

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, SEPTEMBER 21, 2021
Rooms A/B, 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, 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.

CITIZENS TO BE HEARD

There were no citizens 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 \$311,520 from 93 vendors. From that total, 67 warrants issued were under \$2,000 (\$29,446) and the following 26 were over \$2,000:

West Central Regional Juvenile Center	\$62,291	Holiday Credit Office	\$4,507
Bytespeed, LLC	\$46,529	Stellar Services, LLC	\$3,867
Turner Sand & Gravel, Inc.	\$41,137	Wegner Psych & Therapeutic Svc	\$3,750
Cardmember Service	\$14,416	Marco Technologies, LLC	\$3,635
US Bank National Asso.	\$14,385	City of Moorhead	\$3,459
Veolia North America	\$13,004	Green View, Inc.	\$3,159
Xcel Energy	\$10,357	CHS Credit Card Dept.	\$2,662
Medical Pharmacy	\$10,282	Braun Intertec Corp	\$2,619
Lutheran Social Service of Mn	\$ 8,897	Reliance Telephone	\$2,557
City of Fargo	\$ 5,733	TrueNorth Steel	\$2,485
Sanford Health	\$ 5,441	MN IT Services	\$2,332
Lakes Country Service Co-op	\$ 5,225	Amazon Capital Services	\$2,128
Network Center, Inc.	\$ 5,216	Nancy Hein-Kolo, PsyD, LP	\$2,000

APPROVAL OF MINUTES FROM SEPTEMBER 7, 2021

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from September 7, 2021.

COVID-19 UPDATE

Public Health Director Kathy McKay provided handouts for the weekly COVID-19 update. The number of active cases in Clay County are 363, up from 291 the previous week. Throughout MN there are 18,124 active cases. Cass County (ND) shows 528 cases, up just one from the previous week, and 2,979 active cases throughout ND. The age groups with the highest numbers of cases start from 0-4 and go through 30s. To date, Clay County has documented 9,267 COVID-19 cases. A graph provided cases per week with spikes in March and now in September. Hospitalizations by age groups were documented from August 1, 2020 to present. ND hospitalization data was provided with current hospitalizations at 120 with 21 in ICU. The majority of them were between 40 and 80 years old. Sanford Health Facilities data showed 141 hospitalizations a week ago with 48 in ICU and 30 on ventilators. 44 of 48 in ICU were unvaccinated and 28 of 30 on ventilators were unvaccinated. She will see if they can get the local numbers by zip code. She noted that the Delta variant is much more infectious than the previous variant. She commented there could be a higher surge if they do not accomplish herd immunity and vaccine goals.

Nursing Director Jamie Hennen informed the Board that Clay County Public Health has administered 15,535 vaccine doses. The continue to hold vaccine clinics and reach out to the areas that may have the most vulnerable cases. In the County, 71.7% have had at least one dose and 67.9% have completed the series. They are hiring vaccinators and have both Pfizer and Moderna vaccines available. She added that the breakthrough cases are still very low. A third dose vaccine, a booster, has been given to the significantly immunosuppressed individuals. The medical providers make those decisions. Not all Americans qualify for them. They will be available to those who are 65 and older and those with significant health conditions. Minnesota has a mobile app for immunization records. They will also print and email immunization records.

Commissioner Campbell asked about the Board getting their flu shots at their October 12 Board meeting.

Commissioner Kahly arrived at this time (following jury duty).

REQUEST APPROVAL TO LEASE FAMILY SERVICE CENTER SUITE #201 TO CLAY COUNTY HRA

Joe Olson, Facilities Director, requested approval to lease Suite #201 to Clay County Housing and Redevelopment Authority (HRA) with a two-year contract. HRA is currently in need of more space to meet their current staffing/office needs. HRA Executive Director Dara Lee has indicated the HRA Board has voted to approve the funding of this lease agreement, which will be covered by state and federal programming dollars. The annual revenue at \$12.75/sq feet totals \$38,275.50. The suite was previously occupied by Probation before their move into the courthouse.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the two-year lease with Clay County Housing and Redevelopment Authority for Suite 201 at the Family Service Center beginning on October 1, 2021.

UPDATE AND REQUEST FOR SUPPORT OF INSURANCE COMMITTEE RECOMMENDATIONS FOR RENEWAL AND CHANGES TO CAFETERIA PLAN FOR 2022

HR Director Darren Brooke and HR Coordinator Anna Moore presented the Insurance Committee's final recommendations for the 2022 cafeteria plan. The Clay County Insurance Committee made the following recommendations:

- Stay with Renew Avesis Vision Insurance for two years at a slightly increased rate.

- Leave Lakes Country Service Cooperative and remain with Blue Cross Blue Shield (BCBS) of Minnesota with a 5% decrease for 2022 followed by three-year rate caps of 7%, 8% and 9%.
- Open enrollment will run from October 19 to November 5 to allow employees to research the exchange for family members.
- The new County contributions will be based on the calculation that was accepted on August 13, 2019.

In keeping with BCBS the County will save approximately \$400,000 over four years when compared with the other bid. The County contribution for 2022 is calculated by taking the average of the four available plans and the savings was applied to the County contribution. For FT grandfathered employees there is a savings of \$18.75 per employee per month, \$50.03 for the family plan, and for single employees hired after 1/1/21, there is also a \$18.75 savings per employee per month. Going by the number of current single and family plans, the decrease in the County contribution for 2022 is expected to be decreased by \$127,358. New insurance card and new numbers will be provided from BCBS. Avesis does not send out cards and uses social security numbers for IDs. The benefit consultants will be on site during the open enrollment period. Insurance packets will be delivered to all the department heads the week before open enrollment begins on October 19. Every employee needs to turn in at least one form during open enrollment.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the recommendations from the Insurance Committee for renewal and changes to the cafeteria plan for 2022 as presented.

PUBLIC HEARING CONTINUED - CONDEMNATION ACTION TO DETERMINE DAMAGES RELEVANT TO GOEHRING PROPERTY ALONG CSAH 1

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board reopened the public hearing from September 7, 2021.

David Overbo, Justin Sorum, and Karl Goehring were present to continue the hearing. Mr. Overbo was asked to obtain the current assessed valuations for the two parcels owned by Mr. Goehring. He provided detail information from the County Assessor regarding valuations and how lots are assessed depending on improvements. He commented that over 50% of the largest lot is currently in the floodplain. The land would need to be removed from the floodplain for development by either using fill material to raise the elevation or would need a Letter of Map Revision (LOMAR). It is currently in hay land but could be developed. Mr. Goehring purchased the land 15 years ago and it would be easy to find fill material. He added that the FM Diversion will change things out there as well.

Attorney Melton provided draft Findings of Fact and Order and reviewed the facts that become part of the findings.

FINDINGS OF FACT

1. That notice has been given as required by Minnesota Statute and prior Resolution of this Board.
2. That the Clay County District Court entered an Order on July 29, 2021, finding that the project was necessary and authorized by law.

3. That the Commissioners reviewed a Google maps overview of the Property described as Exhibit A during the hearing on September 7, 2021.
4. That the Clay County Highway Department has completed the design work for the alteration of County State Aid Highway 1.
5. That in order to complete this project it is necessary for Clay County to acquire additional right-of-way from the adjoining landowners.
6. That the Clay County Board of Commissioners adopted the procedure laid out in Minnesota Statute 163.12 in order to alter County State Aid Highway 1 to include the additional right-of way that is necessary and to acquire the additional right-of-way which will be required by the above-described project.
7. That acquisition of that portion of the property owned by Karl & Julie Goehring legally described on the attached Exhibit A is necessary for the completion of the above-described project.
8. That the right-of-way acreage to be acquired that is owned by Karl & Julie Goehring is divided among three parcels; Parcel No. 8: 0.018 acres, Parcel No. 9: 0.018 acres and Parcel 10: 0.183 acres, for a total acreage of 0.219 acres. The appraised value per acre as of March 27, 2020, according to the updated appraisal report is \$5,000 for croplable land, and \$20,000 for rural residential. The appraisal was completed by appraiser Tinjum Appraisal on March 27, 2020.

