

**CLAY COUNTY BOARD OF COMMISSIONERS**

**8:30 A.M., TUESDAY, JULY 27, 2021**

Rooms A/B, 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 Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board approved the agenda.

**APPROVAL OF STATE AUDITOR ENGAGEMENT LETTER**

By consent the Board approved the State Auditor Engagement Letter.

**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 Ebinger, and unanimously carried, the Board approved payment of bills and vouchers totaling \$826,655 from 107 vendors. From that total, 73 warrants issued were under \$2,000 (\$27,443) and the following 34 were over \$2,000:

Buffalo-Red River Watershed	\$265,417	Lakes & Prairies CAP, Inc.	\$5,000
Wild Rice Watershed	\$ 84,855	Summit Companies	\$4,058
Lake Agassiz Regional Library	\$ 75,404	Rick Electric, Inc.	\$3,686
Turner Sand & Gravel, Inc.	\$ 64,526	Fargo Glass & Paint	\$3,532
W Central Regional Juvenile Center	\$ 62,291	Dacotah Paper	\$3,405
Strata Corp.	\$ 32,621	Newman Signs, Inc.	\$3,150
Clay Co Public Health	\$ 29,777	Colonial Life	\$3,090
Tansem Township	\$ 21,009	Bob Barker	\$2,961
Cardmember Service	\$ 19,770	Lakes Country Service Coop	\$2,930
Otter Tail Co Public Health	\$ 19,638	TrueNorth Steel	\$2,804
L & M Road Services LLC	\$ 15,520	Trinity Services Group, Inc.	\$2,740
Becker Co Public Health	\$ 13,230	Stellar Services LLC	\$2,633
Liberty Fence, Inc.	\$ 11,390	MN IT Services	\$2,612
Deputy Registrar #15	\$ 10,781	Reliance Telephone	\$2,568
Lutheran Social Service of Mn	\$ 7,531	Sanford Health	\$2,542
Medical Pharmacy	\$ 7,360	Prairie Lakes Solid Waste	\$2,304
MN Life	\$ 5,785	Ulteig Engineers, Inc.	\$2,292

**APPROVAL OF MINUTES FROM JULY 13, 2021**

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the minutes from July 13, 2021.

**RECOGNITION - PROCLAMATION FOR COUNTY STAFF APPRECIATION DAY**

County Administrator Stephen Larson brought forth a proclamation declaring this day as County Staff Appreciation Day for excellence in serving the public during the COVID-19 pandemic. Governor Walz and Lt. Governor Flanagan also proclaimed this day as County Staff Appreciation Day state-wide.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board read and approved the proclamation.

**REQUEST TO FILL VACANCIES FOR TWO POSITIONS IN JUVENILE CENTER SECURE UNIT AND ONE POSITION IN NON-SECURE UNIT**

Director Joshua Swanson, West Central Regional Juvenile Center, was present with the staffing requests.

On motion by Commissioner Mongeau , seconded by Commissioner Ebinger, and unanimously carried, the Board approved filling two vacancies in the Juvenile Center Secure Unit with backfill of positions as needed.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved filling one vacancy in the Non-Secure Unit with backfill of positions as needed.

**REQUEST TO FILL VACANCY FOR ELIGIBILITY WORKER IN FINANCIAL SERVICES**

Social Services Director Rhonda Porter and Financial Assistance Supervisor Jamie Stewart addressed the Board with a vacancy in Financial Services to help manage eligibility and be on the Medicare team. The position receives 50% federal financing.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved filling a vacancy for an eligibility worker in Social Services Financial Services with backfill of positions as needed.

**REQUEST TO FILL VACANCY FOR ASSISTANT COUNTY ATTORNEY POSITION**

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved a request from County Attorney Melton to fill a vacancy for an Assistant County Attorney.

**ANNUAL BUDGET PRESENTATION – HIGHWAY DEPARTMENT**

County Engineer David Overbo and Assistant Engineer Justin Sorum addressed the Board with their budget presentation. Their budget is divided into four categories: Maintenance, Construction, Administration, Equipment Maintenance and Shop. They receive some revenue from the adjacent counties for County border roads. The department functions with 21 full-time, three part-time for summer mowing, and three part-time for winter maintenance. They touched upon their gravel tax revenues; wheelage tax, bridge bond funds; federal grants; North Broadway bridge project; overweight permits; and State Administration Fees. Their new request for 2022 is for the purchase of a sign reflectometer with an estimated cost of \$10,000.

## **ANNUAL BUDGET PRESENTATION – LAW ENFORCEMENT**

Sheriff Empting; Chief Deputy Landsem; Emergency Manager Gabe Tweten; and Correctional Facility Administrator Justin Roberts were present with the budget categories within Law Enforcement.

Sheriff Empting commented on increasing revenues for pistol permits, Police Relief Aid, and revenue from Moorhead Police for the Law Enforcement Center. He showed an increase in salaries but noted they anticipate two retirements next year with a potential savings. He currently has a deputy on active duty with a new deputy covering the position. Association dues have increased, and their fuel budget will increase. They joined the U.S. Marshall's Task Force Street Crimes Unit in 2019 and receive \$8,000 annually for reimbursement. A second grant with the Drug Enforcement Agency (DEA) provides another \$17,000. Sheriff Empting stated he will be moving one of his deputies in the DEA back to the Clay County office to work narcotics on the local level rather than on the federal level. That will leave one Clay County deputy working on the federal level. He is exploring a grant with another federal agency which is also reflected in his budget. His deputy on the Street Crimes Unit is also part of the U.S. Marshall's Task Force. His staff will go into ND to assist with cases, but unfortunately ND will not come over to MN because of the law change. They are waiting to see what happens with the lawsuit.

There is a slight increase for the medical examiner due to the contract for transports. The 2022 budget for dispatch was approved by the Board Authority and is part of the budget. There was further discussion about ongoing conversations with rural cities in Clay County and RRRDC to be sure the Clay County calls and radios are being answered. Mongeau commented that Wilkin County is helping to absorb Barnesville's needs. Another meeting is scheduled for today with Barnesville, Hawley, and Moorhead.

Mr. Tweten stated the Emergency Management portion of the budget shows slight increases for salary and benefits. Emergency Management supplies exceeded the budget last year due to equipment needed for the drone related to the civil unrest in the Fargo-Moorhead area. Overall, the line items are underbudget.

Under revenues for the Correctional Facility, Mr. Roberts stated they are decreasing projected revenues for board and care of prisoners from other agencies. Those projections have not been met due to COVID. There is some revenue for board and care under the U.S. Marshal's Service. The work release program projections were also down and were decreased for next year. The prisoner population at this time is mainly felony assaults, felony high-level drug charges and murder/attempted murder cases. Phone commissions were up and were increased for 2022. For Correctional Facility expenses, there is emergency power equipment that was transferred from Tech Services to this budget. Increases were also made for medical costs, hygiene kits, and supplies (bedding and uniforms) for prisoner care. Many of these items have gone up considerably in price. The new request is for an additional Correctional Officer for 2022. During COVID, court proceedings were handled within the Correctional Center rather than transporting inmates back and forth to the courthouse. They will now be moving to a hybrid format for the court proceedings. A third staff person is needed to handle those duties.

## **REQUEST TO FILL VACANCIES FOR TWO FT CORRECTIONAL OFFICERS**

Justin Roberts commented that the Correctional Facility is making a scheduling change. The Correctional Officers will be working 12-hour workdays and will have more days off. He feels this will be a favorable change for the staff. He has two more vacancies for FT officers.

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

**OVERVIEW OF AMERICAN RESCUE PLAN (CARES-2)**

County Administrator Larson provided a brief overview of the process of the American Rescue Plan (CARES-2) with a power point presentation. There are state and local recovery funds. The criteria have been established for five areas of funding. Clay County is receiving \$12.4 million. One payment was received and the second one will be within the next year. The funds need to be expended within five years. The CARES-2 Committee will continue to meet to plan and evaluate the opportunities. The proposed categories will come back to this board at a later date. HR Director Darren Brooke has established an application form for funds, a tracking system, status chart, and balance sheet.

**REQUEST FOR FUNDS FROM AMERICAN RESCUE PLAN (CARES-2)**

Justin Roberts requested reimbursement of funds that were spent on ITV court equipment for the Correctional Facility that was set up during COVID-19.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved reimbursement of \$8,155.51 from American Rescue Plan funds for ITV court equipment.

**REQUEST FOR FUNDS FROM AMERICAN RESCUE PLAN (CARES-2)**

Dara Lee, Housing & Redevelopment Authority (HRA) Director, joined the meeting via Teams with a request for American Rescue Plan funds. There were also HRA Board members in attendance. The request is for \$180,000 to support its on-going response to the pandemic and its impact; \$100,000 toward youth and family homelessness and \$80,000 for rehabilitation activities.

In response to Commissioner Gross's questions about the funding process, Commissioner Mongeau stated the CARES-2 Committee is the sounding board for ongoing requests. Other state and federal funding are also available. The committee is reviewing two other requests that are pending for now.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved transferring \$180,000 from American Rescue Plan funds to Clay County HRA to support their ongoing response to the COVID-19 and its impact.

**REQUEST(S) FOR FUNDS FROM AMERICAN RESCUE PLAN (CARES-2)**

Facilities Director Joe Olson asked the Board to approve the remaining Facilities Capital Plan projects which qualify for funding. The qualifying projects were listed, approved by the committee, and clearly qualify for American Rescue Plan funds. Mr. Olson will be bringing quotes to the Board for some of the qualifying items.

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved \$953,750 from American Rescue Plan funds for qualifying projects under Facilities Capital Plan projects.

Mr. Olson has received quotes for the first item under Facilities Capital Plan projects for the courthouse heat pump tower replacement. The unit has reached the critical stage. This ventilation system project qualifies for funding and was addressed by the committee. The following quotes were received: \$70,496.50 from Chiller Systems and \$59,750.00 from Dakota Plains Mechanical.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved moving forward with Dakota Plains Mechanical and expending \$59,750.00 courthouse heat pump tower replacement project with American Rescue Plan funds.

#### **REQUEST FROM OWNERS OF R&H PROPERTIES TO REFUND/CREDIT PENALTY PAID FOR LATE PAYMENT OF TAXES**

Bob and Helen Olson from Hawley were present asking the Board to consider refunding their penalty for late payment of taxes in amount of \$1,115.68. They have never been late on paying their taxes and distinctly remembered mailing the check to the Treasurer's Office rather than paying in person due to COVID. The envelope and check were evidently lost in the mail and not received. The post office is investigating the situation. They realized the check had not cleared the bank when they balanced their checkbook but were already assessed a penalty which they paid along with the taxes.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved reimbursing or crediting the \$1,115.68 penalty for Bob and Helen Olson.

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

- Commissioner Ebinger attended meetings for FM Diversion Authority Public Outreach; FM Diversion Authority Finance; West Central Regional Juvenile Center; FM Diversion Authority Board of Directors; and met with Mayor Carlson of Moorhead.
- Commissioner Mongeau attended meetings for Red River Watershed Management Board; Planning Commission; FM Diversion Land Management; Solid Waste Advisory Committee; Community Health Needs Assessment; Lakeland Mental Health Center Board of Directors; and Resource Recovery Facility Construction. She also attended a meeting in Hitterdal for Comprehensive Plan Input.
- Commissioner Gross attended meetings for Personnel Issues Committee; Legislative Update; and Dilworth City Council.
- Commissioner Kahly attended meetings for Adult Mental Health Local Advisory Council; Immigrants, Refugees and Local Government Outreach webinar; Lakes and Prairies Community Action Partnership; Moorhead Business Association; and met with Mayor Carlson of Moorhead.
- Commissioner Campbell attended meetings for Personnel Issues Committee; Prairie Lakes Municipal Solid Waste Authority; FM Diversion Authority Board of Directors; Moorhead Clay County Joint Powers Authority; Solid Waste Advisory Committee; West Central Regional Juvenile Center; FM Diversion Authority Public Outreach; Resource Recovery Facility Construction; and attended a meeting in Hitterdal for Comprehensive Plan Input.

- County Administrator Larson attended meetings for department budgets. He handed out preliminary 2022 Tax Levy by Funds.

The meeting was adjourned at 11:08 a.m.

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Chair Kevin Campbell  
County Board of Commissioners

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Stephen Larson, County Administrator