

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, NOVEMBER 15, 2022
Rooms A/B, 3rd Floor, Courthouse
MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Jenna Kahly, Frank Gross, Jenny Mongeau, Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, HR Director Darren Brooke, Sr. Admin. Asst. Colleen Eck, and Communications Coordinator Jacqueline Finck.

CALL TO ORDER

Chair Mongeau 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 removal of item 8 – Information on Legislative Initiatives: State Representative Heather Keeler due to a scheduling conflict.

CITIZENS TO BE HEARD

There were no citizens to be heard.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$729,773 from 89 vendors. There were 62 warrants issued under \$2,000 (\$33,381) and the following 27 were over \$2,000:

Dennis Drewes Inc	\$270,829	Election Systems & Software Inc.	\$6,329
Klein McCarthy & Co Ltd	\$108,086	Sabin C Store	\$6,212
Moorhead Public Service	\$ 50,401	Barnesville C-Store	\$4,514
Holm Construction Services, LLC	\$ 43,400	Tricorne Audio, Inc.	\$4,376
City Of Fargo	\$ 35,161	Marco Technologies LLC	\$3,681
Xcel Energy	\$ 29,497	Menards - 32290254	\$3,294
Trinity Services Group, Inc.	\$ 29,382	Clay County Union	\$3,280
Pemberton Law, P.L.L.P.	\$ 16,298	Houston Engineering Inc	\$3,014
Pomp's Tire Service, Inc.	\$ 15,645	Stonebrooke Engineering Inc.	\$2,793
Petro Serve Usa-Hwy	\$ 14,196	WEX Bank	\$2,643
CB & Sons Electric, Inc.	\$ 13,118	Green View Inc.	\$2,394
Verizon-386550144	\$ 8,365	C-W Valley Co-Op	\$2,197
Halvorson/Derrick	\$ 8,225	Office of MN IT Services	\$2,162
ANJAAM HOLDINGS, LLC	\$ 6,889		

APPROVAL OF MINUTES FROM NOVEMBER 1, 2022

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from November 1, 2022.

REQUEST FOR APPROVAL FOR THE RED RIVER REGIONAL DISPATCH CENTER JOINT POWERS AGREEMENT

County Administrator Stephen Larson and Cass County Administrator Robert Wilson asked the Commissioners to approve the Red River Regional Dispatch Center Joint Powers Authority Agreement. This joint powers agreement is being brought forward by elected officials and representatives of the Member Entities to this Agreement for consideration, in order to provide efficient public-safety dispatch capabilities and facilities for the Fargo-Moorhead-West Fargo Metropolitan Area which includes rural communities and area within Cass County, North Dakota and Clay County, Minnesota. The JPA promotes accountable governance, provide for the Dispatch Center ownership, operation and maintenance of a regional public safety dispatch center.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved the Red River Regional Dispatch Center Joint Power Agreement.

REQUEST FOR APPROVAL OF CONTRACT AMENDMENT #3 WITH BURNS AND MCDONNELL ENGINEERING FOR RESOURCE RECOVERY FACILITY PROJECT

Mr. Larson requested the Commissioners approve of Contract Amendment #3 with Burns and McDonnell Engineering for the Resource Recovery Facility Project. The initial contract not to exceed maximum was established assuming a 16-month construction period. The current construction completion date is December 30, 2022, approximately 20 months after start date. The time extension, the number of submittal/RFI reviews compared to the number assumed at the beginning of the project, and the increased size of the project have all contributed to the need for an increase in the construction support services budget. Much of the scope in the conversation with Burns & McDonnell has been regarding the fire suppression systems that brought challenges and changes to the design of the project.

Following the presentation of the Contract Amendment #3, Commissioner Gross questioned why the bill rate was higher than what has been billed in the past. Mr. Larson stated that it was the average bill rate of the personnel that work on the project for that time. Commissioner Mongeau and Commissioner Campbell voiced frustration with the delay in communication from Burns & McDonnell Engineering firm that the allotted funds were being depleted.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board decided to table the Burns & McDonnell Engineering Professional Consultant Firm – Contract Amendment #3 until their meeting on Tuesday November 22, 2022 where they can further discuss with Burns & McDonnell Engineering.

REQUEST FOR APPROVAL OF MINNESOTA COUNTIES INTERGOVERNMENTAL TRUST (MCIT) VOTING DELEGATE AND ALTERNATE

MCIT bylaws provide member counties the opportunity to identify both a delegate and an alternate for voting purposes during its annual meeting. Each year counties are required to provide MCIT officials with updated documentation identify its designees. Currently Commissioner Campbell is the delegate and Commissioner Ebinger is the alternate.

On motion by Commissioner Kahly, seconded by Commissioner Gross, and unanimously carried, the Board approved to appoint, as presented, Commissioner Campbell as the voting delegate and Commissioner Ebinger as the alternate designee.

REQUESTS FOR APPROVAL OF RESOLUTION 2022-36 FOR DNR OFF-HIGHWAY VEHICLE TRAIL FUNDING APPLICATION AND SPONSOR

County Engineer Justin Sorum requested Resolution 2022-36 for DNR Off-Highway Vehicle Funding Application and Sponsor be approved by the Commissioners. This is the annual trail maintenance application and sponsor resolution for DNR funding for the Agassiz Recreational Trail that runs from Ulen north 5 miles to the north county line. The application ensures the County will receive funds to cover maintenance expenses of the trail.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved of the DNR OHV Trail Funding Application and Sponsor Resolution 2022-36.