9. Options discussed for payouts for right-of-way acreage:

Parcel No. 8 = Strip of land 5 feet wide by 157 feet long
0.018 Acres at taxable value: \$17,000 per acre = \$306
OR appraised value: \$20,000 per acre = \$360

Parcel No. 9 = Strip of land 5 feet wide by 157 feet long
0.018 Acres at taxable value: \$17,000 per acre = \$306
OR appraised value: \$20,000 per acre = \$360

Parcel No. 10 = Strip of land 12 feet wide by 664 feet long
0.183 Acres valued at \$5,000 per acre (farm) = \$915
OR \$20,000 per acre (residential) = \$3,660

Commissioner Campbell stated that an arguable case was made for residential value rather than ag value.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried the Board closed the public hearing.

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved adjustments in values to \$20,000 per acre for Parcel Numbers 8, 9, and 10 belonging to Karl and Julie Goehring, for condemnation purposes.

Attorney Melton will make the appropriate adjustments to Findings 8 and 9.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved that acquisition of a portion of properties owned by Karl and Julie Goehring is necessary for the completion of the CSAH 1 project.

REQUEST APPROVAL OF TWO FINAL CONTRACT VOUCHERS FOR CSAH 2 MILL & OVERLAY AND CSAH 21 BITUMINOUS PAVING

Project SAP 014-602-030 is a Mill & Overlay Project on CSAH 2 from Comstock to the east five miles. Project SAP 014-621-009 is for Bituminous Paving on CSAH 21 over a bridge replaced in 2020. There was an overrun on the CSAH 21 project as the existing roadway broke apart when they tried to tie into it and had to be removed and replaced with new asphalt. These are two state aid projects tied to one contract with Knife River Materials, Inc of Bemidji, MN.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried the Board approved the Final Contract Vouchers for CSAH 2 Mill & Overlay and CSAH 21 Bituminous Paving:

	<u>Original Contract</u>	<u>Final Contract to be approved</u>
Contract 221	\$1,226,907.25	\$1,306,591.90
SAP 014-602-030		\$1,246,160.92
SAP 014-621-009		\$60,430.98

REQUEST APPROVAL TO PURCHASE TWO SPEED RADAR SIGNS

Mr. Overbo noted that a couple other speed radar signs have been purchased in the past with other cities. He referred to an area along CSAH 3 by MB Johnson Park where there are speeding issues. He requested approval of a quote to purchase two speed radar signs from Tapco to be placed in that area. There have been many concerns with speeding and with truck traffic. The radar signs will collect data for a year. The quote for two signs is \$9,680.40 and will be split equally with the City of Moorhead. The speed goes from 30 mph to 55 mph and then back to 40 mph in the Crystal Creek area. The signs can be set for flashing and not flashing to see differences in speeds. This has been an ongoing request from residents in the area. MnDOT does not want to adjust the speed limits there. Messages can also be changed during cross country events.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried the Board approved the purchase of two speed radar signs in the amount of \$9,680.40 to be split equally with the City of Moorhead.

REQUEST APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN SHERIFF’S OFFICE AND U.S. POSTAL INSPECTION SERVICE

Sheriff Mark Empting stated there is a large number of narcotics entering the area through the mail. In joining the U.S. Postal Inspection Service (USPIS), the Sheriff’s office would assign a current investigator to their task force to assist with narcotic and other investigations related to U.S. mail crimes. The assigned investigator would work out of the Sheriff’s Office and would also be available to work local investigations as well. The USPIS would provide a \$850/month vehicle stipend, and will reimburse for OT costs spent on USPIS cases.

On motion by Commissioner Ebinger, seconded by Gross, and unanimously carried the Board approved the Memorandum of Understanding between the Sheriff’s Office and U.S. Postal Inspection Service.

