

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, FEBRUARY 21, 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, County Attorney Brian Melton, 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.

Citizens to be Heard

There were no citizens to be heard.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Krabbenhoft, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the bills & vouchers totaling \$1,062,626 from 100 vendors. There were 68 warrants issued under \$2,000 (\$38,009) and the following 32 were over \$2,000.

City Of Moorhead	\$ 613,200	City Of Barnesville	\$ 8,018
Xcel Energy	\$ 60,211	Treas Of Glyndon City	\$ 7,887
Otter Tail Public Health	\$ 40,116	Stantec Consulting Services, Inc.	\$ 6,004
Treas Of Dilworth City	\$ 35,314	The Retrofit Companies Inc.	\$ 5,864
Clay Co Public Health	\$ 32,208	Pemberton Law, P.L.L.P.	\$ 5,246
Trinity Services Group, Inc.	\$ 27,803	Treas Of Ulen City	\$ 4,847
Nurse-Family Partnership Inc.	\$ 23,112	Creating Community Consulting	\$ 4,250
MN Counties Intergovernmental Trust	\$ 18,241	Sanford Health	\$ 4,017
City Of Hawley	\$ 17,059	Treas Of Sabin City	\$ 3,563
Cardmember Service - (Sheriff 0547)	\$ 16,991	Winning Edge Seminars	\$ 3,500
Randall's Excavating, Inc.	\$ 15,602	JT Lawn Service	\$ 2,885
Treas Of Barnesville City	\$ 13,907	Culinex, Inc.	\$ 2,700
Treas Of Hawley City	\$ 13,784	Wild Rice Electric Cooperative, Inc.	\$ 2,495
City Of Fargo	\$ 11,466	City of Hitterdal	\$ 2,375
City Of Dilworth	\$ 8,989	Axon Enterprises, Inc.	\$ 2,184
Sign Pro, Inc	\$ 8,605	Office of MNIT Services	\$ 2,162

Approval of Minutes from February 7, 2023

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved the minutes from February 7, 2023.

Annual Department Update - Law Enforcement

Sheriff Mark Empting provided a 2022 update on the Sheriff's Department. The department consists of the following divisions: Administrative, Operations, Support Services, Emergency Management and Corrections. The records division entered warrants and civil papers, processing permits to purchase and carry applications, dictating reports and submitting crime stats to the state. Permit to carry applications decreased in 2022. Warrant and civil case entries continue to increase. There is currently a vacant position in records that needs to be filled. The Operations Division consists of the combination of Patrol and Investigations. At year end of 2022 there were a total of 23,830 incidents. The department's two K9 teams had criminal apprehensions, completed multiple searches and public demonstrations, and located M30 pills. The Operations Division removed various types of drugs from the streets. There were also Federal indictments of several individuals for weapons charges and narcotics-related charges. The Sheriff's department is also assisting the DEA with a large-scale operation on an individual who is distributing large amounts of narcotics in our region. Sheriff Empting discussed the October drug take back event and total pharmaceuticals received from drop boxes. There was a total of 355 cases that were investigated in 2022. The Street Crimes Unit is back together with ND counterparts, and they have made several apprehensions as well.

Commissioner Campbell asked if there was still only one County Deputy assigned to the Street Crimes Unit. Sheriff Empting confirmed that was still the case and the Deputy is also part of the U.S. Marshals Task Force.

The Support Services Division continues to deal with issues related to COVID. In June, the Governor's memorandum on Evictions was lifted and since then, there has been a consistent number of evictions being completed. Transports have transported 714 individuals in 2022, 668 were prisoners (both adult and juvenile), and 46 commitments. Court Security assisted with scheduled court trials and jury trials. The civil division completed 2,061 services in 2022.

