

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, MARCH 22, 2022
Rooms A/B, 3rd Floor, Courthouse
MINUTES

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

CALL TO ORDER

Chair Mongeau 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: Approval of Resolution 2022-11 in Support of the USBR Route Designation on CSAH 52.

CITIZENS TO BE HEARD

There were no citizens who wished 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 the payment of bills and vouchers totaling \$542,012 from 105 vendors. From that total, 83 warrants issued were under \$2,000 (\$29,375) and the following 22 were over \$2,000:

Sellin Bros, Inc.	\$104,254	Winter Park Properties, LLC	\$ 7,200
MN Counties Computer Co-op	\$ 84,266	Network Center, Inc.	\$5,879
W Central Regional Juvenile Center	\$ 66,523	Lakes Country Service Co-op	\$5,789
Xcel Energy	\$ 55,066	FORCE America Distributing, LLC	\$3,861
Gladen Construction, Inc.	\$ 45,289	Houston Engineering, Inc.	\$3,691
Lutheran Social Service of Mn	\$ 33,240	Marco Technologies, LLC	\$3,206
Clay Co Public Health	\$ 29,523	Delta Design & Construction, Inc.	\$2,930
One Riverside	\$ 14,376	M-R Sign Company, Inc.	\$2,519
City of Fargo	\$ 14,112	Allied Fire Protection	\$2,376
Ulteig Engineers, Inc.	\$ 13,120	Minnesota Title	\$2,312
Anjaam Holdings, LLC	\$ 10,938	Aggressive Towing & Recovery	\$2,168

APPROVAL OF MINUTES FROM MARCH 8, 2022

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from March 8, 2022.

REQUEST TO FILL VACANCY FOR LEGAL ASSISTANT POSITION

County Attorney Brian Melton informed the Board that a paralegal in the office recently resigned. Attorney Melton felt it would be more beneficial and cost effective to add the legal assistant position than a paralegal position. The office has had six legal assistants in the past, but currently has five full-time legal assistants.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved hiring a Legal Assistant for the Attorney's Office.

ANNUAL DEPARTMENT UPDATE – BUILDING MAINTENANCE

Facilities Director Joe Olson provided highlights from the past year for the Building Maintenance Department. This department of 28 staff was restructured last year with the following positions: Brian Friedrich, Operations Supervisor for the maintenance crew and power plant; Jenelyn Rothlisberger, custodial lead; and Betty Hanson, Facilities Administrative Assistant. He commented that this new arrangement has worked out well. There may be one maintenance staff change due to the needs at the Government Center. He is also looking at adding one more FT position and dropping two variable hour positions considering that the FT staff seem to stay in those positions longer. This year, he plans to meet with different suppliers for options for purchasing their equipment and supplies. With the Government Center and new storage building, there are now 22 County facilities. Next on his list, he is looking into the heating/cooling units at the Government Center which are in rough shape. He will be working with an engineer on pricing and will be bringing it to the Building Committee.

Commissioner Mongeau commented on the grounds looking so nice and items getting done so quickly when they are needed.

REQUEST FOR APPROVAL OF LEASE PROGRAM FOR COUNTY VEHICLES

Mr. Olson stated that currently seven out of 15 vehicles in the County fleet are leased. The proposal is to lease all 15 fleet vehicles with an addition of some department owned vehicles, 23 total. The lease payments to Enterprise would go toward the equity of each vehicle. The County receives all the equity back when a vehicle is sold. The areas for the proposed Lease Program are Maintenance, Planning and Zoning, Assessor, Public Health Emergency Services, Public Health Environmental Services, Juvenile Center, and all Facilities Fleet vehicles. The leased vehicles would be Chevy Equinox SUVs and Chevy Traverse SUVs. A list of the current vehicles and proposed lease vehicles was provided. Enterprise requires a minimum of 20 vehicles for this lease program. The funding sources include internal services and fleet funds. The current annual budget for 23 vehicles is \$153,035 and the proposed annual lease payments of \$140,520 would lead to an estimated annual savings of \$12,515. With improved gas mileage and lower maintenance costs, Enterprise is projecting a five-year savings of \$91,682. The County spends roughly \$16,000 on maintenance yearly. Oil changes would not be covered in the lease program, but everything else is fully covered. There would be a savings with newer vehicles and better gas mileage. When a vehicle is sold the County would get a check for the equity.

Commissioner Mongeau commented this is an opportunity to retain new vehicles and save the County substantial dollars. She noted that she would like to see other departments with vehicles also be part of the lease program. The four-wheel drives are very practical in this part of the country, and it is also a good time to sell used vehicles. Mr. Larson added that he has contacted other Counties and was informed that they have benefited from the lease program with saving in repairs and the company has been very responsive to their needs. The Sheriff's Office and Highway Department are not participating as of yet, but the County Engineer has some

interest in it. The Sheriff is also looking into it further. The Traverse and Equinox are rated as safer vehicles. Commissioner Campbell noted that the Finance Committee has addressed this item.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the request for the Enterprise Lease Program for County Vehicles.

APPROVAL OF RECOMMENDATION TO APPOINT PLANNING COMMISSION MEMBER

Planning Director Matt Jacobson informed the Board that there is a vacancy for a Planning Commissioner with one member moving. The Clay County Planning Commission recommended that Brent Berg be appointed to fill the vacancy. Mr. Berg is a lifelong resident of Barnesville and chairs the Barnesville Planning Commission.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board appointed Brent Berg to a three-year term on the Clay County Planning Commission.

APPROVAL OF RECOMMENDATION TO APPOINT BOARD OF ADJUSTMENT MEMBER

The Board of Adjustment made a recommendation to appoint Leo Splonskowski to a three-year term on the Board of Adjustment, with Paul Krabbenhoft filling his maximum number of years. Mr. Splonskowski is chair of the Ulen Township Board and a long-time resident of Clay County.

Chair Mongeau extended gratitude to Mr. Krabbenhoft for all his years of service on the Planning Commission and Board of Adjustment.

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board appointed Leo Splonskowski to a three-year term on the Board of Adjustment.

ANNUAL DEPARTMENT UPDATE – SOLID WASTE MANAGEMENT

Solid Waste Manager Kirk Rosenberger stated that the solid waste enterprise fund is supported with tipping fees, solid waste service charges, SCORE (Select Committee on Recycling and Environment) Grant and Household Hazardous Waste (HHW) Grant. Besides the manager, the staff includes five at the landfill, one for recycling, one at the HHW Facility, and two roster positions. They are short one PT staff for HHW.

In 2021, there were 1,000 lbs. of ag containers collected; 2500 tons of waste disposed, and 8,400 tons taken to the Perham facility. The current landfill cell is filling up faster than anticipated. A new cell was constructed with new methane gas wells and lines and leachate lines. There have been issues with getting the gas to the flare because of water in the gas line. They are working with the contractor but have not found a way to fix the problem yet. More on this item will be discussed at the Solid Waste Advisory Committee meeting on Thursday.

The HHW collections increased in 2021 by over 3,000 pounds from the previous year. Staff held collections in Hawley and Barnesville for electronics and HHW material. The collections were well received and will be conducted again this year. Other materials collected and recycled in 2021 include significant amounts of fluorescent bulbs, ballasts, cardboard, and batteries. If and when the MPCA requires demolition landfills to be lined, the locally owned demolition landfill is expected to close.

Other items addressed include polyethylene vinyl acetate (PEVA) being detected in the leachate at the landfill; construction underway at the new Resource Recovery Facility; advocate for funds for an increase in incurred project costs; and expected changes in SCORE funding.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board supported Commissioners Mongeau and Campbell to work with Mr. Rosenberger, Mr. Larson, and Ms. Johnson along with MPCA in advocating for an additional \$4 million in grant funds due to inflation and the significant increases in costs for the Resource Recovery Facility project.

REQUEST FOR APPROVAL OF CHANGE ORDER #4 FOR RESOURCE RECOVERY FACILITY CONSTRUCTION

County Administrator Stephen Larson provided Resource Recovery Facility Construction Change Order #4 with two items: CP-005 and PR-003. CP-005 is for five utility clarifications per City of Moorhead requirements and from the direction of Moorhead Public Service. The proposal pricing totals \$16,887.

On motion by Commissioner Campbell seconded by Commissioner Ebinger, and unanimously carried, the Board approved Construction Change Order #4 in the amount of \$16,887 for the Resource Recovery Facility construction project with funding to come from premium dollars that are part of the General Obligation Solid Waste Revenue Bond.

The second part of the change order is PR-003 for a back-up generator and miscellaneous electrical for the project.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the second part of Change Order 4 / PR-003 in the amount of \$235,092 to cover a back-up generator and miscellaneous electrical for the project.

REQUEST APPROVAL OF RESOLUTION 2022-10 DECLARING A STATE OF EMERGENCY

Emergency Services Director Gabe Tweten brought forth a resolution to declare a state of emergency due to the potential of spring flooding. He provided an update on the conditions and predictions. This resolution will serve as a pre-emptive declaration and would start the clock if the County incurs some costs related to flood waters. A major flood is not expected at this time and the forecast looks promising. This resolution is not meant to instill any fear in the community.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board executed Resolution 2022-10 for Declaring a State of Emergency:

**RESOLUTION 2022-10
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

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 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners declares Clay in a State of Emergency for conditions resulting in potential spring flooding events for March and April 2022.

REQUEST FOR ARPA FUNDS FOR CLAY COUNTY EMERGENCY MEDICAL RESPONDER AGENCIES

Gabe Tweten stated this request is for ARPA funds in the amount of \$30,000 to be divided equally between six Clay County Emergency Medical Responder Agencies: Barnesville Ambulance, Hawley Emergency Response Team, Glyndon Fire/Rescue, Sabin Fire/Rescue, Felton Rescue, and Ulen Rescue. Adverse effects from COVID have caused increased call volumes with an uptick in mental health issues, no fund raisers, less donations, and difficulty in recruiting new members. Operation costs have been inflated due to the supply change and fuel price increases. The ARPA Committee has supported this request.

Commissioner Ebinger commented that the public needs to be aware of this. People need to volunteer again for these essential programs. Commissioner Campbell noted that the impacts may be more than \$5,000 but this will help.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved utilizing ARPA Funds in the amount of \$30,000 for Clay County Emergency Medical Responder Agencies to help with operating costs and bringing on new members.

REQUEST FOR APPROVAL TO ADVERTISE FOR YEARLY SUPPLY BIDS

Justin Sorum, Assistant County Engineer, requested approval to advertise for yearly supply bids including gravel, bituminous mixture, culverts, and the rental of construction equipment. The bids will be opened publicly on April 21st and brought back after review and tabulation on April 26th for final approval.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved the Highway Department advertising for yearly supply bids.

ADDITION: APPROVAL OF RESOLUTION 2022-11 IN SUPPORT OF THE U.S. BICYCLE ROUTE DESIGNATION ON CSAH 52.

David Overbo, County Engineer, noted they have been asked for support of the U.S. Bicycle Route Designation on CSAH 52. MnDOT is asking to designate CSAH 52 as a high priority corridor in the Statewide Bicycle System Plan. The route encompasses 52 between Barnesville and Moorhead and then through the lakes area. They are not looking for any County funding for the project, but the County would sweep the shoulders when asked.

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

RESOLUTION 2022-11

RESOLUTION OF CLAY COUNTY STATING ITS SUPPORT TO DEVELOP AND IMPLEMENT U.S. BICYCLE ROUTE 20.

WHEREAS, bicycle tourism is a growing industry in North America, presently contributing approximately \$47 billion dollars a year nationally to the economies of communities that provide facilities for

said tourism; and

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor connecting Point Douglas and the State of Wisconsin, to Moorhead, MN and the State of North Dakota, via the Twin Cities, St Cloud, and Fergus Falls, to be developed as United States Bike Route 20; and

WHEREAS, the Minnesota Department of Transportation has worked with local stakeholders and offered online public comment opportunities throughout the corridor to gather information and review route alternatives; and

WHEREAS, the Minnesota Department of Transportation in cooperation with road and trail authorities have proposed a specific route to be designated as United States Bicycle Route 20, a map of which is herein incorporated into this resolution by reference; and

WHEREAS, the proposed United States Bicycle Route 20 traverses through Clay County and is expected to provide a benefit to local residents and businesses; and

WHEREAS, the Minnesota Department of Transportation will continue to maintain statewide mapping and information regarding United States Bicycle Route 20, convene meetings and facilitate resolving issues and future alignment revisions within the State,

WHEREAS, Clay County has duly considered said proposed route and determined it to be a suitable route through Clay County and desire that the route be formally designated so that it can be appropriately mapped and signed, thereby promoting bicycle travel locally and throughout Minnesota along the corridor.

NOW THEREFORE IT IS HEREBY RESOLVED by Clay County hereby expresses its approval and support for the development of United States Bicycle Route 20 and requests that the appropriate government officials take action to officially designate the route accordingly as soon as possible.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Kahly reported on meetings for Commissioners Work Group; Adult Mental Health Local Advisory Committee; Local Legislative Update; Children’s Mental Health Local Advisory Committee; Historical and Cultural Society of Clay County; Greater F-M Economic Development; West Central Initiative Economic Development; MetroCOG Policy Board; Township Officers; and met with Darrell Vasvik from The Center - A Place of Hope.
- Commissioner Gross reported on meetings for Commissioners Work Group; Township Officers; FM Diversion Authority Flowage Easement Open House; and attended a retirement at Motor Vehicle Department.
- Commissioner Campbell reported on meetings for Commissioners Work Group; Planning Commission; Township Officers; Resource Recovery Facility Construction Update; FM Diversion Authority Flowage Easement Open House; and attended a retirement at Motor Vehicle Department.
- Commissioner Ebinger reported on meetings for Commissioners Work Group; Greater F-M Economic Development; Township Officers; and went to an awards ceremony at the Law Enforcement Center.
- Commissioner Mongeau reported on meetings for Commissioners Work Group; Community Townhall with legislators; Planning Commission; MPCA Grant; Township Officers; Resource Recovery Facility Construction Update; and FM Diversion Authority Flowage Easement Open House.
- Mr. Larson reported on meetings for Commissioners Work Group; Township Officers; FM Diversion Public Open House; Resource Recovery Facility Construction Update; FM Diversion Authority Flowage Easement Open House; met with Derek LaPointe RE: Economic Development Issues; RFP for contracts; met with Diversity and Ethnic Coordinator; Capital Project Items; homelessness evaluation; and Administrative Asst. position for Extension.

The meeting was adjourned at 10:53 a.m.

Jenny Mongeau, Chair
County Board of Commissioners

Stephen Larson, County Administrator