

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 AM, TUESDAY, SEPTEMBER 5, 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, Assistant Attorney Michael Leeser, 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.

Donation from Johnson's Auto Repair to the Sheriff's Office K9 Program

By consent, the Board approved the donation of \$26.00 from Johnson's Auto Repair to the Sheriff's Office K9 program.

Commissioner Gross recognized the donation and extended a thank you to Johnson's Auto Repair.

Employee Recognitions

The following employees were recognized: Brian Axtman for 20 years with Public Health, Ross Olson for 25 years with Solid Waste, Kristy Sisk for 30 years with Public Health, and Kathy Otte for 35 years with the Auditor's Office.

Citizens to be Heard

There were no citizens to be heard.

Approval of Payment of Bills and Vouchers

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the bills and vouchers totaling \$1,113,831 from 195 vendors. There were 140 warrants issued under \$2,000 (\$61,806) and the following 55 were over \$2,000.

Internal Revenue Serv	\$225,728	QED Enviromental Systems Inc.	\$5,819
Turner Sand & Gravel Inc.	\$155,516	Parsons Electric	\$5,750
Clay Co Public Health	\$78,407	thinkst applied research	\$5,400
Klein Mccarthy & Co Ltd	\$51,531	City of Hitterdal	\$5,323
R J Zavoral & Sons, Inc.	\$34,627	Fidlar Technologies	\$5,280

Otter Tail Public Health	\$34,055	LSQ Group Holdings LLC	\$4,890
Hough, Inc	\$33,268	The Retrofit Companies Inc.	\$4,851
Mn Dept Of Revenue	\$29,800	City of Ulen	\$4,689
Magic Fund	\$28,717	Ulteig Engineers, Inc.	\$4,676
VEBA Select Account	\$28,168	Toshiba Bus Solutions-T0BAKN3	\$4,641
Prairie Lakes Municipal Solid Waste Auth	\$26,028	Barr Engineering Co.	\$4,639
Becker County Public Health	\$23,408	MN Department of Transportation	\$4,251
City of Felton	\$22,336	Hands Down Flooring and Tile	\$4,123
Pope County Highway Department	\$17,179	Winning Edge Seminars	\$3,850
MN Life	\$16,937	Town & Country Oil Inc.	\$3,740
Code 4 Services, Inc	\$16,737	City Of Barnesville	\$3,666
Historical & Cultural Society Of Clay Co	\$16,461	Wilkin Co Public Health	\$3,555
WEX Bank - Sheriff	\$14,619	Colonial Life	\$3,508
TrueNorth Steel	\$14,400	City of Breckenridge	\$3,500
Dakota Plains Mechanical, Inc.	\$12,464	Braun Intertec Corp	\$3,483
NACO	\$12,417	Fidelity Security Life	\$3,373
Sanitation Products Inc.	\$11,502	Amazon Capital Services	\$3,186
Verizon-386550144	\$9,625	Auto Value Parts Stores	\$2,907
GovOS, Inc.	\$9,498	Claris International Inc.	\$2,268
Bytespeed, LLC	\$6,735	R Travelmart	\$2,264
Gast Construction Co., Inc.	\$5,969	River Valley Forensic Services, PA	\$2,250
Moorhead Public Service	\$5,894	Wir3d Electric Inc.	\$2,097
		Sanford Health	\$2,000

Approval of Minutes from August 15 & 22, 2023

On motion by Commissioner Ebinger, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the minutes from August 15 & 22, 2023.

Presentation and Request for a Letter of Support for the City of Moorhead Federal Grant Opportunity

Lisa Bode, Director of Government Affairs for the City of Moorhead stated that the City of Moorhead is requesting federal funding for Phase I of the Climate Resilience Stormwater Mitigation Project. The project addresses resiliency, safety, mobility, connectivity, accessibility, and economic development challenges associated with flooding of streets, adjacent properties, community assets, and inundation of the sanitary sewer system caused by climate change. Moorhead is proposing storm sewer replacement and road construction along three roadways in the southern portion of town.

In 2022, the City of Moorhead worked with a Minnesota Pollution Control Agency and conducted a study of the affected area. A plan was introduced to reduce flooding in a significant portion of Moorhead, including a 42% reduction in acres flooded, 58% reduction in structures impacted, 24% reduction in intersections with major flooding, 10% reduction for impacted sanitary manholes and a 2.6% reduction for inundated public spaces. Funds are available through the Protect grant through the US Department of Transportation and the City

of Moorhead is in a good position to apply for this funding and is seeking \$12.34 million for the project.

Commissioner Krabbenhoft referred to the project overview handout and asked what a gateway was. Ms. Bode apologized as she did not have the technical answer regarding the question.

Commissioner Ebinger asked if the City Engineer Bob Zimmerman was supportive of this project. Ms. Bode stated Mr. Zimmerman is in support of this project.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the letter of support for the City of Moorhead Federal Grant Opportunity.

Budget Presentation - Fargo Moorhead West Fargo Chamber

Shannon Full, President & CEO, Jenna Mueller, Executive Director, and Katherine Grindberg, Executive Vice President with Fargo Moorhead West Fargo Chamber presented their 2024 budget.

Ms. Full touched on the cornerstones including Business Vitality, Public Policy & Advocacy, Workforce & Talent, Community Enhancement, Organization Excellence and background and insights.

Ms. Mueller discussed the Ignite Initiative which included the Good Jobs Challenge, Ignite data, EDventures, Upskill-a-thon, the Community Concierge program, and Integration.

Ms. Grindberg discussed Public Policy and Advocacy including background and insights, Moorhead Area Day at the Capitol, Business Roundtables, Community Leader Forums, and Advocacy Leadership.

Commissioner Mongeau thanked the Chamber for advocating for not only the region but specifically Clay County and stated in the past year there was an increase in engagement from the business community and it was very helpful to have the Chamber gather the groups, organize the meetings and the roundtable events to effectively strengthen Clay County's voice in St. Paul.

Commissioner Campbell thanked the Chamber for their efforts and briefly mentioned the concerns regarding the Paid Family Leave Act.

Commissioner Ebinger stated he'd attended the Moorhead Area Day at the Capitol a number of times with different organizations and applauded the Chamber for their preparation, as the briefings were concise and provided essential information. Commissioner Ebinger thanked the Chamber for doing a spectacular job at rallying the business people in the community and for providing a space where concerns could be expressed in a respectful manner.

Commissioner Gross asked how the Chamber was involved with individuals coming to the area from other countries. Ms. Mueller stated the Chamber doesn't directly source talent from other countries. Instead, they work alongside and have partnerships with the organizations that are bringing talent in from other countries to this region. By doing this the Chamber makes sure those individuals have connections with the adult learning centers and the nonprofits to ensure

there are connections with other individuals who are from that same community. Ms. Full stated as the demand for workforce continues, the Chamber is being asked to be more involved regarding how to vet immigrants, refugees, new Americans, and what countries could be focused on. The Chamber is currently working with businesses to see what their diversity looks like and if they are willing to hire more new Americans, and what training can be provided to better help the acclimation for those individuals within the business. The Chamber's focus is to look at the acclimation and the training for business leaders.

Request Approval to Replace Vacated LPN Position for Detox

Detox Director Troy Amundsen and Public Health Administrator Kathy McKay requested approval to replace a vacated LPN position for Detox. Nurses are needed for each shift to be eligible for Withdrawal Management reimbursement.

Commissioner Gross asked if new positions will arise when the new Withdrawal Management/Detox Facility opens. Mr. Amundsen stated there will be more LPN and RN positions that Public Health will be advertising for when the new facility opens. County Administrator Stephen Larson mentioned the plan is for Detox to approach the hiring process in phases as beds become available, rather than all at once.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved to replace the vacated LPN position for Detox.

Budget Presentation - Solid Waste Department

Solid Waste Manager Corey Bang presented the Solid Waste 2024 budget which included the special assessment, telephone & photocopying, travel & expenses, composting, recycling, salaries part time, equipment repair & maintenance, signs, public education, conference registration, existing landfill, rent, other professional services, miscellaneous-MN landfill surcharge-PLMSWA, miscellaneous revenue, printing & publishing, office supplies, and equipment over \$500. Overall, there would be a reduction of 9.09% for the 2024 budget.

Commissioner Gross asked if the other professional services line item was needed if no additional building or construction is being done for the Resource Recovery Center (RRC). Mr. Bang stated that line item is used for testing fees for the landfill but will no longer be for consulting for new construction/building.

Commissioner Campbell asked about the depreciation fee for the RRC and how it's labeled as an expenditure. Mr. Bang stated that is in place for the depreciation on the new building.

Commissioner Campbell discussed closure and post closure costs for the existing landfill and how that expense is mandated by the state and how a certain amount of funds need to be set aside for the closing of a landfill. Regardless of how much is already in that fund, contribution is still required.

Budget Presentation - Historical & Cultural Society

Maureen Kelly Jonason, Executive Director for the Historical & Cultural Society of Clay County (HCSCC) summarized the 2023 year including giftshop, membership and admissions goals, grants, donors, school tours, offsite programming, historical artifacts, collections conditions, and how the County allocation helps with staff salaries.

Ms. Jonason stated the HCSCC fiscal year is a calendar year, therefore, their budget won't be approved until December. Once that is approved by the Board of Directors, she will provide that information to the Clay County Board of Commissioners.

Commissioner Gross asked if all donations are accepted. Ms. Jonason stated the HCSCC needs to be very particular. They look for any gaps in the collection and gave an example of not having many items from the Korean or Vietnam war, but having an abundant amount of potato peelers and wedding dresses from the 1800's. The HCSCC is in the process of deaccession, which is to carefully consider which objects of a certain collection could be let go of, especially if they are not objects from Clay County.

Commissioner Krabbenhoft asked for further discussion regarding the collection process. Ms. Jonason discussed at the beginning of the collection process, which was in 1936, many people donated items on indefinite loan. This meant families would provide their items to the HCSCC on the terms of retrieving it after some time. However, those individuals never came back to retrieve their items, leaving the HCSCC with several hundred objects. Because of the unretrieved items, the HCSCC needs to go through the lengthy process of acquiring abandoned property per state requirement. The years 1936 and 1937 are currently being completed and indefinite loan is no longer an option. Commissioner Gross asked if Ms. Jonason wanted the law regarding abandoned property to change. Ms. Jonason stated that law has only been in place since 2004 and is grateful for the process as it gives family members the opportunity to obtain their family heirlooms.

Budget Presentation - Assessor's Office

County Assessor Nancy Gunderson presented the 2024 budget for the Assessor's Office. Revenues include general service charges, Townships & Cities and miscellaneous. Expenditures include wages, benefits, other professional services, training, and travel & expenses. Overall, there's a total increase of 3.89%.

Commissioner Gross asked if the County was paying for the training when a new employee is brought on board. Ms. Gunderson stated that was correct.

Request Approval to Re-Hire an Open Position in Secure Unit

Juvenile Director James Odonnell requested approval to re-hire an open position in the secure unit. This is a budgeted position.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved to re-hire an open position in secure unit.

BREAK

The Board took a five-minute break.

FY2023 & FY2024 MDVA Grant Agreement Update

Veterans Service Office Curt Cannon provided an update stating the 2022-2023 grant has been closed out and the 2023-2024 grant has been completed and paid to the County. With the grant being an online process, a resolution is no longer required. Because of this Mr. Cannon will continue to provide the Board with grant agreement updates.

Commissioner Gross asked how much the grant was for and if the amount could fluctuate. Mr. Cannon stated the grant is for \$12,500 each year, which covers most of the operations within

the Veterans Service department and that it could negatively fluctuate if the funds are not being spent. If it's not spent, the County would have to pay back the difference.

Request Approval of Front Door Replacement Project for the Courthouse

Facilities Director Joe Olson requested approval to replace the front door of the Courthouse as they have exhibited issues for the past few years. The replacement would encompass the full door with the handicap controls. Fargo Glass and Paint provided a quote of \$27,950.00 and funds for the project would come from the Courthouse Building Maintenance Repair line item.

Commissioner Gross asked if this was for the two front exterior doors of the Courthouse. Mr. Olson confirmed that was correct.

Commissioner Mongeau asked if Mr. Olson could provide an update regarding the building updates that are taking place at the Government Center. Mr. Olson stated there had been some leaks in the Auditor's Office and while in the process of repairing that, there were additional leaks found on the exterior of the building in the stucco, and that is what's currently being repaired.

On motion by Commissioner Ebinger, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved the front door replacement for the Courthouse in the amount of \$27,950.00.

Request Approval for Change Order #8 for the Resource Recovery Facility Project

Mr. Larson requested approval of Change Order #8 for the Resource Recovery Center (RRC) project. The change order addresses costs associated with the RRC Project. Payment of this change order will come from the remaining project funds. Solid waste reserves will be utilized to cover costs above and beyond original project costs. There will be one additional pay application for this project.

Mr. Larson discussed the temp heat due to the Xcel gas line delay, redi-mix delays, inspections, the shot blast floor for the drive-through area and four credits.

This results in a net change order of \$276,267.59 and would be a change to the guaranteed maximum price of \$19,415,613.08. For this project there was a revenue total of \$21,899,093.00, and with this change order the total committed amount would be \$21,957,865.00. This would leave a remaining deficit of \$58,771.00, which would come from the Solid Waste reserves. There will be one remaining pay application that will cover retainage and landscaping which is an anticipated cost of \$26,000.00.

Commissioner Campbell asked if the remaining amount of \$26,000.00 was already incorporated in the total cash remaining. Mr. Larson stated it would be an additional amount.

Commissioner Campbell referred to the handout and asked if the bond issued amount included the discount. Mr. Larson confirmed stating the premium amount was included.

On motion by Commissioner Campbell, seconded by Commissioner Ebinger, and unanimously carried, the Board approved Change Order #8 for the Resource Recovery Center project.

Request to Fill Upcoming Vacant Assistant County Attorney Position

Assistant County Attorney Pamela Foss requested approval to fill the upcoming vacant Assistant County Attorney position with backfill.

On motion by Commissioner Mongeau, seconded by Commissioner Campbell, and unanimously carried, the Board approved to fill upcoming vacant Assistant County Attorney position with backfill.

Request Authorization to Execute a Contract with Gehrtz Construction to Provide Construction Manager (CM) as Advisor Services for the Department of Motor Vehicle (DMV) Project

Mr. Larson discussed on August 1st, 2023 the Clay County Board approved the hiring of Gehrtz Construction for Construction Manager as Advisor for the department of motor vehicle project and requested the county administrator enter into contract negotiations. Gehrtz Construction agreed to pre -construction services of \$20,000.00 lump sum and 5.5% of total construction costs. Based on the estimate that was provided on June 27th, depending on the finishes of the facility, the range of cost is \$4,352,266.00 to \$5,495,061.00, which would mean a fee of \$239,374.63 to \$302,228.35. The County Attorney's Office has viewed the contract and agreed that it's ready for the Board's consideration.

Commissioner Mongeau expressed her appreciation to Gehrtz Construction for helping the County occupy a new building in a quick, timely, cost saving manner, especially with the knowledge of construction taking place during the winter months and the ability to complete some groundwork before then, to save dollars.

On motion by Commissioner Mongeau, seconded by Commissioner Krabbenhoft, and unanimously carried, the Board approved to execute a contract with Gehrtz Construction to provide Construction Manager (CM) as Advisor Services for the Department of Motor Vehicle (DMV) Project

Committee Reports/County Administrator Update/Discussions

- Commissioner Mongeau reported on meetings for Minnesota State Fair; AMC Tax Forfeiture Work Group meeting; meeting with Mr. Larson regarding a missed DMV meeting; Lakeland Mental Health; and meeting with Commissioner Campbell and Mr. Larson regarding the HRA levy request.
- Commissioner Campbell reported on meetings for Insurance Committee; Prairie Lakes Municipal Solid Waste Authority; SWAC; MCCJPA; FM Diversion Authority; DMV Finance Committee; Withdrawal Management/Detox Facility Finance Committee; Public Safety Planning Committee; West Central Rural Water District; Red River Regional Dispatch Center – Board of Authority; and meeting with Commissioner Mongeau and Mr. Larson regarding HRA levy request.
- Commissioner Ebinger reported on meetings for 403 technical group meeting; Public Safety Planning Committee; FM Diversion Authority; Red River Regional Dispatch Center – Board of Authority; and met with Mr. Larson and GFMEDC Executive Board/Director.
- Commissioner Krabbenhoft reported on meetings for Insurance Committee; and Food Commission.
- Commissioner Gross reported on meetings for West Central Rural Water District.

- County Administrator Stephen Larson reported on meetings for Insurance Committee; Department Manager's meeting; MCCJPA; met with Sheriff Empting and Chief Deputy Martin regarding changes regarding SRO laws; met with Planning & Zoning Director Matt Jacobson on a series of issues; Solid Waste pre-budget meeting; DMV and Withdrawal Management/Detox owners meetings; Public Safety Planning Committee; met with Senator Kupec and Representative Joy regarding SRO laws and challenges; met with Ben Matson regarding change order #8 for the RRC; attended state wide local aide webinar; met with County Engineer Justin Sorum regarding Assistant County Engineer; Department head evaluation; discussion regarding HRA levy request; met with HR Director Darren Brooke, HR Coordinator Anna Moore and County Auditor-Treasurer Lori Johnson regarding insurance; GFMEDC Executive Board/Director; and met with Sheriff Empting regarding issues with the Sheriff's Department.

Mr. Larson discussed a letter Sheriff Empting received from Fargo Police Chief David Zibolski sharing their heartfelt appreciation for the efforts of the Clay County Sheriff's Office provided during one of the most tragic times of Fargo Police history.

Discussion ensued regarding the Annual AMC Conference.

Adjourn

The meeting was adjourned at 10:33 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator