

**CLAY COUNTY BOARD OF COMMISSIONERS**

**8:30 A.M., TUESDAY, JUNE 8, 2021**

Community Room, 3<sup>rd</sup> 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, Human Resource Director 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 Ebinger, and unanimously carried, the Board approved the agenda with one addition: Request to fill an additional vacancy for a Correctional Officer.

**TAX ABATEMENTS IN CITY OF MOORHEAD FOR CORRECTED LOT SIZES**

By consent, the Board approved tax abatements for four parcels in the City of Moorhead due to corrected lot sizes.

**LIQUOR LICENSE RENEWALS**

By consent, the Board renewed Liquor Licenses for Buffalo River Speedway; Highland Hideaway; Rustic Oaks; Mainline Bar and Grill; and J & M Bar Services.

**CITIZENS TO BE HEARD**

There were no citizens present 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 payment of bills and vouchers totaling \$2,334,384 from 162 vendors. From that total, 124 warrants issued were under \$2,000 (\$48,487) and the following 38 were over \$2,000:

Knife River Materials, Inc.	\$1,198,189	Burns McDonnell	\$ 22,618
Lakes Country Service Co-op	\$ 317,888	Lycox Enterprises, Inc.	\$ 11,825
Gerit Hanson Contracting, Inc.	\$ 283,736	Petro Serve USA	\$ 11,163
MEnD Correctional Care, LLC	\$ 84,955	Indigo Signworks, Inc.	\$ 11,000
City of Fargo	\$ 73,679	Butler Machinery Co.	\$ 10,360
W Central Regional Juvenile Center	\$ 62,796	Axon Enterprises, Inc.	\$ 7,528
Turner Sand & Gravel, Inc.	\$ 48,879	Sanford Health	\$ 6,845
Northern Improvement Co	\$ 31,591	AED Market	\$ 6,795
Prairie Lakes Municipal Solid Waste	\$ 23,552	Network Center, Inc.	\$ 6,644

High Point Networks, LLC	\$ 5,250	NetCenter Technologies	\$ 2,996
RTVision, Inc.	\$ 4,880	M-R Sign Company, Inc.	\$ 2,935
Moorhead Public Service	\$ 4,496	Concordance Healthcare Solutions	\$ 2,766
Black Hills Window Cleaning, Inc.	\$ 4,105	Farmers Coop Oil Co	\$ 2,737
Northland Business Systems	\$ 3,951	Pemberton Law	\$ 2,618
Enterprise FM Trust	\$ 3,886	Summit Companies	\$ 2,575
Pace Analytical Services, Inc.	\$ 3,779	River Valley Forensic Services	\$ 2,500
Anjaam Holdings, LLC	\$ 3,455	Metro Cog	\$ 2,127
Clay Trail Alliance	\$ 3,449	Dean's Bulk Service	\$ 2,118
Kris Engineering, Inc.	\$ 3,113	Medical Pharmacy	\$ 2,117

### **APPROVAL OF MINUTES FROM MAY 25, 2021**

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved the minutes from May 25, 2021.

### **REQUEST TO WAIVE PENALTY ON LATE PAYMENT OF TAXES FOR H & D KLUVERS**

Lorraine Stephenson attended the meeting via Microsoft Teams on behalf of her dad, Harvey Kluvers, who is the property owner with late taxes. Mr. Kluvers has been dealing with medical issues and has been in the hospital. His daughter recently assumed responsibility for his business affairs. She asked the Board to approve waiving the penalties of \$1,268.72 for parcels #30.014.4600, 30.022.1000, and 30.011.4000. As her letter indicates, the Treasurer's Office was not given a current mailing address for correspondence, but the change has now been made. The Treasurer's Office provided a memo stating tax payments were late in 2010 and 2019 and 2021 for all three parcels. The Treasurer's Office has possession of a check for the 2021 1st half tax amount due, minus the penalties.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board waived the penalty of \$1,268.72 for late payment of taxes for properties owned by H & D Kluvers.

### **OVERVIEW OF RED RIVER REGIONAL DISPATCH OPERATIONS**

Director Mary Phillippi from Red River Regional Dispatch Center (RRRDC) approached the Board to provide an overview of RRRDC. She started in 1988 as a dispatcher for Clay County and the City of Moorhead. In 2002, Clay County, City of Moorhead, City of Fargo, and Cass County combined their public safety communications and dispatch services into a jointly operated dispatch center. West Fargo joined in 2008. RRRDC's Board of Authority was formed, with four members from ND, four from MN, and one non-voting ambulance member, through a Joint Powers Agreement (JPA). The JPA will be updated again after the latest census numbers come out and the budget percentages will be changed. Several other committees have been established for budgeting, operations, and personnel. They first leased a building in Fargo and have since purchased it. There have been some challenges and concerns with the location. There are eight consoles in the building and there should be nine for the shifts.

With population increases and demand for services on the rise, the RRRDC completed a strategic study to address its current and future staffing and spatial needs. Matrix Consultants informed them that they need a minimum of 47 staff. Due to the high turnover rate, 57 staff would be optimal. They currently have 37 dispatchers. They recently received three applicants after advertising. Recruiting is difficult as the center is

staffed 24/7 and it can be stressful work. Six months of training are needed before a new dispatcher can run a dispatch console on their own. By 2035, 70 dispatchers will be needed. The dispatchers handle multiple calls at the same time. In 2020, they received over 100,000 calls; had over 165,000 administrative calls; 64,000 outgoing calls; and 180 on TEXT 911.

Commissioner Campbell stated some concerns have been voiced from the rural cities in Clay County about inadequate coverage on the consoles. Commissioner Ebinger noted he has also had some complaints about response times. Commissioner Mongeau has taken calls from both citizens and mayors from the rural cities and concerns are mounting about not knowing what else to do when there is a delay.

Ms. Phillippi noted that complaints need to go to the Assistant Director of RRRDC who is responsible for all complaints, investigations, and answers back to all concerned entities. The information is all documented. Occasionally they must expect a mistake as they are all human. Clay County has a dispatcher committed to them but is also answering calls and is on the radio. The divided duties are taking the calls and then dispatching them depending on who is needed. They answer the calls as quickly as they possibly can. One issue has been 85% of the calls are now coming from cell phones and they do not know where those calls are coming from until they are answered. Sometimes there are perceptions and people in crisis feel that time slows down. The 911 system is not as good with cell phones, and it may take some time for responders to get to the location. The Minnesota side has ARMER System for radios and equipment. They can go to the CY channel to free up the Fire/EMS channel. The two channels can also be patched together. The system should not stifle the response time. There is a tax on cell phones for the 911 system. A small portion of that tax comes back to the community.

Ebinger noted there has always been some complaints with dispatch centers due to a lot of stressful situations. They need to be sure the flow of action for complaints is good and the responses are received. Commissioner Campbell stated he understands the space needs and is supportive of getting it resolved.

**REQUEST FOR SUPPORT OF CLAY/CASS JOINT LETTER IN RESPONSE TO LEGISLATIVE CHANGES TO MN STATUTE 609.066 – USE OF FORCE LAW**

County Administrator Stephen Larson provided some background information on the legislative changes enacted earlier this year for the Use of Force Law. Basically, the changes expose the law enforcement officers working within Minnesota to potential criminal prosecution and presumes guilt of officers using deadly force unless the officer provides, and the court accepts the statement, a three-part test documenting the necessity of the deadly force usage. Border counties such as Clay County and border cities such as Moorhead have joint law enforcement mutual aid agreements in place. Cass County (ND) Sheriff's Office, ND Highway Patrol, and ND Bureau of Criminal Investigations all notified Clay County and City of Moorhead that they will no longer cross the state line to back-up the Moorhead PD or work with any other law enforcement operations specifically due to the new standards.

Sheriff Empting and Attorney Melton have met with representatives on the ND side. A letter has been drafted to address the serious and dangerous consequence of the 2020 change in Minnesota Statutes section 609.066. The letter is addressed to Governor Tim Walz; Chair Warren Limmer; Members of the Senate Judiciary and Public Safety Finance and Policy Committee; and Chair Jamie Becker-Finn and Members of the House Judiciary Finance and Civil Law Committee. Sheriff Empting joined via TEAMS. He stated it has

been very difficult since the new law went into effect and all operations with Fargo and Cass County have stopped. The MN Sheriff's Association and MN Chief of Police Association have developed proposed language changes to the law but their success in getting it changed is yet to be determined. He noted he fully supports the proposed letter, not only for Clay County but for all counties that are affected.

Commissioners Ebinger and Campbell serve on a local committee to address these issues. Commissioner Ebinger commented that all communities are affected by this law, but the impact to border communities is massive. He added that their responses to critical incidents are hampered; supporting partners are hampered on both sides; there are glaring constitutional questions; the legislation is flawed; safety is jeopardized; and law enforcement officers are deprived of their 4<sup>th</sup> and 5<sup>th</sup> Amendment rights.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the request to support the Clay / Cass Joint Letter in response to legislative changes to MN Statute 609.066 – Use of Force Law.

**RECOMMENDATION FOR APPOINTMENTS TO CLAY COUNTY HOUSING REDEVELOPMENT AUTHORITY (HRA)**

Executive Director Dara Lee was present with the following recommendations for two new appointments to Clay County HRA: 1) Anthony Dillard as Tenant Resident Commissioner and Person with Lived Homelessness Experience Commissioner to complete the current term of Commissioner John Wilkie; and 2) Kim Schlotfeldt as a new Commissioner. Ms. Schlotfeldt was in attendance today and stated she grew up in northern MN and is a real estate agent. She is familiar with housing needs and issues.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the appointment of Anthony Dillard to complete an HRA Board term ending 1/31/22.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved Kim Schlotfeldt to her first term on the HRA Board starting on June 1 and ending on 1/31/26.

**BID OPENING FOR THREE BRIDGE REPLACEMENTS AND APPROVAL OF APPARENT LOW BID**

County Engineer David Overbo and Assistant Engineer Justin Sorum opened the bids for a three-bridge replacement project for one county structure on Co Rd 106 (SAP 014-598-077), and two township structures located on 120th Ave N in Morken Township and 50th St N in Kragnes Township (SAP 014-599-108 and SAP 014-599-112). The Engineer's estimate was \$478,160. A 5% bid bond was requested and there was one addendum to the bid. The townships have their own bridge funding, and the county structure will be 95% from bridge bond funds and 5% from the Clay County levy. The following bids, all electronic, were received:

Central Specialties	\$551,062.00
Sellin Brothers	\$527,012.00
Gladen Construction, Inc.	\$515,515.80
Landwehr Construction	\$483,281.00
Midwest Contracting	\$461,175.00
Riley Bros. Construction	\$419,551.00

All bidders had 5% bid bonds, and all acknowledged the addendum. The County has worked with Riley Bros. before. One hurdle may be the manufacturing and delivery of the piping. There are two main suppliers in the area, and both are backed-up.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board awarded the project to the apparent low bidder, Riley Bros. Construction for \$419,551 contingent on final staff review and no errors in the bid.

#### **REQUEST FOR APPROVAL OF BUFFALO RIVER LETTER OF MAP REVISION (LOMR)**

Planning Director Matt Jacobson reported that this process for the Letter of Map Revision (LOMR) began in 2016 because of inaccuracies in the flood plain in one area near the Buffalo River Speedway. Property owners with mortgages have been required to have flood insurance in the floodway. FEMA recently approved the revised Flood Insurance Rate Map (FIRM) / Letter of Map Revision (LOMR) for the Buffalo River Flood Insurance Study. At this point, the County can publish a public notice of the LOMR and send notices to property owners. The LOMR decreases the risk for 19 residential properties and increases the risk for two residential properties. Those two property owners should be notified to have base flood elevations completed to see if they can be included in the final LOMR. They could also bring in fill if needed on the two properties. There will be a public comment period and appeal period following the notification process.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved the Buffalo River Draft Letter of Map Revision; publishing a notice in the County newspaper; and providing notice to all affected property owners.

#### **ADDITION: REQUEST FOR APPROVAL TO FILL (2) VACANCIES FOR FT CORRECTIONAL OFFICERS**

Correctional Facility Administrator Justin Roberts requested filling two vacancies for Correctional Officers. One request was on today's agenda and the second request was an agenda addition. One of his staff is transferring to Juvenile Detention and the second one is leaving Law Enforcement work.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved filling two vacancies for FT Correctional Officers.

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

- Commissioner Kahly attended a Moorhead Business Association meeting and attended Congresswoman Fischbach's visit to Moorhead.
- Commissioner Gross attended meetings for Criminal Justice; Groundbreaking for Moorhead High School; Building Committee; Drug Court Graduation; and attended Congresswoman Fischbach's visit to Moorhead.
- Commissioner Ebinger attended meetings for RRV Dispatch; Clay County Criminal Justice Advisory Committee; and attended Congresswoman Fischbach's visit to Moorhead.
- Commissioner Mongeau attended the Groundbreaking for Moorhead High School; an Agriculture Advisory Committee meeting; and Congresswoman Fischbach's visit to Moorhead. She would like to have the Family Service Center fully open by the end of June rather than operating by appointment only. Front door coverage at that building will terminate on July 2, 2021. She also requested setting up a day for the Board to tour the Career Academy by the end of the summer.

- Commissioner Campbell attended meetings (over the last two weeks) for Prairie Lakes Municipal Solid Waste Authority; Solid Waste Advisory Committee; met with Mayors of Rural Cities for Dispatch Issues; FM Diversion Authority Board; Moorhead Clay County Joint Powers Authority; and Building Committee. He also attended the Management Retreat. He commented on moving forward on bonding needs so they can request bids for the bonds.
- County Administrator Larson attended meetings with Scott Fettig from Klein McCarthy Architects; Building Committee; met on budget discussions; met with several department heads on County issues; attending a virtual meeting with Eric Dodds, Chris McShane and land agents; and attended Congresswoman Fischbach’s visit to Moorhead.

The meeting was adjourned at 10:32 a.m.

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Chair Kevin Campbell  
County Board of Commissioners

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Stephen Larson, County Administrator