

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, JULY 25, 2023
Meeting Room A / B – 3rd Floor – Courthouse
MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: 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 Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda.

Tax Abatement for L Heller, Moorhead, Due to Receiving an Application for Exclusion After Taxes Were Already Calculated

By consent, the Board approved tax abatement for L Heller, Moorhead, due to receiving an application for exclusion after taxes were already calculated.

Approval of State Auditor Engagement Letter

By consent, the Board approved of the State Auditor Engagement Letter.

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 Campbell, and unanimously carried, the Board approved the bills and vouchers totaling \$1,122,575 from 119 vendors. There were 89 warrants issued under \$2,000 (\$36,075) and the following 30 were over \$2,000.

Sellin Bros Inc	\$ 254,962	Hammer LLC	\$ 9,450
Internal Revenue Serv	\$ 222,332	Stantec Consulting Services, Inc.	\$ 8,080
MN PERA	\$ 151,167	Galls, LLC - 1002151418	\$ 6,349
Lake Agassiz Regional Library	\$ 79,566	Clay County Social Services	\$ 5,290
Turner Sand & Gravel Inc.	\$ 67,080	LELS	\$ 4,932
Clay County Social Services	\$ 60,430	SRF Consulting Group Inc	\$ 4,439
West Central Regional Juvenile Center	\$ 58,913	Advanced Engineering & Environmental	\$ 4,200
Mn Dept Of Revenue	\$ 29,565	Petro Serve USA-SW	\$ 3,667
VEBA Select Account	\$ 28,273	Office of MN IT Services	\$ 3,489
Fargo Glass & Paint	\$ 14,900	Moorhead Public Service	\$ 2,578
NACO	\$ 12,517	Johnson's Auto Repair LLC	\$ 2,434

Strata Corporation	\$ 12,454	Irmadene Hanson, LLC	\$ 2,400
Xcel Energy	\$ 10,989	Code 4 Services, Inc	\$ 2,399
Sanford Health	\$ 9,920	Northern Plumbing Supply	\$ 2,203
Wegner Psychological & Therapeutic Svc	\$ 9,500	Minnkota EnviroServices, Inc.	\$ 2,013

Approval of Minutes from July 11, 2023

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from July 11, 2023.

Request Approval to Shot Blast and Seal the Resource Recovery Center Floor

Solid Waste Manager Corey Bang requested approval to shot blast and seal the Resource Recovery Center (RRC) floor. The concrete floor in the public drop off area at the RRC has proven to be a slip hazard. Several options were explored and the shot blast and seal option is the most cost effective and is the best remedy for slick floors. The AquaPel sealer has a longer lifespan compared to other products. The total cost of the project is estimated at \$33,837.00 and would be completed by the fall of 2023 and will come out of the Solid Waste general fund budget.

Commissioner Mongeau stated the Solid Waste Advisory Committee (SWAC) discussed all options and agreed there were challenging issues, and that the AquaPel sealer was the best route. To ensure the safety of the staff and public, it was recommended that this be completed as soon as possible. Certainly, this is an unanticipated expense, and funds will come from the Solid Waste General Fund budget.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to shot blast and seal the Resource Recovery Center floor in the amount of \$33,837.00.

Request Approval to Reduce Retainage to 0.2% on SAP 014-594-001

County Engineer Justin Sorum requested approval to reduce retainage to 0.2% on SAP 014-594-001, the LRIP project in the City of Dilworth. This was approved by the City of Dilworth Council, and recommended by their engineer, as only punch list items remain. This project has gone through a walk-through with State Aid, and was in compliance. Mr. Sorum stated that overall he thought the project turned out really well.

Commissioner Gross asked if there was supposed to be striping on this road and if there was a bikeway. Mr. Sorum stated there is some striping and the bikeway is the path on the east side.

Mr. Sorum stated all payments have to go through Clay County since they are the project sponsor.

Commissioner Campbell asked if the 0.2% would cover the punch list items that are not finished. Mr. Sorum confirmed that was correct.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to reduce retainage to 0.2% on SAP 014-594-001.

Budget Presentation - Probation

Probation District Supervisor Janelle Cheney presented the 2024 budget for the Probation Department. Ms. Cheney discussed community supervision, delivery systems, gross misdemeanor – misdemeanor – juvenile supervision, justice reinvestment initiative, agent salaries, part-time salaries,

health insurance, supervision fees, victim impact panel, and the potential for a justice center.

Commissioner Campbell stated there might be a discrepancy on the handout regarding the revenues and expenditures. Ms. Cheney stated she would get in touch with County Auditor-Treasurer Lori Johnson regarding this error.

Budget Presentation - Attorney's Office

County Attorney Brian Melton presented the 2024 budget for the Attorney's Office. Mr. Melton discussed revenues including refunds received through working with Social Services regarding child support cases, court cases, and CHIP cases, COLA's, drug court, victim services, salaries, larger scale cases for prosecution, and part time salaries.

Mr. Melton discussed two new requests. The first request is to budget for a salaried position which was originally covered by APRA funds. The other request would be for the Restorative Justice position. This position is funded through ARPA until June 2024. If the County wants to keep that program going, this will need to be added into the budget.

Commissioner Ebinger stated he values restorative justice and asked, in terms of funding, if public safety funding or other grant opportunities have been looked into. Mr. Melton stated he has discussed with the County Administrator regarding public safety funding to help offset the cost for an additional year.

Commissioner Campbell asked for further clarification on the overall percentage increase and stated the increase of 37% is actually the percentage of the current year's budget spent.

Discussion ensued regarding additional funding.

Request for Approval Change for Order #1 for Withdrawal Management/Detoxification Facility Project

County Administrator Stephen Larson requested approval of change order #1 for the withdrawal management/detox facility, which includes two change requests.

The first request is for Building, Benchmarks, and Beyond (B3). An estimate was established for the potential B3 costs with limited information available for the initial estimate. The figure provided was in the \$800,000.00 range, 5.5% with a CM fee of \$44,000.00. After bids, the actual cost of the B3 was determined to be \$1,749,165.00. With this revision, the B3 CM fee would be \$96,204.00, which is an additional amount of \$52,204.00. This would have an impact on the total cost of the project which would be \$14,721,027.00.

The other item is regarding this project having \$400,000.00 in contingencies. Through this process the Board of Commissioners retains all insight over that amount. There are four items: electrical device changes, which is a credit of \$5,528.74, Light pole relocation, installation of missing sanitary line, and below grade insulation. The total increase, with the credit would be \$21,118.31. Which would leave a contingency of \$378,881.69.

Commissioner Gross asked if there has ever been a project where there was money left in the contingency fund. Mr. Larson stated yes, with the construction on the new LEC, there was \$250,000.00 left.

Mr. Larson stated he discussed with Mr. Gehrtz regarding the process of the project. With the additional

cost, the County does receive funds that aren't spent out of the contingency, which could offset the total cost of the project.

Commissioner Campbell asked if the increase in fees has an impact on the architectural fees. Mr. Larson stated the architects would get a percentage of the overall construction. Commissioner Campbell stated the construction went from \$800,000.00 to \$1,749,165.00, and wondered what will actually be seen regarding the percentage to the architects. Mr. Larson stated he'll clarify that once he receives the final number.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved change order #1 including a fee increase of \$52,204 for additional B3 services to Gehrtz Construction, increasing the total project cost to \$14,721,027.00, and additional items needed totaling to \$21,118.31, which will come from the contingency fund.

Request Approval to Appoint Contract for Legal Services - Commitment, Guardianship, & Conservatorship Contract

Mr. Larson requested approval to appoint a contract for Legal Services. In June 2023, this Board approved the request to submit advertisements for Request for Quotes (RFQ) for competitive quotes for legal services connected to the Commitment, Guardianship & Conservatorship Contract that opened due to a resignation. Minnesota counties are required by Minnesota statute to maintain court appointed attorneys for indigent clients. The contracted period runs from August 1st, 2023 - December 31st, 2024. After interviewing several candidates and evaluating their experience and bid submissions, the hiring committee is recommending Alexis Madlom be offered the contract. Ms. Madlom has worked for the Public Defenders office and has shown a passion for working with the population that she would be serving. This was the lowest bid amount of \$4,000.00 per month. For the 17 months of the contract, there is \$20,000.00 remaining for 2023 and \$48,000.00 total for 2024. As we look at this contract, it would be about \$1,000.00 more than what was provided to the previous contract. Therefore, looking to utilize \$5,000.00 of fund balance to get through the remainder of this year and make the budget adjustment for 2024.

Commissioner Ebinger asked for clarification on the amount that was previously given for this contract and if there was discussion to offer more. Mr. Larson stated the previous contract was for \$3,000.00 per month and an offer was made to increase that to over \$4,000.00 as part of that process.

Commissioner Gross asked if this was part of the Attorney's Office budget. Mr. Larson stated this would be a separate line item within the budget and does not fall under the Attorney's Office.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved to extend a 17 month contract for Legal Services – Commitment, Guardianship & Conservatorship cases to Alexis Madlom with the compensation of \$4,000.00 per month and the ability to utilize the fund balance.

Committee Reports/County Administrator Update/Discussions

- Commissioner Mongeau reported on meetings for Lakeland Mental Health Center Construction meeting; Clay County Fair; Metro COG Policy Board; Lakeland Mental Health Center; DMV Design meeting; AMC Tax Forfeiture Workgroup; and Concrete Paving Association of Minnesota.
- Commissioner Campbell reported on meetings for the Minnesota Legislative Wrap-Up Event; Regional Juvenile Detention Adv Board; and DMV Design meeting.

- Commissioner Ebinger reported on meetings for the Personnel Issues Committee; Minnesota Legislative Wrap-Up Event; Clay County Suicide & Substance Prevention Coalition; and Regional Juvenile Detention Adv Board.
- Commissioner Gross reported on meetings for Personnel Issues Committee and Minnesota Legislative Wrap-Up Event.
- County Administrator Stephen Larson reported on meetings for Personnel Issues Committee; Pre-budget meeting for Probation and Attorney's Office; meeting regarding the Fleet Policy; met with Justin Sorum regarding highway projects; MCCJPA Prep meeting; met with Commissioner Mongeau regarding things happening on campus; met with Rhonda Porter, Michelle Thordal, James O'Donnell and Josh Swanson regarding needs of Social Services; and DMV Design meeting.

On motion by Commissioner Ebinger, seconded by Commissioner Campbell, and unanimously carried, the Board approved the AMC Tax Forfeiture Workgroup to be added to Commissioner Mongeau's Committee Assignments with per diem.

Mr. Larson further discussion on the Public Safety funds and statute is clear stating that the Board of Commissioners have the power of the funds and how those are distributed. This Board has been successful through ARPA and CARES, and it would be beneficial to set up a committee to determine what the best funding sources are. Commissioner Gross thinks this is very important and suggests having a work study or a meeting, where all Commissioners are present. Commissioner Mongeau stated seeing the benefit of having these types of committees to provide clarity to the departments and the Board of Commissioners.

Discussion ensued.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the creation of the Public Safety Funds Committee.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved to appoint Commissioner Ebinger and Commissioner Campbell to the Public Safety Funds Committee.

Adjourn

The meeting was adjourned at 9:57 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator