

**CLAY COUNTY BOARD OF COMMISSIONERS**

**8:30 A.M., TUESDAY, AUGUST 24, 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, 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: Approval of Resolution 2021-38 for sale of Riverton Township property.

**CITIZENS TO BE HEARD**

Bryan Brunette approached the Board expressing concern with a discrepancy with the assessed acreage on his property. His tax statement shows 2.41 acres. The metes and bounds description on the warranty deed totals 1.8 acres. The warranty deed was conveyed in the 1980s. The Board requested that staff investigate the concern and remedy the discrepancy.

**ADDITION: APPROVAL OF RESOLUTION 2021-38 FOR SALE OF RIVERTON TOWNSHIP PROPERTY**

Matt Jacobson, Planning Director, requested approval of Resolution 2021-38 authorizing the sale of a Riverton Township parcel. This resolution is being required by the title company. The Board had approved the sale on May 18, 2021.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board executed Resolution 2021-38:

**RESOLUTION 2021-38**

**RESOLUTION AUTHORIZING SALE OF RIVERTON PARCEL**

**WHEREAS, the County of Clay, a political subdivision of the State of Minnesota (hereinafter, "County") owns the real property legally described on Exhibit A;**

**WHEREAS, the Clay County Board of Commissioners, on a motion by Commissioner Frank Gross, and a second by Commissioner David Ebinger, and unanimously carried, approved the sale of the property by sealed bid or live auction for a minimum bid of \$150,000;**

**WHEREAS, after advertising the property for sale in the County's official newspaper, a public auction was held on August 10, 2021, and the high bid was \$150,000.00 submitted by Nancy A. Slotten; and**

**WHEREAS, pursuant to Minn. Stat. § 373.01 Subdivision 1(4), the County may sell real property that it owns;**

**NOW THEREFORE, BE IT RESOLVED, that the County of Clay shall sell the real property described on the attached Exhibit A to Nancy A. Slotten for the sum of \$150,000.00 and that a certified copy of this resolution be recorded with the deed conveying the real property to Nancy A. Slotten.**

**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 \$379,785 from 106 vendors. From that total, 77 warrants issued were under \$2,000 (\$32,197) and the following 29 were over \$2,000:

W Central Regional Juvenile Center	\$64,093	Wilkin Co Public Health	\$ 6,671
Turner Sand & Gravel, Inc.	\$46,215	Delta Dental	\$5,107
Clay Co Public Health	\$39,170	Lloyd's Auto Body, Inc.	\$4,288
Otter Tail Co Public Health	\$25,642	Lakes Country Service Co-op	\$4,234
Cardmember Service	\$16,517	Holiday Credit Office	\$4,012
MN Dept of Transportation	\$15,657	Concordance Healthcare Solutions	\$3,864
Becker Co Public Health	\$14,782	Terracon Consultants, Inc.	\$2,813
Delta Design & Construction, Inc.	\$12,500	Xcel Energy	\$2,779
Marco Technologies LLC	\$11,309	Stellar Services, LLC	\$2,290
Medical Pharmacy	\$10,092	Town & Country Oil, Inc.	\$2,213
Sun Control Window Film	\$10,011	Further	\$2,198
Medical Pharmacy	\$ 9,642	TrueNorth Steel	\$2,054
Lutheran Social Service of Mn	\$ 9,302	CAMS-Care, LLC	\$2,052
Excavating, Inc.	\$ 8,514	Felton Country Store	\$2,013
Verizon	\$ 7,553		

**APPROVAL OF MINUTES FROM AUGUST 10, 2021**

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from August 10 with one change on page 8. Commissioner Kahly stated she was NOT involved in the planning process for the Family Service Center security plan.

**COVID-19 UPDATE**

Director Kathy McKay, Jamie Hennen, and Becky Schmidt from Public Health were present with the COVID-19 update and handouts.

The active COVID-19 cases in Clay County jumped from 78 on August 16<sup>th</sup> to 168 on August 23<sup>rd</sup>. There has been an uptick in hospitalizations as well. There are cases in each age group starting at 13 cases in the ages 0 to 4 group. Vaccines administered have also started increasing. Breakthrough cases are rare, but they may see a bit of an increase with the high level of community transmission. Public Health recently vaccinated 60 at MSUM and are holding vaccine clinics at Concordia, DGF Schools, and homeless shelters this week. They check with the jail, juvenile center, and homeless shelters if there are leftover doses left in a vial. Pfizer is now fully approved by the FDA. Parents should be checking with their health care providers for authorization for 12–15-year-olds. There is no set date for vaccines for 5-11-year-olds. The Moorhead testing site is still open and area schools will also have testing kits available. The school superintendents’ recommendations for masking vary. MDH and CDC are recommending but not mandating masking. Approximately 90% of the County staff have been vaccinated.

Commissioner Mongeau noted the County has put many safety measures in the County buildings, has had remote work options, and virtual meeting options. Commissioner Campbell noted that he has been concerned with breakthrough case rates, but they are very low. He added that breathing can be impacted with masks and there is no evidence of a lot of transmission within the County facilities. Commissioner Ebinger agreed that a lot has been done for social distancing at the County. He stated that the chance of transmission seems remote, but it does exist. Ms. McKay noted that Public Health and the Dental Clinic at the FSC still use masks when social distancing cannot be accomplished. Many County meetings and interviews still have remote options. This Board Room allows for 6-foot distancing.

A motion was made by Commissioner Kahly and seconded by Commissioner Ebinger to institute a mask requirement in all Clay County buildings when 6-foot social distancing cannot be maintained. The mandate would continue until Clay County experiences 14 consecutive days of moderate or low transmission of COVID-19. The motion failed with a vote of 2 ayes (Kahly and Ebinger) and 3 nays (Campbell, Mongeau, Gross).

**REQUEST FOR PARTICIPATION TO SELECT LOCATION AND BUILDING OR RENOVATE EXISTING BUILDING FOR RED RIVER REGIONAL DISPATCH CENTER**

County Administrator Stephen Larson and Cass County (ND) Administrator Robert Wilson were present with three items for the Board to consider acting on this morning. The Board is well aware of the Red River Regional Dispatch Center's (RRRDC) needs for expansion, additional staff, and additional consoles. Cass County is willing to be the fiscal agent for the project as the ND side has the largest tax base.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved participating in the selection of a new location or renovating the existing building for the RRRDC.

**REQUEST TO APPROVE CASS COUNTY ND AS FISCAL AGENT FOR RRRDC PROJECT**

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved Cass County ND as fiscal agent for the RRRDC project.

**REQUEST TO SUPPORT RECOMMENDATION OF JOINT SELECTION COMMITTEE FOR SHORT, ELLIOTT, HENDRICKSON (SEH) ARCHITECTURAL FIRM FOR SELECTION AND DESIGN OF RRRDC**

Commissioner Ebinger and Sheriff Empting were part of the interview panel that selected SEH Architecture and Building Design for the RRRDC project.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board supported the recommendation of Short, Elliott, Hendrickson (SEH) Architecture and Building Design to assist in site selection and design for the RRRDC.

**ANNUAL BUDGET PRESENTATION - SOLID WASTE MANAGEMENT**

Kirk Rosenberger, Solid Waste Manager, stated that the Solid Waste Department operates as an enterprise fund and is run similar to a business. He highlighted a few items in his operation budget. The capital expenses are paid with Solid Waste Service Fees. The typical homeowner pays \$42 annually. The operations are funded by the tipping fees at the landfill. Mr. Rosenberger will be coming back to the Board in September for possible increases in both fees in 2022.

**INTERVIEW(S) FOR 3-YEAR APPOINTMENT / RE-APPOINTMENT TO BUFFALO-RED RIVER WATERSHED DISTRICT BOARD**

Paul Krabbenhoft was present at the meeting and noted his willingness to continue serving on the Buffalo-Red River Watershed District Board. He took over a one-year term on the Board a year ago and is the only applicant interested in the three-year term. The appointment has been advertised in the local papers. Mr. Krabbenhoft stated the biggest challenge has been learning the new systems.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board reappointed Paul Krabbenhoft to a three-year term on the Buffalo-Red River Watershed District Board.

**REQUEST TO APPROVE RESOLUTION 2021-36 FOR HOMELESSNESS PREVENTION FUNDS - LAKES AND PRAIRIES COMMUNITY ACTION PARTNERSHIP.**

Emma Schmit, Housing Director for Lakes and Prairies Community Action Partnership (CAPLP), spoke briefly on the Family Homelessness Prevention and Assistance Program for the low income and homeless population. The two-year funding would begin on October 1, 2021. Three months is the average amount of time a client would receive funds. She provided a resolution for Authorizing Application for MN Housing and Finance Agency Family Homelessness Prevention and Assistance Program.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board executed the following resolution:

**RESOLUTION 2021-36**  
**Resolution Authorizing Application for Minnesota Housing and Finance Agency**  
**Family Homelessness Prevention and Assistance Program**

**WHEREAS, the Minnesota Housing Finance Agency, State of Minnesota, has been authorized to undertake a program to provide funds for Family Homeless Prevention & Assistance Projects; and,**

**WHEREAS, Lakes & Prairies Community Action Partnership, Inc. has developed an application to continue to provide homelessness prevention and assistance to residents of Clay County through the Minnesota Housing Finance Agency Family Homelessness Prevention and Assistance Program; and**

**WHEREAS, Lakes & Prairies Community Action Partnership, Inc. has demonstrated the ability to perform the required activities of the Minnesota Housing Finance Agency Family Homelessness Prevention and Assistance Program;**

**NOW, THEREFORE, be it resolved that Lakes & Prairies Community Action Partnership, Inc. is hereby authorized as an entity to be charged with the administration of funds made available through the Minnesota Housing Finance Agency Family Homelessness Prevention and Assistance Program in the county of Clay, in Minnesota.**

**REQUEST TO APPROVE RESOLUTION 2021-37 UPDATING POST-ISSUANCE DEBT COMPLIANCE POLICY AND DEBT COMPLIANCE PROCEDURES – EHLERS, INC**

Mr. Larson presented a recommendation from Ehlers, Inc. for Clay County to update their Post-Issuance Debt Compliance Policy and Debt Compliance Procedures. The policy was first established and approved in 2015. The County is required to take certain actions after bond issuance to ensure that interest on those bonds remains in compliance with the Code and the SEC. A resolution was provided for consideration and has been reviewed by the County Auditor.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board executed the following resolution, contingent on legal review:

**RESOLUTION 2021-37**  
**Adopting Post-Issuance Debt Compliance Policy for**  
**Tax-exempt and Tax-advantaged Governmental Bonds**

**WHEREAS, Clay County, Minnesota (the “County”) from time to time will issue tax-exempt and tax-advantaged governmental bonds; and**

**WHEREAS, under the Internal Revenue Code of 1986, as amended and related regulations (the “Code”), and Securities and Exchange Commission (the “SEC”) the County is required to take certain actions after bond issuance to ensure that interest on those bonds remains in compliance with the Code and SEC; and**

**WHEREAS, the County has determined to adopt a policy regarding how the County will carry out its compliance responsibilities via written procedures, and to that end, has caused to be prepared documents titled Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures; and**

**WHEREAS, the Board of Commissioners (the “Board”) of the County has reviewed the Post-Issuance Debt Compliance Policy in connection with the Post-Issuance Debt Compliance Procedures and has determined that it is in the best interest of the District to adopt the Policy.**

**NOW THEREFORE, BE IT RESOLVED BY CLAY COUNTY, MINNESOTA; the Board approves the Policy as shown in the form attached; and**

**BE IT FURTHER RESOLVED; County staff are authorized to take all actions necessary to carry out the Post-Issuance Debt Compliance Policy and Post-Issuance Debt Compliance Procedures.**

**ANNUAL UPDATE AND FUNDS REQUEST - HISTORICAL & CULTURAL SOCIETY OF CLAY COUNTY**

Dr. Maureen Kelly Jonason, Executive Director of Historical & Cultural Society of Clay County, thanked the Board for their annual support and for the CARES funding they received. For 2022, they are requesting a 1% increase totaling \$204,585. During their closures due to COVID-19 they stayed busy with cleaning and inventorying. Their staff includes Lisa Vedaa, 20-year staff, who handles collection management and Mark Peihl who has served as Clay County Archivist for 35 years They reopened full-time on May 1<sup>st</sup> but have not started tours for children. Dr. Jonason also mentioned various upcoming exhibits, new digital exhibits, and events. A new exhibit and digital tour entitled “Ihdago Manipi, Clay County at 150” is scheduled to open on September 10<sup>th</sup>.

**PROGRAM UPDATES AND ANNUAL BUDGET PRESENTATION – EXTENSION**

Cecilia Amadou, Regional Extension Director, stated she has been in her new position for two months now. She had program handouts and a staffing request. She commented that the Clay County Fair went really well, and many 4-H kids are going onto the State Fair. She touched on program growth, enrollment, and the importance of youth educators. A new 4-H STEM (Science, Technology, Engineering and Math) educator was hired and will be starting in September to continue the programs that the previous staff started.

The new budget request is to move a .5 FTE educator to a 1.0 FTE position for a change of \$38,475. It is actually a decrease from the 2020 budget due to a retirement. She would also like to keep a summer intern in the budget at \$6,000 and add \$500 for travel. The new request would be \$316,275.

Commissioner Mongeau noted that Glyndon Farms has been a long-term generous sponsor, contributing \$10,000 annually to the STEM coordinator position. In 2020 they increased their contribution to \$15,000. She commented that there is a documented need for programming in Clay County. She asked if the \$6,000 for an intern position

could be rolled over to the request to increase staffing and then allow the summer ambassadors to help with the camps. Ms. Amadou stated that option could be discussed.

Commissioner Campbell noted that the Board will review the budget as a whole in September and will take this request under consideration.

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

- Commissioner Kahly attended meetings for Adult Mental Health Local Advisory Council; Historical and Cultural Society Board; Substance Abuse and Suicide Prevention Committee; and Early Childhood Initiative. She listened to citizen concerns about homeless youth and thanked all the school boards and staff as the new school year starts.
- Commissioner Mongeau attended meetings for Personnel Issues Committee; Planning Commission; Red River Management Board; AMC Extension; MetroCOG; Lakeland Mental Health Board; and Resource Recovery Facility Construction Update.
- Commissioner Gross attended meetings for Highway Tracking; Wild Rice Watershed District; Red River Management Board; Beyond the Yellow Ribbon; Planning Commission; and attended the Riverton Township property sale.
- Commissioner Ebinger attended a Substance Abuse Committee meeting and was part of the Selection Committee for the Dispatch Center.
- Commissioner Campbell attended meetings for Personnel Issues Committee; Prairie Lakes Municipal Solid Waste Authority Budget; Resource Recovery Facility Construction Update; Moorhead Public Service and City of Moorhead; and met with Shannon Full, Mason Rademacher and the County Administrator.
- County Administrator Larson attended a Personnel Issues Committee meeting, a premeeting for Extension Budget; Human Resource Issues; Ehlers Finance Advisors; Shannon Full and Mason Rademacher; Public Health Director; Detox issues; Resource Recovery Center issues; and conducted a department head annual evaluation.

The meeting was adjourned at 11:10 a.m.

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Chair Kevin Campbell  
County Board of Commissioners

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Stephen Larson, County Administrator