

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 A.M., TUESDAY, APRIL 19, 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.

CITIZENS TO BE HEARD

There were no citizens who wished to be heard.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$389,239 from 122 vendors. From that total, 93 warrants issued were under \$2,000 (\$42,113) and the following 29 were over \$2,000:

MN Counties Computer Co-op	\$71,066	Jones Law Office	\$5,690
Moorhead Public Service	\$40,265	Stein's, Inc.	\$5,619
Xcel Energy	\$36,138	A Place for Hope	\$3,867
City of Fargo	\$35,161	Ramsey Co Med Examiner	\$3,351
Lloyd's Auto Body, Inc.	\$21,646	Clay Co Attorney	\$3,340
Kandiyohi Co Sheriff's Office	\$19,554	Marco Technologies LLC	\$3,206
Hawley Herald, Inc.	\$15,532	Stellar Services LLC	\$2,738
Ulteig Engineers, Inc.	\$11,060	Office of Mn IT Services	\$2,502
MN Dept of Transportation	\$10,976	MPCA	\$2,431
ADDvantage Triton LLC	\$ 8,022	Gate City Bank	\$2,286
Houston Engineering, Inc.	\$ 7,653	Pemberton Law	\$2,149
Department of Corrections	\$ 7,595	WEX Bank	\$2,081
Lutheran Social Service of Mn	\$ 6,897	Thomson Reuters - West	\$2,054
Lakes Country Service Co-op	\$ 6,471	ConvergeOne, Inc.	\$2,025
Treasurer of Ulen	\$ 5,751		

APPROVAL OF MINUTES FROM APRIL 5, 2022

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the Minutes from April 5, 2022.

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved the Workgroup Minutes from April 5, 2022.

INFORMATION SHARING ON DOWNTOWN MOORHEAD, INC.

Derrick LaPoint, President and CEO for Downtown Moorhead, Inc., thanked the Board for their support of the organization. He noted they continue to converse with other partners in Clay County including Dilworth and Barnesville. He commented on upcoming changes in this district with Senator Eken and Representative Marquart not running for office again.

He noted he was able to spend a lot of time with Commissioner Grove from MN Department of Employment and Economic Development (DEED) during his recent visit to Moorhead. There was a community leaders meeting and a business leaders meeting during his visit. Mr. LaPoint was able to obtain the Commissioner's cell phone number making it easier to reach out to him. Commissioner Grove kickstarted the Launch Minnesota Program thru DEED. Moorhead is part of a Metropolitan Statistical Area (MSA) for Fargo-Moorhead. The data being collected is from the Fargo MSA as they have the larger population. Mr. LaPoint was recently made aware of a House and Senate bill for business grants with a requirement for 51% or more of the ownership required to be in Mn. This can be a difficult requirement for border counties. He reached out to the Commissioner, and his team is working to revise some of the language in the bill. Conversations continue on how to unlock potential partnerships across the state and thru DEED.

Last week, Governor Walz was in Moorhead on a public safety matter. It was a last-minute plan, and the Governor's staff has been informed that more notification would be appreciated in the future. The local Chamber of Commerce is hosting a day event at the capital and Commissioners are able to attend.

Two areas that Downtown Moorhead, Inc. is tracking are small business grants and their residency requirements and the unemployment insurance trust fund. He touched on the overall economy with the increased costs and interest rates. An even bigger issues is the cost of materials and access to materials. An announcement for new plans for the Moorhead Center Mall project will go public in about six weeks. That project will start in early 2023 with a staged approach. He also mentioned the plans for the new Community Center and Regional Library and Minnesota Young Leadership Program.

REQUEST TO FILL VACANCY FOR FT ENVIRONMENTAL HEALTH POSITION

Public Health Director Kathy McKay relayed that the Community Health Board (Clay, Becker, Otter Tail, and Wilkin Counties) will be receiving infrastructure funding for two years from the MN Department of Health for an epidemiology/data person. Clay County Public Health has an internal candidate with the required educational background and experience. The request is to fill her current position as a Sanitarian in Environmental Health upon acceptance of the grant position. The Sanitarian position is funded through the Food, Pool, and Lodging licensing fees.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved filling a vacancy for a FT Environmental Health position.

REQUEST FOR OUT OF STATE TRAVEL

Ms. McKay requested approval for out-of-state travel for a Public Health employee. The employee is a grant-funded position for Positive Community Norms and is currently at Dilworth Glyndon Felton Schools. The travel

is for a Premier Substance Prevention, Behavioral, and Mental Health Conference. The grant will cover airfare, hotel, rental car, and conference fees for this mandatory conference held in Orlando, FL in July 2022. Public Health will only cover meal expenses if they exceed the allotment.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved out-of-state travel for a Public Health employee to attend a conference for her Positive Community Norms position.

REQUEST TO APPEAL FINDINGS OF MPCA’S YEAR-END REVIEW FOR CLAY COUNTY FEEDLOT

Manager Kevin Kassenborg, Feedlot Officer Craig Halverson, and Supervisor Randy Schellack from the Soil and Water Conservation District (SWCD) were in attendance. Mr. Halverson has been the Feedlot Officer since the Board transferred the oversight of the Feedlot Program to the SWCD in 2007. He recently received word from Minnesota Pollution Control Agency (MPCA) that the minimum inspection requirements were not met. Mr. Kassenborg reported that the 7% inspection rate for 2021 was met but the reporting piece was amiss. MPCA has determined that Clay County will not receive \$3,000 for performance credit funding due to the issue.

Commissioner Mongeau noted that by appealing the decision it will help the department to understand the reporting problems. Commissioner Campbell commented that prior to the agreement for a local feedlot officer there was constant complaining about feedlot issues. The inspections were supposed to be done by MPCA prior to 2007 but they did not have the manpower to do the inspections. Clay County took over the responsibility, invested additional dollars, and would still receive MPCA funds. No complaints have come in since 2007 that he is aware of. He agreed to the appeal to find the best opportunities to make the corrections. Mr. Larson noted they were not given a chance to correct the errors.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved appealing MPCA’s findings of the year-end review for the Clay County feedlot program.

REQUEST TO REJECT BIDS FOR CAPITAL IMPROVEMENT PLAN FOR HIGHWAY SHOPS

Facilities Director Joe Olson and County Engineer David Overbo opened bids for Highway Shops in Comstock, Ulen, and Georgetown on April 12th. The bids far exceeded the planned budget. The proposal is to reject all bids. Mr. Olson and Mr. Overbo are working with the Building Committee on some value engineering for this project.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board rejected all bids for the Highway Shops in Georgetown, Ulen, and Comstock.

REQUEST TO MOVE FORWARD WITH BID(S) FOR CAPITAL IMPROVEMENT PLAN FOR COLD STORAGE BUILDING AT HIGHWAY DEPT

Mr. Overbo stated a bid from Gast General Contractor in the amount of \$415,900 was opened on April 12th for the cold storage building project at the Highway Department. The owner-coordination items include electrical and permitting. The low quote was from CB & Sons Electric for \$13,900 and the second quote was from Rick’s Electric for \$23,200. The Building Permit will cost \$3,500, and the total project cost is \$433,300. This is a Capital Improvement Plan item with funding to come from the Capital Bond. The budgeted amount was \$450,000. The current cold storage building was owned jointly. Clay County will take full ownership of the proposed cold storage building. MnDOT will be constructing their own warm storage building at the site. Clay County will be

responsible for two-thirds of the demo costs for the old tent structure. The concrete will be reused for Clay County's new building.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved moving forward with the low bid from Gast General Contractor (\$415,900), the quote from CB & Sons Electric (\$13,900) and building permit (\$3,500) for the cold storage building project at the Highway Department following legal review.

REQUEST TO MOVE FORWARD WITH HVAC IMPROVEMENT PROJECT AT GOVERNMENT CENTER UTILIZING ARPA FUNDS

The proposal is to replace eight 17-year-old heating/cooling units and add supplemental heat with three mini-split cooling units at the Government Center. The request was for an additional \$81,268 from ARPA funds to help offset the remainder of the project costs. The Building Committee has approved this project. The ARPA Committee has approved this additional funding. It was not a capital improvement bonding item. Quotes received:

8 Heating/Cooling Units: Accel Mechanical - \$117,570 and Dakota Plains Mechanical - \$118,500
Heat Panels: CB & Sons Electric -17,500 and Rick's Electric - \$23,200
Mini Splits Cooling Units: Dakota Plains Mechanical - \$20,500 and Accel Mechanical-\$25,890
Controls: WIR3D - \$3,041
Contingency: \$4,500 (Used for services with balancing of ducts after system start-up)

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved moving forward using low quotes from Accel Mechanical for Heating/Cooling Units; CB & Sons Electric for heat panels; Dakota Plains for Mini Split Cooling Units; and WIR3D for controls, and contingency dollars for the HVAC improvement project at the Government Center utilizing \$81,268 from CARES-2/ARPA funds.

REQUEST TO MOVE FORWARD WITH CAPITAL IMPROVEMENT PLAN FOR CONDENSATE TANK REPLACEMENT PROJECT AT FAMILY SERVICE CENTER

Two quotes were received from Dakota Plains Mechanical for \$25,700 and Accel Mechanical for \$38,985 for the condensate tank for the boiler and air handler system that needs replacement at the Family Service Center (FSC). The 30-year-old tank is in the tunnel. The low quote is under budget.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved moving forward with the low quote from Dakota Plains Mechanical for \$25,700 for the condensate tank replacement project at the FSC utilizing CARES2/ARPA funds.

REQUEST APPROVAL TO ADVERTISE FOR MILL & BITUMINOUS OVERLAY ON CSAH 52

County Engineer David Overbo and Assistant Engineer Justin Sorum requested approval to advertise for the CSAH 52 Mill & Overlay project (SP 014-652-016) from the south side of Sabin north to I-94 in Moorhead. The proposed letting date will be May 24th, 2022.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved advertising for CSAH 52 Mill & Overlay.

REQUEST APPROVAL OF AGENCY AGREEMENT AND SUPPORTING RESOLUTION 2022-16 WITH MNDOT

Mr. Overbo requested approval of MnDOT Agency Agreement Contract No. 1050049. The County will get Federal Funding in 2022 and 2023 for the bituminous paving on CSAH 31 project (SP 014-631-024). In order to get the 2022 funds an Advanced Construction Agreement needs to be signed and an accompanying resolution executed.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved MNDOT Contract No. 1050049 with the following resolution:

**RESOLUTION 2022-16
RESOLUTION FOR AGENCY AGREEMENT**

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of Clay County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the Board Chair and the County Administrator are hereby authorized and directed for and on behalf of Clay County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in “Minnesota Department of Transportation MnDOT Contract Number 1050049,” a copy of which said agreement was before the County Board and which is made a part hereof by reference.

REQUEST APPROVAL OF AGENCY AGREEMENT AND SUPPORTING RESOLUTION 2022-17 WITH MNDOT

Mr. Overbo asked for support of MnDOT Agency Agreement Contract No. 1050048 and supporting Resolution 2022-17 with MnDOT. The County will be getting Federal Funding in both 2022 and 2023 for the bituminous paving on CSAH 52 (SP 014-652-016). The most funding they can receive is for 80% of the project.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board MnDOT Agency Agreement Contract No. 1050048 and executed the following resolution:

**RESOLUTION 2022-17
RESOLUTION FOR AGENCY AGREEMENT**

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of Clay County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the Board Chair and the County Administrator are hereby authorized and directed for and on behalf of Clay County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in “Minnesota Department of Transportation MnDOT Contract Number 1050048,” a copy of which said agreement was before the County Board and which is made a part hereof by reference.

BID OPENING / APPROVAL OF LOW BID FOR FOUR BRIDGE REPLACEMENTS

Bids were opened and read aloud for four Bridge Replacements: Co. Rd. 68 – SAP 014-598-073; Co. Rd. 69 – SAP 014-598-074; Elkton Twp – SAP 014-599-107; and Cromwell Twp – SAP 014-599-113. Two bridges are County structures and two are Township structures. The scope of the project is to replace the four existing bridges on CR-68, CR-69, 140th Street in Elkton Township, and 43rd Ave North in Cromwell Township with concrete box culverts. The engineer’s estimate was \$778,512.50.

Bid list:	
Williams Excavating	\$1,379,935.00
Central Specialties	\$1,355,240.00
Sellin Bros.	\$1,239,533.00
Riley Bros.	\$1,104,932.00
Gladen Construction	\$1,091,702.86
Midwest Contracting	\$1,083,961.00
Landwehr Construction	\$1,083,894.20
Houle Excavating	\$ 996,247.25

Mr. Overbo will bring this item back to the Board at a later date. The bids were higher than the estimate of \$778,512.50. Additional funds will be requested from the state for these projects.

BID OPENING FOR SAP 014-594-001 - 7TH STREET RECONSTRUCTION IN DILWORTH

Bids were opened for the 7th Street Reconstruction Project in Dilworth. The City has received LRIP funds from MnDOT. As the project sponsor, the County is required to advertise for bids, hold the contract, and make payments to the contractor.

Dan Hanson from Moore Engineering stated this is a critical project for Dilworth. The estimate for the project was \$4.5 million, but that estimate was made almost a year ago. He noted that PVC prices have doubled since then. The City of Dilworth meets on Monday for this item. He recommended that Clay County award the bid to Sellin Bros.

Bid list:	
Dakota Underground	\$5,499,251.43
Northern Improvement	\$5,481,042.10
Sellin Brothers	\$5,447,075.00

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the low bid from Sellin Brothers for \$5,477,075.00 contingent upon approval from the City of Dilworth.

PUBLIC INPUT / APPROVAL OF 5-YEAR CAPITAL IMPROVEMENT PLAN

The Highway Department’s five-year Capital Improvement Plan is available online for the public and the townships. All counties are required to have a five-year Capital Improvement Plan. Mr. Overbo skimmed through the project details listed for the next five years and the funding sources for each project. Justin Sorum, Assistant County Engineer, had previously apprised the Board of the complete plan.

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the Highway Department’s 5-Year Capital Improvement Plan.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Kahly reported on meetings for Early Childhood Initiative; Kids Fest Planning; and Law Library.
- Commissioner Gross reported on meetings for Highway Tracking; Glyndon Township; Building Committee; Beyond the Yellow Ribbon; and attended a 50-year retirement event.
- Commissioner Campbell reported on meetings for Highway Tracking; Building Committee; Township Officers; MPCA and SWCD; Resource Recovery Facility Construction Update; and Landfill Review.

- Commissioner Ebinger reported on a Beyond the Yellow Ribbon meeting.
- Commissioner Mongeau reported on meetings for Soil and Water Conservation District; Noxious Weeds; Lakes and Prairies Community Action; MinnKota Earth Week Kickoff; Resource Recovery Facility Construction Update; Landfill Review; and met with Sheriff Emptying re: Drug Court.
- Administrator Larson had meeting for Highway Tracking; Management; Burns & McDonnell; Building Committee; conducted an annual evaluation; met with Commissioners Campbell and Mongeau re: landfill review; met with Facilities Director; and with Cass County Administrator re: dispatch.

The meeting was adjourned at 11:00 a.m.

Jenny Mongeau, Chair
County Board of Commissioners

Stephen Larson, County Administrator