

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 a.m., TUESDAY, DECEMBER 20, 2022

Rooms A/B, 3rd Floor, Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Jenna Kahly joined 8:32, Frank Gross, Jenny Mongeau joined 8:35, Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, HR Director 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.

DONATION FROM THE HITTERDAL AREA LIONS TO THE CLAY COUNTY SHERIFF'S OFFICE K-9 PROGRAM

By consent, the Board approved the donation in the amount of \$150 from the Moorhead Freez Inc. to the Clay County Sheriff's Office K-9 Program.

RENEW ANNUAL DETOX & WITHDRAWAL MANAGEMENT POLICIES

By consent, the Board approved the policies for the Clay County Receiving Center Detox and Withdrawal Management Programs.

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 payment of bills and vouchers totaling \$2,661,798 from 120 vendors. There were 76 warrants issued under \$2,000 (\$38,664) and the following 44 were over \$2,000:

Construction Engineers, Inc.	\$925,970	R J Zavoral & Sons, Inc.	\$52,215
Sellin Bros Inc	\$313,739	City Of Fargo	\$51,037
Buffalo-Red River Watershed	\$294,879	Trinity Services Group, Inc.	\$32,850
Clay Co Public Health	\$149,880	Dennis Drewes Inc	\$32,816
Burlington Northern Santa Fe Railway Co	\$144,466	Association Of Minnesota Counties	\$28,388
Otter Tail Public Health	\$116,710	C & S Lund Trucking	\$23,100
Treas Wild R W Shed/Treas Of	\$ 89,176	Wilkin Co Public Health	\$17,060
Becker County Public Health	\$ 77,757	Cardmember Service - (Sheriff 0547)	\$16,207
Mn State Auditor	\$ 77,366	JT Lawn Service	\$11,840
Advanced Engineering & Environmental	\$ 60,000	Northern Improvement Co	\$ 9,875

Dakota Plains Mechanical, Inc.	\$9,797	Network Cabling Services, Inc.	\$3,164
Lloyd's Auto Body Inc.	\$8,697	Streicher's	\$3,044
NetCenter Technologies	\$8,109	Stantec Consulting Services, Inc.	\$2,940
ANJAAM HOLDINGS, LLC	\$6,746	McKesson Medical Surgical	\$2,787
Salman/Sabria	\$6,013	Essentia Health	\$2,522
Xcel Energy	\$4,998	Radio FM Media	\$2,500
Rampart Defense LLC	\$4,205	Grainger Inc.-842889693	\$2,477
City Of Barnesville	\$4,073	Wild Rice Electric Cooperative, Inc.	\$2,423
Creating Community Consulting	\$3,800	Carr/Lora	\$2,337
Ehlers	\$3,800	Green View Inc.	\$2,274
Pomp's Tire Service, Inc.	\$3,457	Nancy Hein-Kolo, PsyD, LP	\$2,250
Ahmed/Selwa	\$3,212	Office of MN IT Services	\$2,162

REQUEST TO APPROVE THE CLAY COUNTY 2023 BUDGET AND RESOLUTION 2022-38

County Auditor – Treasurer Lori J. Johnson and County Administrator Stephen Larson requested approval of the Clay County 2023 budget and Resolution 2022-38. Stephen Larson stated the budget discussion process began in May 2022. The Board of Commissioners provided direction after the initial budget came in around 10%. After receiving feedback, a preliminary levy was approved at 3.99%. At the end of Truth in Taxation, the Commissioners provided approval to bring forward a budget for consideration. Mr. Larson and Ms. Johnson requested approval for the overall budget with expenditures totaling to \$105,150,569 and Resolution 2022-38 which establishes levy dollar amount totaling to \$40,539,278.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the Clay County 2023 budget of \$105,150,569.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved Resolution 2022-38.

Resolution 2022-38

WHEREAS, The Clay County Board of Commissioners did hold a public meeting on December 13, 2022, and

WHEREAS, The Clay County Board of Commissioners has addressed the concerns of its citizens to the best of their ability, and

BE IT RESOLVED, That the Clay County Board of Commissioners hereby certifies the following levy for taxes to be collected in 2023:

Revenue Fund	\$	23,993,853
Road and Bridge Fund		4,206,507
Building Improvements		45,363
Library		288,751
Social Services		11,511,409
Debt Retirement-RB		0

Debt Retirement-Courthouse	0
Debt Retirement-County Projects	493,395
Total	<u>\$ 40,539,278</u>

BE IT FURTHER RESOLVED, That the Clay County Board of Commissioners hereby adopts the 2023 budget as presented.

METRO FLOOD DIVERSION AUTHORITY PLANNING COMMITTEE – CLAY COUNTY DESIGNEE

Mr. Larson discussed that the Metro Flood Diversion Authority created a governance review committee that was responsible to review the most effective organizational structure for the Diversion project as it has moved from planning to construction. This fall, Metro Diversion Authority Executive Director Joel Paulson provided an update of the proposed organizational adjustments. The Planning Committee has been established through resolution and will be responsible for making recommendations regarding the Diversion Authority Board’s meeting agenda items and regarding the policy goals and objectives for the Authority. The Planning commissioner will have a 6 committee members, *“One (1) Diversion Authority Board member recommended by the Clay County Commission and appointed by the Diversion Authority Board.”*

Commissioner Campbell stated that this was a long process, but all members of the Diversion Authority came to a conclusion that establishing the Metro Flood Diversion Authority Planning Committee was the best route. Commission Gross asked for clarification on what decisions the Committee will be making. Commissioner Campbell stated that the Planning Committee will me overseeing policies and projects that are not currently under design.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved to appoint Commissioner Campbell to the Metro Flood Diversion Authority Planning Committee.

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and unanimously carried, the Board approved to have this appointment included in Commissioner Campbell’s committee assignments.

REQUEST TO APPROVE FUNDING FOR COMMUNITY SUPERVISION BY RESOLUTION 2022-39

Mr. Larson presented The Association of Minnesota County’s (AMC) Board of Directors have again identified the necessity to change the funding formula for Community Supervision as one of the top legislative priorities for the 2023 legislative session. The AMC Board of Directors has also passed a motion to encourage all 87 county boards to adopt a resolution in support of the formula change and a significant increase in appropriations from the legislature.

Minnesota Department of Corrections – Direct Supervisor Field Services Janelle Cheney discussed further on the three delivery systems in Minnesota. One of the delivery systems is through the Department of Corrections, which is the model that Clay County uses. The State of Minnesota covers the felony level offenses and Clay County contracts with the state of Minnesota to cover the gross misdemeanor, misdemeanor, and juvenile case load in the contract office. The billback should be at 50% but legislation hasn’t received enough funds, so it’s typically around 26%. Another delivery system is a DOC and CPO (County Probation Office), and this model is in the 8th judicial district. Wilkin County is similar to this model. Typically, those counties will increase taxes and use county budget to support probation. The last delivery

system is the Community Corrections Act Organization, where a county supervises all levels and has the ability to billback. When there are three systems, there ends up being different services for clients across the State of Minnesota. Therefore, an organization came in to analyze what was being done across the state and they're trying to establish equity, not only in delivery services, but in funding as well. Association of Minnesota Counties decided to put together a work group to approach legislature requesting funds to bring all counties up to speed with what is happening across the state. The work group consists of all three delivery systems: Department of Corrections, Community Probation Offices, and the Community Corrections Act Organization. All have the common goal to appropriately fund those who are on supervision in the community. The question is how to effect change if we don't have the recourse.

Mr. Larson stated that Minnesota has fallen, in terms of funding, to the bottom of the United States. This poses challenges for those to effectively do their job. AMC has come forward with the resolution requesting all 87 Board of Commissioners to adopt this resolution in support of the changing in formula in the upcoming legislative session.

Commissioner Ebinger stated that this was discussed within the Committee he is on and how they want it passed. Community supervision is seriously underfunded, there is no consistency and no way to hold those systems accountable for effectiveness since there is no standard. We need to be unified as a state on this and have a consistent practice that applies to everyone. Commissioner Mongeau recalled Commissioner Ebinger discussing this with the commissioners and the need for it.

Commissioner Campbell stated that some formulas don't always work well for rural Minnesota and asked for clarification on what exactly will be changing. Commissioner Ebinger stated that there will be one consistent formula as opposed to three. Community supervision is increasing, incarceration is decreasing, and the funding needs to be reformulated. Commissioner Campbell stated that he is in support of the resolution, and agrees that all 87 counties/boards should share a goal, as long as there are no issues with metro versus rural dollars.

Commissioner Gross asked about the billback percentages and the discrepancy with what is expected versus what is received and asked why the statute isn't being followed.

Ms. Cheney stated that the state doesn't allocate enough funding to cover the billback percentage. Therefore, it's a situation where the state makes the statute but then doesn't fund the statute. All three delivery systems are prorated. The Corrections department has operated very lean. Whereas other systems and settings are not doing the same, therefore, discrepancies can be seen between the different counties and delivery systems. There has been a manipulation with lack of funding and how we can meet the needs in the counties with what we have.

Commissioner Gross asked if this resolution will make the state fund the 50%. Ms. Cheney stated they don't have to follow it but there is a strong argument due to multiple changes over the past few years. Sentencing guidelines changed their calculations, by putting a cap on anyone on supervision at 5 years. The number of individuals in community supervision is increasing. The Department of Corrections has split funding for the institution and field services which is Community Supervision. They're also looking to have the ability to shift funding from institution to field services, to better meet the needs within corrections across the state.

Commissioner Mongeau stated that having resolutions signed by all 87 counties sends a strong message and allows legislators to see where there are discrepancies.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to Resolution 2022-39.

Resolution 2022 - 39

Endorsing the efforts of the Community Supervision Work Group and urging the legislature to pass a new funding formula and significant appropriation during the 2023 legislative session.

WHEREAS, community supervision is a fundamental part of the criminal justice system in Minnesota and funding sufficient to ensure effective services is vital to public safety in all communities across the state; and

WHEREAS, community supervision includes services such as probation, supervised release, and intensive supervised release; and

WHEREAS, Minnesota's counties provide essential community supervision services both as mandated by M.S. Chapter 244.19 and also as delegated by the Department of Corrections under M.S. Chapter 401; and

WHEREAS, when the Legislature decided that community supervision was best delivered through a state-county partnership, it stated a clear intent that the state would provide significant funding to the counties for the operation of local programs; and

WHEREAS, over the past 20 years, Minnesota has become the state with the lowest level of corrections funding in the nation because the Legislature has not upheld its promise to provide adequate state resources to support community supervision; and

WHEREAS, the Legislature's failure to adequately fund community supervision has increased local property taxes on residents and businesses; and,

WHEREAS, a revised community supervision funding formula is necessary to ensure that all communities in Minnesota have enough state funding to provide a consistent standard for effective, evidence-based community supervision services, regardless of local capacity to pay; and

WHEREAS, the Association of Minnesota Counties assembled the Community Supervision Work Group including county leaders and experts in community supervision from all three supervision delivery systems to study the needs of community supervision departments statewide and develop a single funding formula that is transparent, needs based, and equitable among county and state supervision providers; and,

WHEREAS, the Community Supervision Workgroup has taken up its charge to convene stakeholders across the three probation delivery systems to oversee a study to create a unified recommendation for an equitable and adequate funding formula and appropriation; and,

WHEREAS, the Board of Directors of the Association of Minnesota Counties that represents the diverse interests of Minnesota's 87 counties, voted to support a new funding formula that provides counties with the resources needed to keep communities safe; now, therefore,

BE IT RESOLVED, the Clay County Board of Commissioners endorses the efforts of the Community Supervision Work Group and urges the Legislature to pass a new funding formula and significant appropriation during the 2023 legislative session.

BID OPENING FOR SP 1401-191, SAP 014-619-021

County Engineer, Justin Sorum opened bids for SP 1401-191, SAP 014-619-021 at 9 am. Mr. Sorum received one virtual electronic bid from the Sellin Brothers, Inc. with a complete bid and bid bond in the amount of 5% and bid total of \$551,783 dollars. There was no other correspondence on this bid.

Commissioner Mongeau asked when the estimate of \$502,253 was completed. Mr. Sorum responded approximately 18 months ago. Mr. Sorum stated that this is a split project between MNDOT, the City of Glyndon and Clay County. Mr. Sorum recommends the approval of this bid contingent on the approval from MNDOT and the City of Glyndon. The additional cost for the county would be about \$25,000 which would be covered under state-aid municipal.

Commissioner Gross questioned the timeline of the project. Mr. Sorum explained that the project will start after school is released in June and must be completed one week before school resumes.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved the Bid from Sellin Brothers for SP 1401-191, SAP 014-619-021 contingent on approval from MndOT and City of Glyndon.

APPROVAL OF MNDOT CONTRACT NO. 1052148 AND THE SUPPORTING RESOLUTION 2022-40

Every five years MNDOT updates the delegated contract project agreements which allows MNDOT to receive federal funds on the County's behalf and distribute those funds for our projects. Clay County will still have to go through the STIP and MetroCOG to receive this funding, but this allows MNDOT to receive the funding through the FHWA. Mr. Sorum stated that this process has worked very well in the past. In 2022, Clay County had two federal-aid projects that utilized this agreement.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Resolution 2022-40 for MNDOT Contract No. 1052148.

Resolution 2022-40

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of Clay County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the Chairman and County Administrator and the are hereby authorized and directed for and on behalf of Clay County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement No. 1052148 ", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

Adopted this 20th Day of December 2022 by the Clay County Board of Commissioners

REQUEST TO HIRE ADDITIONAL MAINTENANCE WORKER

Mr. Sorum is requesting to hire an additional maintenance worker. In the past, the highway department relies on part time summer and winter help. In the current situation, these garnered little to no interest. An additional maintenance worker would allow the highway department to continue to be fully staffed and have eleven plow trucks on the roads during the winter and to be able to patch roads in the summer. Mr. Sorum stated that no additional equipment will be required and is a budgeted item for 2023.

On motion by Commissioner Gross, seconded by commissioner Campbell, and unanimously carried, the Board approved to hire an additional maintenance worker for the Highway Department.

RESOLUTION 2022-41 TO APPROVE FARGO-MOORHEAD METROPOLITAN BICYCLE AND PEDESTRIAN PLAN

Transportation Planner with Metro COG, Dan Farnsworth requested approval of resolution 2022-41, for the Fargo-Moorhead metropolitan bicycle and pedestrian plan. Mr. Farnsworth discusses that in June of 2021 Metro COG began the Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan Update. Every five years Metro COG, in cooperation with local partners, updates the Bicycle & Pedestrian Plan. This Plan was guided by a 23-member study review committee with representation from local jurisdictions, parks departments, local health agencies, citizens, and more. Public engagement was also held twice throughout Plan's development.

Mr. Farnsworth presented a PowerPoint going through the Fargo-Moorhead Metro Bicycle & Pedestrian Plan. The presentation included a plan overview and the planning area, public feedback, recommendations, and design guidelines which discuss the best practices when designing bikeways and pathways.

Commissioner Mongeau mentioned the app that is available and asked Mr. Farnsworth to discuss it. Mr. Farnsworth stated that Metro COG put out an app roughly three years ago which can be found on their website. This app can show you maps of current bikeway trails within the community along with your current location. It's a great feature for anyone who is utilizing those trails.

Commissioner Gross asked if this would be something the county has to plan for when putting in roadways. Mr. Farnsworth stated its more of a guideline and just a resolution of support. The document would available and can be submitted with the application if the County was applying for a grant.

Commissioner Campbell asked if there are potential grant opportunities for the bicycle and pedestrian paths if the County establishes their 5-year plan for road and bridge projects without these paths included. Mr. Farnsworth stated that the main grant is the Transportation Alternatives grant. That Grant is once a year, and the funding is about 5 years out, which could coincide with the 5-year plan from the county. If the project is with MNDOT, they also have funding set aside for bicycle and pedestrian projects.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the Resolution 2022-41 approving Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan.

Resolution 2022-41

WHEREAS, the Clay County Board of Commissioners is the duly elected governing body responsible for the planning and development of safe and functional transportation systems including bicycle and pedestrian facilities.

WHEREAS, the Fargo-Moorhead Metropolitan Council of Governments, as the metropolitan planning organization designated by the Governors of North Dakota and Minnesota to maintain the metropolitan area's transportation planning process in accordance with federal regulations;

WHEREAS, the Fargo-Moorhead Metropolitan Council of Governments has undertaken the task of developing the 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan, which is a vital element of the planning process, and which makes transportation-related bicycle and pedestrian needs eligible for future federal funding.

WHEREAS, the 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan was directed by the Metropolitan Bicycle and Pedestrian Committee comprised of a wide cross section of bicycle and pedestrian interest groups including park district representatives, law enforcement, technical city, county and state staff, citizens, and other applicable agencies/organizations;

WHEREAS, the public was invited, encouraged, and involved in this Plan's preparation in full compliance with Metro COG's Public Participation Plan;

WHEREAS, the 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan seeks to enhance the Fargo-Moorhead Metropolitan Area's bicycle and pedestrian environment so as to increase mobility, health, safety, equity, and the quality of life for all citizens;

NOW, THEREFORE BE IT RESOLVED, that the Clay County Board of Commissioners does hereby adopt the 2022 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan and agrees to use it as a tool to implement area bicycle and pedestrian goals and objectives which will complement the overall development of the Area's transportation system.

REQUEST TO APPROVE 6-MONTH AMENDED LEASE EXTENSION FOR FAMILY HEALTHCARE DENTAL SUITE 106A IN THE FAMILY SERVICE CENTER

Construction for the new Family HealthCare Dental Project in the Family Service Center is expected to be finish July 1, 2023. Mr. Olson proposing to enter in another 6-Month lease extension at a reduced rate of \$10.00 per square foot. Starting July 1st, 2023, Clay County would enter a long-term lease and rates will be back up to \$13.75 per square foot. At the reduced rate of \$10.00 per square foot, this would be an estimated revenue reduction of \$5,557 dollars. The Building Committee has approved this lease extension.

Commissioner Campbell mentioned this has been through the building committee and they are in support of this extended 6-month lease.

Commissioner Mongeau asked if this has been through our attorney. Mr. Olson stated that is has been and all leases go through our attorney.

Commissioner Campbell questions if there will be any interference with any other tenants. Mr. Olson stated that they will be setting up trailers on the south side of the building and have had agreements about keeping

the noise down. Commissioner Campbell is more concerned about the noise level and requests that other tenants are notified of the construction.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved the 6-month amended lease extension for Family Healthcare Dental Suite 106A in the Family Service Center.

REQUEST APPROVAL TO FILL VACANT BUILDING MAINTENANCE TECH POSITION

Mr. Olson requested to advertise and fill a vacancy for the Building Maintenance Tech Position, as Tom Millette will be retiring on February 1st, 2023. Start date for this position would take effect after February 1st, 2023.

On motion by Commissioner Gross, seconded by Commissioner Campbell, and unanimously carried, the Board approved to fill the Vacant Building Maintenance Tech Position.

REQUEST APPROVAL FOR NEW BUILDING MAINTENANCE TECH POSITION

Mr. Olson requested to advertise for a new Building Maintenance Tech Position for 2023 due to increase workload from growth and expansion around the County. This position was approved through the budget process.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to advertise and hire a new Building Maintenance Technician.

REQUEST APPROVAL TO HIRE TWO FULL TIME CUSTODIANS

Mr. Olson requested to take four variable hour positions and combine them into two full time custodial positions. The added cost of this would be additional benefits. Variable hour positions have been hard to fill. There is little turn over in the fulltime positions and are hopeful this will help the staff shortage we have experienced this past year. This has been approved through the 2023 budget process.

Commissioner Mongeau thanked Mr. Olson for being thoughtful in addressing the employees needs as the County continues to grow.

Commissioner Campbell questioned the line items on the 2023 budget and if the variable hour line item was reduced and the full-time line item was increased. Mr. Olson stated that the variable hour budget wasn't reduced, rather the maintenance cost was added.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to hire two full-time Custodians.

NEW VARIABLE CUSTODIAL POSITION FOR THE RESOURCE RECOVERY CENTER

With the Resource Recovery Center opening in February 2023 Mr. Olson requested one variable hour custodial position for this facility. The cost for this position would be \$16,047. During the budget process, this expense was added over into the Resource Recovery Enterprise fund, which would show a revenue coming out of the courthouse budget.

Commissioner Campbell questions the request for a variable hour position, when previously Mr. Olson expressed having difficulty filling those types of positions. Mr. Olson stated that it is somewhat contradicting, however, this position would be housed and scheduled at the Resource Recovery Center. When the variable hour positions are responsible for one building, it works well. Mr. Olson also references how this same position works well at the Government Center.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved to hire a Variable Hour Custodian for the Resource Recovery Center.

RESOLUTION TO ESTABLISH A PERSONNEL ADMINISTRATION SYSTEM FOR THE CLAY COUNTY, MN

Human Resources Director Darren Brooke shared that this resolution is to establish a personnel administration system for Clay County. In January of 2022, Social Services was given permission by the board to start the process of withdrawing from the Minnesota State Merit System. In order to withdraw from the Merit System, the county had to outline how the Human Resources department would run. This documentation was submitted on September 28, 2022. After several meetings, they plan to certify us to get out of the Merit System. The Merit System will send the certification to the Commissioner of DHS. We plan to receive this by January 10, 2023. Mr. Brooke stated that a resolution is required (Resolution 2022-42) and the County has to establish a Personnel Administration System, which is our HR department and a personnel appeals board.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved resolution 2022-42 to establish a personnel administration system.

Resolution 2022-42

WHEREAS, Clay County has notified the Department of Human Services of its desire to withdraw from the Minnesota Merit System; and

WHEREAS, to receive federal funds for various programs, the Minnesota Department of Human Services and local units of government must have systems of personnel administration that satisfies federal merit system standards; Minnesota Statute 256.012; and

WHEREAS, the County Personnel Act, Minnesota Statute Sections 375.56 through 375.71 satisfies the federal merit system standards.

WHEREAS, the County will establish a "Personnel Board of Appeals" in accordance with MN Statute Chapter 375.65

NOW, THEREFORE, BE IT RESOLVED, by the Clay County Board of Commissioners, that the County Personnel Administration System, pursuant to Minnesota Statute 375.56 through 375.71 be established effective December 20, 2022 and,

BE IT FURTHER RESOLVED, the duties of the Personnel Director, pursuant to Minnesota Statutes section 375.59, are assigned to the Clay County Human Resources Director effective December 20, 2022.

ADOPTED by the Clay County Board of Commissioner this 20th day of December 2022.

APPROVAL OF YEAR END ITEMS

Mr. Brooke requested approval of the year end items. These items have been discussed in the past and have been through the Personnel Issues Committee.

1. Grid adjustments for 2023: A 4% to add to the existing grid to Clay County for 2023, for all employees and unions that have a signed contract.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the Grid adjustments for 2023.

2. Meal Reimbursement Rates were last updated in 2019. The PIC recommended they remain the same, breakfast at \$15, lunch at \$20, and dinner at \$30.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the Meal Reimbursement Rates.

3. Per Diems Rates for 2023. These were last updated 2015 and are currently \$100 per day and are requesting to keep the rate the same

Commissioner Campbell clarified that these per diem rates are different from committee per diem rates.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the Per Diem Rates.

4. Mileage rates increase. In the Personnel Policy, the mileage rate is tied to the IRS rate, which is currently \$0.62.5 cents per mile. The other mileage rate, which was last updated in 2010, is \$0.40 per mile. This is when a person uses a personally owned vehicle. This was brought to the Personnel Issues Committee, and since this was last updated in 2010, they recommend the mileage reimbursement rate be increased to \$0.50 per mile.

Commissioner Mongeau mentioned that this came before the Personnel Issues Committee, and the mileage reimbursement is based on IRS rate. Commissioner Mongeau continued to discuss that staff are not always able to access company vehicles and that the cost of repairs has gone up.

Commissioner Campbell asked if staff would receive the IRS rate if a county vehicle isn't available. Mr. Brooke confirmed that if a county vehicle is not available, then the staff would receive the IRS rate. If a county vehicle is available, but the staff chooses to take their POV, the rate would be \$0.50 per mile.

On motion by Commissioner Campbell, seconded by Commissioner Kahly, and unanimously carried, the Board approved to increase the Mileage rate to \$0.50 per mile.

5. 2023 Furlough Program. The Furlough Program has been a successful program. On December 7, numbers were ran, and in 2022 our employees used 856 hours of furlough for a total savings of \$24,671. Helps employees who don't have enough vacation or sick leave. We are proposing no changes to the current furlough program.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to continue with the Furlough Program for 2023.

6. Add Juneteenth as a paid holiday in 2023 and ½ (4 hour) day Christmas Eve Holiday, starting in 2023. This has also been negotiated with the Unions, based on early conversations with the Board.

Commissioner Campbell asked that Mr. Brooke explain in further detail, how these holidays will work when they fall on a weekend. Mr. Brooke explained how the County observes holidays if they land on a weekend day.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to add Juneteenth and ½ day on Christmas Eve as paid holidays, starting in 2023.

Commissioner Mongeau stated her appreciation to be on the board to vote on this where the county recognizes Juneteenth.

7. Change in vacation usage policy. Mr. Brooke stated that this came up during Union negotiations and discussion during a closed session. Currently, new employees cannot use their vacation time within the first six months of employment and cannot use their sick leave within the first month of employment. After discussion, it was recommended that employees be able to use their vacation as it's accrued. One additional item that was agreed upon, is that if an employee quits before their probationary period, their vacation would be forfeited. This is the same policy currently set in place.

Commissioner Campbell stated how important this issue is with our current market conditions and from a recruitment standpoint.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the change in vacation usage policy.

APPROVAL OF UNION CONTRACTS

Mr. Brooke requested to approve union contracts for the following unions; Attorneys, Corrections and Lieutenants. There is a tentative agreement for Correctional Sergeants and are currently waiting for signatures from the Deputies, which will be provided on the December 27th meeting. Mr. Brooke stated that there are three union contracts to be signed today. There are three additional outstanding contracts, Social Workers, Detox and Highway.

Stephen Larson asked Mr. Brooke to touch base on cost impacts and shortening the current 2022 grid. Mr. Brooke stated that one of the discussions was shortening the grid from 15 years to 11 years. As it's known, steps 8 through 12 are all two-year steps. Proposals and agreements were to shorten that grids to 1 year steps, starting in 2024. Another discussion is to do a market study wage comparison in 2024 with implementation in 2025. Juneteenth and ½ day on Christmas Eve were also included in the contracts.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the three Union Contracts for Attorney's, Corrections and Lieutenants.

REQUEST TO SIGN LAKELAND CONTRACTS FOR 2023

Director – Juvenile James O'Donnell requested approval to sign three Lakeland Contracts for 2023. These contracts are for the Coordination, Psychologist and the Psychiatric Medication Provider. This program has been running for 20 years and continues to be a valuable program in the Non-Secure unit. Coordination is looking for 2% raise, Psychologist is looking for a 2% raise and the Psychiatric Medication Provider is looking for a 24% raise. There has been difficulty finding and filling the Psychiatric Medication Provider position.

Commissioner Mongeau reflects on how the 24% raise was alarming, however, the service is vitally important to the youth that Juvenile Detention serves, and we need to continue to provide that service.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the permission to sign Lakeland Contracts for 2023.

PERMISSION TO HIRE 2 FULL TIME STAFF IN THE NON-SECURE UNIT

Mr. O'Donnell requested permission to fill the two positions in the non-secure unit, which was outlined in the Grant.

Commissioner Campbell asked if these are footnoted as Grant positions and wondering if these two positions are subject to Grant funding. Mr. O'Donnell stated the two positions will get reimbursed by the state and were added in June of 2022 when he was building the budget for the needs of Clay County and then the Grant was secured after that.

On motion from Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the hiring of 2 full time staff in the non-secure unit.

PERMISSION TO INCREASE THE WCRJC VH WAGE TO 90% OF LINE 13

Mr. O'Donnell requested to increase the variable hour wage. Currently the WCRJC variable hour wage is set at 83% of Line 13. So currently the starting wage is \$18.61. Increasing it to 90% of Line 13 will make the starting wage \$20.18. Currently there are 30 open VH positions.

On motion by Commissioner Kahly, seconded by Commissioner Campbell, and unanimously carried, the Board approved to increase the WCRJC VH wage to 90% of Line 13.

REQUEST TO ADD RN SUPERVISOR FOR DETOX

Public Health Administrator, Kathy McKay and Detox Director, Troy Amundson have requested to add an RN Supervisor for Detox. We had an RN that was in our 2023 budget for Detox, but there has been a definite need for an RN supervisor. This position be responsible all RN and LPN scope of practice, and assisting the Detox Director, in the requirements of operations. Mrs. McKay explains that this was also discussed at the PIC meeting, and the budgeted amount was for an RN, but the supervisor would be on a higher level. The request was \$9,350 with the RN supervisor. Mrs. McKay mentions that they do have withdrawal management as long as there is a nurse on every shift, we can bill at a higher rate, and that is the hope. The reimbursement is higher so it will cover more of the operations including the RN supervisor.

Commissioner Mongeau asked why this was not included in the 2023 budget discussions. Ms. McKay stated they anticipated being able to have an RN as a regular staff, but because of all the requirements for supervision, at the end of the year, they determined that the need was now, rather than in 2024. Ms. McKay

goes on to discuss how difficult it has been to recruit nurses, both LPN and RN, as well as having a difficult time retaining nurses. They didn't anticipate the needs this soon, but they are there.

Commissioner Campbell asked if the recent announcement of resignation from the nurse supervisor had any impact on the need for this position. Ms. McKay stated that it did not have an impact and that they are separate program areas.

Commissioner Kahly expressed the need and that she is hopeful that adding this position will make it easier to have a nurse available at all times.

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to add RN Supervisor for Detox.

2023 BUDGETED REQUEST FOR 3 FTE RNS AND 0.8 CASE AIDE

Ms. McKay requested 3 FTE RN's and 0.8 Case Aide and stated that this was included in the 2023 budget. The program area for Case Management is growing significantly, with additional cases coming up. The managers are already over their case capacity. There will also be an additional 750 more clients, therefore, there is an inability to currently manage that.

Commissioner Mongeau asked if Ms. McKay will be needing additional office space and wondered if discussions have taken place regarding that. Ms. McKay stated that she had been talking with Mr. Olson and it has been mentioned to the Mr. Larson. Further discussion will take place since they are currently full where those nurses are housed.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved request for 3 FTE RNs and 0.8 case.

AGRICULTURE, FOOD, AND NATURAL RESOURCES (AFNR) EXTENTION UPDATE

Lisa Loegering introduced herself stating she is one of the two regional directors who works in northwest Minnesota. She also introduced Dawn Lovett, the new Principal Office & Administrative Specialist, and Randy Nelson, the Local Extension Educator.

Mr. Nelson gave a PowerPoint presentation updating the Board on the activities that he's worked on over the past year. Mr. Nelson's job includes both Horticulture and Agriculture Education in Clay County. With that, Mr. Nelson works closely with associations and.

Clay County Crop Improvement, which he works with annually to develop the crop update program. This event is geared towards farmers and crop consultants. Typically, someone is there discussing weather, marketing, small grains update, and a weeds update. There are also local updates from the local FSA and the Clay Soil and Water.

Mr. Nelson works with the Private Pesticide Applicator Training. Any farm or farmer applying a restricted use pesticide to their land, must hold this certification. This certification needs to be renewed every three years.

Mr. Nelson is on the Board of Norther Plains Sustainable Agriculture Society, where he holds the position of the Secretary. This organization promotes sustainable food systems through education and research.

Mr. Nelson is also involved in the American Rose Trails for Sustainability (A.R.T.S.), which he also serves on the Board. This organization finds roses that are resistant to diseases and insect pests in a particular region. That information is made public to the industry professionals as well as the gardening public. This program runs nationwide with ten to fourteen trial sites, which changes every year. The sites are located in California, Oregon, Texas, Louisiana, Connecticut, and lastly, in Oak Tree Park in Dilworth Minnesota. Mr. Nelson goes on to discuss soil management, trial length, evaluation, maintenance, and outreach.

Lastly, Mr. Nelson discusses his statistics, including answered questions, conducted site visits, presentations, news articles, newsletters, media outreach and his involvement with Extension Master Gardeners.

Commissioner Mongeau asked Mr. Nelson to discuss a little bit about rodent proofing trees.

Mr. Nelson explains that many residents are having issues with rabbits. While residents may have tree guards in place, as snow piles up that becomes a shelf, which allows rabbits to eat higher in the tree canopy. His suggestion is to shovel around those trees or add more protection higher up.

Commissioner Campbell asked if Mr. Nelson could remind the public, that Clay County offers a pesticide collection program for unused pesticides, through the recycling program.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Kahly reported on meetings for Extension Committee and Clay County Substance Abuse Committee.
- Commissioner Gross reported on meetings for Wild Rice Watershed District Advisory Board and Partnership4Health CHB.
- Commissioner Campbell reported on meetings for Solid Waste Advisory Committee; Moorhead Clay County JPA; FM Diversion Authority Board; and met with Mr. Larson, Commissioner Ebinger and Diversion Authority.
- Commissioner Ebinger reported on meetings for NW Emergency Communication Board; Greater Fargo Moorhead EDC; and FM Diversion Authority Board.
- Commissioner Mongeau reported on meetings Extension Committee; Solid Waste Advisory Committee; Moorhead County JPA; Metro COG Policy Board; Lakeland Mental Health Center.
- Mr. Larson attended meetings for County Management; Civic Clerk Training; met with Darren & Attorney Josh Haggem regarding Union Contracts; SWAC; met with Sheriff Empting regarding Sheriff Department issues; MCCJPA; Commissioner Ebinger & Commissioner Campbell regarding legislative funding for the diversion; Jansen Settlement for the Opioid settlement; City Moorhead received grant;

The meeting was adjourned at 11:03 a.m.

Jenny Mongeau, Chair
County Board of Commissioners

Stephen Larson, County Administrator