

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 AM, TUESDAY, AUGUST 22, 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 with the agenda addition, Request to Re-Hire .80 FTE Public Health Emergency Preparedness Coordinator Position.

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 bills and vouchers totaling \$3,538,680 from 158 vendors. There were 95 warrants issued under \$2,000 (\$53,722) and the following 63 were over \$2,000.

Buffalo-Red River Watershed	\$ 851,457	NetCenter Technologies	\$ 10,589
R J Zavoral & Sons, Inc.	\$ 554,430	Enterprise FM Trust	\$ 10,057
Blue Cross Blue Shield Minnesota	\$ 314,408	Sanford Health	\$ 10,000
Internal Revenue Serv	\$ 222,428	Clay Soil & Water Cons Dept	\$ 9,892
Clay Co Public Health	\$ 175,361	2 Rivers Construction	\$ 8,300
MN PERA	\$ 151,750	Turnkey Corrections	\$ 7,657
Otter Tail Public Health	\$ 127,556	Marco Technologies LLC	\$ 7,468
Treas Wild R W Shed/Treas Of	\$ 120,795	Fergus Drywall	\$ 7,406
Turner Sand & Gravel Inc.	\$ 95,585	Servpro of Fargo/Moorhead	\$ 6,655
Grotberg Electric Inc	\$ 74,712	Madison National Life	\$ 5,197
Burns McDonnell	\$ 66,522	LELS	\$ 4,873
Earthwork Services Inc.	\$ 66,500	City of Georgetown	\$ 4,603
Falk Drilling INC	\$ 62,700	Haugen Law Office, PLLC	\$ 4,450
Becker County Public Health	\$ 45,044	Lloyd's Auto Body Inc.	\$ 4,433
Gehrtz Construction Services, Inc	\$ 40,155	Johnson's Auto Repair LLC	\$ 3,819
Advanced Correctional Healthcare, Inc.	\$ 39,776	Holm Construction Services, LLC	\$ 3,750
Dirt Dynamics	\$ 35,370	Petro Serve USA-SW	\$ 3,529
Mn Dept Of Revenue	\$ 28,951	Colonial Life	\$ 3,508

VEBA Select Account	\$	28,320	Fevig Oil Co	\$	3,168
City Of Dilworth	\$	27,863	Code 4 Services, Inc	\$	3,017
City Of Hawley	\$	27,660	Moorhead Public Service	\$	2,951
Mortenson Masonry, Inc.	\$	26,946	Pemberton Law, P.L.L.P.	\$	2,914
City Of Barnesville	\$	25,132	Office of MN IT Services	\$	2,870
SteelCo Services LLC	\$	22,545	Best Buy Business Advantage Account	\$	2,799
Wilkin Co Public Health	\$	21,489	City of Sabin	\$	2,683
Klein McCarthy & Co Ltd	\$	15,912	Anne M. Carlson Law Office, PLLC	\$	2,680
Petro Serve Usa-Hwy	\$	13,890	Corrections Products Company	\$	2,662
FM Services LLC	\$	13,438	Clay County HRA	\$	2,500
NACO	\$	12,417	Minneapolis Forensic Psych Services LLC	\$	2,231
Xcel Energy	\$	12,008	Sherwin-Williams	\$	2,229
CB & Sons Electric, Inc.	\$	10,656	Reliance Telephone	\$	2,160
			RnC Consulting P.A.	\$	2,107

Approval of Minutes from August 8, 2023

On motion by Commissioner Krabbenhoft, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from August 8, 2023.

Request Permission for Gehrtz Construction to Obtain Quotes for Site and Utility Work for the DMV Project

Principal Construction Managers Steve Gehrtz and Dan Kleist from Gehrtz Construction requested approval to obtain quotes for site and utility work for the DMV project.

Mr. Gehrtz stated the bid documents should be ready by next week and advertising comes with a three-week time period and a delay. Therefore, the request is to consider the option to receive quotes for the site utility work and the earthwork so the site can be prepared for the next steps, in efforts to continue to move this project along quickly. Mr. Kleist clarified the plans that are ready for next week are just the ones going out for quote, the full plans are planned for September 12th, 2023.

Commissioner Campbell stated this could probably save some significant time this fall and possibly reduce some winter conditions. This is a smart move and it should be authorized in order for the project to move forward.

Commissioner Mongeau agreed with Commissioner Campbell and stated this project is happening quickly and there has been a lot of discussion. This is the best opportunity to speed up the project and also see some potential savings.

Commissioner Campbell stated that Klein McCarthy Architects have also done a lot to help move the timeline up.

Mr. Kleist stated Gehrtz Construction plans for bids will go out on September 12, 2023, and are due October 3, 2023. Those bids will then be reviewed with the Board on October 10, 2023.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried,

the Board approved the Gehrtz Construction to obtain quotes for site and utility work for the DMV Project.

Agenda Addition: Request Approval to Re-Hire .80 FTE Public Health Emergency Preparedness Coordinator Position.

Public Health Administrator Kathy McKay requested to re-hire a .80 FTE Public Health Emergency Preparedness Coordinator.

Ms. McKay stated she met with the Personnel Issues Committee (PIC) regarding this position. It's a mandated position under Public Health and the funding goes through the Community Health Board which is made up of Commissioners of four counties including Clay, Ottertail, Wilkin, and Becker. There's funding from the Minnesota Department of Health (MDH) and federal funds from the Center of Disease Control (CDC). Typically, the funding covers the expenses for this position, and there is potential for additional funding.

Commissioner Gross stated the request was discussed at PIC and they agreed it was appropriate to offer the position at a .8 and suggested Board approval.

Ms. McKay stated HR Director Darren Brooke provided the salary calculation spreadsheet for the position which totals \$71,452.00 for 2024.

Commissioner Mongeau stated this topic was discussed at PIC and it was suggested to require and establish a committee so representatives can be sure that the individual is making the connections needed within Clay County in addition to the requirements made by the Community Health Board. It was also discussed that hiring the position at a .8 was more appropriate given the funding stream and job requirements.

Commissioner Campbell asked if this was the role of Lt. Gabe Tweten, as he sees all aspects of emergency. County Administrator Stephen Larson stated Lt. Tweten has emergency management supervision, the preparedness is a separate role. The previous employee who held the role held both management and preparedness licensures. This specific request is to just replace the emergency preparedness, which has separate responsibilities under statute. Commissioner Campbell asked if some of those plans that are done through public health incorporated into Lt. Tweten's plan. Ms. McKay stated most of the plans that are written in Public Health are requirements for MDH and CDC and would be submitted to those organizations. This position would be responding to all disasters within the County that would affect life and health of the community.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the board approved to re-hire the Public Health Emergency Preparedness Coordinator position at a .8 and require the creation of a subcommittee to work on the needs.

Request Approval of the Final Contract Voucher for SP 014-631-024

Highway Engineer Justin Sorum requested approval of the final contract voucher for SP 014-631-024, a Mill & Overlay project on CSAH 31 from the South County Line to CSAH 10. The contractor was Central Specialties, Inc. The final amount to be approved is \$2,866,222.35.

On motion by Commissioner Campbell, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the final contract voucher for SP 014-631-024 in the amount of \$2,866,222.35.

Request Approval of the Final Contract Voucher SAP 014-591-007

Mr. Sorum requested approval of the final contract voucher for SAP 014-591-007. This was the Safe Routes to School Project in the City of Hawley. Clay County was the sponsor of this project as there was Safe Routes to School funding in the amount of \$300,000.00. The final amount to be approved is \$472,400.51. In addition, Clay County does not have any financial ties to this project.

Commissioner Campbell asked if the City of Hawley has approved the final amount. Mr. Sorum confirmed that they have.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Campbell, and unanimously carried, the Board approved the final contract voucher for SAP 014-591-007 in the amount of \$472,400.51.

2024 New Position Requests from Social Service Department

Social Services Director Rhonda Porter and Social Service Supervisor Jessica Mickelson requested approval to hire a Social Worker with the assigned duties of Adult Intake and MnChoices Assessments.

Ms. Porter stated 50% of this position is funded by the revenues that it generates. Therefore, the additional 50% was what was included in the 2024 budget request.

Ms. Mickelson discussed the position would provide intake services to the adult services units, including general inquiries, civil commitments, behavioral health, disability services and MnChoices assessments. In the past, there were inefficiencies with the intake process, which is why this position will be beneficial. Ms. Mickelson further discussed the data regarding the increase in MnChoices and intake requests.

Commissioner Gross asked if this position would end up being a full levy request in future years. Ms. Mickelson stated MnChoices position funds itself through Social Services Time Study Random Moments. Therefore, the request is for the coverage of the intake portion of the position. Ms. Porter clarified the request from the levy for the intake portion of the position would be \$48,340.00.

Commissioner Krabbenhoft stated the position is funded under ARPA and what happens when that no longer exists. Ms. Porter stated it's funded through ARPA through 2023. Therefore, warrants the request of levy dollars starting in 2024.

Commissioner Campbell asked if the intake process determines if an assessment should be done. Ms. Mickelson stated that can be the case. If there are other services or referrals that can be offered to the individual, they may not necessarily need a MnChoices assessment. Ms. Porter stated this is a critical role.

Mr. Larson followed up with Commissioner Krabbenhoft's question about ARPA, stating some of the requests that the board approved regarding positions were in response to things that happened during the COVID pandemic. This position was also done in response to that but it was also an opportunity for the county to utilize those ARPA funds. When it was originally presented it was discussed that this position wasn't going to be short term and would eventually be a request moving forward. Commissioner Campbell clarified the reason that this is being considered a new request is the fact that the position now needs budget dollars since ARPA dollars will no longer exist. And it's being asked for as a new request to be a permanent position. Ms. Porter confirmed that was correct.

Commissioner Campbell asked if the individual who was hired under ARPA was going to be doing this job. Ms. Porter stated the current person would certainly have the opportunity to apply for the full-time permanent position. However, it may need further discussion with HR due to how the position was

originally posted and hired for. Commissioner Campbell asked if the current person doesn't apply, would there be any internal interest. Ms. Porter said that could be a possibility.

Commissioner Campbell asked if it would be ok to wait on granting approval for both positions until the preliminary budget is set, as they are both 2024 requests. Ms. Porter discussed it would be fine to wait until the budget is set.

Commissioner Ebinger asked how these new positions be treated if they need to be opened to the public. Ms. Porter stated there still needs to be a conversation with the HR department to determine how that will look.

Ms. Porter and Social Service Supervisor Kirstin LePard requested approval to hire a Social Worker for the substance use services area.

Ms. LePard provided a brief background on her department and discussed the need for the request of a full-time position to focus on treatment coordination.

Commissioner Gross asked if there are individuals who drop out of the program and how long do they stay in the program. Ms. LePard stated it all depends on what the needs are of the individual.

Commissioner Campbell asked if there was any criminal background that's involved with this position. Ms. LePard stated about half of the treatment coordination clients have some type of criminal history, whether that be through drug court or rule 20. Commissioner Campbell asked if this position would be trained in on substance use situations. Ms. LePard discussed that the social worker would need to participate in a 30-hour training to be certified to be able to provide treatment coordination. However, the individual would not have to have a substance use background in order to provide this type of case management.

Discussion ensued regarding this position, the collaboration with the Withdrawal Management/Detox Facility and the legalization of marijuana.

Commissioner Gross stated the Board will hold off on approving the positions until the preliminary levy is set.

Budget Presentation - West Central Regional Juvenile Center

Director of the West Central Regional Juvenile Center (WCRJC) James Odonnell presented the proposed budget for 2024 for the 30-bed Secure Facility and the 15-bed Non-Secure Facility.

Mr. Odonnell provided a brief overview of the secure unit. Revenues for the secure program which included board and care, 10 other member counties share, and miscellaneous revenue. Expenditures include overtime, salaries other, heating, and miscellaneous & running background checks. New requests include moving two positions to step 17, which is more appropriate compensation for the work that's being done.

Commissioner Campbell went into further detail regarding the miscellaneous revenue and how the amount gets divided between the 11 member counties and is based on what their percentage was from 2022.

Next, Mr. Odonnell provided a brief overview of the non-secure unit. Revenues for the non-secure unit include JAG federal grants, and heating. New requests include a female-specific program, if space is granted to Juvenile Detention, once Detox moves to its new facility. This request would come with two new

female positions.

Commissioner Campbell discussed having Mr. O'Donnell present to the committee regarding the need for the additional space and asked if that space would be anticipated for just Clay County or to include counties. Mr. O'Donnell stated it would be for both. It would be under the non-secure license so it would be under Clay County specifically, but there is anticipation that there would be participation from other counties as well, which would bring revenue in.

Discussion ensued regarding the new request and additional space.

Commissioner Ebinger stated the AMC Public Safety committee frequently discusses this topic and the lack of facilities and the surge of female individuals who are put into the system. Therefore, part of the discussion for the additional space needs to be about which department can get what they need elsewhere and who will be limited. It's a valid point to look at when arguing for a female program within the WCRJC. If it's provided, the needs of Clay County will be addressed first, but it will be a program that will be utilized. Commissioner Campbell agreed that Clay County's needs are the priority above all else, but apprehensive about trying to resolve a state issue when the County can only do so much.

Request Approval to Adopt Updated Fleet Vehicle Policy

Information Services Director Mark Sloan and Facilities Director Joe Olson requested approval of the updated Fleet Vehicle Policy.

Mr. Sloan gave a brief overview of the new policy. Mr. Olson stated Department of Transportation (DOT) regulations have been added to the new policy as well.

Commissioner Mongeau asked how the WEX cards are being managed for the filling of gas. Mr. Olson stated the vehicles that are available for check are run through the mail room and each vehicle has a WEX card which is tracked and then billed to that specific department. Commissioner Mongeau asked if mileage is entered every time the vehicle is filled. Mr. Olson stated that was correct. Commissioner Mongeau asked if this is being tracked on a quarterly basis to make sure what's being entered is accurate. Mr. Olson stated regarding the vehicles for check out, the numbers are being analyzed on a monthly basis because the mileage needs to be correct to what is being billed. For department vehicles, the WEX bill itemizes those months to see where the employees are going. Mr. Sloan stated employee ID numbers are also required to be entered prior to filling up with gas.

Commissioner Campbell referred to the updated policy regarding the reimbursement verbiage if using a personal vehicle for business travel and asked if that portion of the policy had remained the same. Mr. Sloan stated that was correct. No revisions were made to that piece of the policy.

Commissioner Gross asked what determines if an employee can take the vehicle home. Mr. Sloan stated that would be up to the department head to make those determinations. Commissioner Gross asked what about the employees who are assigned a vehicle. Mr. Olson stated most of the time, the vehicle is assigned to the department, not one specific individual. The Highway Department would be the only department where a specific person is assigned to a vehicle.

Commissioner Campbell asked if all the vehicles have been shifted to the lease program. Mr. Olson stated the check-out vehicles are all leased and close to half of the department vehicles are leased.

Commissioner Campbell discussed at one point, he asked for information regarding what the County used

to pay annually for internal service funds to cover the cost of vehicle replacement when we owned versus what is being paid now on an annually basis for leasing. Seeing those comparisons, it would be nice to see the benefits from switching to leasing from owning. Mr. Olson stated he has that information now and will get that provided to the full Board.

Commissioner Mongeau asked if there was language in the policy regarding car washes, or if that was not applicable to these fleets. Mr. Olson stated there's no specific verbiage regarding car washes, but there is a sticker at the Holiday gas stations that get used for that purpose and then the County gets billed afterwards. This is something that the Building Maintenance department oversees.

Commissioner Mongeau discussed having the option to earn rewards based on your purchases at some gas stations and asked how that is being monitored so the rewards come back to the County and not the employee. Planning and Zoning Director Matt Jacobson stated that when using the WEX card and after entering the odometer information and employee ID, it doesn't give you the option to enter in a phone number for rewards.

On motion by Commissioner Krabbenhoft, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to adopt the updated Fleet Vehicle Policy with the addition of information for fuel rewards at gas stations.

Petition to Survey Sections 31 and 32 Morken Township

Mr. Sloan discussed the petition that was received from a couple taxpayers to survey two sections of Morken Township. The petitioners are disputing some section corners that are currently in place, which were done by the previous County surveyor in 2010. Within these sections, there are a total of eleven tax parcels to nine different landowners. MN statute 381.01 is for the petition and the next step, MN statute 381.02 states the County Board of Commissioners shall fix a time and place to consider the petition, which is what is being requested today. The County needs to provide public notice of the consideration for at least three weeks. At the time of consideration, the Board of Commissioners will have the opportunity to decide whether or not they want to have the survey done.

Commissioner Gross asked if the petitioners would finance the survey. Mr. Sloan stated the statute states that the Board has the authority to assess the cost of the survey back to the affected parties, which in this case would be everyone in those two sections.

Mr. Sloan requested to set Tuesday, September 19, 2023, at 9:00 a.m. for the County Board to consider the petition.

Commissioner Mongeau stated that if this Board approves hearing the petition, that does not validate the claims on the petition. Mr. Sloan stated all that would be done at that meeting would be to listen and then decide if the Board wants to move forward with the survey or not. Commissioner Mongeau asked if the notes from the contracted surveyor, Brian Rittenhouse, are available. Mr. Sloan stated they were not. Commissioner Mongeau asked if the claim was that the information has not been made available nor is it available on the website. Mr. Sloan stated that was correct.

Mr. Sloan further discussed that the petitioners had also provided extensive information to the County Attorney's Office.

Commissioner Mongeau asked if it would be appropriate to assume that there are additional sections that have not been submitted like they're supposed to and should there be an internal investigation to see if that's the case. Mr. Sloan agreed that would be the route to go. And that's part of the section corner

remonumentation program that is in place to make sure what has been done is valid and correct.

Commissioner Gross asked how far the marker was off. Commissioner Campbell stated according to the petition, it's off by 33 feet.

Discussion ensued regarding the progress of the section corner remonumentation program.

Commissioner Campbell asked if the full duties and requirements were outlined when hiring the County surveyor and how that process is different from 2010 when these surveys were completed. Mr. Sloan stated in 2010 the County didn't have a contract with a surveyor, which was an issue that was address in 2014.

Commissioner Campbell asked if the Board would have the ability to go into a closed session after the hearing in the event that potential issues arise. Assistant County Attorney Michael Leeser stated a closed-door session would be appropriate especially if there turns out to be any County liability.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to set the public hearing on Tuesday September 19, 2023 at 9:00 a.m. to consider the petition to resurvey sections 31 & 32 of Morken Township.

Break

The Board took a break from 10:06 a.m. to 10:12 a.m.

Budget Presentation - Extension

Regional Director for Extension Cecilia Amadou presented the proposed 2024 budget for Extension, discussed the contract and extended her thanks to the Board for their continuous support.

Ms. Amadou discussed the Memorandum of Agreement (MOA) between the University of Minnesota and Clay County and for 2024 there is a cost-of-living adjustment (COLA) increase of 2.5%, which has already been negotiated with a MOA that began in 2022. This also includes salaries, benefits professional development, training mileage and meals for staff, accounting payroll, research, and liability.

Ms. Amadou discussed the budget presented to the Board which includes staff, supplies, rent, office supplies, equipment over \$500.00, and miscellaneous, which results in the overall budget of \$332,386.00.

Commissioner Mongeau thanked Glyndon Farms for their \$10,000 contribution every year that assists with the Extension budget. Commissioner also discussed the open positions and amending the contract to change the FTE percentages. Commissioner Krabbenhoft stated he's in support of having that discussion. Commissioner Mongeau clarified to possibly tweak the Extension Educator (AFNR) from a 1.0 to a .8 position and bring the two Extension Educator 4-H Youth Development positions from .9 to 1.0 positions. This wouldn't be an additional/new request as it still equates to an overall total of 2.8 for positions. Then further discussion can occur to see if we can bolster the positions. Looking back at what was budgeted, Extension was substantially under budget.

Commissioner Gross asked if Commissioner Mongeau was asking for the Board to make that decision. Commissioner Mongeau stated she would like to have a dialog based on the Boards thoughts, and if that's something they would entertain because if so, a request would need to be made to Extension to amend the contract, regarding the positions.

Discussion ensued regarding the positions and the contract.

Commissioner Ebinger discussed the lack of presence and work being completed in the Master Gardener program. Discussion ensued regarding the Master Gardener program and the Clay County Fair.

Commissioner Mongeau asked how staff are being reimbursed for travel and expenses if it's not included in the budget. Ms. Amadou stated that is included in the MOA.

Commissioner Mongeau asked if the Board could make a motion to amend the contract and get the process moving. County Attorney Brian Melton stated a motion could be made to provide notice of the 90-day requirement.

Mr. Larson stated based on the discussion it would be suggested that Ms. Amadou take the request back to her supervisors to see if there could be an expedited process.

Commissioner Mongeau stated in addition, she and Commissioner Krabbenhoft are active in helping with the search of new employees but also would certainly help with any conversations with the environment and natural resource partners to potentially find additional funding to fill any gaps, if the University sees fit.

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the request to amend the contract with University of Minnesota Extension and Clay County staffing for the Extension Educator AFNR position at .8, the Extension Educator 4-H Youth Development positions at 2.0 and leaving the Program Coordinator for the Master Gardener program at 0.0.

Committee Reports/County Administrator Update/Discussions

- Commissioner Krabbenhoft reported on meetings for Adult Mental Health LAC; BRRWD Tour; Historical & Cultural Society; Metro COG Policy Board; Lakes & Prairie Community Action - CAPLP; and Early Childhood Initiative.
- Commissioner Mongeau reported on meetings for Clay County Land Development Code update; Lakes & Prairies Community Action - CAPLP; DMV project design; conversations with Kia Harries with Extension; and Personal Issues Committee.
- Commissioner Campbell reported on meetings for Public Safety Committee; Clay County Land Development Code update; and DMV project design.
- Commissioner Ebinger reported on meetings for Public Safety Committee; Clay County Substance Abuse Committee; CAPLP Council on Aging; and Senior Safety Academy from Valley Triad event is coming up on September 14, 2023 from 9 a.m. – 1 p.m. at the Hjemkomst Center.
- Commissioner Gross reported on meetings for BRRWD Tour; Ulen Parade; and Personal Issues Committee.
- County Administrator Stephen Larson reported on meetings for Public Safety Committee; pre-budget meeting for Extension; met with Darren and Anna regarding HR issues; Risk Management committee; Clay County Land Development Code ; MCCJPA pre-meeting; met with Jacqueline Finck on communications; DMV Design meeting; Personal Issue Committee; and looking to set up the Rural Cities meeting for the fall.
- Communications Coordinator Jacqueline Finck provided a reminder that there will be no County Board of Commissioners meeting on Tuesday, August 29, 2023, and Monday September 4, 2023 is a holiday so the County and Courthouse will be closed.

Adjourn

The meeting was adjourned at 11:14 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator