

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 a.m., TUESDAY, DECEMBER 27, 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, Frank Gross, Jenny Mongeau, Kevin Campbell, and David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, HR Director Darren Brooke, and Communications Coordinator Jacqueline Finck.

CALL TO ORDER

Commissioner Mongeau called the meeting to order at 8:30 a.m.

APPROVAL OF AGENDA

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the agenda.

YEAR-END TRANSFER FROM GENERAL FUND TO THE FM DIVERSION JOINT PORTS – MCCJPA FUND

By consent, the Board approved the Year-End Transfer from General Fund to the FM Diversion Joint Ports – MCCJPA Fund to cover deficit.

SCHEDULING OF THE COUNTY BOARD OF APPEAL AND EQUALIZATION MEETING

By consent, the Board approved the Scheduling of the County Board Appeal and Equalization Meeting which has been tentatively scheduled for June 13th at 6:30 p.m.

APPROVAL OF THE POS AGREEMENTS, GRANT CONTRACTS, AND MOUS AS SUBMITTED IN THE 2023 BUDGET

By consent, the Board approved the POS Agreements, Grant Contracts, and MOUs as submitted in the 2023 Budget.

DONATION FROM SPS COMMERCE FOR PURCHASING HOLIDAY GIFTS FOR 12 YOUTH IN FOSTER CARE

By consent, the Board approved the donation of \$600 from SPS Commerce for purchasing holiday gifts for 12 youth in foster care.

DONATION FROM BLUECROSS BLUESHIELD OF MINNESOTA TO HOST A TRAINING EVENT IN CY2023

By consent, the Board approved the donation of \$3,000 from Blue Cross and Blue Shield of Minnesota to host a training event in CY2023 aimed at meeting the mental health needs of the diverse populations.

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 Gross, and unanimously carried, the Board approved the payment of bills and vouchers totaling \$812,096 from 105 vendors. There were 75 warrants issued under \$2,000 (33,928) and the following 30 were over \$2,000:

Internal Revenue Serv	\$204,874	A Place For Hope	\$6,000
MN PERA	\$139,895	Sanford Health	\$5,881
Valley Service Mechanical, LLC	\$ 77,385	Rick Electric Inc	\$4,648
T.F. Powers Construction Co.	\$ 58,800	RBS Activewear	\$4,525
Fargo Moorhead West Fargo Chamber of Com	\$ 50,000	The Retrofit Companies Inc.	\$3,774
Treas Of Hawley City	\$ 49,001	Xcel Energy	\$3,756
ServerWorlds	\$ 29,400	Accurate Controls, Inc.	\$3,375
Mn Dept Of Revenue	\$ 25,869	Nd State Tax Commissioner	\$3,370
CB & Sons Electric, Inc.	\$ 25,327	OpenText Inc.	\$3,358
Next Chapter Technology, Inc.	\$ 16,735	Sanford Health	\$3,306
Lutheran Social Service Of Mn	\$ 15,398	Kurita America, Inc.	\$2,916
Medical Pharmacy (PH)	\$ 8,919	Stellar Services, LLC	\$2,793
Verizon-386550144	\$ 7,837	Axon Enterprises, Inc.	\$2,511
Titan Machinery	\$ 7,122	Jim's Towing, Inc.	\$2,340
Leighton Broadcasting	\$ 7,000	Minnkota EnviroServices, Inc.	\$2,045

APPROVAL OF MINUTES FROM DECEMBER 13, 2022

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the minutes from December 13, 2022.

REQUEST TO APPROVE THE NEW TASER CONTRACT

Correction Facility Administrator, Kari Tuton requested approval to sign the 2023 Taser Contract.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved the new taser contract.

REQUEST FOR APPROVAL OF THE FINAL CONTRACT VOUCHER FOR CSAH 33 SAP 014-633-018

County Engineer Justin Sorum requested approval on the Final Contract Voucher for SAP 014-633-018 for the Urban Reconstruction Project of the 5th Street in Hawley. The final contract voucher is \$325,890.32, with the initial bid being \$325,703.71.

On motion from Commissioner Campbell and seconded by Commissioner Ebinger, and unanimously carried, the Board approved the final Contract Voucher for CSAH 33 SAP 014-633-018.

REQUEST TO REPLACE A COUNTY AGENCY SOCIAL WORKER POSITION IN CHILD PROTECTION/CHILD WELFARE ASSESSMENT DIVISION

County Administrator, Stephen Larson presented on behalf of Social Services Director, Rhonda Porter, to replace a county agency social worker, in child protection and child welfare, with backfill, should there be internal interest. This position is also in the current budget.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to replace a county agency social worker position in child protection/child welfare assessment division, with backfill.

REQUEST FOR APPROVAL OF POSITION CHANGE AND REORGANIZATION

Public Health Administrator Kathy McKay requested approval of position change and reorganization. A notice of retirement from the Nursing Director occurred in October of 2022. Due to when the notice was given, it was too late to include the new position in the 2023 budget. Therefore, Ms. McKay requested the reorganization from one position to two positions because of the depth and responsibilities of the supervision of both program areas, one being Family Health Programs and the other being Adult Health Programs. The hope is to recruit internally and externally so the current Nursing Director can provide training to help with the transition. There would be some savings based on salary differences with new supervisors and reallocation of duties.

Commissioner Ebinger asked for clarification on why only one position would be advertised. Ms. McKay stated that she is anticipating one of the positions would be an internal shift for Family Health. Therefore, only advertising for the Adult Health Program is needed for an external hire.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the position change and reorganization including backfill if necessary.

MINNESOTA OFFICE OF THE STATE AUDITOR REPORT FOR 2021

Audit Staff Specialist Karen Stacken presented and discussed the State Audit report. The report included the required Communication Letter, Independent Auditor's Report, and the Schedule of Findings and Questioned Costs for the Year End. Ms. Staken was happy to report that no difficulties were encountered while performing the audit. She stated that there is a new accounting standard that will be in effect for the next financial cycle. Ms. Staken stated that the county was not considered a low-risk auditee, due to a finding in 2019. Since there were no findings in 2020 and 2021, next year, the county will go back to being a low-risk auditee. This means only 20% of the federal awards is looked at, instead of 40%. Ms. Staken continued to discuss the first finding, which is Segregation of Duties. This is due to the limited number of personnel in some of the county offices. She encouraged the Board to be mindful of this moving forward and wherever possible and try to implement oversight procedures. The last finding, which was a Significant Deficiency, was related to eligibility, having to do with the medical assistance program. When testing, forty case files were looked at, in three of those files, they couldn't locate the documentation to support the citizenship. This was a significant deficiency, not a material weakness, therefore, it did not affect the opinion on the program.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the State Auditor Report for 2021.

REQUEST TO APPROVE UNION CONTRACTS FOR YEARS 2023 TO 2025

Human Resources Director, Darren Brooke presented two contracts for approval, the Deputies and Correctional Officer Sergeants. Both are essential units, therefore, it's good to get them complete prior to the end of the year. Contracts are for three years and reflect 4% wage adjustment from current 2022. Both contracts include Juneteenth, ½ day Christmas Eve holiday, ability to use vacation and sick time as it's accrued, shortening the grid from two-year steps to one-year steps in 2024, and to conduct a market study in 2024 to implement in 2025.

Commissioner Mongeau stated that these are in line with what was reviewed and approved prior.

Commissioner Campbell asked if all contracts expire at the end of 2022. Mr. Brooke stated there are eight contracts total, with three still unsettled.

Commissioner Campbell asked for clarification on with the new contracts and the new benefits that come with them, they will be applied to only the unions who have signed/approved contracts, along with all other non-represented employees. Mr. Brooke confirmed that that is correct.

On motion by Commissioner Ebinger, seconded by commissioner Kahly, and unanimously carried, the Board approved the Union Contracts for years 2023 to 2025.

BUFFALO-RED RIVER WATERSHED BOARD – MANAGER APPOINTMENT

Mr. Larson presented the two candidates, Mark Anderson and William Davis for the remaining term of January 2023 to August 2024, as a Buffalo-Red River Watershed Manager.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to appoint William (Bill) Davis to the Buffalo-Red River Watershed Manager position.

CLOSED SESSION – COUNTY ATTORNEY, BRIAN MELTON, AS PERMITTED BY MS SECTION 13D.05 SUBDIVISION 3 (B) ATTORNEY-CLIENT PRIVILEGE TO DISCUSS CLAY COUNTY TRANSFER STATION CONSTRUCTION AND CONTRACTING

On motion by Commissioner Campbell, seconded by Commissioner Gross, and unanimously carried, the Board closed the public meeting for a closed session at 9:01 a.m.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board reopened the public meeting at 9:20 a.m.

BURNS & MCDONNELL ENGINEERING PROFESSIONAL CONSULTANT FIRM – CONTRACT AMENDMENT #3 – POSTPONED FROM 11/22/22 MEETING

Mr. Larson presented that on November 22, 2022, the Board voted to remove and postpone the agenda item addressing the Contract Amendment #3 with Burns & McDonnell Professional Consultant Firm for further discussion. The initial contract not to exceed maximum was established assuming a 16-month construction period. The current construction completion date is February 6, 2023, approximately 22 months after the start date. The time extension, number of submittal/RFI reviews compared to the number assumed at the beginning of the project, and the increased size of the project have all contributed to the need for any increase in the construction support services budget.

Mr. Larson asked Project Manager for Burns & McDonnell Engineering Matt Evans to discuss why the bill rates from July to October 2022 were different moving forward. Mr. Evans discussed that the bill rates have to do with the personnel who were working on the project. If there is submittal that requires additional levels of work, the bill rate would be dependent on that. In addition, that was the best estimate for the projection going forward.

Commissioner Campbell thanked Mr. Evans for providing the answers throughout this process.

On Motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried the board approved the Contract Amendment #3.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Kahly reported on the meeting for Historical & Cultural Society.
- Commissioner Gross did not have any meetings to report on.
- Commissioner Campbell reported on meetings for Personnel Issue Committee and Legislative priorities for the Diversion project.
- Commissioner Ebinger reported on meetings for Legislative priorities for the Diversion project.
- Commissioner Mongeau reported on the meeting for the Personnel Issue Committee.
- Mr. Larson attended meetings for Personnel Issues Committee, Ribbon Cutting for Resource Recovery Center; Intergovernmental Retreat; and Letter to Legislator Leadership to allow virtual testimony.

FARWELL TO COMMISSIONER KAHLY

Commissioner Kahly took a moment to give thanks and share her experience with being a Clay County Commissioner. She expressed that being a commissioner has been a wonderful experience and that she believes that Clay County has an immense amount of integrity. Commissioner Kahly thanked her fellow Commissioners, Gross, Mongeau, Campbell and Ebinger, for the great learning experience along with all additional county employees for their continued work, passion, and investment within the community.

The meeting was adjourned at 9:29 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator