

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 A.M., TUESDAY, OCTOBER 26, 2021

Rooms A/B, 3rd Floor, Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Kevin Campbell, Jenny Mongeau, Jenna Kahly, Frank Gross and David Ebinger. Others present: County Administrator Stephen Larson, County Attorney Brian Melton, Human Resource Director Darren Brooke, and Sr. Administrative Asst. Colleen Eck.

CALL TO ORDER

Chair Campbell called the meeting to order at 8:30 a.m.

APPROVAL OF AGENDA

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the agenda with the cancellation of item 12.

LIQUOR LICENSE RENEWAL FOR RUSTIC OAKS, INC.

By consent, the Board approved the liquor license renewal for Rustic Oaks, Inc.

CITIZENS TO BE HEARD

There were no citizens who wished to be heard.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board approved payment of bills and vouchers totaling \$4,815,767 from 118 vendors. From that total, 90 warrants issued were under \$2,000 (\$35,606) and the following 28 were over \$2,000:

Independent School Dist 152	\$2,827,203	Lakes & Prairies Community Action	\$12,238
Mn Dept of Finance, Treasury	\$ 666,287	Mn State Auditor	\$11,197
Independent School Dist 2164	\$ 453,104	Amazon Capital Services	\$ 7,554
Independent School District 146	\$ 213,792	Bob Barker (WCRJC)	\$ 7,014
Independent School Dist 150	\$ 207,305	Independent School Dist Nc 2854	\$ 6,783
Lake Agassiz Regional Library	\$ 75,404	Kris Engineering, Inc.	\$ 6,169
Independent School Dist 914	\$ 74,754	Delta Dental	\$ 5,745
City of Fargo	\$ 39,671	Ramsey County Med Examiner	\$ 5,147
Lakeland Mental Health Center	\$ 38,229	Independent School Dist Bc 2889	\$ 4,430
The Carpet Garage	\$ 34,385	Independent School Dist Otc 548	\$ 3,100
Truck Utilities, Inc.	\$ 23,726	Creative Product Sourcing, Inc.	\$ 2,529
ND State Tax Commissioner	\$ 21,029	Best Buy Business Advantage	\$ 2,400
Cardmember Service	\$ 13,654	City of Moorhead	\$ 2,331
Kandiyohi Co Sheriff's Office	\$ 12,786	Dacotah Paper	\$ 2,195

APPROVAL OF MINUTES FROM OCTOBER 12, 2021

On motion by Commissioner Kahly, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the minutes from October 12, 2021.

COVID-19 UPDATE

Clay County Public Health (CCPH) Director Kathy McKay and her staff presented the weekly update on COVID-19. Active cases in Clay County are at 312, down from 368 a week ago. The numbers have been up and down over the past couple months. Cumulative cases in Clay County are at 10,346. One-third of the active cases in Clay County involve persons under the age of 19. Clay County hospitalizations have dipped some. There was one additional Clay County death reported. The current rate of breakthrough cases in MN is 1.44%. Ms. McKay noted the masks are a mitigation strategy to help those who are not vaccinated. Most children are unvaccinated. Vaccines may be available for those under 12 later in November. The state-wide percentage of those who are vaccinated is inching up. There were 41 vaccines given by Public Health last week. The Pfizer boosters are being given at this time. They are waiting for MN Department of Health to provide protocol for Moderna and J&J boosters. The Moderna booster was just approved last week. Public Health has not been successful finding an off-site location in a high traffic area for a vaccine clinic. Rapid testing is now available along with the saliva testing at the same vault testing site in Moorhead.

The statewide mask mandate was removed in May. Clay County began mandating masks in all Clay County buildings four weeks ago. Some County employees have been in favor of it, and some have been against it. Ms. McKay stated they are looking for a downward trend, not an exact number of cases, before they advise ending the mask mandate. Discussion ensued on how to proceed with the mandate.

A motion was by made by Commissioner Mongeau and seconded by Commissioner Gross to cease the mask mandate for County buildings effective today. Motion failed with a vote of two ayes (Commissioners Mongeau and Gross) and three nays (Commissioners Ebinger, Kahly, Campbell).

INFORMATION SHARING REGARDING RESTORATIVE JUSTICE AND OTHER DIVERSION PROGRAMS UTILIZED FOR JUVENILE OFFENDERS

County Attorney Brian Melton noted that the Victim/Witness Department is part of the County Attorney's Office. Restorative Justice is a program that deals with juvenile offenders and helps to keep them out of the criminal court system. Michelle Olsonoski is the Victim/Witness Program Director and Juvenile Diversion Program Administrator. She provided information on three program models. Consensus Council is for Restorative Justice and the two online Intervention Programs are Third Millennium Classrooms and Diversion Solutions. Typically, they receive 200 referred youth annually. In 2020 there were just 80 referred due to the pandemic. Referrals come in from schools, community offenses, and Fargo offenses. They are primarily first-time offenders. Their recidivism rates were low. The Clay County Collaborative Funding Contract for 2022 is \$27,750. This year they have seen some disturbing trends, including TicToc trends, and some major multi-youth fights.

REQUEST FOR APPROVAL OF CONDEMNATION RESOLUTION 2021-47 FOR IMPROVEMENT OF US HWY 10

Attorney Melton and David Overbo provided an explanation of the turn lane project in the City of Glyndon. Board action and an initial resolution is required for condemnation action. This property is a strip of unowned property in the City of Glyndon that is needed for a turn lane improvement along US Highway 10. The parcel contains 2,455 square feet and is south of the highway. The parcel is an 8.5-foot strip currently used as State right-of-way. There is no landowner in this case. After a resolution is executed, publication and a court process will follow.

On motion by Commissioner Gross, seconded by Commissioner Ebinger, and unanimously carried, the Board executed Resolution 2021-47 for condemnation of property due to improvement of US Highway 10:

RESOLUTION 2021-47

WHEREAS, the Clay County Highway Department has completed the design work for the alterations and improvement to US Highway 10, specifically the improvement of turn lane and incidental road improvements. The affected portion of US Highway 10 being improved is the Northwest Quarter of Section 11, said line also being the south line of the right of way of US Highway 10, Glyndon, Minnesota, Clay County, Minnesota;

WHEREAS, in order to complete this project, it is necessary for Clay County to acquire additional right-of-way from unowned land within the project area;

WHEREAS, the Clay County Board of Commissioners wishes to adopt that procedure laid out in Minnesota Statute 163.12 in order to alter US Highway 10 to include the additional right-of-way that is necessary and to acquire the additional right-of-way, which will be required by the above-described project;

WHEREAS, there are no known or recorded title owners of the parcel of adjoining property located along that portion of US Highway 10 to be improved;

WHEREAS, a permanent easement over that portion of unowned and unrecorded property is legally described on the attached Exhibit A, and that permanent easement is necessary for the completion of the above described project;

NOW THEREFORE, BE IT RESOLVED, that US Highway 10 shall be altered and improved to include the additional right-of-way as indicated in the design plans on file at the Clay County Highway Department. This improvement is necessary and serves a public purpose. The Clay County Board of Commissioners shall move forward to acquire the additional right-of-way necessary for the project described above as outlined in Minnesota Statute 163.12, subdivision one (1) through ten (10), upon receiving the required approval from the Clay County District Court.

REQUEST FOR APPROVAL TO MOVE FORWARD WITH CAMERA AND CARD ACCESS PROJECT FOR STORAGE BUILDING

Facilities Director Joe Olson and Information Services Director Mark Sloan addressed the Board. Their project includes five door controls with a card access system and 12 cameras for the new County storage facility. NetCenter Technologies will provide everything with a cost of \$27,811.17. The project funds will come from Capital Improvement Bonds.

On motion by Commissioner Gross, seconded by Commissioner Kahly, and unanimously carried, the Board approved the request to move forward with a Camera and Card Access Project for the new storage facility.

REQUEST FOR APPROVAL TO MOVE FORWARD WITH FSC 4TH FLOOR FIT-UP PROJECT

Mr. Olson and Sandy Thorne, Collection Services Supervisor, were present with a request for a fit-up project for the west wing of fourth floor in the Family Service Center (FSC). This plan would allow for some potential expansion options with the Family Healthcare Clinic on first floor and satisfy Social Services' Master Plan. Quotes have been obtained for the project and the low quotes are: Superior Carpet (\$11,575 for carpet labor); TF Powers (\$17,900 for construction); and Ott's Quality Painting (\$11,258 for painting). The plan was approved by the Building Committee. Approximately 50% would come from Federal Financial Participation dollars and the other 50% would come from Social Services' Fund Balance Reserves. The estimate of the County cost is \$26,000.

On motion by Commissioner Gross, seconded by Commissioner Mongeau, and unanimously carried, the Board approved the request to move forward with the Family Service Center 4th Floor Fit-Up Project.

REQUEST FOR APPROVAL OF MN FAMILY INVESTMENT PROGRAM BIENNIAL SERVICE AGREEMENT FOR 2022-2023

Jamie Stewart, Social Services, noted that counties are required to have an approved service agreement to receive Mn Family Investment Program (MFIP) Consolidated Funds. Eligibility for benefits and services under MFIP is for pregnant women, families with a minor child, and non-custodial parents of minor children. The totals are \$1,198,381 for 2022 and \$1,198,381 for 2023. They would be divided as follows: Rural MN CEP \$901,478; Emergency Assistance Program \$116,903; Income Maintenance Direct Administration \$145,000; and In-Home Therapeutic Services \$35,000.

On motion by Commissioner Mongeau, seconded by Commissioner Kahly, and unanimously carried, the Board approved the submission of the Biennial Service Agreement for MN Family Investment Program for \$1,198,381 in funding for the next two years.

WILD RICE WATERSHED DISTRICT – REDISTRIBUTION OF WATERSHED DISTRICT MANAGERS

County Administrator Stephen Larson referred to an upcoming public hearing set for November 3, 2021, for the potential redistribution of Wild Rice Watershed District (WRWD) Managers. He provided some history from the WRWD which is governed by a board of seven appointed managers. Currently, Norman County appoints three managers from Norman and Polk Counties; Mahanomen County appoints two managers from Mahanomen and Clearwater Counties, and Clay County appoints two managers from Clay and Becker Counties. The last redistribution was in 2006.

Becker County has made a request to the Board of Soil & Water Resources (BSWR) to consider the two district manager positions be redistributed from Clay County to Becker County. The public hearing is to allow for public comment. Becker County has not met with Clay County about their disposition although invitations have been extended to them from the Clay County Commissioners. The population percentages have not changed much and there was no real reason given from Becker County for their request. Discussion ensued among the Commissioners.

On motion by Commissioner Mongeau, seconded by Commissioner Gross, and unanimously carried, the Board provided their official position to request the Northern Water Committee (BSWR) deny the request from Becker County for redistribution of WRWD managers at the November 3, 2021, public hearing.

REQUEST FOR AUTHORIZATION TO SPEND ARPA FUNDS ON SPACE HEATERS FOR CLAY COUNTY RESIDENTS DURING A HEATING EMERGENCY

Emergency Management Director Gabe Tweten requested to spend up to \$750 in ARPA funds on space heaters that can be checked out to Clay County residence during a heating emergency. In the past, these heaters have been furnished by the Community Action Partnership, but they are down to one heater.

On motion by Commissioner Mongeau, seconded by Commissioner Ebinger, and unanimously carried, the Board approved the purchase of 10 space heaters with \$750 from ARPA/CARES-2 funds for Clay County residents during a heating emergency.

REQUEST TO DEPOSIT FUNDS FOR EMINENT DOMAIN ACTION - PROPERTY OIN 249

Attorney Chris McShane, Onstad Twitchell Law Firm, joined the meeting via Teams. He stated that in May of 2021 the Board executed Resolution 2021-25 to authorize sending last written offers for three properties that are necessary for the Red River Control Structure. They also authorized Onstad Twitchell to file an eminent domain action if the last written offers are not accepted. Attorney McShane stated that while negotiations have continued on one of the properties, the property owners have not yet conveyed the property rights. The request is to deposit the appraised amount of \$85,350 with the courts under MN Stat. Section 117.042. It allows for the transfer of title and possession after the condemner authority (Clay County). The case has been assigned to Judge Gustafson.

On motion by Commissioner Ebinger, seconded by Commissioner Gross, and carried with one nay vote (Commissioner Mongeau), the Board approved a deposit of funds totaling \$85,350 for Eminent Domain action regarding Ruth Blilie and Scott Blilie (OIN 249), Clay County Civil Number 14-CV-21-3053.

Attorney McShane informed the Board that they now have a fully executed purchase agreement from Pete Livdahl, and funds for an eminent domain action are no longer needed. They are set to close on the Livdahl property on Friday.

REQUEST APPROVAL TO FILL TWO VACANCIES FOR FTE CORRECTIONAL OFFICERS

Correctional Facility Administrator Justin Roberts was present with a request for two more vacancies for Correctional Officers. There are a total of eight openings for Correctional Officers and not many applications coming in. Mr. Roberts commented that at a recent meeting every jail administrator present was experiencing staffing shortages. Human Resources has drafted a survey that will be sent out to Correctional Officers who are leaving the department. The positions are advertised in Governmentjobs.com. As of this morning there are 13 inmates housed outside of Clay County due to staffing issues.

On motion by Commissioner Ebinger, seconded by Commissioner Kahly, and unanimously carried, the Board approved filling two vacancies for FTE Correctional Officers.

UPDATE FROM ARPA / CARES-2 COMMITTEE

Mr. Larson provided an update from the ARPA/CARES-2 Committee. The total expenditures approved/projected are \$1,682,632.50 and the remaining funds total \$4,554,553. The descriptions of the expenditures were listed. There are two more years to expend the funds.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Ebinger reported on meetings for Clay County Suicide and Substance Prevention Coalition and West Central Regional Juvenile Center.
- Commissioner Kahly reported on meetings for Adult Mental Health Local Advisory Council; Clay County Historical and Cultural Society Board; Clay County Suicide and Substance Prevention Coalition.
- Commissioner Gross reported on a Wild Rice Watershed meeting.
- Commissioner Mongeau reported on meetings for Red River Management Board; Planning Commission; Lakes and Prairies Community Action Partnership; Wild Rice Watershed; MetroCOG Policy Committee; Buffalo Red River Watershed District; and Lakeland Mental Health.

- Commissioner Campbell attended meetings for FM Diversion Authority Executive Committee; Moorhead Clay County Joint Powers Authority; Planning Commission; and Regional Juvenile Detention Advisory Committee.
- County Administrator Larson attended meetings for Regional Juvenile Detention Advisory Committee; Moorhead Clay County Joint Powers Authority; Capital Improvement Projects; Wild Rice Watershed District redistribution discussions; Sheriff's Office; COVID discussions; and MCCJPA preparation.

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

Kevin Campbell, Chair
County Board of Commissioners

Stephen Larson, County Administrator