

CLAY COUNTY BOARD OF COMMISSIONERS
Tuesday, July 19, 2016
8:30 a.m.
County Board Room – 3rd Floor – Courthouse

M I N U T E S

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Gross, Ingersoll, Mongeau, and Weyland. County Administrator Brian C. Berg, Chief Assistant County Attorney Jenny Samarzja, and Senior Administrative Assistant Colleen Eck were also present. Commissioner Campbell arrived at 10:30 for the legislative session update.

APPROVAL OF AGENDA

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

APPROVAL OF GRANT AGREEMENT WITH MANNA FOOD CO-OP

By consent agenda, the Board approved a grant agreement with Manna Food Co-op to provide funding through Statewide Health Improvement Project (SHIP) for community event.

APPROVAL OF AGREEMENT WITH COMDEL INNOVATION

By consent agenda, the Board approved an agreement with ComDel Innovation to approve funding through Community Wellness Grant for healthier eating.

APPROVAL OF AGREEMENT WITH BRECKENRIDGE SCHOOL DISTRICT

By consent agenda, the Board approved an agreement with Breckenridge School District to provide funding through SHIP for equipment for breakfast program.

APPROVAL OF AMENDED AGREEMENT WITH WEST CENTRAL REGIONAL JUVENILE CENTER

By consent agenda, the Board approved an amended agreement with West Central Regional Juvenile Center to provide Public Health Nurses to complete required Child & Teen Checkups and other nursing services.

COUNTY ATTORNEY'S OFFICE 2017 BUDGET REVIEW

County Attorney Brian Melton reviewed the 2017 County Attorney's budget. The budget reflects an increase to cover cost of living adjustments and two additional attorney positions. The department currently has seven attorneys. The new positions are needed

due to the community growing, an increase in more serious crimes, and more arrests. Melton did a comparison to the number of cases and attorneys in Otter Tail and Becker Counties and found that Clay County is understaffed. The City of Moorhead pays for two attorneys and two legal secretaries, and that may need to be increased as well. The staff are also running out of office space and may need some additional space or rearrangement of space.

PUBLIC HEARING: ZONING DISTRICT AMENDMENT (JEM PROPERTY DEVELOPMENT LLC:
REQUEST FOR REZONING)

On motion by Weyland, seconded by Mongeau, and unanimously carried, the Board approved opening the public hearing.

Planning Director Tim Magnusson presented information from the June 21 Planning Commission meeting related to an application for rezoning from JEM, LLC. The applicant is requesting to remove the Urban Expansion District (UE) zoning district where warehousing/storage is not an allowed use. The property is 4.79 acres in size, and fronts onto TH75 one mile south of Moorhead. The underlying zoning district (Agricultural General) would allow for warehousing/storage. There is one building on the site which was used by a former business (Cat Castle). The current structure is “grandfathered” and currently rented out for storage. Due to Moorhead’s Future Growth Plan and Future Land Use Map, Magnusson recommended to the Planning Commission that the request be denied. After hearing the request on June 21, the Planning Commission recommended approval of the rezoning, which would remove the overlay district, with a vote of six to three. Magnusson stated the County’s 2002 Comprehensive Plan includes language for the County to work closely and cooperatively with communities, especially in their Future Growth Areas to ensure that development does not have a negative impact on a community’s orderly growth. He added that residential development would not be prohibited on the site, but there are no city services at this time.

Mark Bushe, representing JEM, LLC, stated that he is one of three partners in the company. They believe their plans will improve the area, meet a community need, and add tax dollars for the County. They plan to clean up the site and eventually tear down the old building. They would construct new buildings to be used for storage rental units. Their preference is to have the storage units on the Minnesota side where they have other rental properties.

Mongeau referred to another similar request and stated that she has a real concern about the County sitting on these types of properties where there could be vibrant businesses because the City of Moorhead is against it. She noted the County needs to be welcoming and not turn away business.

City of Moorhead Attorney John Shakley stated that with properties in the UE overlay zoning district, the City and County need to work together on any revisions. He requested that the request be denied, and that the City and County move forward with a cooperative planning process. Moorhead City Planner Kristie Leshovsky suggested the Board consider a larger review of this zoning district. She alerted the County Board to be cautious when changing zoning because a future owner could potentially switch to any use that is allowed

in that district. She noted she is not anti-business, but it is the City's position that this would be "spot zoning." This site is part of a major corridor and the uses need to be consistent with the City. It also needs to be consistent with the township's zoning. Storm water services and other services to sites need to be considered as well. Moorhead's Growth Area Plan is used as a guiding document and is in place in conjunction with the City's utility plans and future infrastructure. There was also mention of the amount of impervious surface that would be covered and the need for any ditches, drains, or storm water ponds. The City of Moorhead would allow storage units in their light industrial zoning or as a secondary use to a commercial use. City Council Member Mike Hulett stated that he is on the County Planning Commission and voted to oppose this request for reasons that were already mentioned. He wants to work with businesses, but noted that changes in zoning need to be resolved in a uniform manner.

Samarzja stated that "spot zoning" is not a black and white issue and there can be varying opinions on the matter. Magnusson informed the Board that there may be funds for updating the County's 2002 Comprehensive Plan next year. As part of the update, they would revisit the uses allowed in the UE zoning district and the extent of that zoning district.

The applicant commented that it seems ironic that storage is not allowed at this site, but in fact there is currently storage there. He stated that it'll be many years before housing expands to this area, and added they do not need to wait for water and sewer for storage units.

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

Weyland suggested postponing their decision until next week when Commissioner Campbell is present to vote.

APPROVAL OF CONTRACT AMENDMENT WITH HOUSTON ENGINEERING FOR CORRECTIONAL FACILITY PROJECT

County Administrator Brian C. Berg stated the amendments to the project are for utility relocation; utility disconnect design; construction services for underground utilities; gravel parking lot design and construction; construction plans and specs; and alternative storm water retention analysis. The itemized list for the project totals \$71,500 for consultant fees and design needed for the overall project.

On motion by Weyland, seconded by Mongeau, and unanimously carried, the Board approved the contract amendment with Houston Engineering for the Correctional Facility Project.

APPROVAL TO ADVERTISE FOR UTILITY WORK & PARKING LOT CP-14-200-03-9 A.M., 9/6/16

County Engineer David Overbo requested approval to advertise for utility work and a parking lot on the County campus, with the bid opening at 9 a.m., September 6.

On motion by Mongeau, seconded by Ingersoll, and unanimously approved, the Board approved advertising for utility work and a parking lot on the County campus.

ACCEPT QUOTE FROM OPATRIL CONCRETE CONSTRUCTION, INC. FOR REMOVAL AND REPLACEMENT OF SIDEWALKS ON COUNTY CAMPUS

County Engineer David Overbo requested approval to accept the low quote from Opatril Concrete Construction, Inc. in the amount of \$27,646.85 for sidewalk removal and replacement on the County campus. A second bid, from Opp Construction, came in at \$41,235.35, and the Engineer's estimate for the project was \$29,485.00.

On motion by Ingersoll, seconded by Mongeau, and unanimously carried, the Board approved the low bid of \$27,646.85 from Opatril Concrete Construction, Inc. for the sidewalk removal and replacement project on the County campus.

REQUEST TO FILL SHOP FOREMAN POSITION

On motion by Mongeau, seconded by Weyland, and unanimously carried, the Board approved the request to fill a FTE shop foreman position for the Highway Department, and to backfill if vacancies are created.

UNIVERSITY OF MN EXTENSION 2017 BUDGET REVIEW

Ben Anderson, Regional Extension Director, reviewed the proposed 2017 department budget, noting that the increases are due to staff position changes; increases in clerical salaries and benefits; and an increase in per diems. The other budget items remain the same. Anderson noted that they had another successful year at the County Fair with more livestock and more day camps.

LEGISLATIVE UPDATE

Senator Kent Eken, Representative Paul Marquart, Representative Ben Lien updated the Board concerning the recent legislative session. They will possibly be scheduling a special session during the third week in August. The bonding bill unraveled in the last few minutes of the recent session, and was left unfinished.

The Clay County's Correctional Facility and Solid Waste Facility did not receive support this session. It was noted that sales tax is going to be the best way to fund the Correctional Facility project. The Solid Waste Facility project had previously received \$600 thousand for their planning process. Rep. Marquart and Sen. Eken expressed thanks to Solid Waste Director Kirk Rosenberger for all his hard work and for taking the lead on the project. The City of Moorhead's underpass project and the Heartland Trail were both supported. There is a \$10 million increase for County Program Aid and \$10 million for the Buffer Strip Mandate. The local farmers have expressed interest in the County taking the lead for the buffer strip program. Other areas mentioned were out-of-home placements and light rail transportation.

The Senator and Representatives were invited to attend a round table meeting scheduled for local governing boards on Thursday, August 4th at 6 p.m. at the Dilworth Community Center. Campbell extended gratitude for their work on requesting dollars for the

Correctional Facility and the Solid Waste Facility. Mongeau thanked them for their work in St. Paul and for their presence in the community.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSION

- Commissioner Mongeau attended a Cass Clay Food Systems Joint Powers Commission meeting and the Clay County Fair.
- Commissioner Weyland attended a Radio Users Committee meeting, Flood Diversion Authority Board meeting, Land Management meeting, Moorhead Business Association (MBA) meeting, and Public Affairs Meeting for the Chamber of Commerce.
- Commissioner Ingersoll attended a Lake Agassiz Regional Library meeting.
- Commissioner Gross attended Highway Tracking, Correctional Facility presentation for residents, Wild Rice Watershed Board meeting, Water Management Board meeting, West Central Initiative in Fergus Falls re: Live and Wide Open Program, Clay County Fair Government Day, a buffer strip presentation in Rothsay, and a Georgetown Township meeting where there was concern about dust on the roads.
- Commissioner Campbell attended Highway Tracking, a neighborhood information meeting on the Correctional Facility and Law Enforcement, Flood Diversion Authority Board meeting, and a Correction Facility Construction Committee meeting.
- County Administrator Brian C. Berg attended an MBA meeting, Highway Tracking, Attorney's Department budget review, Stephen Larson's evaluation, Chamber of Commerce meeting, a neighborhood information meeting on the Correctional Facility and Law Enforcement, and Flood Diversion Authority Board meeting. Berg also met with another potential home buyout individual, the Board chair, attended a Law Enforcement group meeting, and a full Committee Meeting for Jail and Law Enforcement Center.

Following discussion on getting meeting packets to the Commissioners, it was decided that on holiday weekends, the packets will be scanned and e-mailed in addition to mailing them to assure they are received ahead of the meetings.

The future of the Clay County Fair Government Day was discussed. There was a consensus to have more presence from more departments at the fair. They may also want to discuss changing the day so it is better attended. The topic will be discussed at the upcoming managers' meeting.

ADJOURN

The meeting adjourned at 11:10 a.m.

Frank Gross, Chair
Clay County Board of Commissioners

Brian C. Berg, County Administrator