

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, June 21, 2016

8:30 a.m.

County Board Room – 3rd 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 Weyland, seconded by Campbell, and unanimously carried, the agenda was approved as presented.

CITIZENS TO BE HEARD

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

APPROVE PAYMENT OF BILLS AND VOUCHERS

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

APPROVAL OF COUNTY BOARD MINUTES OF JUNE 7 & 14, AND BOARD OF APPEAL AND EQUALIZATION MINUTES OF JUNE 14, 2016

On motion by Campbell, seconded by Weyland, and unanimously carried, the minutes of the County Board meetings of June 7 & 14, 2016, and the Board of Appeal and Equalization meeting minutes of June 14, 2016 were approved.

APPROVAL OF LIQUOR LICENSE FOR BUSINESS BUILDERS, INC.,
D/B/A BUFFALO RIVER RACE PARK

By consent agenda, the Board approved the liquor license for Business Builders, Inc., d/b/a Buffalo River Race Park, Glyndon, MN.

AUTHORIZATION TO EXECUTE 2016 MOSQUITO SURVEILLANCE AGREEMENT
WITH CASS COUNTY

By consent agenda, the Board authorized execution of the 2016 Mosquito Surveillance Agreement with Cass County.

ADOPT RESOLUTION TO ESTABLISH A "MAIL AND ABSENTEE BALLOT BOARD"

By consent agenda, the Board adopted the following resolution, establishing a 'Mail and Absentee Ballot Board':

RESOLUTION 2016-23

WHEREAS, Clay County is required by Minnesota Statutes 203B.121, Subd. 1 to establish a Mail and Absentee Ballot Board effective June 24, 2016; and

WHEREAS, this Board will bring uniformity in the processing of accepting or rejecting returned mail and absentee ballots in Clay County; and

WHEREAS, the Mail and Absentee Ballot Board would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy county auditors trained in the processing and counting of mail and absentee ballots;

THEREFORE, BE IT RESOLVED THAT, the Clay County Board of Commissioners hereby establishes a Mail and Absentee Ballot Board that would consist of a sufficient number of election judges as provided in sections 204B.19 to 204B.22 or deputy auditors to perform the task.

APPROVE LEASE IN FAMILY SERVICE CENTER FOR RED RIVER DENTAL ACCESS

By consent agenda, the Board approved a lease in the Family Service Center for Red River Dental Access for the period 6/14/16 to 10/31/16, at a rate of \$13.25 sq.ft. for Suite #103NW.

AUTHORIZATION TO ADVERTISE FOR BIDS FOR 800 MHz RADIO EQUIPMENT

By consent agenda, the Board authorized advertisement for bids for 800 MHz Radio Equipment for all Clay County Law Enforcement (mobile and portable radio) for July 26, 2016, at 9:00 a.m. All Law and Fire/EMS public safety agencies in Clay County are migrating from the current VHF public safety radio systems, currently used by those agencies, to the ARMER network.

APPROVE SOCIAL SERVICES TRAINING AGREEMENT WITH SAFETY PLANNING, INC.

Social Services Director Rhonda Porter requested the Board's approval to contract with Safety Planning, Inc. to implement a staff training plan for the child protection area. The training would help to improve service delivery concerning out of home placements, and provide case-by-case training services and coaching to staff in an effort to improve the health of families and prevent maltreatment and out of home placements.

On motion by Ingersoll, seconded by Mongeau, and unanimously carried, the Board approved contracting with Safety Planning, Inc. to provide the above mentioned services.

Due to the challenges faced by families and the increased numbers of out of home placements, the Board felt further analysis of the issues should be addressed by a task force. On motion by Campbell, seconded by Weyland, and unanimously carried, the Board established the Out of Home Placement Task Force and appointed Commissioners Gross and Mongeau to the task force, with payment of per diem.

REQUEST TO FILL GIS DATABASE ADMINISTRATOR POSITION

On motion by Weyland, seconded by Campbell, and unanimously carried, the Board approved hiring a GIS Specialist to replace a GIS Database Administrator who has resigned.

APPROVAL TO ADVERTISE FOR CSAH 2 PAVING PROJECT, SAP 014-602-029

On motion by Mongeau, seconded by Weyland, and unanimously carried, the Board approved advertisement for the CSAH 2 paving project for July 26, 2016, 9:00 a.m.

BID OPENING – CSAH 6 GRADING PROJECT SAP 14-606-007

County Engineer David Overbo opened and read sealed bids for the CSAH 6 grading project. The Engineer's Estimate is \$365,925.00.

Dennis Drewes, Inc., Frazee, MN - \$290,263.00

H & S Contracting, Moorhead, MN - \$314,806.25
Midwest Contracting, LLC, Marshall, MN - \$315,361.00
Sellin Brothers, Inc., Hawley, MN - \$399,540.30
Hough, Inc., Detroit Lakes, MN - \$445,408.15
Central Specialties, Alexandria, MN - \$449,583.78
Excavating Inc - Fargo - \$480,673.05

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board awarded the bid for the CSAH 6 grading project to the apparent low bidder, Dennis Drewes, Inc., for their low bid of \$290,263.00, pending review for any irregularities in the bid.

BID OPENING - FOUR CONCRETE BOX CULVERT PROJECTS

Sealed bids were opened for four Concrete Box Culvert projects. The Engineer's Estimate for this combined project is \$597,393.05.

Gladen Construction, Laporte, MN - \$454,509.45
Riley Brothers Construction, Inc., Morris, MN - \$497,407.30
Sellin Brothers, Inc., Hawley, MN - \$503,346.00
Landwehr Construction, Inc. - \$547,483.00
Taggart Excavating & Septic Service, New Folden, MN - \$552,500.00
Midwest Contracting, LLC - \$627,052.00
Hough, Inc., Detroit Lakes, MN - \$636,447.00

On motion by Mongeau, seconded by Weyland, and unanimously carried, the Board awarded the bid for the Concrete Box Culvert projects to Gladen Construction for their apparent low bid of \$454,509.45, pending review for irregularities in the bid.

**PUBLIC HEARING: ORDINANCE AMENDING THE CLAY COUNTY DEVELOPMENT CODE:
CHAPTER 7 (REQUIREMENTS OF A SURVEY & REMOVE REFERENCES TO
COUNTY SURVEYOR)**

On motion by Mongeau, seconded by Ingersoll, and unanimously carried, the Public Hearing to consider an Ordinance amending the Clay County Development Code: Chapter 7 (Requirements of a Survey & to Remove References to County Surveyor) was opened.

County Planning Director Tim Magnusson explained that the proposed changes to the Ordinance (See Attachment "A") pertain to the removal of references to the County Surveyor (because the County no longer has a County Surveyor), and changes having to do with when a survey is required, what is required on a survey, submission of electronic surveys, and other survey/legal description-related issues that would apply countywide. The Planning Commission recommended approval of the amendments.

No comments from the audience were forthcoming.

On motion by Ingersoll, seconded by Weyland, and unanimously carried, the public hearing was closed.

On motion by Mongeau, seconded by Weyland, and unanimously carried, Ordinance #2016-1 was adopted Amending the Clay County Development Code, Chapter 7 (See Attachment "A").

PUBLIC HEARING: ORDINANCE AMENDING THE CLAY COUNTY DEVELOPMENT CODE:
(ADOPT ANIMAL UNIT DEFINITIONS FOUND IN MN RULES CHAPTER 7020.0300)

On motion by Mongeau, seconded by Campbell, and unanimously carried, the Public Hearing to consider an Ordinance amending the Clay County Development Code (Adopt Animal Unit Definitions found in MN Rules Chapter 7020.0300) (See Attachment "B") was opened.

County Planner Tim Magnusson informed the Board that on May 17, 2016 the Planning Commission held a public hearing on this matter and subsequently recommended the County adopt the State of Minnesota definition of Animal Units, and requested that staff and attorney meet to discuss appropriate thresholds for Animal Units and bring their recommendation back to the Planning Commission.

Mr. Magnusson reviewed the Animal Unit Definitions from the County Development Code and explained how they would change if State Rules are adopted. He noted that a producer had recommended the change to provide consistency between the County's and the State's numbers, and to bring cohesiveness with other counties.

Chief Assistant County Attorney Jenny Samarzja expressed concern that if the State's Rules are adopted, there is no realistic way the County can police or enforce them.

Attorney Zenas Baer spoke to the issue that the regulations should be simplified and streamlined for the producers and that the statutes were amended in 2000, via science-based standards, and imbedded in law.

Ms. Barb Gilson addressed the Board and indicated she represents the rural population of Clay County which will feel the impacts of the proposed change, and will likely bring larger barns on smaller acreage. She felt neighboring property values will decrease and quality of life will be impacted. She felt it is in the County's best interest to deny the request to amend the Ordinance.

Commissioner Mongeau noted that the Planning Commission will review thresholds of Animal Units and receive local input. It was confirmed that Townships have the opportunity to impose more strict ordinances.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Public Hearing was closed.

On motion by Mongeau and seconded by Weyland, the Board adopted Ordinance 2016-2, An Ordinance Amending the Clay County Development Code: Definition of "Animal Unit", which mirrors the State's definition, with the understanding that threshold limits for Animal Units are in place before January 1, 2017. The motion passed with Commissioner Ingersoll opposed.

On motion by Ingersoll, seconded by Weyland, and unanimously carried, the Board designated the following to establish the threshold limits as mentioned above: Commissioner Mongeau, Planning Director Tim Magnusson, Chief Assistant County Attorney Jenny Samarzja, and Planning Commission members as needed.

PUBLIC HEARING: AMENDMENT TO CLAY COUNTY ZONING MAP (REQUEST TO REZONE
A 20.1 ACRE PARCEL IN NE1/4 NW 1/4 SECTION 9, RIVERTON TOWNSHIP FROM
HIGHWAY COMMERCIAL TO AGRICULTURAL GENERAL)

On motion by Ingersoll, seconded by Campbell, and unanimously carried, the Public Hearing to consider an Amendment to the Clay County Zoning Map (Request to rezone a

20.1 acre parcel in NE 1/4 NW 1/4 Section 9, Riverton Township from Highway Commercial to Agricultural General) was opened.

County Planner Tim Magnusson informed the Board that the Planning Commission has heard and recommended approval of a request to rezone the above mentioned parcel of property from Highway Commercial to Agriculture General. The applicant, Kevin Nathe, owns the property and plans to construct a new home on the site. Mr. Magnusson noted that the property is in the 100 year floodplain and the residence will have to be built to those standards. The access to the new residence will be from an existing road and it was suggested that a permanent easement be put in place for access.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Public Hearing was closed.

On motion by Campbell, seconded by Mongeau, and unanimously carried, Resolution 2016-24 was adopted (See Attachment "C") approving the above mentioned rezoning, and amending the Official County Zoning Map to reflect the rezoning.

CONSIDERATION FOR SUPPORT OF PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING PROGRAM

Representatives from Clean Emergency Resource Teams were present to seek the Board's support for their Property Assessed Clean Energy (PACE) financing program. PACE offers a financial tool that can be used for commercial businesses and non-profit organizations to implement energy conservation, energy efficiency and renewable energy technologies and practices. PACE works by leveraging savings from energy efficiency and renewable energy upgrades to pay off the project over the course of its useful life, via special assessments on the organization's taxes. The County would need to enter into a Joint Powers Agreement with the entity which administers and finances the program, Saint Paul Port Authority.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board requested County Administrator Brian C. Berg to research the PACE program further and provide a recommendation to the Board.

CITIZEN CONCERNS REGARDING OAKPORT PROJECT

No one was present to address this issue.

APPROVAL OF CLAY COUNTY SALES TAX QUESTION & ADOPT RESOLUTION

County Administrator Brian C. Berg presented information which will be used as the County moves forward with the Sales Tax question on the November ballot for the Clay County Correctional Facility and Joint Law Enforcement Center (case statement, construction costs, financing plans, bonding mechanism, etc.).

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board adopted the following resolution establishing a procedure to finance the Clay County Correctional Facility and Joint Law Enforcement Center:

RESOLUTION 2016-25

ESTABLISHING A PROCEDURE RELATED TO FINANCING THE CLAY COUNTY CORRECTIONAL FACILITY AND JOINT LAW ENFORCEMENT CENTER

WHEREAS, the Clay County Board of Commissioners has determined that the Clay County Jail is outdated, non-compliant with State standards, ineffective for rehabilitation, is too small, has deteriorating infrastructure, and needs to be replaced; and

WHEREAS, the Law Enforcement Center is housed in the Jail/LEC building and needs have far exceeded available space, infrastructure is deteriorating, and technical demands are not being met; and

WHEREAS, the Clay County Board of Commissioners has determined a need exists to construct a new Correctional Facility and Law Enforcement Center for the purpose of processing, housing and rehabilitating violators and to house the Clay County Sheriff's Office and the Moorhead Police Department; and

WHEREAS, both facilities will be designed to meet the current demands and Department of Corrections' standards, and will include expansion possibilities for future needs; and

WHEREAS, the new Correctional Facility will be designed to house 208 prisoners with expansion possibilities for a cost of \$35 million, and a new Law Enforcement Center which will house mainly the Clay County Sheriff's Office and the Moorhead Police Department, plus other supportive agencies, for a cost of \$14.5 million. In addition, property is being purchased to be utilized for additional parking and structures for a cost of \$5 million; and

WHEREAS, Clay County has also developed a plan to finance this Project utilizing Wind Energy Tax revenue, replacing current tax debt as it matures with new bond schedules, and the utilization of a 1/2% countywide sales tax. The bond repayment plan will be amortized over 20 years, with annual payments in excess of \$3 million. It is expected that a 1/2% countywide sales tax will generate approximately \$1.6 million annually; and

WHEREAS, the Clay County Board of Commissioners wishes to endorse this Correctional Facility and Law Enforcement Center Project and supports the 20-year payment schedule; and

WHEREAS, a 1/2% sales tax will allow this Project to be paid for with limited increase in property tax; and

WHEREAS, a State bonding request to meet the needs was not funded.

NOW, THEREFORE, BE IT RESOLVED, the Clay County Board of Commissioners approves the proposed ballot measure: "Implementation of a County Sales Tax for a Correctional Facility and Law Enforcement Center", and the ballot question shall read:

"Shall Clay County be authorized to impose a sales and use tax of 1/2% for 20 years or until the project is paid for, whichever comes first, for the purpose of funding a Correctional Facility and Law Enforcement Center?"

AUTHORIZATION TO ADVERTISE FOR BIDS FOR DEMOLITION OF BUYOUT PROPERTIES

On motion by Weyland, seconded by Mongeau, and unanimously carried, the Board authorized advertisement for demolition of the buyout properties to be opened August 2, 2016, 9:00 a.m. The demolition completion date of September 30, 2016 is expected for the purchased properties on the West Block, with the gravel parking lot completion expected by November 11, 2016. The demolition of the East Block is expected to be completed by November 11, 2016.

APPOINTMENTS TO FM DIVERSION BOARD OF AUTHORITY

On motion by Ingersoll, seconded by Mongeau, and unanimously carried, the Board appointed Commissioner Campbell and Commissioner Weyland to the new FM Diversion Board of Authority, with Commissioner Gross as Alternate.

On motion by Weyland, seconded by Ingersoll, and unanimously carried, Commissioner Campbell was appointed as Alternate to the FM Diversion Land Management Committee (Commissioner Mongeau serves as appointed member).

On motion by Mongeau, seconded by Weyland, and unanimously carried, the Board appointed County Auditor-Treasurer Lori Johnson to the Finance Committee of the new FM Diversion Board of Authority.

On motion by Ingersoll, seconded by Weyland, and unanimously carried, Commissioner Mongeau was appointed as Alternate to the Finance Committee of the new FM Diversion Board of Authority.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSION

Commissioner Mongeau attended the University of MN Extension Committee meeting.

Commissioner Weyland attended meetings of the FM Economic Development Corporation, Prairie Lakes Municipal Solid Waste Authority, Land of the Dancing Sky Area Agency on Aging, Correctional Facility Committee, and the Elder Abuse Prevention Program at the Hjemkomst Center.

Commissioner Ingersoll attended the Lake Agassiz Regional Library meeting.

Commissioner Campbell attended meetings of the FM Economic Development Corporation, Prairie Lakes Municipal Solid Waste Authority, and the Correctional Facility Committee.

Commissioner Gross attended meetings of the University of MN Extension , Elder Abuse Prevention Program, Historical Society, MetroCOG, and Spring Prairie Township. He reminded the Board of the Clay County Fair, July 14-17 in Barnesville.

County Administrator Brian C. Berg attended many of the meetings mentioned above as well as FM Diversion, Central Administration managers, and a meeting with Lakes & Prairies Community Action Partnership regarding their space needs in the Family Service Center.

RESCHEDULE JULY 5, 2016 COUNTY BOARD MEETING

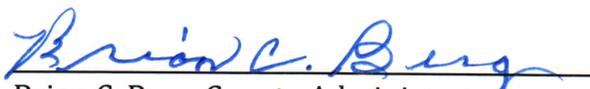
On motion by Weyland, seconded by Mongeau, and unanimously carried, the Board rescheduled the July 5th meeting to begin at 2:00 p.m.

ADJOURN

The meeting adjourned at 11:30 a.m.



Frank Gross, Chair
Clay County Board of Commissioners



Brian C. Berg, County Administrator

ORDINANCE NO. 2016-1AN ORDINANCE AMENDING THE CLAY COUNTY DEVELOPMENT CODE:
CHAPTER 7, SUBDIVISION REGULATIONS

RECITALS

WHEREAS, Clay County has adopted a Development Code, identified as Ordinance 2012-1;

WHEREAS, the Clay County Board of Commissioners, upon recommendation of the Clay County Planning Commission, desires to modify the Clay County Development Code as indicated herein, additionally repealing the Development Code's existing language in the following section, and substituting there for the following language:

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY, STATE OF MINNESOTA HEREBY ORDAINS AS FOLLOWS:

Currently the Code's language reads as follows:

Chapter 7, Section 8-7-8: Transfer and Division of Land Described by Metes and Bounds**8-7-8: TRANSFER AND DIVISION OF LAND DESCRIBED BY METES AND BOUNDS:**

- A. **Survey Required for Transfer of Land Described by Metes and Bounds:** When the ownership of a parcel or tract of land is transferred by a metes and bounds description, the County Auditor shall require such parcel or tract to be surveyed and its description to be accompanied by a surveyor's certificate showing the dimensions and location of such parcel.
- B. **Division by Metes and Bounds Not Allowed:** No division of land in which the divided tract is described by metes and bounds shall be permitted.
- C. **Government Lot Descriptions May be Used for Transfer of Land for Agricultural Use:** A transfer of ownership of a parcel or tract of land described by United States Government Land Survey Description may be transferred without the requirement of a survey or surveyor's certificate; however, no parcel described as an area less than ten (10) acres or an area including a reference to a measurement by feet may be transferred under this provision. In addition, the transferred parcel shall be used for agricultural purposes only. Transfers for development purposes shall comply with the subdivision provisions of this chapter.
- D. **Division of Land Using Government Lot Descriptions:** The division of a parcel or tract of land described by United States Government Land Survey description shall be allowed only if in compliance with the minor or major subdivision provisions of section 8-7-13 or 8-7-14 of this Chapter.
- E. **Survey Requirements Under This Section:** Surveys required under this Section 8-7-8 must be made by a registered land surveyor under the laws of the state. All such surveys shall be certified by the surveyor and shall bear his registration number. Required surveys shall be filed with the Planning and Zoning Department.
- F. **Recording of Deeds:** The county recorder of deeds shall not record nor file for record any deed for the transfer of ownership of any tract made in violation of this section.

Chapter 7, Section 8-7-14 B: Preliminary Plat Requirements and Review Procedure

Preliminary Plat Requirements and Review Procedure: An applicant for a land division by registration of a plat of subdivision shall meet the following requirements:

1. **Application and Preliminary Plat:** After the pre-application meeting as required in section 8-4A-1, an applicant shall submit three (3) copies of the following:
 - a. **Application:** An application on forms provided by the Planning Department;
 - b. **Preliminary Plat:** An electronic version and three (3) large size (22' x 34') paper copy of a preliminary plat meeting the data requirements of section 8-7-14 D, below; and
 - c. **Improvement plans:** Improvement plans meeting the requirements of section 8-7-14 E, below.

Chapter 7, Section 8-7-14 C 10: Electronic Version of Final Plat

10. **Electronic Version of Final Approved Plat:** Upon receiving final approval, the applicant shall submit a copy of the approved version of the plat in electronic format compatible with the software in use by the County at the time of submittal. The electronic plat shall be reference as County coordinates and provide a seamless edge match to the existing County database.

Chapter 7, Section 8-7-14 D 4i: Surveying Requirements

- i. **Surveying Requirements:** Surveying requirements of the final plat shall be under the regulation of the County Surveyor.

Chapter 7, Section 8-7-17: United States Public Land Survey Monument Record

8-7-17: UNITED STATES PUBLIC LAND SURVEY MONUMENT RECORD:

- A. **Preparation Required:** A United States public land survey monument record must be prepared as part of any land survey which includes or requires the perpetuation or restoration of a United States public land survey corner and one of the following conditions exists:
 1. There is no United States public land survey monument record for the corner on file in the office of the county surveyor or the county recorder for the county in which the corner is located; or
 2. The land surveyor who performs the survey accepts a position for the United States public land survey corner which differs from that shown on a United States public land survey monument record filed in the office of the county surveyor where the county maintains a full-time office, or

in the office of the county recorder for the county in which the corner is located; or

3. The witness ties referred to in an existing United States public land survey monument record have been destroyed.
- B. Certificate Of Location Of Government Corner:** A United States public land survey monument record must be prepared on a certificate of location of government corner, as specified in Minnesota statutes section 160.15, subdivision 5, as amended and laid out herein.
- C. Position And Other Elements:** A United States public land survey monument record must show the position of the corner and must include all the following elements:
1. The identity of the corner, as referenced to the United States public land survey system;
 2. A description of any record evidence, monument evidence, occupational evidence, testimonial evidence, or any other material evidence considered by the surveyor, and whether the monument was found or placed;
 3. If possible, reference ties to at least three (3) witness monuments made of concrete, natural stone, iron, or other equally durable material, including trees;
 4. A plan view drawing depicting the relevant monuments and reference ties which is in sufficient detail to enable accurate restoration of the corner position if the corner monument has been disturbed;
 5. A description of any significant discrepancy between the position of the corner as restored and the position of that corner as previously restored;
 6. Whether the corner was restored through acceptance of an obliterated evidence position or a found perpetuated position;
 7. Whether the corner was restored through lost corner proportionate methods;
 8. The directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner positions; and
 9. The signature of the land surveyor under whose direction and control the corner position was determined and a statement certifying that the United States public land survey monument record is correct and complete to the best of the surveyor's knowledge and belief.

The following shall replace the current language in Chapter 7:

Chapter 7, Section 8-7-8: Transfer and Division of Land Described by Metes and Bounds

8-7-8: TRANSFER AND DIVISION OF LAND DESCRIBED BY METES AND BOUNDS:

- A. Survey Required for Transfer of Land Described by Metes and Bounds:** When the ownership of a parcel or tract of land is transferred by a metes and bounds description, the County Auditor shall require such parcel or tract to be surveyed and its description to be accompanied by a surveyor's certificate showing the dimensions and location of such parcel in relation to the

nearest Section Corner. The legal description on the survey must match the legal description on the transferring document.

- ~~B. **Division by Metes and Bounds Not Allowed:** No division of land in which the divided tract is described by metes and bounds shall be permitted.~~
- B. Government Lot Descriptions May be Used for Transfer of Land for Agricultural Use:** A transfer of ownership of a parcel or tract of land described by United States Government Land Survey Description may be transferred without the requirement of a survey or surveyor's certificate; however, no parcel described as an area less than ten (10) acres or an area including a reference to a measurement by feet may be transferred under this provision. In addition, the transferred parcel shall be used for agricultural purposes only. Transfers for development purposes shall comply with the subdivision provisions of this chapter.
- C. Division of Land Using Government Lot Descriptions:** The division of a parcel or tract of land described by United States Government Land Survey description shall be allowed only if in compliance with the minor or major subdivision provisions of section 8-7-13 or 8-7-14 of this Chapter.
- D. Survey Requirements Under This Section:** Surveys required under this Section ~~8-7-8~~ must be made by a registered land surveyor (RLS) under the laws of the ~~state~~ State of Minnesota. All such surveys shall be certified by the surveyor and shall bear his registration number. Required surveys shall be filed with the Planning and Zoning Department and the Office of the County Recorder.
- E. Recording of Deeds:** The county recorder ~~of deeds~~ shall not record nor file for record any deed for the transfer of ownership of any tract made in violation of this section.

Chapter 7, Section 8-7-14 B: Preliminary Plat Requirements and Review Procedure

Preliminary Plat Requirements and Review Procedure: An applicant for a land division by registration of a plat of subdivision shall meet the following requirements:

1. **Application and Preliminary Plat:** After the pre-application meeting as required in section 8-4A-1, an applicant shall submit ~~three (3)~~ copies of the following:
 - a. **Application:** An application on forms provided by the Planning Department;
 - b. **Preliminary Plat:** An electronic version and ~~three (3)~~ one (1) large size (22' x 34') paper copy of a preliminary plat meeting the data requirements of section 8-7-14 D, below; and
 - c. **Improvement plans:** Improvement plans meeting the requirements of section 8-7-14 E, below.

Chapter 7, Section 8-7-14 C 10: Electronic Version of Final Plat

10. **Electronic Version of Final Approved Plat:** Upon receiving final approval, the applicant shall submit a copy of the approved version of the plat in electronic format compatible with the software in use by the County at the time of submittal. The electronic plat shall be reference as Clay County coordinates and provide a seamless edge match to the existing County database.

Chapter 7, Section 8-7-14 D 4i: Surveying Requirements

- i. **Surveying Requirements:** ~~Surveying requirements of the final plat shall be under the regulation of the County Surveyor~~ Point of beginning or point of commencement must be at a recorded government corner.

Chapter 7, Section 8-7-17: United States Public Land Survey Monument Record

8-7-17: UNITED STATES PUBLIC LAND SURVEY MONUMENT RECORD:

- A. **Preparation Required:** A United States public land survey monument record must be prepared as part of any land survey which includes or requires the perpetuation or restoration of a United States public land survey corner and one of the following conditions exists:
 1. There is no United States public land survey monument record for the corner on file in the office of the ~~county surveyor or the county recorder~~ for the county in which the corner is located; or
 2. The land surveyor who performs the survey accepts a position for the United States public land survey corner which differs from that shown on a United States public land survey monument record filed ~~in the office of the county surveyor where the county maintains a full time office, or~~ in the office of the county recorder for the county in which the corner is located; or
 3. The witness ties referred to in an existing United States public land survey monument record have been destroyed.
- B. **Certificate ~~Of~~ Location ~~Of~~ Government Corner:** A United States public land survey monument record must be prepared on a certificate of location of government corner, as specified in Minnesota statutes section 160.15, subdivision 5, as amended and laid out herein.
- C. **Position ~~A~~nd Other Elements:** A United States public land survey monument record must show the position of the corner and must include all the following elements:
 1. The identity of the corner, as referenced to the United States public land survey system;
 2. A description of any record evidence, monument evidence, occupational evidence, testimonial evidence, or any other material evidence considered by the surveyor, and whether the monument was found or placed;
 3. If possible, reference ties to at least three (3) witness monuments made of concrete, natural stone, iron, or other equally durable material, including trees;
 4. A plan view drawing depicting the relevant monuments and reference ties which is in sufficient detail to enable accurate restoration of the corner position if the corner monument has been

disturbed;

5. A description of any significant discrepancy between the position of the corner as restored and the position of that corner as previously restored;
6. Whether the corner was restored through acceptance of an obliterated evidence position or a found perpetuated position;
7. Whether the corner was restored through lost corner proportionate methods;
8. The directions and distances to other public land survey corners which were used as evidence or used for proportioning in determining the corner positions; ~~and~~
9. Clay County Coordinates – A Northing and an Easting in the Clay County Coordinate System NAD 83 (1996 Adj.) shall be included on each certificate; and
10. The signature of the land surveyor under whose direction and control the corner position was determined and a statement certifying that the United States public land survey monument record is correct and complete to the best of the surveyor's knowledge and belief.

IT IS HEREBY ORDAINED THAT the foregoing revisions be made to the Clay County Development Code and such revisions shall be effective upon enactment.

Adopted by the Clay County Board of Commissioners June 21st, 2016.

Frank Gross
Chairman, Clay County Board of Commissioners

ATTEST:

Brian Berg, Clay County Administrator

ORDINANCE NO. 2014-2

AN ORDINANCE AMENDING THE CLAY COUNTY DEVELOPMENT CODE:
DEFINITION OF "ANIMAL UNIT"

RECITALS

WHEREAS, Clay County has adopted a Development Code, identified as Ordinance 2012-1;

WHEREAS, the Clay County Board of Commissioners, upon recommendation of the Clay County Planning Commission, desires to modify the Clay County Development Code as indicated herein, additionally repealing the Development Code's existing language in the following section, and substituting there for the following language:

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY, STATE OF MINNESOTA HEREBY ORDAINS AS FOLLOWS:

Currently the Code's language related to the definition of "Animal Unit" reads as follows:

8-8-2 DEFINITIONS:

...

ANIMAL UNIT: The unit of measure used to determine the appropriate density at which livestock and poultry can be raised subject to the restrictions imposed by this Ordinance.

For the purpose of this Ordinance, the following equivalents shall apply:

- A. One mature dairy cow, 1.4 animal unit;
- B. One head of cattle, excluding the above, 1.0 animal unit;
- C. One horse, 1.0 animal unit;
- D. One swine, 0.4 animal unit;
- E. One duck, 0.2 animal unit;
- F. One sheep, 0.4 animal unit;
- G. One turkey, 0.018 animal unit;
- H. One chicken, 0.01 animal unit;
- I. One goose, 0.2 animal unit;

For animals not listed in items A to I, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.

The following shall replace the current language in 8-8-2:

ANIMAL UNIT: The unit of measure used to determine the appropriate density at which livestock and poultry can be raised subject to the restrictions imposed by this Ordinance. For purposes of this Ordinance, the multiplications factors as set forth in Minnesota Rules Chapter 7020.0300, as currently set and as amended from time-to-time, shall apply.

IT IS HEREBY ORDAINED THAT the foregoing revisions be made to the Clay County Development Code and such revisions shall be effective January 1, 2017.

Adopted by the Clay County Board of Commissioners June 21st, 2016.

Frank Gross
Chairman, Clay County Board of Commissioners

ATTEST:

Brian Berg, Clay County Administrator

CLAY COUNTY BOARD OF COMMISSIONERS
RESOLUTION 2016- 24

ON PETITION FOR REZONING

WHEREAS, a petition was filed to effectuate the re-zoning of the following described real property:

Part of the NE¼NW ¼ Beginning 2,333.93' East & 179.81' South of the NW corner; South 197.68', Southeast 177.71', Southeast 203.66', West 243.22', South 531.42', West 712.04', North 1,071.79' and East 852.12' to point of beginning (PIN 25.009.0150); and

WHEREAS, the above described property is presently zoned Highway Commercial; and

WHEREAS, the Clay County Planning Commission conducted a hearing on the requested rezoning on May 17, 2016 and recommends to the Clay County Board of Commissioners that a re-zoning to Agricultural General should be approved; and

WHEREAS, the proposed use of the above described property and the re-zoning to Agricultural General is consistent with the County Land Use Plan;

NOW THEREFORE, BE IT RESOLVED, that the following described property be re-zoned to Agricultural General, which re-zoning shall be effective as of June 22, 2016;

Part of the NE¼NW ¼ Beginning 2,333.93' East & 179.81' South of the NW corner; South 197.68', Southeast 177.71', Southeast 203.66', West 243.22', South 531.42', West 712.04', North 1,071.79' and East 852.12' to point of beginning (PIN 25.009.0150); and

BE IT FURTHER RESOLVED, that the Official Clay County Zoning Map be amended to reflect this re-zoning.

ADOPTED this 21st day of June, 2016.

By: _____
Frank Gross, Chair

Attest _____
Brian Berg, County Administrator