Emergency Manager, Lt. Gabe Tweten discussed the Emergency Management Division which consists of the Division Commander, himself and Assistant Emergency Manager. One of the main objectives of this division is to ensure Clay County responders, elected officials, community stakeholders and citizens are prepared when disaster presents itself. During the winter of 2021-2022 Clay County experienced 8 blizzards and 7 winter storm warnings. On June 20th, Clay County experienced damaging winds with a class EF-0 tornado that touched down near Glyndon, which was confirmed by the National Weather Service. There was extensive damage to the power infrastructure around the Glyndon-Sabin area. There was additional damage between Ulen and Hitterdal during that storm as well. Lt. Tweten discussed the different trainings and exercises that were provided during 2022, along with the Planning and Outreach highlights for 2022. During the previous year, Lt. Tweten worked with the National Weather Service to obtain a 'Storm Ready' certification for Clay County.

Jail Administrator, Kari Tuton discussed some of the highlights for the Correctional Facility. With the help from Technology Services and GIS Department, the new promotional videos, brochures and job fair materials, there is now only 1 full-time officer needed, compared to the previous 15. Along with the help of HR, a referral program has been offered. In the last year, 5 previous resigned employees have come back to work for the department. A new training program has been created. It's a 4 week program consisting of 2 weeks off floor training. This is to create a well-rounded Correctional Officer before they are off on their own. A new positive memo system has been implemented as well as employee of the month that is based on staff voting. Recently, an Attorney with MCIT took a tour of the

Correctional Facility to determine if we could be liable for any litigation. The Correctional Facility recently changed from MEnD to ACH. ACH offers a more streamlined on-call service for after hours. With ACH there is a savings of 50% a month on prescription costs. Ms. Tuton discussed highlights on programming for incarcerated individuals. Full programming started back up in May of 2022, Work Detail Officers were back at their positions as of April 2022, STS started back up in April/May of 2022. This year, the Correctional Facility is working in conjunction with Moorhead Adult Basic Education to bring in an online GED program. Music, Art and Trauma Based Yoga classes have been introduced. Bridging the Gap was also introduced. This program sets the inmates up with sponsorship prior to release, to help with the transition back into the community. Ramadan prayer sessions have been included during 2022 implementation and will continue as requested. Libraries have been created for the mental health units for the inmates who cannot be in general population. Extra programming has been implemented though Hip Hop & Hope and Hearts of Clay. Ms. Tuton further discussed The River Project. This is a collaboration between the Clay County Correctional Facility and Lakeland Mental Health Center. This project provides mental health outreach and treatment to incarcerated individuals. Additional information on personal devices was discussed.

Commissioner Gross asked if each inmate receives a personal device and asked how wondered how many hours out of the day do they have access to the device. Ms. Tuton stated that yes, each inmate receives a personal device, as long as they haven't damaged one in the past. Inmates also have the device on them during all times of the day, except for charging.

Commissioner Campbell asked if there is a time limit in place for outside communication with the personal devices. Ms. Tuton stated that inmates can have outside communication using their devices at any time. Commissioner Campbell asked how it works when visitors come to the jail. Ms. Tuton stated that in person visits don't typically happen anymore, since the inmates can do all that through their device.

Chief Deputy Sheriff, Chris Martin provided praise and acknowledgment to Ms. Tuton and her team for filling open positions and providing programs and training to inmates and new Correctional Officers. Mr. Martin discussed how Jason Hiveley from MCIT promotes the Clay County Correctional Facility throughout the state due to the efforts taken by Ms. Tuton and her staff. Commissioner Ebinger stated that he has repeatedly heard praise from other County Commissioners about the Clay County Correctional Facility, from the programs that we offer to how progressive we are. Commissioner Ebinger thanked Ms. Tuton and is very proud of the things that have taken place at the facility.

Commissioner Campbell asked what the process looks like for family to reach the inmate on the personal device. Ms. Tuton explained the process of setting up the personal device and how they get a hold of family and friends. All messages are monitored on a daily basis. Commissioner Mongeau added that the recipient of a text message does have the option to reject.

Sheriff Empting wrapped up the update by welcoming Chief Deputy Sheriff, Chris Martin, along with recognizing the following employee awards. Deputy Dave Cochran received the Life Saving Award and Minnesota State Patrol Accommodation Award. Lt. Gabe Tweten received a Distinguished Service Award. Lt. Josh Schroeder both received a Distinguished Service Award and 2022 Supervisor of the Year Award from the Minnesota Sheriff's Association.

Commissioner Gross asked if Clay County was looking to bring in any other prisoners. Ms. Tuton stated that the Clay County Correctional Facility has taken on some of Ramsey, Beltrami, and Morrison County's inmates. This helps those counties and financially helps Clay County. Clay County has also taken on more DOC inmates who can't get to prison or are waiting on a treatment bed, those inmates are also housed in Clay County.

Commissioner Ebinger expressed how proud he is of the Sheriff's Department and that he is truly grateful.

Request to Approve the Clay County Proclamation & Resolution Policy

County Administrator Steve Larson presented the Clay County Proclamation & Resolution Policy. The policy provides the County Administration with guidelines in responding to requests for Resolutions and Proclamations. It further outlines, in general, the reasons for Board Proclamations and Resolutions. This policy would help clarify the framework when Proclamations or Resolutions would and wouldn't be used. The Board often makes proclamations on Public Awareness, Art & Culture, and Special Honors. When looking at resolutions, there are a variety of different items, for example: Enacting a State of Emergency, Joint Powers Agreements, official newspapers etc. There is also a Statement of Influence, whether that is through AMC or through the Federal policy on NACO. What is nice about County Government is the Board is a non-partisan group, and decisions are made based on what is in the best interest of the citizens. This policy is not set up to deter anyone from the community to reach out on different issues. The community/citizens have access to the Board of Commissioners and have the opportunity to come before the Board during Citizens to be Heard. This policy is for a practice that is already being followed and the hope would be that it would formalize what's being done and have another piece of information we can provide the public.

Commissioner Mongeau mentions that this item has been through the Personnel Issues Committee and with much dialog it's being forwarded unanimously to the Board of Commissioners for action.

Commissioner Campbell wants to ensure that the policy covers when requests come in that could violate Federal or State Law. Attorney Brian Melton stated that this policy would cover those requests.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the Clay County Proclamation & Resolutions Policy.

Request Approval to Update Clay County Procurement & Contract Administration Policy

Mr. Larson presented the updated Clay County Procurement & Contract Administration Policy. Minnesota Statute M.S. 375.75 requires counties to provide a Procurement & Contract Administration Policy. The main goal of this Legislation and policy is to:

- Assure the lowest price for goods and services, through competitive bidding process,
- Provide uniform guidelines and procedures for all County departments, and
- Assure compliance with all applicable laws pertaining to the purchase of goods and services for governmental units.

Over the last few weeks, Auditor/Treasure Financial Manager Stacey Deelstra, County Attorney Brian Melton's office, Facilities Director Joe Olson and Highway Engineer Justin Sorum, have looked at the changes from a Legislative standpoint. Legislation provides the minimum standards. And counties can add additional policies on top of that. In the Procurement & Contract Administration Policy, the main changes are the threshold dollar amount for when Board approval is required, which is now at \$175,00 dollars. Department heads need to come before the Board if they spend over \$25,000 dollars or more. Mr. Sorum needs to come before the Board if he spends more than \$175,000 dollars. There is also a change in regards to how long the bid process needs to be advertised. Currently, the policy states that it needs to be advertised on three occasions and then 10 days after the last advertisement is when the Board can make a decision. Now, State Statute no longer requires waiting the 10 days before approval. Back in 2020 the Board of Commissioners also addressed the credit card daily and monthly limits, which has now been captured in the Procurement portion of the policy. Two years ago, the State of Minnesota stated that the EAC committee could no longer provide gift cards. The State Auditors office will also put out more specific information pertaining to gift cards. Moving forward, this policy will be brought to the Board on an annual basis. In the event that there are significant changes, the policy will be brought before the Board for approval. If there are no changes, the policy would be added to consent.

Commissioner Gross asked if the policy pertains to the Veterans Administration, as they distribute gift cards that are given to them through the Veterans Organization. Mr. Larson stated that there are guidelines on how gift cards are acceptable and currently the County is operating under an acceptable policy. However, depending on what the State Auditors Office decides, adjustments might need to be made in the future.

Commissioner Mongeau stated that the policy will allow Clay County to be more aligned with what the State Statute requires.

Commissioner Campbell asked if the numbers that are set for various projects would fall below the dollar amount listed in the policy. Mr. Larson confirmed that yes, the projected amounts for the multiple building project did fall below the \$175,000 limit.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved the updated Clay County Procurement & Contract Administration Policy.

Request Approval to Extended Moorhead Center Mall Lease - Department of Motor Vehicles

Mr. Larson requested approval to extend the Moorhead Center Mall Lease for Department of Motor Vehicles. On October 22nd, 2020, the Clay County Board of Commissioners entered into a lease for space for the Clay County Department of Motor Vehicle located within the Moorhead Center Mall in response to the COVID Pandemic. The terms of the lease were for 3 years, with a one two-year extension. The lease contract is set to expire October 31st, 2023. Clay County is required per the contract to provide a 180-day written

notification if it intends to invoke the extension. Terms for future years were set in the original lease contract: Year 4 - \$114,400 and Year 5 - \$114,400. Cost impacts would be \$19,066.67 for December 2023 from County General Reserve Funds. Remaining lease funding of \$209,733.33 will be factored into the 2024 & 2025 Annual Budget.

Commissioner Campbell discussed that when Clay County moved into the Moorhead Center Mall, there was an investment made in order to suit the County's needs. From a long term standpoint, the intention would be for the County to use the additional two years to make the investment worth while. Three years ago, there wasn't a set plan in regards to what would happen with that space. Now, there is significant movement for that location to evolve into something exciting for downtown Moorhead. The concern being, with the lease ending in October of 2023, that would not provide enough time for relocation. The goal would be to only relocate once and make it a permanent change. If Clay County could modify to a one-year lease with the option for an additional one-year extension, that should be considered. If the County could get out of that facility in 18 months, that would be better for us and the facility. The Building Committee's recommendations would be to discuss with Klein McCarthy, in regards to a new site location. Commissioner Mongeau agreed that the option for a one-year lease with an extension for an additional one-year lease is a great option. The location allowed for business to continue as normal during the pandemic, and the space continues to be a great fit for the DMV. However, there is a lot of discussion and movement with the site. The reality is, there isn't enough time for a permanent solution. And the next move needs to be a permanent move, because of the public component. County Attorney, Brian Melton stated that when the contract was written it was a one, two-year option. But it's plausible to negotiate to two, one-year extensions.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to send a letter to the owners with the option for a one-year lease with a possible one-year extension, with the same rates in the original contract.

Mr. Larson, mentioned that he spoke with Scott Fettig of Klein McCarthy this past week and Mr. Fettig will have information on a pre-design and two different location possibilities, by the end of the day. If the Building Committee wishes to bring that proposal to the Board, that will take place in the next few weeks.

Request Approval to Purchase CaseWorks Electronic Document Management System (EDMS) for Child Support Division

Social Services Director Rhonda Porter and Collections Supervisor Sandy Thorne requested approval to purchase CaseWorks Electronic Documentation Management System (EDMS) for the Child Support Division. Ms. Porter stated that currently, all other Social Services divisions are working with Next Chapter Technology for multiple electronic document management solutions (EDMS) called CaseWorks. The Child Support Division, however, is currently working with ApplicationXtender. Several editions have been purchased, going back to 2011 to include the Financial Services, Social Services, MNsure

and Accounting Editions. Social Services would like to finish implementing CaseWorks EDMS throughout our agency by adding the Child Support Edition.

Ms. Thorne discussed that Application Xtender basically holds case files. The division has been pleased with AppXtender, however, after discussing with other counties and seeing the demo, CaseWorks is more integrated. It would reduce keying errors, address errors, and allow for work to be completed more efficiently.

