro Flood Executive Committee; Lakes Country Service Co-op; and Personnel Issues Committee.
- Assistant Administrator Brooke attended meetings for Management; Administrator and Auditor regarding the process for waiving penalties; NIS Health Consultants; and Personnel Issues Committee.

The meeting was adjourned at 12:05 p.m.

Kevin Campbell, Chair
County Board of Commissioners

Darren Brooke, Assistant County Administrator