SET PRELIMINARY LEVY PER STATUTE WITH ADOPTION OF RESOLUTION 2021-43

County Administrator Stephen Larson and Auditor–Treasurer Lori J. Johnson presented the maximum levy for 2022 which would allow Ms. Johnson to certify a preliminary levy. A resolution was drafted for Board action. After adoption of this resolution, the Board could only reduce the levy. The resolution also sets the Truth in Taxation date for December 14, 2021, at 6:00 p.m. Mr. Larson noted this budget process began in May when the department heads were asked to scrutinize their budgets line by line. The first unmodified budget was presented with an approximate 12% increase. After further review of the sales tax figures and consideration of the fund balances, insurance adjustments, and new construction to offset the budget, the increase was brought down to 4.3% with a total certified levy of \$38,713,927. Recent requests from Greater F-M EDC, Ignite FMWF, and Downtown Moorhead, Inc. are also being considered and some adjustments to the requested contributions may still be made. The County will also evaluate the utilization of CARES and ARPA funds toward expenses.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board set the Preliminary Levy per Statute with adoption of the following resolution and the understanding that there may be some adjustments to the outside agencies between now and December:

RESOLUTION 2021-43

WHEREAS, the Minnesota Department of Revenue has established guidelines for county government to follow in order to meet the “Truth in Taxation” requirements for taxes payable in 2022; and

WHEREAS, these guidelines state that counties must certify a proposed levy by September 30;

WHEREAS, this certified levy must be after the deduction of County aid;

THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners hereby sets the proposed levy for taxes to be collected in 2022 as follows:

	<u>Preliminary Levy</u>	<u>County Program Aid</u>	<u>Certified Levy</u>
Revenue Fund	25,567,267	2,447,856	23,119,411
Road & Bridge Fund	4,167,723	370,076	3,797,647
Building Improvements	50,000	4,440	45,560
Library	309,765	27,506	282,259
Social Services	12,228,647	1,085,852	11,142,795
Debt Retirement	0	0	0
Debt Retirement – RB	0	0	0
Debt Retirement - Ct	326,255	0	326,255
Debt Retirement –	<u>0</u>	<u>0</u>	<u>0</u>
County Proj.			
Total	<u>\$42,649,657</u>	<u>\$3,935,730</u>	<u>\$38,713,927</u>

BE IT FURTHER RESOLVED, that this is a proposed levy only and is subject to change.
BE IT FURTHER RESOLVED, that the Clay County Board of Commissioners confirms the date of their public budget meeting to be Tuesday, December 14, 2021, at 6:00 p.m. in the Clay County Courthouse, Moorhead, MN.

Commissioner Campbell suggested the County establish a health insurance internal service fund with an initial \$200,000 going into that fund. Ms. Johnson noted she could designate this fund within the general internal fund.

On motion by Commissioner Kahly, seconded by Commissioner Mongeau, and unanimously carried, the Board approved establishing a health insurance internal fund and designate \$200,000 annually to the fund.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Kahly attended meetings for Insurance Committee; Law Library and attended the AMC Conference including a Health and Human Service session. She corrected a comment that she made at the last meeting about West Fargo pumping their watershed dry. In actuality, West Fargo decreased the water levels but did not pump it dry.
- Commissioner Ebinger attended the AMC Policy Conference and session on Use of Deadly Force.
- Commissioner Gross attended meetings for Highway Tracking; AMC Conference; and MN Rural Caucus.
- Commissioner Mongeau attended a Cass Clay Food Partners Steering Committee meeting.
- Commissioner Campbell attended meetings for Highway Tracking; Insurance Committee; AMC Policy Conference including a Transportation and Infrastructure Committee; and Resource Recovery Facility Construction Update.
- County Administrator Larson attended the AMC Policy Conference and meetings for Highway Tracking; Insurance Committee; HRA Relocation; MN Rural Caucus; CARES-2; Family Service Center; MCCJPA prep meeting; NACO Presentation on Opioids; and Resource Recovery Facility construction update.

On motion by Commissioner Kahly, seconded by Commissioner Gross, and unanimously carried the Board approved changes to upcoming County Board meetings as follows: additional meeting on Tuesday, November 30 (5th Tuesday); cancel meeting on Tuesday, December 7 (AMC Annual Conference); and change the Tuesday, December 14 meeting from 8:30 a.m. to 5 p.m. with Truth and Taxation at 6 p.m.

The meeting was adjourned at 10:22 a.m.

Chair Kevin Campbell
County Board of Commissioners

Stephen Larson, County Administrator