

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, MAY 4, 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.

EMPLOYEE RECOGNITIONS

The following employees were recognized: Elizabeth Bjur, 15 years, Public Health Nurse, Public Health Department; David Overbo, 20 years, County Engineer, Highway Department; and Annette Montplaisir, 32 years, Office and Administrative Specialist, Probation Office and Communications Office, 911 Dispatcher.

CITIZENS TO BE HEARD

Administrator Larson received a letter from Mark Rice who was concerned about limited roads for bicycling from south Moorhead to the convent road (60th Ave S). Highway 75 is in need of some shoulder work and 3rd St S has some deep ruts. Mr. Larson noted that 3rd Street S, a Moorhead Township road, that connects to 60th Ave S is a minimum maintenance dirt road that is contracted for spring and summer maintenance. The road was grated in March and grated again this morning. Moorhead Township has been working with the City of Moorhead over the last couple years in hopes of securing a TAP Grant for improvements in the future.

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 \$277,859 from 102 vendors. From that total, 80 warrants issued were under \$2,000 (\$36,045) and the following 22 were over \$2,000:

Clay Co Public Health	\$ 51,073	Rick Electric, Inc.	\$ 11,199
City of Dilworth	\$ 21,757	Dakota Plains Mechanical, Inc.	\$ 8,221
Magic Fund	\$ 19,914	MN Dept of Transportation	\$ 8,000
Clay Co. Treasurer	\$ 17,361	Information Systems Corp.	\$ 4,995
Historical & Cultural Society	\$ 15,881	The Retrofit Companies, Inc.	\$ 4,829
Otter Tail Co. Public Health	\$ 15,114	Moorhead Public Service	\$ 4,621
Becker Co. Public Health	\$ 13,888	City of Glyndon	\$ 3,512
MN State Auditor	\$ 13,353	Amazon Capital Services	\$ 3,172
Braun Intertec Corp.	\$ 11,580	Midwest Overhead Crane Corp	\$ 3,149

Wold Johnson, P.C.	\$ 2,950	Burns McDonnell	\$ 2,245
Maco - Aitkin	\$ 2,500		
Team Laboratory Chemical LLC	\$ 2,500		

APPROVAL OF MINUTES FROM APRIL 20, 2021

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the minutes from April 20, 2021.

COVID-19 UPDATE

Public Health Director Kathy McKay stated the active cases and 14-day case rate for COVID-19 have declined some, but there was one additional death in Clay County. The hospitalizations and ICU cases are stable, but there are some younger individuals being hospitalized. The vault testing in Moorhead continues but less tests are being done. Cumulative cases were also provided by zip code for Clay County.

In response to questions from Commissioner Mongeau, Ms. McKay noted they received a health alert from MN Department of Health about a large increase in opioid deaths in Minnesota. There was a 59% increase from 2019 to 2020. She added the Clay County Detox serves all individuals, whether their issues are with drugs and/or alcohol. They also serve pregnant women. They provide medical oversight, have nurses on every shift, and administer drugs to get them through an overdose if needed. The new Sanford Medical Director recently toured the detox facility and spoke of the high need for these services, the huge benefit the facility has for the community, and how it saves on ER visits. There is a detox facility in Fargo but it has a lower level of medical care. Clay County hopes to increase the detox bed capacity at another location in the future. So often they also find underlying mental health issues. Commissioner Ebinger commented that it is critical that we look at the needs for detox regionally. There is also a limited number of psych beds in the region and they do not admit those who are intoxicated.

Nursing Director Jamie Hennen thanked NDSU, M-State, and MSUM for all their nursing students who have participated in administered vaccines, etc. Handout were provided for “Facts vs. Myths.” They have also been distributed to the area faith communities, FM Chamber, and other various organizations. In responding to rumors she has heard, she stressed that the vaccine cannot possibly affect a person’s DNA. Some Clay County residents who went to pharmacies on ND side or through the Veterans Administration are not included in the numbers.

	Clay County	Minnesota
Cumulative Cases	8060	580,340
Cumulative Deaths	91	7,163
Out of Isolation	7,802	559,036
Active Cases	167	14,141
Median Age of Cumulative Cases	33	38
Cumulative Hospitalizations	335	30,140
Cumulative ICU Admissions	82	6,127
14-Day Case Rate per 10,000	5.18%	
Ages for highest active cases	10-39	
Total with at least 1 dose of vaccine	19,473	2,584,886
Percentage with at least 1 dose of vaccine	39.4% of population	58.6% of population
Total who completed vaccine series	16,265	1,984,484

Percentage who completed vaccine series	32.9% of population	45% of population
Cumulative # of doses administered by CCPH	13,750	
Vaccines administered previous week - CCPH	391	

PROCLAMATION – NATIONAL NURSES WEEK

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board proclaimed this week as National Nurses Week with delivery and authorization of the following proclamation:

Proclamation for National Nurses Week

Whereas, nurses are not only the cornerstone of patient care, but are also leaders in improving the quality of care and seeking ways to continue increasing access to care; and

Whereas, the depth and breadth of the nursing profession meet the different and emerging health care needs of the American population in a wide range of settings; and

Whereas, a healthy nation relies on increasing delivery of primary and preventative health care; and

Whereas, a renewed emphasis on primary and preventative health care require better utilization of our entire nation’s nursing resources. Professional nursing has been demonstrated to be an indispensable component of the safety and quality of care of all patients; and

Whereas, nurses connect individual, team and organizational safety goals in all healthcare settings. The demand for nursing services is greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technologies, and the growth of home health care services.

Whereas, nurses deserve special recognition for the tremendous job they do, especially during the past year with the COVID-19 pandemic and difficult circumstances and risks they faced; and

Now therefore, in honor of Professional Nurses, we hereby declare the week of May 2-8, 2021 as National Nurses Week in Clay County.

REQUEST FOR APPROVAL OF CLAY COUNTY PLEDGE RESOLUTION 2021-24 FOR OPERATION AND MAINTENANCE FOR FM DIVERSION PROJECT

Attorney John Shockley, counsel for FM Diversion, stated there are no changes in the Pledge Resolution that was presented two weeks ago for review. Clay County will not be responsible for any capital costs or special assessments for the diversion project.

The resolution authorizes the Diversion Authority to enter into a Water Infrastructure Financing and Innovation Act (WIFIA) loan of \$569 million with treasury rates of about 1.59% interest and a term of 46 years. They also need authority to enter into SRF loans (\$81.6 million) for water and sewer with low interest; enter into a Master Indenture of Trust with the trustee being the Bank of ND; and have Cass County Joint Water Resource District enter into improvement bonds that are paid for with sales taxes. None of the debt of the project can ever be considered as debt of Clay County or Moorhead. The resolution is also an acknowledgment of Clay County’s obligation to pay two percent (2%) of the Operating and Maintenance (O&M) costs of the Metro Flood Diversion Authority Comprehensive Project. The estimated range for 2% is between \$70,000 and \$200,000 annually, to be split between Clay County and City of Moorhead. These costs would start between 2026 and 2028. The O&M of the channel will be handled by the P3 contractor for a period of 30 years. The overall project with the concrete structure and earthen levees will not have a ton of maintenance. Upstream, they will be providing crop insurance to producers who are in the storage area and some business coverage in case of an interruption to a business.

Commissioner Campbell noted that the Moorhead Clay County Joint Powers Authority will continue to have discussions on the 2% cost and will work with the watershed district on it. He added that none of the areas to the south that may need flowage easements would ever be the ones paying for this.

Commissioner Mongeau expressed that while she was on the Governor's Task Force they gathered and heard all the complaints and concerns from affected citizens in the area. She noted she will support this resolution today because the O&M is going to those who are being affected. She understands the need for flood protection and there will be less effect to those in Clay County than before the changes were made to the project. Farms and businesses and cemeteries need to go on. She added the County needs to assure those who are affected that they will not be burdened with any type of fee for the O&M costs.

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved the Clay County Pledge Resolution in substantially the form presented to them with any non-substantive changes deemed necessary by the Clay County Administrator, Clay County Treasurer and Bond Counsel for the transaction.

RESOLUTION NO. 2021-24

RESOLUTION AUTHORIZING THE METRO FLOOD DIVERSION AUTHORITY TO ENTER INTO THE MASTER INDENTURE OF TRUST AND AUTHORIZING THE ISSUANCE OF DEBT OBLIGATIONS BY THE METRO FLOOD DIVERSION AUTHORITY AND THE CASS COUNTY JOINT WATER RESOURCE DISTRICT TO FINANCE THE FARGO-MOORHEAD METROPOLITAN AREA FLOOD RISK MANAGEMENT PROJECT AND ACKNOWLEDGEMENT OF THE MINNESOTA MEMBER ENTITIES' OBLIGATION TO PAY TWO PERCENT (2%) OF THE O&M COSTS OF THE COMPREHENSIVE PROJECT

WHEREAS, Clay County is a Member Entity to the Metro Flood Diversion Authority (the "Authority") and is authorized by Article XI of the JPA to cooperate in the issuance of Debt Obligations for the Comprehensive Project; and

WHEREAS, the JPA gives the Member Entities broad authority to finance the design, construction, operation, and maintenance of the Comprehensive Project and allows its Member Entities to draw upon multiple streams of revenue from which Member Entities have jurisdiction to levy, impose, and collect; and

WHEREAS, pursuant to the JPA, the Minnesota Member Entities of the Authority will use their Best Efforts to actively request appropriations, grants, or cost-share allocations from the State of Minnesota for capital construction costs related to the Comprehensive Project; and

WHEREAS, Section 9.03 of the JPA requires the operation and maintenance of the Comprehensive Project to be financed from CCJWRD Maintenance Levies, Storm Water Maintenance Fees, grants, donations, excess sales and use tax revenues, and any other funds contributed by the Member Entities; and

WHEREAS, Clay County will use its Best Efforts to impose, levy, and collect the Clay County Maintenance Fees for the operation and maintenance of the Comprehensive Project in accordance with the cost-share allocation formulas set forth in Sections 12.11 and 12.12 of the JPA.

NOW, THEREFORE, BE IT RESOLVED by the Clay County Commission: (ARTICLE I - ARTICLE XIX in full document)

REQUEST FOR APPROVAL OF NEW RATES FOR DISPOSAL OF TIRES AT LANDFILL

Solid Waste Manager Kirk Rosenberger and Landfill Operations Manager Brett Rice stated their tire recycler has increased their rates for recycling. They proposed new rates at the landfill in order to pay the costs and

not lose money on taking tires for recycling. The Solid Waste Advisory Committee has recommended Board approval. The following rates for tires and rims were submitted for approval:

Tire Type	Landfill Current Price	Liberty Tire	Proposed Price
Car	\$2.50	\$2.90	\$4
Pickup	\$2.50	\$4.75	\$4
Truck	\$12	\$13.75	\$13.75
Super Single	\$15	\$23.75	\$23.75
Implement Tires		\$8.75	\$8.75
Small Ag (0-75lbs.)	\$30	\$35	\$35
Medium Ag (76-150lbs)	\$40	\$45	\$45
Large Ag (151-225 lbs.)	\$50	\$55.00	\$55
XL Ag (226-300 lbs.)	\$65	\$65.00	\$65
>300 lbs. Ag	\$350/ton	\$450/ton	\$450/ton

Rim Type	Landfill Current Price	Liberty Tire	Proposed Price
Car	\$5	\$5.00	\$5.00
Pickup	\$5	\$5.00	\$5.00
Truck	\$20	\$10.00	\$10.00
Super Single	\$30	\$10.00	\$10.00
Implement Tires		\$10.00	\$10.00
Small Ag (0-75lbs.)	\$55	\$55.00	\$55.00
Medium Ag (76-150lbs)	\$75	\$75.00	\$75.00
Large Ag (151-225 lbs.)	\$100	\$100.00	\$100.00
XL Ag (226-300 lbs.)	\$125	\$125.00	\$125.00
>300 lbs. Ag		\$125.00	\$125.00

<i>Environmental Fee (built into the rate)</i>	<i>\$0</i>	<i>\$15</i>	<i>\$15</i>
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On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board approved the requested rate changes for tires at the landfill as listed.

Mr. Rosenberger informed the Board that drawings for the new transfer station were completed yesterday and the specs will be done today. The bid for subcontractors will be advertised in the papers tomorrow.

REQUEST TO ADVERTISE OF BIDS FOR STORAGE BUILDING AND ASSIGN CONSTRUCTION PROJECT MANAGER

Facilities Director Joe Olson asked to move forward with the plan for the 10,000 SF building on the southwest corner of the new transfer station site. He will be acting as Construction Manager and will hire out subcontractors to complete this project. The County Procurement Policy requires him to request bids for the site, parking lot, building, and building slab work. He obtained two quotes for the remainder of the project. The plans are to advertise from May 6th - May 29th; open bids on June 1st; and request Board approval to move forward with project and award bids on June 1st or 8th.

Project Estimated Costs:

Site work (Engineer’s estimated costs) \$188,000, Bid Process
Parking lot (Engineer’s estimated costs) \$154,000, Bid Process
Building estimated cost \$570,000, Bid Process
Concrete slab (for building) \$120,000, Bid Process
Design fees \$23,000, Quotes Obtained
Electrical \$77,000, Quotes Obtained
Mechanical \$65,000, Quotes Obtained
Permit \$10,500, Quote Obtained
Contingency \$30,000
Total Estimated Cost \$1,237,500

Funding Source: Future Bonding and Land Trade Dollars

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved advertising for bids for a storage building, building slab, and parking lot at new transfer station site, with the bid opening on June 1, and awarding on June 1 or 8, 2021.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, the Board appointed Joe Olson as construction project manager for the storage building.

REQUEST FROM SARAH PETERSON TO WAIVE PENALTIES AND FEES FOR LATE TAXES IN GLYNDON

The resident, Sarah Peterson and her partner Darrell Sjothun were provided notification of the agenda time but were not in attendance at the meeting.

County Auditor – Treasurer Lori J. Johnson stated the property owned by Sarah Peterson is in Glyndon and is in the process of forfeiture. Ms. Peterson obtained the property from the County through a forfeiture process in 2014. There were no other payments made on the property until 2019 after another forfeiture process was started. Ms. Peterson then signed a Confession of Judgement. With a Confession of Judgement, the taxes get divided into 10 payments; 10% must be paid down; and the taxes need to be kept current. In 2020, Ms. Peterson signed a second Confession of Judgement and paid another 10% down on the remaining taxes. The 2020 taxes that were due by the end of 2020 were not paid. They were given an extension to March 31st and then a second extension until April 15th. A check was brought in last week, after the deadline, to cover the 2020 taxes, but the Auditor had already started the forfeiture process. A Confession of Judgment can only be signed twice and at this point the full \$53,000 would need to be paid to the County.

Commissioner Gross referred back to events listed on the Board’s policy on waiving penalties and interest: 1) In the event of the property owner’s serious illness/hospitalization or death; and 2) In the event of disasters (flood, fire, tornado, etc.). He commented that the letters Sarah wrote did not really provide a precise reason for their request. She mentioned the pandemic, but Commissioner Gross commented that everyone was affected by the pandemic. Commissioner Campbell added that they have not waived penalties for anyone with a history of not keeping their taxes up to date. In 2018, the Board addressed this situation as a hardship case and had required some payments to be made. Ms. Johnson confirmed that those payments were never made.

Ken Norman, Attorney for City of Glyndon, stated that this property has been a “nightmare” for the City of Glyndon for several years. A judge’s order was obtained to have the exterior of the property cleaned up after it was found to be a hazardous site. A home was moved onto the site to be rehabbed. Building permits were obtained but there was never compliance with the permits, none of the requirements from the building inspector were met, and no certificate of occupancy was ever issued for the structure. The house is essentially boarded up and the camper onsite was also described as not safe.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board denied the request from Sarah Peterson, Glyndon, to waive penalties and fees for late taxes.

Ms. Johnson will send out a notification.

PRESENTATIONS AND PROCLAMATION FOR MENTAL HEALTH MONTH

Children’s Mental Health Local Advisory Council (LAC) Report

Chair Carolyn Strnad provided a 2021 report from the Clay County Local Advisory Council for Children’s Mental Health. She noted she has appreciated working with the Board and with Rhonda Porter in Social Services. She has been in her position for 24 years and noted that Clay County really cares about families. She was also appreciative to receive a Youth Advocacy Award from the YWCA this year.

The LAC assisted Social Services with a youth survey. They also continued with annual surveys to parents and to area professions. She noted that funds are somewhat limited for transportation needs and the amount of time public transportation can take with transfers, etc., can be difficult with a child with mental health needs. She recommended continuing to promote the Mobile Crisis Program. They also find that psychiatric services are in short supply and wait times can be long. COVID-19 has heightened mental health needs. Rule 79 case management is key for services. Individuals can have a delay while they gather the necessary health information for case management. Mental health services are available in all Clay County school districts. The providers are doing their best to connect with children when they are not in school.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board proclaimed May as National Mental Health Month with reading and authorizing the following proclamation:

MENTAL HEALTH MONTH PROCLAMATION

WHEREAS, mental health is essential to everyone’s overall health and well-being; and

WHEREAS, all Americans experience times of difficulty and stress in their lives; and

WHEREAS, identifying and intervening, and addressing problems with effective treatment earlier improves children, youth and adults to lead full, productive lives; and

WHEREAS, Clay County has made a commitment to community-based systems of mental health care for all residents and has appointed Local Mental Health Advisory Councils for adults and children; and

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen share the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts.

THEREFORE, we, the Clay County Board of Commissioners, proclaim May 2021 as Mental Health Month and specifically May 6th as Children's Mental Health Day in Clay County, Minnesota. As Commissioners of Clay County, we call upon the citizens, government agencies, public and private

institutions, businesses and schools in Clay County to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

Adult Mental Health LAC Report

Chair Alison Wolbeck commented that the Adult Mental Health Local Advisory Committee has not been meeting over the past year due to COVID-19. They first met remotely in March and will meet in person this month at the Family Service Center.

“A Place for Hope: Recovery and Wellness Center”

Executive Director Darrell Vasvick for “A Place for Hope: Recovery and Wellness Center” provided a 2020 Annual Report for the center. The report contained the strategic highlights, financial highlights, and operating highlights. They have written many grants over the years. With many agencies closed due to COVID from April – December 2020, their club contributed greatly with preparation and distribution of food in the region. Their membership numbers are up and they are looking for a larger building. They are working with Gate City Bank and other agencies and can always use extra funds to help the members. They have allowed members to come into the club. With vaccines underway they will get back to full capacity. Their membership is 90% from MN and 10% from ND.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

Some of the following committee reports are from virtual meetings.

- Commissioner Kahly attended meetings for Insurance Committee; Early Childhood Initiative Subcommittee; and Clay County Collaborative.
- Commissioner Gross attended meetings for Campus Improvements Committee and Mn Rural Caucus.
- Commissioner Mongeau attended meetings for AMC Extension; Mn Rural Caucus; Solid Waste Advisory Committee; and Clay County / City of Moorhead meeting for Joint Transfer Station.
- Commissioner Ebinger attended a Red River Regional Dispatch Center meeting and Juvenile Legislative Discussions.
- Commissioner Campbell attended meetings for Insurance Committee; Prairie Lakes Municipal Solid Waste Authority; and Solid Waste Advisory Committee.
- HR Director Darren Brooke attended the Insurance Committee meeting and provided an update to the Board. They recently went out for bids and found that Medica was far and above the best choice for fees and guarantees. The options will be Medica, Blue Cross Blue Shield, or self-insured. The County’s consultant, Steve Smith, is looking at the options.
- County Administrator Larson attended meetings for Juvenile Legislative discussions with Rep. Keeler and other staff; Insurance Committee; Dispatch; Vaccine Updates / Return to In-Person Work; Technology Services; Building Committee; Solid Waste Advisory Committee; Resource Recovery & Transfer Station; Environmental Health; and Facilities Director and County Attorney.
Announcements: The REAL ID deadline has been extended from October 1, 2021, to May 3, 2023. An open house is planned for Friday afternoon for Tim Dent’s last week as Technology Director.

The meeting was adjourned at 10:25 a.m.

Kevin Campbell, Chair
County Board of Commissioners

Stephen Larson, County Administrator