RESOLUTION 2022-36

WHEREAS, Clay County may enter into agreement with the State of Minnesota for the Polk-Norman-Clay Agassiz Recreational Trail, heretofore known as the Agassiz Recreational Trail, for the portion of the trail existing in Clay County; and

WHEREAS, Clay County will comply with all applicable laws and regulations as stated in the grant contract agreement(s), permits and by all applicable federal and state laws and regulations; and

WHEREAS, Clay County recognizes and assigns Clay County Administrator Stephen Larson who will act as a fiscal agent on behalf of Clay County; and

WHEREAS, Clay County approves this resolution to be effective for acting as the legal sponsor for trail administration annually for future grant applications and permits.

NOW THEREFORE BE IT RESOLVED that Clay County agrees to continue to act as legal sponsor for the above applications and agreements of the DNR Trails Assistance Program until such time that Clay County rescinds this sponsorship beginning Fiscal Year 2023.

REQUEST FOR APPROVAL OF OUT OF STATE TRAVEL FOR NACE CONFERENCE

Mr. Sorum asked the Commissioners to approve out of state travel to attend the National Association of County Engineers Conference in Baldwin County, AL. The conference runs from April 16th – 19th. This conference includes many different technical and breakout sessions and is very well attended by County Engineers Nationally. The Road and Bridge budget for 2023 includes funds to cover the cost of the conference and travel.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved out of state travel for NACE Conference.

Mr. Sorum, mentioned this week is Winter Hazard Awareness week. Discussion followed regarding the outreach to the school districts from the Clay County Highway Department about winter roads. The Clay County Highway Department has reached out to the school districts to see if they would like to meet discuss and there hasn't been any interest.

REQUEST FOR APPROVAL SMALL GOVERNMENT ENTERPRISE AGREEMENT WITH ESRI

Information Services Director Mark Sloan requested the Commissioners approve the Small Government Enterprise Agreement with ESRI. To better support our GIS operations, Clay County has utilized a Small Government Enterprise Agreement (SGEA) with ESRI for our GIS software. This contract is currently up for renewal. The SGEA contract allows us to make annual payments to ESRI for a three-year period in exchange for a package of software, maintenance, services, and cloud-based systems. The SGEA permits deployment of ESRI GIS products as needed to our GIS staff and GIS users across our organization. The SGEA removes financial and administrative barriers that help us operate our enterprise-wide GIS that enhance government operations and service to citizens. By purchasing the SGEA, we can better leverage our investment in GIS software. This SGEA is a renewal, like ones we signed in 2008, 2011, 2014, 2017, and 2020.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Small Government Enterprise Agreement with ESRI.

Mr. Sloan mentioned Wednesday November 16, 2022 is GIS Day and the GIS Department will have an open house at the Government Center from 11:00 a.m to 3:00 p.m. Commissioner Kahly discussed how useful GIS has been when making informed decisions to help visualize geographic and spatial data.

REQUEST FOR APPROVAL TO ACCEPT 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT FUNDS

Emergency Management Director Gabe Tweten requested the Commissioners approve to accept the 2021 Emergency Management Performance Grant Funds. This is an annual grant in the amount of \$33,582.00 that covers a portion of the Emergency Management Director's salary.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the acceptance of the 2021 EMPG grant agreement in the amount of \$33,582.00.

Commissioner Mongeau noted the great job that Mr. Tweten did with the Senior Elected Officials Training put on by the State of Minnesota Homeland Security and Emergency Management Agency.

REQUEST FOR APPROVAL TO FILL VACANCY FOR FT DEPUTY AUDITOR – MOTOR VEHICLE

Motor Vehicle had a recent resignation of a FT Deputy Auditor – MV, with her last day of work effective November 10, 2022. County Auditor – Treasurer Lori J. Johnson requested to fill a vacancy for FT Deputy Auditor – Motor Vehicle, with backfill, if necessary. Replacement will be hired effective December 2022.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to move forward with hiring a FT Deputy Auditor in Motor Vehicle.

Discussion followed thanking Ms. Johnson and her department on the great job they did to complete the election. A suggestion was made to communicate to specific locations and townships on where they can go to vote.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Ebinger reported on meetings for Senior Elected Officials Training.
- Commissioner Campbell reported on meetings for Resource Recovery Facility Construction Update; Intergovernmental Committee; Senior Elected Officials Training.

- Commissioner Gross did not have any meetings to report on.
- Commissioner Kahly reported on meetings for Intergovernmental Committee; Moorhead Business Association; Call with Governor Walz advisor on Human Services.
- Commissioner Mongeau reported on meetings for Resource Recovery Facility Construction Update; construction committee meeting of Lakeland Mental Health Center; Senior Elected Officials Training; Soil & Water Conservation District; Moorhead Business Association; Carpenters Training Institute – Apprenticeship Event; Buffalo Red River Watershed.
- Mr. Larson attended meetings for asphalt plan for Resource Recovery Center; Construction Engineers; County Management; Open Enrollment reviews and discussion on EAP; Senior Elected Officials Training; Intergovernmental Retreat; MCCJPA preparation meeting; DHS discussion on background and fingerprinting; correspondence with Attorney General’s office regarding funding & the opioid settlement agreement; worked with Kathy McKay to get a letter out to current legislature and legislature elects regarding challenges we face as a border city with nursing licenses.

The Commissioner and Mr. Larson recognized Colleen Eck for her dedication and hard work with Clay County over the last 27 years, wishing her well on her retirement.

The meeting was adjourned at 9:50 a.m.

Jenny Mongeau, Chair
County Board of Commissioners

Stephen Larson, County Administrator