

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 AM, TUESDAY, JANUARY 24, 2023

Meeting Room A / B – 3rd Floor – Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Paul Krabbenhoft, Frank Gross, Jenny Mongeau, Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, HR Director/Asst. Administrator Darren Brooke, and Communications Coordinator Jacqueline Finck.

Call to Order

Commissioner Gross called the meeting to order at 8:30 a.m.

Approval of Agenda

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda with the removal of item 3: Approval of Union Contract(s).

WCRJC to accept \$1,000 from the Awesome Foundation of Cass and Clay

By consent, the Board approved the donation of \$1,000 from the Awesome Foundation of Cass and Clay Counties to the West Central Regional Juvenile Center.

Commissioner Gross recognized the donation and thanked the Awesome Foundation of Cass and Clay County for their donation of educational materials.

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 Krabbenhoft, the Board approved the payment of bills and vouchers totaling \$3,609,217 from 178 vendors. There were 114 warrants issued under \$2,000 (\$60,083) and the following 64 were over \$2,000.

MN Counties Intergovernmental Trust	\$ 814,742	Klein Mccarthy & Co Ltd	\$ 91,067
Comstock Construction Inc	\$ 793,595	Treas Of Dilworth City	\$ 84,611
Independent School Dist 152	\$ 249,683	Independent School Dist 2164	\$ 83,463
Treas Of Moorhead City	\$ 241,991	Xcel Energy	\$ 76,974
Internal Revenue Serv	\$ 219,274	Clay County Social Services	\$ 64,463
MN PERA	\$ 148,628	Independent School Dist 150	\$ 53,027
MN Counties Computer Coop	\$ 125,061	Independent School District 146	\$ 40,849

Department Of Corrections	\$ 38,813	Randall's Excavating, Inc.	\$ 4,700
VEBA Select Account	\$ 29,366	Code 4 Services, Inc	\$ 4,520
Treas Of Barnesville City	\$ 28,644	Treas Of Kurtz Twsp	\$ 4,340
Mn Dept Of Revenue	\$ 27,780	Treas Of Hawley Twsp	\$ 4,192
Treas Of Glyndon City	\$ 24,583	Treas Of Spring Prairie Twsp	\$ 4,044
Dennis Drewes Inc	\$ 19,926	CB & Sons Electric, Inc.	\$ 3,751
Buffalo-Red River Watershed	\$ 19,780	Holcim MWR, Inc.	\$ 3,607
Independent School Dist 914	\$ 19,375	Cass County Finance	\$ 3,567
Trinity Services Group, Inc.	\$ 17,016	T.F. Powers Construction Co.	\$ 3,452
Cardmember Service - (Sheriff 0547)	\$ 16,090	F M Printing	\$ 3,421
Burlington Northern Santa Fe Railway Co	\$ 15,805	Nd State Tax Commissioner	\$ 3,412
Kris Engineering, Inc.	\$ 14,830	Treas Of Hitterdal City	\$ 3,076
Mn Sheriffs' Association	\$ 13,202	Wild Rice Electric Cooperative, Inc.	\$ 2,917
NACO	\$ 12,317	Ada-Borup-West ISD 2910	\$ 2,913
US Bank NA	\$ 11,847	Treas Of Sabin City	\$ 2,846
Office of MN IT Services	\$ 10,180	Treas Of Morken Twsp	\$ 2,616
Treas Of Hawley City	\$ 10,153	Holm Construction Services, LLC	\$ 2,600
McArthur Tile Co.	\$ 8,667	Treas Of Georgetown Twsp	\$ 2,468
Treas Of Ulen City	\$ 7,950	Johnson's Auto Repair LLC	\$ 2,452
Pemberton Law, P.L.L.P.	\$ 7,507	Treas Of Moland Twp	\$ 2,434
Treas Wild R W Shed/Treas Of	\$ 7,317	Independent School Dist Bc 2889	\$ 2,353
Petro Serve USA-SW	\$ 6,926	Treas Of Oakport Twsp	\$ 2,331
Perennial Energy LLC	\$ 5,675	Green View Inc.	\$ 2,154
LELS	\$ 4,881	Treas Of Elmwood Twsp	\$ 2,081
Sanford Health	\$ 4,798	Irmadene Hanson, LLC	\$ 2,000

Approval of Minutes from January 10, 2023

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved of the minutes from January 10, 2023.

Permission to Hire a Vacant Overnight Juvenile Worker Position in the Secure Program

Juvenile Director James O'Donnell requested to hire for the vacant overnight position in the secure unit. If the position is filled internally, backfill was requested.

Commissioner Ebinger asked how many openings Juvenile Detention currently has. Mr. O'Donnell stated that there are three full-time positions that are vacant. This request would fill one of those three positions. Another is being offered that was approved a few weeks ago. With regards to variable hour positions, Mr. O'Donnell stated that there are over thirty open

positions currently.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved the request for the overnight juvenile worker position with backfill, if necessary.

Approval of Resolution 2023-05 for Merit System withdraw Certification in Replacement of Resolution 2022-42

Human Resources Director, Darren Brooke requested to approve Resolution 2023-05 for Merit System withdraw Certification which would then replace Resolution 2022-42 that was signed in December of 2022. Resolution 2023-05 contains the accurate and updated verbiage on the Personnel Appeals Board .

Commissioner Campbell stated this process has taken a number of years and going this route will be beneficial in regards to the hiring process.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Resolution 2023-05 for Merit System withdraw Certification in replacement of Resolution 2022-42.

Bid Opening for SAP 014-601-009 Removal of North Broadway Bridge

County Engineer Justin Sorum presented the bid opening for SAP 014-601-009 Removal of the North Broadway Bridge. This is a joint project with MnDOT and the City of Fargo with the engineers' estimate of \$341,300.00. One bid was received with a bid bond of 5% from Redstone Construction, LLC in the amount of \$849,941.00.

Commissioner Mongeau asked if this time of year was challenging. Mr. Sorum stated that after talking with SRF Consulting Group, it was recommended that winter would be the best time to remove a bridge on the Red River. Ideally, the project would have opened in December of 2022. However, not receiving a permit from North Dakota until recently, pushed the start date back.

Mr. Sorum recommended that he review this bid with SRF, City of Fargo, and MnDOT to see where the numbers came in at and if anything can be done to lower the cost. If it does get approved, ensuring that there is bid bonding available for our share would be important.

Commissioner Campbell agreed that this is the correct route to take. The North Broadway Bridge is under joint ownership between the City of Fargo and Clay County. Anything determined to be replaced, Clay County is limited by what MnDOT and the State of Minnesota will allow for bridge bonding dollars. Mr. Sorum stated that MnDOT would only support it at the elevation that it's currently at.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board recommended Mr. Sorum take the information back to the City of Fargo and MnDOT for review and recommendation on how to proceed.

Energy Legislation to Impact Waste Management

Commissioner Campbell stated that after the discussion that took place last week with regards to legislation impacting waste management that was currently going through, House File 7 and Senate File 4, there was concern regarding verbiage used that pertains to the Prairie Lakes Solid Waste facility, which Clay County is a member and is part owner. On House File 7, a hearing took place on Wednesday, January 18, 2023. Otter Tail County Solid Waste Director, Chris McConn, testified at that hearing regarding concerns with their facility and the verbiage that was included in the original bill.

Commissioner Campbell had a discussion with Senator Kupec regarding the Senate bill. Senator Kupec was able to provide the current language that was included in the Senate bill, which excludes solar, wind, hydro-electric, hydrogen, and biomass. Biomass further describes energy recovery facility used to capture the heat value of refuse-derived from fuel from mixed municipal waste as a primary fuel. Senator Kupec is fairly certain that the Senate bill will exempt Prairie Lakes Solid Waste (PLSW) Facility from the energy language that was previously used. Senator Kupec looked into the House bill and it did include an amendment to exempt energy recovery facilities. PLSW might also be eligible for carbon credits in the future. Which would be positive from a revenue standpoint.

Commissioner Mongeau discussed the outreach from our legislative leaders and the conversations that were had with each of them. While the bills don't seem to affect us greatly, this is something that still needs to be monitored moving forward.

Additional discussion ensued regarding the Energy Legislation and it's impacts to waste management.

Commissioner Gross thanked Commissioner Campbell and Commissioner Mongeau for staying in contact with our legislators and keeping everyone updated.

Committee Reports/County Administrator Update/Discussions

- Commissioner Ebinger reported on meetings for Opioid settlements with Rory Beil, Kathy McKay, Commissioner Krabbenhoft, and County Administrator Steve Larson; met with Judge Rosenfeldt regarding starting a DWI court; Clay County Substance Abuse Committee; Regional Juvenile Detention Advisory Board; Lake Agassiz Regional Library; Intergovernmental Retreat; and GFMEDC.
- Commissioner Krabbenhoft reported on meetings for Opioid settlements with Rory Beil, Kathy McKay, Commissioner Ebinger, and Steve Larson; Adult Mental Health LAC; Historical & Cultural Society; and Metro COG Policy Board.
- Commissioner Mongeau reported on meetings with Judge Rosenfeldt regarding starting a DWI court; conversations with Senator Kupec, Representative Jim Joy and Brian Martinson regarding testimony on HF 7; Extension Committee; State of the Cities; Metro COG Policy Board; Intergovernmental Retreat; Lakeland Mental Health Center; and Resource Recovery Center.
- Commissioner Campbell reported on meetings for Regional Juvenile Detention

Advisory Board; Lakes Country Service Coop; Intergovernmental Retreat; and Resource Recovery Center.

- Commissioner Gross reported on a presentation given by Randy Nelson with University of Minnesota; and Intergovernmental Retreat.
- County Administrator Steve Larson reported on meetings for Opioid settlements with Rory Beil, Kathy McKay, Commissioners Krabbenhoft & Ebinger; meeting with Dan Mahli; Strive Excellence Retreat; Ribbon Cutting Ceremony; Testimony for HF 7; MCCJPA Preparation; Department Head Evaluation; Intergovernmental Retreat; Resource Recovery Center; and discussed with Darren regarding a Human Resource issue.

Adjourn

The meeting was adjourned at 9:33 a.m.

David Ebinger, Vice-Chair
County Board of Commissioners

Stephen Larson, County Administrator