

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, FEBRUARY 28, 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, and Kevin Campbell. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, 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 Krabbenhoft, and unanimously carried, the Board approved the agenda with the addition: Approval of Fee Payment for Clay County Substance Use Crisis Center Plan Reviews by the State of Minnesota.

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 Campbell, and unanimously carried, the Board approved the payment of bills & vouchers totaling \$893,633 from 145 vendors. There were 79 warrants issued under \$2,000 (\$30,440) and the following 66 were over \$2,000.

Otter Tail Public Health	\$ 254,127	Commissioner Of Finance, Treas Division	\$ 4,800
Clay Co Public Health	\$ 114,117	STEAMATIC of the Red River Valley	\$ 4,277
West Central Regional Juvenile Center	\$ 58,143	Aaron R Thom	\$ 4,186
Trinity Services Group, Inc.	\$ 41,891	Johnson's Auto Repair LLC	\$ 4,127
Dakota Plains Mechanical, Inc.	\$ 32,440	Minnkota EnviroServices, Inc.	\$ 3,986
City Of Moorhead	\$ 20,000	RDO Equipment Co.	\$ 3,977
Historical & Cultural Society Of Clay Co	\$ 16,461	Ehlers	\$ 3,750
Xcel Energy	\$ 16,431	JT Lawn Service	\$ 3,742
CB & Sons Electric, Inc.	\$ 14,274	Fevig Oil Co	\$ 3,539
Becker County Public Health	\$ 9,813	Uline	\$ 3,168
Chiller Systems Inc	\$ 9,577	Fremstad Law Firm PLLC	\$ 3,000
MN Department of Public Safety	\$ 8,788	RRBD LLC	\$ 3,000
Treas Of Egdon Twsp	\$ 8,582	Treas Of Alliance Twsp	\$ 2,730

Treas of Flowing Twsp	\$ 8,582	Treas Of Barnesville Twsp	\$ 2,730
Treas Of Glyndon Twsp	\$ 8,582	Treas Of Cromwell Twsp	\$ 2,730
Treas Of Goose Prairie Twsp.	\$ 8,582	Treas Of Elkton Twsp	\$ 2,730
Treas Of Keene Twsp	\$ 8,582	Treas Of Elmwood Twsp	\$ 2,730
Treas Of Parke Twsp	\$ 8,582	Treas Of Felton Twsp	\$ 2,730
Treas Of Riverton Twsp	\$ 8,582	Treas Of Georgetown Twsp	\$ 2,730
Treas Of Skree Twsp	\$ 8,582	Treas Of Holy Cross Twsp	\$ 2,730
Treas Of Spring Prairie Twsp	\$ 8,582	Treas Of Kragnes Twsp	\$ 2,730
Treas Of Tansem Twsp	\$ 8,582	Treas Of Kurtz Twsp	\$ 2,730
Treas Of Hagen Twsp	\$ 8,582	Treas Of Moland Twp	\$ 2,730
Treas Of Hawley Twsp	\$ 8,582	Treas Of Moorhead Twsp	\$ 2,730
Treas Of Highland Grove Twsp.	\$ 8,582	Treas Of Morken Twsp	\$ 2,730
Treas Of Humboldt Twsp	\$ 8,582	Treas Of Oakport Twsp	\$ 2,730
Northwest Regional Development Commission	\$ 8,194	Treas Of Ulen Twsp	\$ 2,730
Treas Of Hitterdal City	\$ 7,840	Treas Of Viding Twsp	\$ 2,730
City of Glyndon	\$ 7,279	Johnson Hydraulic Service Inc.	\$ 2,291
Wilkin Co Public Health	\$ 6,448	Mn Dept Of Labor & Industry	\$ 2,272
Schmidt/Shawn	\$ 6,000	FM Ice Dams	\$ 2,193
Toay/Brian P	\$ 6,000	Moorhead Public Service	\$ 2,182
Rick Electric Inc	\$ 4,975	Thomson Reuters - West 590031	\$ 2,041

Approval of Minutes from February 14, 2023

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the minutes from February 14, 2023.

Annual Department Update - West Central Regional Juvenile Detention Center

Juvenile Director James O'Donnell gave an annual update on the West Central Regional Juvenile Center (WCRJC). Clay County has both a Non-Secure and Secure program. The Secure program is a collaborative program with 10 member counties: Becker, Cass, Clay, Douglas, Grant, Otter Tail, Stevens, Todd, Traverse, Wadena and Wilkin. Members consist of 55% of the population. Non-members (different counties in MN and ND) consist of 45% of the population. When member needs pick up, non-members taper off and vice versa. Secure Detention License consists of secure detention and secure residential. Non-Secure License consists of emergency, stabilization, evaluations, specialized specific and CLIPS. There is a total of 45 full-time employees and 66 variable-hour employees. The WCRJC provides many services to the youth, the biggest service being Moorhead Public Schools. Mr. O'Donnell discussed secure trends, non-secure trends and the 10 key ingredients for trauma-informed care.

Commissioner Gross asked how many youth are currently at the Juvenile Detention Center. Mr. O'Donnell stated overall there are 62 youth currently at the WCRJC.

Commissioner Krabbenhoft asked how long the non-secure program has been around

and if there are times where a parent can place their youth in the non-secure program or if it's only through a social system. Mr. O'Donnell stated that youth are placed in the non-secure program by a professional. Commissioner Campbell stated that the non-secure program has been running since 1997.

Commissioner Campbell asked if medical staff were available at the center 24/7 and if there was any current legislation going on regarding Juvenile Detention. Mr. O'Donnell stated, unfortunately there is not medical staff on duty 24/7. HF 1233 will be in discussion which covers visual inspection of delinquent youth in detention facilities prohibited, and disciplinary room time (DRT). The issue being licensing states that disciplinary room time is the process that must be used. Commissioner Campbell stated that it's important for the safety of the staff and youth, that there be some form of DRT. Mr. O'Donnell agreed and stated that the WCRJC houses the most violent youth in the region. If those youth continue to be in an environment that is not managed by staff in a pro-social way, it can be difficult to enforce safety and security.

Commissioner Campbell asked that Mr. O'Donnell keeps them informed so the Board can be involved to help in any way possible.

Annual Department Update - Solid Waste

Solid Waste Manager Corey Bang gave an annual update on Solid Waste. The landfill is currently fully staffed and the expansion project has almost reached completion. In 2022, there was a total of 2.8 million gallons of leachate hauled to Fargo, which cost \$196,000. Mr. Bang is currently working out a contract with the City of Pelican Rapids to haul some, if not all, of the leachate. If the deal goes through, this would save \$84,000 next year. There will be a 6-month trial period with the City of Pelican Rapids in hopes of a contract starting April 1, 2023. Mr. Bang discussed the different materials processed at the landfill, PFAS contamination, and the next steps for testing.

Recycling and Household Hazardous Waste consists of 2 full-time and 1 part-time employee. Mr. Bang discussed statistics on the different recyclables that were processed in 2022. Effective March 1, 2023, glass will need to be single-sort recycled. This will impact the numbers for 2023 as it's the heaviest recyclable, which will reduce the volume. Household hazardous waste serviced 2,188 households in 2022, totaling 93,399 pounds of waste. Of the total serviced, 385 households had universal waste, such as antifreeze, oil, etc., and 6,035 pounds of waste was exchanged through the re-use program.

The Perham Resource Recovery Center is running well. In 2022, Clay County produced 90 loads, coming up short due to staff shortages. With the new Resource Recovery Center opening, the volume is slowly being gained back. The Clay County Resource Recovery Center (RRC) opened February 6, 2023 and overall is flowing well.

Commissioner Mongeau commended Mr. Bang for coming on board during the middle of a project, while also staying healthy dealing with personal issues. Commissioner

Mongeau is appreciative that Mr. Bang is seeking out a possible option for leachate for potential savings and thanked Mr. Bang for his team and their work.

Request Approval to use Resource Recovery Center Funds to Purchase a Trailer and Skid Steer.

Solid Waste Manager, Corey Bang requested to purchase a trailer and skid steer with the Resource Recovery Center (RRC) funds. Purchasing a new trailer would benefit the amount of garbage that can be hauled. Mr. Bang stated that if this were approved, the old trailer would be sold for trade-in value. The price range that has come back on the value of the old trailer is between \$40,000 and \$60,000. The new trailer would cost \$106,414 with a \$124 fee for licensing, so the total cost of the new trailer would be anywhere between \$36,700 and \$56,700, with the sale of the old trailer. A third trailer will be needed once the summer approaches due to increased volume of solid waste. There is also a need for a new skid steer. The cost for a new skid steer would be \$46,829.20 per the RDO bid. The total purchase price being requested is between \$83,529.20 and \$103,529.20. This would leave the remaining fund balance somewhere between \$140,000 and \$160,000 to cover any costs that come up in the future.

Commission Campbell expanded further where the dollars would be coming from. The report that was received from the Auditor stated a remaining \$364,000 is left from the RRC project, that includes the remaining owner contingency that was unspent, which was around \$45,000. There are still some projects that will need to be funded with these dollars, which would leave \$245,000. Since Clay County started delivering solid waste to Perham, we have an 8,400-ton agreement. The first 6,000 tons are a trade, so the county pays for 2,400 tons per year to be sent there. At \$135 per ton, that's around \$320,000. At the end of the year, Clay County was down by 1,000 tons, which is paid for whether it's delivered or not. Therefore, with a new trailer, it would allow the County ability to deliver those tons.

Commissioner Krabbenhoft asked what the life span of a skid steer would be. Mr. Bang stated the lifespan of the machinery would last more than 10 years, since the use of it wouldn't be too extensive. Commissioner Campbell stated that over the years, Solid Waste has been working with the Auditor to build up and establish an internal service fund. Therefore, incorporating additional dollars into the annual budget for when equipment needs replacing, rather than pulling dollars out all at once.

County Administrator Stephen Larson stated that if the Board were to entertain a motion, a specific dollar amount would be needed. Commissioner Krabbenhoft stated that the high end of the requested funds would be \$103,529.20, which Mr. Bang confirmed.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the purchase of the trailer at \$106,338, with the ability to negotiate the trade-in value of the County's trailer, and the purchase of a skid steer at \$46,829.20 with the funds coming from the remaining project costs for the RRC.

Request Approval of Final Contract Voucher for SAP 014-612-019

County Engineer Justin Sorum requested approval of the final contract voucher for SAP 014-612-019. This was a Mill & Overlay project that was completed by RJ Zavoral & Sons, Inc. this past summer on CSAH 12. The project went from the Red River to CSAH 11. The initial bid was \$2,229,247.65 and the final amount came out to be \$2,174,732.18.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved the final contract voucher for SAP 014-612-019 in the amount of \$112,244.48 to be paid to RJ Zavoral & Sons, Inc.

Request Approval of Construction Services Contract

Mr. Sorum requested approval of the Construction Services Contract with Ulteig. This is for the Glyndon LPP Project where Ulteig did the design on the project. This is a change order to the original design contract. The LPP funding that was received for this project covers \$30,370.37 of the proposed \$74,000, with the remaining being split 50/50 between the City of Glyndon and Clay County. This was budgeted into the consulting budget for 2023. Mr. Sorum stated that this was planned but didn't know originally what the cost would be or the year of construction, which is why it's a change order and wasn't included in the original budget.

Commissioner Campbell asked why there was a change from the original cost of \$30,000 to now \$74,000. Mr. Sorum stated that MnDOT covers 8% of the original grant amount and the bid amount was higher. The \$74,000 is an estimate that is not to be exceeded. It's an hourly rate based on what Ulteig will spend. Mr. Sorum does not anticipate it to be that high.

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the change order in the amount of \$74,000 to include construction administration services with Ulteig.

Request Approval of Scope Amendment for CSAH 2 Reconstruction

Mr. Sorum requested approval of the scope amendment change order to include a drainage study for CSAH 2 Reconstruction Project in Comstock, MN with Ulteig. Ulteig conducted additional drainage analysis per the direction of the Diversion Authority. The change order also includes construction services for the project. Clay County signs the contract but essentially the Diversion authority will be paying the cost of this change order. The Diversion Authority has reviewed and approves of this change order.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Campbell, and unanimously carried, the Board approved the scope amendment change order for County Road 2 Reconstruction project in the amount of \$277,000 with Ulteig.

Request Approval of Resolution 2023-08 for Federal Raise Grant

Mr. Sorum requested approval of Resolution 2023-08 for Federal Raise Grant. Spring

Prairie Township is working on Federal Raise Grant application and asked for Clay County's support through a resolution, similar to the LRIP project. This is a township road that is used heavily throughout the year by aggregate producers and the Precast Concrete Facility. It's a gravel road that doesn't hold up to the traffic that it sees on a regular basis.

Commissioner Mongeau mentioned that during the Planning Commission meetings, it's usually recommended that this road be used to avoid a nuisance to the residents, so anything that can be done to find additional funds to reconstruct that road would help.

Commissioner Gross asked if there would be an alternate route during the reconstruction. Mr. Sorum stated that yes, there is a backroad that can be used through a gravel pit towards the north.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved Resolution 2023-08 in support for 70th Ave Reconstruction in Spring Prairie Township.

Commissioner Campbell asked if Clay County is informed on who is successful with the grant and if there is a timeframe involved. Mr. Sorum informed the Board that the County doesn't get informed in regards to who is successful with the grant. The timeframe is typically anywhere from 3-6 months since it's a very competitive grant.

Commissioner Mongeau thanked Mr. Sorum and his crew during and after the recent snow storms.

Resolution 2023-08
RESOLUTION OF PROJECT SUPPORT FOR
Spring Prairie Township – 70th Ave North Reconstruction

WHEREAS: Spring Prairie Township does not qualify for use of State Aid road funds and must rely on local funds, general tax levy, State Funding sources, and Federal Funding sources for roadway improvements within the Township, and

WHEREAS: Spring Prairie Township is applying for funding through the RAISE Federal Grant Funding Program for reconstructing approximately 3.2 miles of 70th Ave North from State Highway 9 to Township Road 170th Street North; and

WHEREAS: Spring Prairie Township understands that it will be responsible for all costs not covered by the RAISE Federal Grant Funding Program including engineering and right of way costs and any construction costs over the RAISE Federal Grant Funding cap; and

WHEREAS: Spring Prairie Township will maintain the road for the lifetime of improvements.

NOW, THEREFORE, BE IT RESOLVED; that the County of Clay hereby supports Spring Prairie Township's reconstruction of approximately 3.2 miles of 70th Avenue North utilizing RAISE Federal Grant Funds including the responsibility for seeing this

project through to its completion, with compliance of all applicable laws, rules, and regulations.

Request Approval to Replace a Part Time Employee

Public Health Administrator Kathy McKay and Detox Director Troy Amundsen requested approval to replace a part-time employee. This position is already in the 2023 budget.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the hiring of a 0.6 part-time employee position for Public Health.

Addition: Approval of Fee Payment for Clay County Substance Use Crisis Center Plan Reviews by the State of Minnesota

Ms. McKay and Mr. Amundsen, requested approval of fee payment for the Clay County Substance Use Crisis Center plan review by the State of Minnesota. The following plan reviews are required:

1. The Department of Labor for \$29,560.37
2. Plumbing Plan Review through the Department of Labor for \$2,272
3. The Department of Health for \$4,800

Commissioner Campbell stated that agenda additions are not typically allowed if they include money or funds without giving the public awareness ahead of time. However, this is an example during building construction where a decision needed to be made prior to the next board meeting, otherwise it may have caused a delay and/or could have been costly.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the plan review fees for the Clay County Substance Use Crisis Center in the amount of \$29,560.37 to the Department of Labor, \$2,272 for plumbing plan review through the Department of Labor, and \$4,800 to the Department of Health.

Request Approval of the Contract Amendment #3 to the Buffalo River Flood Insurance Study

Planning & Zoning Director Matthew Jacobson requested approval of the Contract Amendment #3 to the Buffalo River Flood Insurance Study. The original contract for \$78,000 was initiated in 2017. This is just north of Glyndon and goes to the south just past the Buffalo Speedway. The first contract amendment occurred in 2018 for \$29,902. A second contract amendment for \$37,268.75 was approved in 2020. The Buffalo Red River Watershed District (BRRWD) has provided a 50% cost-share for this project. This stretch of the Buffalo River has proven difficult to model and there have been challenges working with reviewers from FEMA. From mid 2021 to early 2022, there was

hope that this was almost complete. Letters were sent out to landowners notifying them of the changes. During that process, there was a change in reviewers. The new reviewer had additional comments and requested additional information on the study. Mr. Jacobson introduced Greg Thielman with Houston Engineering. Mr. Thielman would be able to answer any detailed questions regarding technical details on the project.

To address the concerns of the FEMA reviewer, an additional \$35,066 is needed to complete the work. This project is cost-shared 50/50 with the BRRWD. The BRRWD have cost-shared the original contract and the two subsequent amendments to date. If this contract amendment were to be approved, the BRRWD would discuss the continuation of cost-share, at their March 13, 2023 meeting. Houston Engineering has already begun the work to address these FEMA comments to meet the 90-day response period.

Commissioner Gross asked if the land owners in that area have had to pay higher insurance rates. Mr. Jacobson stated there were about 19 homeowners that would have been positively impacted. They would have been removed from the floodplain, but it's likely that the base flood elevations could be lowered. Therefore, they would still have to carry flood insurance, but their rates could be lower.

Commissioner Krabbenhoft stated in his experience, it could roughly take FEMA about a year before they finalize their rates and wondered if Mr. Jacobson or Mr. Thielman could speak to that. Mr. Jacobson was unsure, but he would not be surprised. Mr. Thielman stated that once maps go effective, depending on the renewal timeline, if the land/homeowners are proactive they can work with their agent and get relief on the premiums that have been paid for the future.

Commissioner Campbell asked if there are different categories that allow flood insurance to be reduced. Mr. Jacobson stated depending on the elevation relative to the base flood elevation, would have an impact on the premium that is owed. Numbers are dependent on unique homeowners situation. Mr. Thielman stated this area was previously mapped based on the elevations on the Buffalo River, which is now being modeled as a separate breakout corridor.

Commissioner Campbell stated that splitting the initial cost would be the appropriate route. Clarification was made that Clay County should pay half of the \$35,066, and if the BRRWD agreed to the cost-share, then, the Board would make the resolution for the second half, which would then be reimbursed to Clay County by the BRRWD. Commissioner Gross stated that Clay County would still be responsible for the full amount of \$35,066, whether the BRRWD participated or not. Commissioner Mongeau agreed. Commissioner Mongeau further stated, knowing the timeframe, in order to expedite the process, it would be her recommendation for Clay County to approve the full amount now, and later have the BRRWD reimburse their portion, if they choose to cost-share.

On motion by Commissioner Campbell, seconded by Commissioner Krabbenhoft, with

a 3-1 vote, the Board approved to fund half of the contract amendment amount for the Buffalo River Flood Insurance Study Update with Houston Engineering, Inc. totalling to \$17,533.

Committee Reports/County Administrator Update/Discussions

- Commissioner Mongeau reported on meetings for Red River Watershed Management Board joint conference with Red River Basin Flood Damage Reduction; Planning Commissioner; Second day of Red River Watershed Management Joint Conference; Virtual AMC Legislative Conference; meetings with Representative Joy, Representative Kiel, and Senator Mark Johnson; meetings with Commissioner Strommen with MNDNR; Extension Committee; MCCJPA; Conversation with MSUM student for Women Studies class; Annual Lakeland Mental Health Board; Lakeland Mental Health Center; Lakes & Prairies Community Action-CAPLP; and AMC Environmental & Natural Resources Policy.
- Commissioner Campbell reported on meetings for Virtual AMC Legislative Conference; meetings with Representative Joy, Representative Kiel, and Senator Mark Johnson; MCCJPA; FM Diversion Authority;
- Commissioner Krabbenhoft on meetings for Adult Mental Health LAC; Virtual AMC Legislative Conference; AMC Health & Human Services; Lakes & Prairies Community Action-CAPLP; Annual Lakeland Mental Health Board; Cass Clay Food Commission;
- Commissioner Gross reported on meetings for Rural Cities and County; Virtual AMC Legislative Conference; meetings with Representative Joy, Representative Kiel, and Senator Mark Johnson; AMC General Government; Partnership4Health CHB; Lakeland Mental Health Center.
- County Administrator Steve Larson reported on meetings for Virtual AMC Legislative Conference; met with Brian Melton, Kathy McKay, Troy Amundsen, Rhonda Porter, Kirsten LaPard on Substance Use Crisis Criteria; MCCJPA; met with Joe Olson on Risk Management Program; met with Darren Brooke on HR issues; met with Kathy and Troy regarding congressional spending opportunities; an Amended Lease contract was sent to Roers by Attorney Brian Melton for the Department of Motor Vehicles; Clay County Association of Township Officers will be held at March 20, 2023 - Location change to RRC; Sending emails out to check availability for Rural Cities meeting.

Adjourn

The meeting was adjourned at 10:38 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator