

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, May 24, 2016

8:30 a.m.

County Board Room – 3<sup>rd</sup> Floor – Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session with all Commissioners present: Campbell, Gross, Ingersoll, Mongeau, and Weyland. County Administrator Brian C. Berg, Chief Assistant County Attorney Jenny Samarzja, and Senior Administrative Assistant Vicki Reek were also present.

APPROVAL OF AGENDA

On motion by Campbell, seconded by Mongeau, and unanimously carried, the agenda was approved with the addition of a discussion regarding the 2017 Budget and Active Places Agreement.

CITIZENS TO BE HEARD

There were no citizens present who wished to address the Board.

APPROVE PAYMENT OF BILLS AND VOUCHERS

On motion by Campbell, seconded by Weyland, and unanimously carried, the bills and vouchers were approved for payment.

APPROVAL OF AGREEMENT WITH LAKE REGION HEALTHCARE FOR FUNDING THROUGH  
COMMUNITY WELLNESS GRANT

By consent agenda, the Board approved an agreement with Lake Region Healthcare to provide approved strategy funding through the Community Wellness Grant (CWG) to support work for hypertension management.

APPROVAL OF PUBLIC HEALTH NURSING CONTRACT FOR ULEN-HITTERDAL SCHOOL  
DISTRICT 2016-2017

By consent agenda, the Board renewed an agreement to provide school nursing services to the Ulen-Hitterdal School district for the 2016-17 school year.

RENEWAL OF AGREEMENT WITH HILDE, INC. FOR CONSULTING FOR ACTUARIAL  
SERVICES

By consent agenda, the Board approved renewal of an agreement with Hilde, Inc., to provide consulting for Actuarial Services (GASB 45 valuation) for the fiscal year 1/1/16-12/31/16.

DEPARTMENTAL UPDATE: CLAY COUNTY PROBATION/MN DEPARTMENT OF  
CORRECTIONS

Janelle Cheney, District Department of Corrections Supervisor, updated the Board with respect to activities in the Probation department: staffing, caseload, Community Work Service Program/Sentence To Service, Juvenile Offender Restitution, Drug Court, Veteran's

Court, Domestic Violence Court, Reentry Program, Internships, etc. The Board was informed that grant funding for the Reentry Service project will be ending in December, and a request will be forthcoming for the County to fund two positions. This request will be reviewed during the 2017 budget process.

APPROVAL TO FILL DEPUTY SHERIFF POSITION

On motion by Weyland, seconded by Mongeau, and unanimously carried, the Board approved filling a Deputy Sheriff position several weeks early due to retirement. Chief Deputy Sheriff Matt Siiro noted that there will likely be 12 retirements in the Sheriff's Office in the next five years.

APPROVAL TO FILL SENIOR ADMINISTRATIVE ASSISTANT POSITION

On motion by Weyland, seconded by Campbell, and unanimously carried, the Board approved filling the Senior Administrative Assistant position due to retirement.

APPROVE CLAY COUNTY TAX FORFEIT SALE

On motion by Ingersoll, seconded by Campbell, and unanimously carried, the Board adopted the following resolution, approving the sale of a tax forfeit property in Baker (#01.050.6014, Outlots S-1 & L-1, Baker Townsite, Sec. 1, Twp. 137 Range 47), acknowledging that this parcel was on a previous sale, however, no indication of Sheriff's service for the process was on file:

RESOLUTION 2016-21

**BE IT RESOLVED**, by the Board of Commissioners of Clay County, Minnesota this 24<sup>th</sup> day of May, 2016, pursuant to provisions of Chapter 282, Minnesota Statutes; the County Auditor of Clay County is hereby directed to sell parcels of land that have been forfeited to the State of Minnesota for delinquent taxes and certified by the County Auditor and recorded in the Office of the County Recorder; which lands have been classified and appraised as provided by law;

**BE IT FURTHER RESOLVED**, that the terms of the sale shall be cash only on all parcels. Pursuant to MN Statute 282.241, a previous owner may not purchase a parcel of land for less than the delinquent amount, assessments, penalties, interest, and costs against it.

In addition to the total sales price, there shall also be added an amount equal to 3 percent of such total sales price. Said 3 percent to be certified to the Tax Assurance Account as required under Minnesota Statute 284.28 Subd 6. A \$25.00 state deed fee and a \$46.00 recording fee must also be collected for each parcel sold. Each parcel is subject to a state deed tax of \$1.65 per each \$500.00 of sales price. There will also be an additional \$50.00 well certificate for any property that contains a well.

**Purchasers of property at this sale will receive a State Deed. CLAY COUNTY DOES NOT GUARANTEE CLEAR TITLE ON PURCHASES OF TAX FORFEIT LAND. IT IS THE RESPONSIBILITY OF THE PURCHASER TO TAKE WHATEVER ACTION NECESSARY TO ASSURE CLEAR TITLE.**

**The Forfeit tax sale will be held June 20, 2016 at 10:00 a.m. in the Clay County Board Room, Clay County Courthouse, 807 11<sup>th</sup> Street North, Moorhead, MN.**

RECOMMENDATION OF AWARD FOR JOINT  
LANDFILL/HIGHWAY BUILDING CONSTRUCTION

Assistant County Engineer Erik Hove informed the Board that following the bid opening May 17, 2016 for the Joint Landfill/Highway Building construction project, the bids were reviewed and meetings were held with contractors. Staff is recommending award to Foltz Buildings for their low bid of \$1,179,878, as it provides the best value and

will serve the needs of the departments for the future. There will be other costs for this project as well, to include site work, sprinklers for fire code, water, sewer, electric, well and septic. The estimate for the sewer is \$6345, and the well is \$8341. The total estimate for the project is \$1.4 million.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board approved the award of the Joint Landfill/Highway Building construction project to Foltz Buildings for their low bid of \$1,179,878, as well as the quotes for the sewer and well described above.

CLAY COUNTY SAFE ROADS COALITION – APPROVAL OF SUPPORT FOR 2017 MOU

On motion by Mongeau, seconded by Weyland, and unanimously carried, the Board authorized execution of a Memorandum of Understanding indicating the County's support of collaborating with the TZD Safe Roads Coalition for the period October 1, 2016 through September 30, 2017. The Coalition works toward the goal of zero traffic deaths and serious injuries on our roads and highways.

APPROVAL TO ENGAGE CONSTRUCTION ENGINEERS, INC. FOR LAW ENFORCEMENT CENTER PRE-CONSTRUCTION SCHEMATICS WORK

County Administrator Brian C. Berg requested the Board's approval to engage Construction Engineers, Inc. for the pre-construction schematics work for the Joint Law Enforcement Center at the hourly rate established in their contract for the Correctional Facility. The cost will be shared 50/50 with the City of Moorhead. A recommendation for Construction Management services will be provided at a later date.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board approved engaging Construction Engineers, Inc. for pre-construction schematics work for the Joint Law Enforcement Center.

Mr. Berg advised that the County's funding request to the Legislature for the Correctional Facility/Joint Law Enforcement Center project was not successful. He informed the Board that he and County Auditor-Treasurer Lori Johnson had met with Morrie Lanning this week to gain a better understanding of the referendum process, time limits, verbiage for the ballot, etc. The ballot verbiage will be presented to the County Board for approval by the end of June.

APPROVE FM DIVERSION JOINT POWERS AGREEMENT

Mr. John Shockley, Attorney for the FM Flood Diversion Authority, reminded the Board that the Limited Joint Powers Agreement (LJPA) currently in place expires prior to the signing of the Project Partnership Agreement (PPA). Due to the fact that the Buffalo-Red River Watershed District (BRRWD) has declined to participate further in the agreement, a new Joint Powers Agreement (JPA) has been drafted with minor technical changes for the remaining entities' approval. The Cass County Commission has approved the new agreement in substantively the same form as was presented acknowledging the minor changes: BRRWD identified as a former member entity; the distribution of the Minnesota entities' voting membership on the Diversion Authority (likely three members for the City of Moorhead and two members for Clay County); Minnesota land that was contemplated to be owned by BRRWD would be owned by Moorhead, Clay County, a combination of both via a joint powers agreement, or the Diversion Authority (land

acquisition is not contemplated for at least two years); the LJPA entity would assign all of its interests to the new JPA.

Commissioner Mongeau suggested moving approval of the agreement to the next meeting, indicating that she is not comfortable approving an agreement that is so fluid. Mr. Shockley indicated that when the agreement was developed, it was contemplated that one of the parties may not agree to it (addressed in Article 1), therefore the technical changes do not affect the substance of the agreement.

Commissioner Mongeau inquired as to the maintenance costs that were previously shouldered by the BRRWD, and who has the authority to collect these without BRRWD's participation. Mr. Shockley stated that the agreement sets forth that the maintenance costs will be split in the same proportion as the cost benefit ratio in the DNR report. He did not envision any changes that would shift the cost to Clay County.

Commissioner Mongeau inquired as to who would have the eminent domain power which BRRWD had before. Mr. Shockley stated that the City of Moorhead has the eminent domain power. Commissioner Campbell felt a sub joint powers agreement between the City of Moorhead and Clay County for future land acquisition would be appropriate.

Commissioner Campbell expressed his disappointment that the BRRWD Board does not want to be represented in this agreement.

Mr. Shockley outlined the changes to the agreement with BRRWD's decision to not participate: BRRWD is no longer a member entity and will be referred to as a former non-member entity; the agreement moves from being an amended agreement to a new agreement with five member entities; assignment of prior obligations from the LJPA to the new JPA; redistribution of voting members on the Diversion Authority (Commissioner Campbell suggested three to City of Moorhead and two to Clay County); Minnesota land that was contemplated to be acquired by BRRWD would be owned by Moorhead, Clay County, a combination of both via a joint powers agreement, or the Diversion Authority.

Mr. Shockley indicated that Minnesota local entities are not directly responsible for costs associated with the project; they are not required to issue bonds, create improvement districts, or impose sales tax for the project. All funding comes from the MN Legislature, in conformance with the final cost allocation made by the DNR in its report. The agreement sets forth that the Diversion Authority takes the risk in the event of non-appropriation.

Commissioner Weyland moved to approve the Joint Powers Agreement in its substantive form with the technical revisions mentioned above that are deemed appropriate by the Clay County Attorney and County Board Chair. Commissioner Campbell seconded the motion which passed with Commissioner Mongeau opposed.

#### ACTIVE PLACES AGREEMENT

On motion by Ingersoll, seconded by Mongeau, and unanimously carried, the Board authorized execution of an agreement between Clay County Public Health and Blue Cross Blue Shield of Minnesota for the Active Places project which BCBSM will fund in the amount of \$6000.

#### REQUEST TO FILL CHILD PROTECTION WORKER POSITION

On motion by Mongeau, seconded by Weyland, and unanimously carried, the Board approved the addition of an agenda item: Request to fill Child Protection Worker position.

On motion by Mongeau, seconded by Ingersoll, and unanimously carried, the Board approved filling a Child Protection Worker position due to resignation and to backfill if filled from within.

2017 BUDGET DISCUSSION

The Board discussed the 2017 budget process and reviewed the time table for adoption of the budget.

Consensus of the Board was that a strong message should be sent to department heads indicating that with cost of living adjustments and insurance increases, budget requests will be scrutinized. Departments will be encouraged to find places in their budget to reduce costs.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSION

Commissioner Weyland attended the Area Agency on Aging meeting.

Commissioner Ingersoll attended meetings of the Local Advisory Adult Mental Health Committee and Lake Agassiz Regional Library Board.

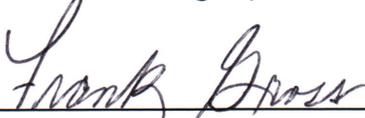
Commissioner Mongeau attended the Planning Commission meeting. Discussion took place regarding the possibility of holding meetings between the County Board and the elected officials of the cities in Clay County to exchange information.

Commissioner Gross attended meetings of the Planning Commission, Historical & Cultural Society of Clay County, MetroCOG, and the Buffalo Red River Watershed District.

County Administrator Brian C. Berg attended meetings of Central Administration Management, FM Diversion, and Buffalo Red River Watershed District.

ADJOURN

The meeting adjourned at 10:02 a.m.



Frank Gross, Chair  
Clay County Board of Commissioners



Brian C. Berg, County Administrator