Ms. Porter discussed the cost impact. The first year (2023), there is a one-time cost which includes the licensing and the different pieces needed for implementation. Social Services does receive Federal financial participation specific to Child Support, which would allow to recapture revenue based on this expense. Ms. Porter recommends using the fund balance for the one-time cost of \$51,342. For year two (2024), the County is currently paying for ApplicationXtender and JetPCL. The funds from these two programs would be used to support the maintenance of CaseWorks going forward. The amount that would need to be added to the 2024 budget is \$6,126. Ms. Porter continued by stating that Technology Services bills the Social Services budget for hosting CaseWorks. Therefore, \$1,169 would be an additional amount in the 2024 budget for hosting. Otherwise, the dollar amount for hosting is already in the 2023 budget. The remaining cost would be for migration of files from AppXtender over to CaseWorks. The recommendation would be to use the fund balance for the one-time migration cost as well.

Commissioner Campbell stated that Child Support is the only department within Social Services that doesn't use CaseWorks and thinks there are time-savings qualities with the new program and that it's a good investment. Regardless of when it's implemented, Commissioner Campbell agrees that any one-time investment shouldn't come out of a single years budget process, instead it should come out of reserves.

Commissioner Campbell asked if there will be additional hardware costs after the implementation. Ms. Porter stated that the division and staff are pretty well set. If there were to be something that is needed, that could be managed within the 2023 budget.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the purchasing of CaseWorks for the Child Support Edition for Social Services utilizing fund balance for the one-time cost of \$51,342 and budgeting the annual maintenance and support costs starting in 2024.

Request Approval to Fill Vacated Deputy Appraiser Position

County Assessor Nancy Gunderson requested to fill a vacated Deputy Appraiser position and that it is a budgeted item.

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to hire for the vacated Deputy Appraiser position.

Request Approval to Purchase Semi Tractor

Solid Waste Manager Corey Bang requested permission to purchase a 2007 Sterling Semi tractor from the City of Moorhead. The City of Moorhead is offering to sell the truck to Clay County for \$20,000. Mr. Bang made some comparisons. A 2006 model with 322,000 miles would cost \$40,000 and a 2004 model with 440,000 miles would cost \$28,000. In addition, the tractors being offered from the City of Moorhead already have a wet kit on them, which would save roughly \$8,000.

Commissioner Campbell discussed that these machines are coming from an entity that kept up with the maintenance. It was suggested to review where the County sits in regards to the Resource Recovery Center being operational with the original investment and the original dollars that were available. If there are still available dollars, funds should come from there first for purchasing the semi-tractor.

Commissioner Gross asked if either of the tractors being offered are better than what we currently have. Mr. Bang stated that the models being offered are 2007 models, and Clay County currently has a 2014 model and a 2019 model. A 2023 model has been purchased and will arrive soon as well.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to purchase the 2007 Sterling Semi Tractor from the City of Moorhead at a cost of \$20,000.00.

Committee Reports/County Administrator Update/Discussions

- Commissioner Krabbenhoft reported on meetings for Clay County Substance Abuse Committee; Building Committee; Historical & Cultural Society; MetroCOG Policy Board; and Early Childhood Initiative.
- Commissioner Mongeau reported on meetings for Personnel Issues Committee; Finance Committee; DWI Specialty Court meeting with several judges in this area; and a conversation with a Becker County Commissioner regarding Clay County's Correctional Facility.
- Commissioner Campbell reported on meetings for the Building Committee; Finance Committee; and Solid Waste Advisory Committee.
- Commissioner Ebinger reported on meetings for Personnel Issues Committee; DWI Court meeting with several judges in the area; and orientation for AMC Board of Directors.
- Commissioner Gross did not have any meetings to report on.
- County Administrator Steve Larson reported on meetings for Personnel Issues Committee; Building Committee; discussed with Scott Fetig regarding pre-design for DMV; MCCJPA Preparation meeting; MACA Legislative Update with Matt and his staff, discussing House File 3, House 1377 County Program Aid, Legalization of Cannabis, Paid Family Leave and Medical Act; AMC Legislative Conference moved to a virtual option.

Adjourn

The meeting was adjourned at 10:35 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator