

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, MAY 9, 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, 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 Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda.

Tax Abatement for Bosek Properties, Moorhead, Due to Reduction in Evaluation for Payable Years 2021, 2022, and 2023.

By consent the Board approved the Tax Abatement for Bosek Properties, Moorhead, due to reduction in evaluation for payable years 2021, 2022, and 2023.

Citizens to be Heard

There were no citizens to be heard.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$1,078,642 from 126 vendors. There were 88 warrants issued under \$2,000 (\$34,072) and the following 38 were over \$2,000.

Department Of Corrections	\$ 413,901	Farmers Coop Oil Co	\$ 6,278
Dennis Drewes Inc	\$ 123,045	Forum Communications Printing	\$ 6,194
Advanced Correctional Healthcare, Inc.	\$ 94,337	Netwrix Corporation	\$ 5,246
Clay Co Public Health	\$ 75,731	Marco Technologies LLC	\$ 4,744
West Central Regional Juvenile Center	\$ 58,551	Sabin C Store	\$ 4,675
Lakes & Prairies Community Action, Inc	\$ 51,500	Widseth Smith Nolting & Associates Inc.	\$ 4,642
Prairie Lakes Municipal Solid Waste Auth	\$ 26,028	Dean's Bulk Service	\$ 4,475
Otter Tail Public Health	\$ 21,887	Melanie Ferris Consulting, LLC	\$ 4,400
Clay Trail Alliance	\$ 17,411	FIREGUY	\$ 4,390
Petro Serve Usa-Hwy	\$ 13,756	Town & Country Oil Inc.	\$ 4,218
SHI International Corp	\$ 13,665	Lereta, LLC	\$ 3,873
Uline	\$ 8,694	Moorhead Public Service	\$ 3,833
Nitzkowski, Inc.	\$ 8,310	Becker County Public Health	\$ 3,749
Verizon-386550144	\$ 7,565	Wilkin Co Public Health	\$ 2,978
Powerplan	\$ 7,505	Advanced Engineering & Environmental	\$ 2,825

Johnson's Auto Repair LLC	\$ 7,282	River Valley Forensic Services, PA	\$ 2,750
High Point Networks, LLC	\$ 6,586	Barnesville C-Store	\$ 2,427
Pemberton Law, P.L.L.P.	\$ 6,400	Stellar Services, LLC	\$ 2,257
Ramsey County Med Exam	\$ 6,357	West Central Regional Juvenile Center	\$ 2,092

Approval of Minutes from April 25, 2023

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from April 25, 2023.

Presentation of the 2023 MCIT Report

MCIT Risk Management Consultant Tom Suppes presented the 2023 MCIT report including History, Reinsurance Maintained at Acceptable Costs, Cyber Coverage, Dividends, Rates, Aggregate Workers' Compensation Claims and Affects, Aggregate Property Casualty Claims, Consultation Services, Awareness and Prevention, Trainings, and Access to Service Partners.

Commissioner Gross asked how they would know if the County is covered in all facets. Mr. Suppes clarified his statement meaning MCIT is continually trying to change and update coverage based on the County's needs. County Administrator Stephen Larson clarified the process of submitting purchases to MCIT to receive insurance.

Commissioner Krabbenhoft asked if rates are set based on the projection of factors for workers' compensation and if the dividend itself is the refund. Mr. Suppes stated that dividends look to the past. The past claim experience is examined and determined if it was as expected, more than expected or, less than expected. This is a big part to whether dividends are available. 2022 was the first year where property casualty did not have a dividend. Because the claim activity around property casualties was more than expected. MCIT investments can only invest as the County can. The property casualty was fine and fully funded, however, there was not enough excess to return money, but there was for workers compensation. Rates look forward and are built by looking at all members exposures, MCIT operations costs and what would be anticipated.

Commissioner Krabbenhoft asked if it was based on Clay County alone, or MCIT as a whole. Mr. Suppes stated it's based on MCIT as a whole and then it's a portion by each members contribution.

Commissioner Campbell asked if there are tools to ensure items have coverage. Mr. Suppes discussed having some tools available and that this past year, there was a virtual program about protecting property which was attended by many. This allowed departments to identify what needs coverage. Mr. Larson stated that every year, MCIT does provide the County with a list of items that are insured and covered. This would allow for department heads to review and determine if there are any discrepancies.

Request for Letter of Support to Send to State Legislatures Advocating for a Fingerprinting Site in Clay County

Commissioner Mongeau discussed some background regarding the issues citizens were dealing with regarding fingerprints and background studies. Moorhead and Clay County citizens are having to drive to Fergus Falls in order to be fingerprinted. There were several complaints about this issue, so the Department of Human Services (DHS) contracted a company that opened a site at the Marriott in Moorhead. However, the hours of operation were problematic and inconsistent. Since then, the company was moved to Fargo, ND. Fingerprinting is a requirement for several professions and a location within Clay County is necessary. Now, hearing about how the Fargo location is backlogged with a 6-week delay.

Commissioner Mongeau had a discussion with Mayor Shelly Carlson, Derrick LaPoint, Representative Keeler, and Social Services Director Rhonda Porter regarding this issue. Clay County is the fourth fastest growing metro in the state; therefore, there needs to be more pressure on DHS for a local site.

Social Services Director Rhonda Porter discussed having multiple conversations regarding this topic with the Governor's Office, DHS, Local Legislators and more and have been continuing to work on this issue, but not only for fingerprints but for background studies as well.

Social Services Supervisor Jessica Mickelson provided information regarding the number of background study applications that DHS has processed in the last year which was 544,000. They are working with over 35,000 different entities/employers. For the background study to be completed, those individuals need to be fingerprinted. In 2017 Net Study was launched through DHS, since then Clay County has had 4 different agencies enter a contract with IDEMIA, the company that oversees fingerprinting for the state of MN. Those different agencies include CCRI, Connections and Access of the Red River Valley. Clay County is processing 400 fingerprints per month, which is impactful, but because of that number, IDEMIA will only allow Clay County to have one fingerprinting location.

Social Worker Alex Ishaug stated it becomes an issue because the individuals who need to be fingerprinted only have a two-week period to complete their fingerprints once they set up their account in Net Study. There is the option to ask for a 30-day extension but, for example, if the Fargo site only has 4 days during the month of May in which they conduct fingerprinting, that could potentially be outside of the two-week window. It's unreasonable to have providers and applicants drive to other locations especially when Clay County is the size that it is.

Commissioner Gross asked for clarification on what the two locations were. Ms. Mickelson stated that Fergus Falls and Ogema both have fingerprinting locations. However, the contract DHS has with IDEMIA states that no fingerprint applicant should have to travel more than 35 miles to get their fingerprints taken. Even though the Fargo site is available, when only 4 days are offered during the month of May to conduct fingerprints, it's not a feasible site. Not only does the number of days pose an issue, the Fargo site only has one employee who can conduct Minnesota background studies.

Commissioner Ebinger asked if the State had a contract exclusively with IDEMIA. Ms. Mickelson confirmed that was correct, the contract is exclusively with IDEMIA. IDEMIA is a nationwide company, and they provide services for the majority for Government entities. Commissioner Mongeau stated it's not just Clay County, it's anyone who needs this service completed, they only have the 4 days in May to do it.

Ms. Mickelson discussed how IDEMIA originally contracted two of their employees to set up a site in Clay County to conduct these background studies. However, they were operating out of a hotel room at the Marriot in Moorhead. This location was not professional and made individuals uncomfortable. Ms. Porter has spoken with Mr. Larson and Facilities Director Joe Olson to possibly provide IDEMIA a space within the Family Service Center, in hopes that they would temporarily send staff to add additional fingerprinting days, so it can be done locally. Commissioner Mongeau thinks including the offering of space needs to be included in the letter of support. Not only has Clay County offered a location but Eventide and MState have also offered sites. Ms. Porter discussed having a conversation with President Carrie Brimhall of MState and how they have expressed interest in providing this service. However, there was concern on how to make this sustainable long term based on the gap between the income vs. the cost.

Commissioner Campbell asked if DHS have sole control over the ability to hire for fingerprinting and background checks. Ms. Porter stated that DHS has authority over the contract with IDEMIA. Commissioner Campbell asked if Clay County can't get the proper support if there would be an option to

do something on our own. Ms. Porter was not sure if that was possible. Commissioner Mongeau stated based on conversations with the Assistant Commissioner of DHS, they advised to send a letter of support to help take this issue in the direction that is needed.

Commissioner Ebinger discussed the system that is needed is an automotive system, it's not ink and roller. Equipment is needed in order to transmit the data into the DHS server. Ms. Porter stated that there is an option to let IDEMIA know that Clay County is willing to be the entity to operate the site. The County would set the hours and IDEMIA would pay the County per applicant fingerprint that is completed. However, there would be a gap between the cost and the income. If this route is taken, and we serve the community, IDEMIA would provide the equipment. Commissioner Ebinger believes that there are individuals who are competent to run the equipment and it would be a nice option for extra hours or a second job. Ms. Porter did ask for the contract and requirements that would be necessary if Clay County wanted to be a site, so that information is available. If the Board would like, a smaller committee could be formed to further discuss what that would look like.

Discussion ensued regarding acquiring the equipment to provide these services if the slow response time continues, the IDEMIA contract, and similar issues regarding adequate services for the community and citizens.

Commissioner Gross asked which department would be the ones to provide the services. Ms. Porter stated under the contract, IDEMIA requires three people to be trained and the more availability or hours offered, the payment could fluctuate per applicant fingerprint. More discussion is needed to determine which department should be the host.

Commissioner Mongeau stated the action that she would like to Board to support is to send a letter of support in collaboration with the Social Service Department and the City of Moorhead to all elected leaders in Clay County including Representatives Joy, Keeler, Keil, and Senator's Kupec and Johnson and to copy DHS and the Governor's Office on this.

Commissioner Campbell asked if Clay County has the ability to house these services. Mr. Larson stated he has been in discussion with Facilities Director Joe Olson to set something up in the conference space at the Family Service Center (FSC). This would allow easy access for the public and since it wouldn't be full-time, they would tear down each day, allowing the space to still be utilized by staff.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved to send a letter of support to State Legislatures advocating for a fingerprinting site in Clay County including the willingness to house that site in the FSC.

Recognition - Proclamation for Childcare Provider Appreciation Day - May 9th, 2023

Childcare Provider Appreciation Day is recognized nationwide. Childcare provides youth with critical enrichment opportunities and nurtures development of children of all backgrounds and is the vital building block of the economy. Through the hardships of the COVID-19 pandemic, providers continued to meet the needs of families by remaining open during this difficult time.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board read and adopted the Proclamation for Childcare Provider Appreciation Day - May 9th, 2023.

Social Worker Julie Klier discussed the upcoming legislature regarding the family childcare statues for Safe Sleep and Fire Codes. Safe Sleep is moving towards the same alignment with the American

Academy of Pediatrics. And Fire Codes will mimic the State Fire Marshal Codes. Family in home childcare will be moving to an online application process. As well as moving to continuous licenses, meaning licenses won't be renewed every two years, it will run from January through December. This change will give licensures the opportunity to visit childcares at different times through the year, compared to being centered around when they were licensed. The state has proposed funding for the transition. Fees for new applicants and ongoing licensing fees will be waived or funded through the state.

Ms. Mickelson discussed the meeting with the CEO of Creating Community Consulting Karen Pifher. Ms. Pifher met with Senator Kupec, City Council woman Deb White, Thomas Hill from Essential and representatives from Jasmine Childcare. During that meeting Senator Kupec offered to author a bill to request the \$40,000 feasibility study money that is needed to get the multi-use building in the Romkey Park neighborhood that would house the Jasmine Childcare Center. Ms. Pifher also shared that the Cass Clay Community Land Trust has submitted two proposals, one to Senator Klobuchar and one to Senator Smith, both for \$1 million, for funding to support the project.

Commissioner Campbell asked about the fee waivers that were provided through ARPA. Ms. Klier stated that ARPA funding was received and is available until May 2024. The continuous license would start January 2024, so there would be some overlap, but not much. Commissioner Campbell asked if the state also has a fee. Ms. Klier stated that they do not. Their understanding is that with the continuous license the state will be collecting the funds and then redistributing those to the counties.

Recognition - Proclamation for Foster Care Appreciation Month - May 2023

The month of May is Foster Care Appreciation Month. Foster parents provide an invaluable service to children, youth, and families. These families serve as the primary source of love, identity, self-esteem, and support, and are the very foundation of our community. Foster parents are generous, nurturing and provide safety, guidance, hope, and love in a safe, secure, and stable home.

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board read and adopted the Proclamation for Foster Care Appreciation Month - May 2023.

Social Worker Gail Burnside provided an update regarding foster care homes. Currently there are 36 non-relative foster homes, with 14 individuals/families who are in current application to be licensed. And 17 relative foster homes with 8 individuals/families who are in current application to be license.

Commissioner Gross asked if there ever comes a time of running out of foster care homes and if so, how is that situation handled. Ms. Burnside stated there are a lot of youth placed within the state that don't meet the County's level of care that can be provided. Because of that, those youth are being placed with a therapeutic foster care agency, group home setting with a higher level of care. Commissioner Krabbenhoft asked how the County was doing with the group of youth whose needs can be met. Ms. Burnside stated that more foster care homes are always needed.

Commissioner Krabbenhoft asked for clarification on the 17 relative homes. Ms. Burnside stated those cases are when children or youth are placed in the foster care home of a relative. That being anyone from grandparents, aunts, uncles, and significant relationships with the youth.

Commissioner Mongeau asked who the contact would be if a citizen wanted to help and donate items to these children. Ms. Burnside stated she knows that donations do happen, but she is not aware of where those are stored or how they're being donated. Commissioner Mongeau thinks it would be helpful knowing that information so she can pass along the information to those who reach out. Mr. Porter stated

she is the contact for those types of donations.

Request Approval to Purchase 2 Tandem Axle Plow Trucks

County Engineer Justin Sorum requested approval to purchase two tandem axle trucks from Wallworks in Fargo, ND. Mr. Sorum has been working with Wallworks since 2021 to get on a list to make a purchase and the opportunity to buy has become available. This purchase would replace unit 155, a 2006 Volvo, and unit 172 a 2009 Mack. Internal service funds will be used from Units 120 and 127. There is a shortage and that will be covered from Unit 153, a fiat blade that is not intended to be replaced. With the quote from Wallworks, sourcewell pricing would be used in the amount of \$173,733 per truck and the box, hydraulics, plow and snow equipment, that would be coming from Tow Master which is a MN State Bid item at \$162,929 per truck.

Commissioner Mongeau asked when the trucks will be fit up and delivered. Mr. Sorum stated the chassis will arrive between the third and fourth quarters. The snow equipment would potentially arrive by next April 2024. Therefore, being able to use these trucks next winter is slim.

Commissioner Mongeau wanted further clarification on the shortage that was identified. Mr. Sorum stated \$40,462.20 is a shortage from units 120 and 127 and \$115,497.54 is the Internal Service Fund from the Fiat Motorgrader. The total of \$40,462.20 would come out of the \$115,497.54 balance.

Mr. Sorum also requested to sell units 155 and 172 on MinnBid but would like to wait and see what the market is doing as far as a minimum bid. Commissioner Mongeau stated there is a chance the minimum bid would be low based on what the market is doing.

Commissioner Gross asked how many freightliners the County currently has. Shop Foreman Clayton Larson stated currently, there is one Kenworth, one Volvo, one Mack and nine freightliners in the fleet.

Commissioner Campbell further discussed the money coming from the Fiat blade and after using the \$40,462.20, the remaining \$75,000 would be distributed in other areas within the Highway Department.

Discussion ensued regarding the rotation of motor graders and warranties.

Commissioner Krabbenhoft asked how would purchasing of the trucks work with the budget if they cannot be received until April 2024. Mr. Sorum stated the purchase of the truck chassis would be part of the 2023 balance. The snow equipment will be the 2024 balance since it will not be available until then.

Commissioner Mongeau asked if Wallworks is currently doing warranties on any other equipment the County has. Mr. Larson stated Wallworks is not and that the warranties have to be done through the dealerships.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the purchase of two tandem axle plow trucks with snow equipment in the amount of \$673,324.00.

Request Approval to Purchase Mastic Machine

Mr. Sorum requested approval to purchase a Crafco Mastic Patcher off the MN state bid in the amount of \$84,531.00 This would replace the spray patcher that has an Internal Service Fund of \$85,462.64. In the past year the Highway Department rented a mastic machine for 4-6 weeks, which would cost \$6,800.00 per month. An attempt to purchase a used one last June off MinnBid was unsuccessful.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved to purchase a mastic machine, Crafto Patcher II off MN State Bid in the amount of \$84,531.00.

Request Approval of Claim Settlement for SAP 014-601-007

Mr. Sorum stated that during grading project CSAH 1, Dennis Drewes Inc. operation was severely impacted by a utility line owned by Lumen not being relocated in a timely manner. In working with State Aid and Drewes, the proposed settlement would be \$129,521.07.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Campbell, and unanimously carried, the Board approved the change order for Claim Settlement on SAP 014-601-007 in the amount of \$129,521.07.

Committee Reports/County Administrator Update/Discussions

- Commissioner Ebinger reported on meetings with Matt Hilgart and Senator Kupec regarding pending cannabis legislation; Emergency Communication System Legislative and Governance Committee; meeting with Commissioner Krabbenhoft, Mr. Larson, Joe Raso (GFMEDC), Ryan Aasheim (GFMEDC) and personnel from Taracon regarding road maintenance in Spring Prairie Township; and meeting with Commissioner Campbell, Mr. Larson, and Diversion Authority personnel regarding Holy Cross Township requests.
- Commissioner Krabbenhoft reported on meetings for Clay County Intergovernmental Committee; Children's Mental Health LAC; Clay County Collaborative; Cass-Clay Food Commission; meeting with Commissioner Ebinger, Mr. Larson, Joe Raso (GFMEDC), Ryan Aasheim (GFMEDC) and Taracon personnel regarding road maintenance in Spring Prairie Township; and Buffalo Red River Watershed District.
- Commissioner Mongeau reported on meetings with rural cities, County Assessor Nancy Gunderson, Mr. Larson, and Commissioner Gross regarding assessments; Regional Water Plan Joint Powers – Red River Basin; meeting with Matt Hilgart and Commissioner Ebinger regarding pending cannabis legislation; and discussion with Mayor Shelly Carlson regarding fingerprinting site in Clay County.
- Commissioner Campbell reported on meetings for Highway Tracking; Building Committee; Clay County Intergovernmental Committee; Clay County Collaborative on behalf of the Lakes Country Services Coop; meeting with Commissioner Ebinger, Mr. Larson, and Diversion Authority personnel regarding Holy Cross Township requests; and DMV Pre-Design meeting.
- Commissioner Gross reported on meetings for Highway Tracking; Building Committee; meeting with rural cities, Nancy Gunderson, Mr. Larson, and Commissioner Mongeau regarding assessments; DMV Pre-Design meeting; and meetings with Cromwell & Morken Townships.
- County Administrator reported on meetings for Highway Tracking; Clay County Intergovernmental Committee; meeting with rural cities, Nancy Gunderson, Commissioner Gross, and Commissioner Mongeau regarding assessments; meeting with Auditor/Treasurer and Sheriff Empting regarding internal service issues and needs; meeting with Commissioner Krabbenhoft, Commissioner Ebinger, Joe Raso (GFMEDC), Ryan Aasheim (GFMEDC) and personnel from Taracon regarding road maintenance in Spring Prairie Township; meeting with Derrick LaPoint regarding economic development; Communications discussions; meeting with Commissioner Ebinger, Commissioner Campbell, and Diversion Authority personnel regarding Holy Cross Township requests; DMV Pre-Design meeting; Building Committee; Update on District meeting; Lt. Tweten submitted the State Preliminary Damage Assessment based on flood issues to Homeland Security and Emergency Management; attending Futures meeting later this week; and next week budget timeline

discussion will take place at Board.

Adjourn

The meeting was adjourned at 10:43 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator