

CLAY COUNTY BOARD OF COMMISSIONERS  
Tuesday, July 26, 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 the following Commissioners present: Kevin Campbell, Frank Gross, Wayne Ingersoll, Jenny Mongeau, and Grant Weyland. County Administrator Brian C. Berg, Chief Assistant County Attorney Jenny Samarzja, and Senior Administrative Assistant Colleen Eck were also present.

APPROVAL OF AGENDA

On motion by Mongeau, seconded by Weyland, and unanimously carried, the agenda was approved as presented.

CITIZENS TO BE HEARD

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

APPROVAL OF MINUTES FROM JULY 5 and 12, 2016

On motion by Campbell, seconded by Weyland, and unanimously carried, the minutes from July 5 and 12, 2016 were approved as presented.

APPROVE PAYMENT OF BILLS AND VOUCHERS

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

APPROVE RENEWAL OF FAMILY SERVICE CENTER (FSC) LEASE: MOTIVATION, EDUCATION & TRAINING (MET), INC., 8-1-2016 TO 12-31-2017, #108D, 188 SF, \$13.25 SF  
By consent agenda, the Board approved renewal of FSC lease: Motivation, Education & Training, Inc.

APPROVE RENEWAL OF FSC LEASE: LAKES & PRAIRIES COMMUNITY ACTION PARTNERSHIP, HEAD START, RAINBOW BRIDGE & HOUSING, 9-1-16 TO 12-31-2017, #104, 13,680 SF, \$9.70

By consent agenda, the Board approved renewal of FSC lease: Lakes & Prairies Community Action Partnership, Head Start, Rainbow Bridge & Housing.

APPROVE RENEWAL OF FSC LEASE: LAKES & PRAIRIES COMMUNITY ACTION AGENCY, INC. HEAD START KITCHEN, 9-1-2016 TO 12-31-2017, 913 SF \$13.25 SF.  
By consent agenda, the Board approved renewal of FSC lease: Lakes & Prairies Community Action Agency, Inc. Head Start Kitchen.

APPROVE EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF  
\$33,039.00

By consent agenda, the Board approved an Emergency Management Performance Grant in the amount of \$33,039.00.

CLOSED SESSION: ATTORNEY/CLIENT DISCUSSION RE: URBAN EXPANSION OVERLAY  
DISTRICT ZONING ISSUES

On motion by Ingersoll, seconded by Weyland, and unanimously carried, the meeting was closed at 8:35 a.m. pursuant to Minnesota Statute Section 13D.05, Subdivision 3(b) to discuss Urban Expansion Overlay District Zoning issues.

On motion by Ingersoll, seconded by Mongeau, and unanimously carried, the meeting was reopened at 9:10 a.m.

OPEN BIDS for 800 MHz RADIO EQUIPMENT

Emergency Service Director Bryan Green was present to open the one bid that was received for County Public Safety 800 MHz Radio Equipment. The bid, submitted by Motorola Solutions for \$2,178,231.45, will be further reviewed and a recommendation will be brought back to County Board at a later date. Green's estimate for the equipment was just over \$2 million.

On motion by Ingersoll, seconded by Weyland, and unanimously approved, the Board recommended that Bryan Green bring his recommendation to the Board at a later date.

OPEN BIDS FOR CSAH2 PAVING PROJECT

County Engineer David Overbo and Assistant County Engineer Eric Hove were present to open sealed bids for the CSAH2 Paving Project as follows:

- Central Specialties, \$1,138,967.90
- Mark Sand and Gravel, \$1,321,564.10
- Minndak Asphalt, \$1,240,709.30
- Knife River Materials, \$1,225,441.45

The bids will be reviewed and a recommendation for award will be brought to the Board at a later date.

MEMORANDUM OF UNDERSTANDING BETWEEN CLAYCOUNTY & BUFFALO-RED RIVER  
WATERSHED DISTRICT

County Engineer David Overbo noted that this Memorandum of Understanding between the County and Buffalo Red River Watershed District contains liability insurance information, as directed by legal staff.

On motion by Campbell, seconded by Weyland, and unanimously, the Board approved the Memorandum of Understanding between Clay County and Buffalo-Red River Watershed District.

PUBLIC HEARING: APPEAL OF PLANNING COMMISSION DECISION RE: GRAVEL PIT  
INTERIM USE PERMIT

On motion by Weyland, seconded by Campbell, and unanimously carried, the Board opened the public hearing.

Planning Director Tim Magnusson was present to summarize the Planning Commission's decision to grant an Interim Use Permit, with conditions, to A&A Gravel and Hough, Inc. for a gravel mining operation in Goose Prairie Township. The request was heard at the May Planning Commission meeting, the hearing was closed, but the Planning Commission tabled their decision on the request until the June meeting. The applicant, Mike Hough, was asked to have his gravel trucks come in and out at the same access used by trucks from the other two mining operations in the vicinity. In order to accomplish consistency with that route, Hough would need to gain access through another property, but he was not able to accomplish negotiating with that property owner. Magnusson pointed out the location of the gravel mines, the haul roads, and the residence of the appellants, Russ and Mary Colson on aerial views of this section of Goose Prairie Township. With the addition of Hough's gravel trucks, the Colsons will have trucks hauling material 500 feet on the west side of their house and 650 feet on the east side of their house, as well as on a county road to the south of their property.

The appellant, Mary Colson, addressed the Board, noting there has not been a fair balance of interests between businesses and residents. At the June Planning Commission meeting, the public hearing was reopened and the mining site owners were there to present a slide show. Colson was not present and was not aware of the Planning Commission being able to take more public input. Colson commented that she is not against mining, but is concerned with the haul routes, and truck traffic on all four sides of their property. She added that the Planning Commission was not fair in their hearing process nor in adequately addressing Findings of Fact for this request.

Attorney Doug Murch, representing the landowners of the mining site, stated that the problem comes with the property being landlocked, and an alternative route through private land not being secured. The route they now plan to use, going south to a township road, is the only viable option. Murch stated that mining of this gravel site is a valid land use, and all the setbacks in the Land Development Ordinance can be reached. He commented that the Planning Commission addressed the Findings of Fact in detail and discussed the noise concerns. They placed conditions on the permit for road improvements and maintenance, and for signage. Residences were able to speak at the May meeting and

the hearing was opened again at the June meeting to give the landowners the opportunity to speak. Murch requested the appeal be denied and mining be commenced at the site.

Mike Hough, Hough, Inc., added that they have a dust control plan and will construct a  $\frac{3}{4}$  mile private road through the site, coming out at the township road. He estimated there to be 3 million tons of aggregate material at the site, with an estimate of \$450,000 in gravel tax. He will work with the township concerning improvements to the township road, as needed, and will have his drivers use radio communication so their trucks are not passing each other on the township road.

The following residents were heard by the Board: Shelley Steichen, who lives along 120<sup>th</sup> Avenue, was concerned about a dangerous situation with truck traffic being added to other traffic on this narrow township road with no shoulder. With the permitted hours of operation, (6 a.m. to 8 p.m., Monday – Saturday) she estimated that Hough could run 672 trips on that road. She urged the Board to vote to deny the mining operation. Kristen Bates added that she resides south of this mining site and also asked that the decision be overturned because of safety concerns, noise, and the number of residents affected by this operation. Jeff Bates, township board officer, commented that there are safety issues with this narrow township road and at the intersection of 120<sup>th</sup> Avenue and Co. Rd 33, and asked the Board to overturn the decision made by the Planning Commission. Commissioner Mongeau commented that the noise is the same no matter what direction it is coming from, and the road will be improved and made safer for all. The aggregate mining is a valuable enterprise in the County, and a portion of the gravel tax is used to help with roads. Colleen Lawson, one of the three property owners of the mining site, stated that the property is zoned for mining and others living in that area should be aware of the potential for mining activities. Dwight Fevig stated that he has farmed the mining site for 20 years and reiterated that the intended haul route is the only option out of the mining site. Colson added that they would have a difficult time trying to sell their property with gravel trucks hauling on all sides.

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

The Board further discussed the testimony received concerning the appeal, with input from Magnusson and Samarzja regarding improvements to the road, how conditions are enforced, and how complaints are handled.

On motion by Mongeau, seconded by Weyland, and carried with one opposing vote by Ingersoll, the Board supported the Planning Commission's decision to grant the Interim Use permit for mining and added an expiration date of December 31, 2026 to the conditions of the permit.

Commissioner Campbell stated that the landowners and contractors need to be put on notice to work with the township on the safety and maintenance of the haul road and the intersection of 120<sup>th</sup> Ave. and Co. Rd 33.

REQUEST TO FILL VACATED POSITION FOR FTE CASE MANAGER IN ADULT HEALTH PROGRAMS:

Public Health Director Kathy McKay requested approval to fill a position vacated by Jamie Hennen, after she moved into her current position of Nursing Director following Kathy Anderson's retirement.

On motion by Ingersoll, seconded by Weyland, and unanimously carried, the Board approved filling a position for a FTE Case Manager in Adult Health Programs.

REQUEST TO FILL VACATED POSITION FOR .8 FTE PUBLIC HEALTH NURSE FOR DGF SCHOOL DISTRICT:

Public Health Director Kathy McKay requested approval to fill a vacated position for a Public Health Nurse for the Dilworth/Glyndon/Felton (DGF) School District.

On motion by Mongeau, seconded by Campbell, and unanimously carried, the Board approved filling a position for a .8 FTE Public Health Nurse for the DGF School District.

SOLID WASTE 2017 BUDGET REVIEW

Solid Waste Director Kirk Rosenberger presented an overview of his initial 2017 Solid Waste budget. He included replacement of the Bomag compactor at the landfill and noted that he anticipates an increase in service fees and tipping fees.

PROBATION 2017 BUDGET REVIEW

Probation District Supervisor Janelle Cheney and Shelley Ford, Career Corrections Agent, presented the initial 2017 budget review for Probation. They do not expect any State grant dollars that have helped fund the Reentry Services Program.

BUILDING MAINTENANCE/FAMILY SERVICE CENTER (FSCCC) 2017 BUDGET REVIEW

Building Maintenance Supervisor Joe Olson and FSCCC Building Manager Georgie Beaudry presented their initial 2017 budget requests. There will be salary adjustments and some rent increases in the Family Service Center in 2017 with revenues that hopefully cover the costs of building repairs and maintenance.

RECAP OF 4-H PROGRAMMING AT THE COUNTY FAIR

4-H Program Coordinator Mitzi Marlin, Intern Kate Harrington, and four members from the 4-H Green Team were present to share their experiences and accomplishments at the County Fair in Barnesville. Commissioner Gross thanked the 4-H group for their good efforts.

AMENDMENT TO FOOD SERVICE DELIVERY AGREEMENT FOR JAIL, WEST CENTRAL REGIONAL JUVENILE CENTER (WCRJC) & CLAY COUNTY RECEIVING CENTER (DETOX)

Jail Administrator Julie Savat stated that their current food service provider is increasing the price of meals for the jail, juvenile center, and detox unit. The increase is from \$2.05 to \$2.69 per meal. The amendment to the food service agreement is for the price increase and to opt out of the contract at the end of year. An RFP will be drafted for food service for the three entities for next year.

On motion by Ingersoll, seconded by Weyland, and unanimously carried, the Board approved an amendment to the Food Service Delivery Agreement for Jail, WCRJC and Receiving Center.

CONTINUATION OF ZONING DISTRICT AMENDMENT REQUEST FROM JEM PROPERTY DEVELOPMENT, LLC FOR BOARD ACTION

Planning Director Tim Magnusson referred back to the information from a public hearing for a rezoning request at a June Planning Commission meeting. Jem Property Development, LLC requested to remove the Urban Expansion overlay district on a five-acre site south of the City of Moorhead. Removing the overlay district would allow them to construct storage units on the site. The Planning Commission voted 6 to 3 to recommend to the County Board that the request be approved. The site is just north of Moorhead Marine along Highway 75. If the Board approves the request (with a vote of 4/5 needed) to remove the overlay district, the applicant will need to apply for a Conditional Use Permit to allow for commercial storage at that site. Magnusson referred back to the list of six findings that the Planning Commission reviewed before making their recommendation on the rezoning request.

The Board briefly discussed the issues surrounding the rezoning request.

A motion was made by Ingersoll, and seconded by Mongeau, to approve the rezoning request (Removing the Urban Expansion Overlay District) as recommended by the Planning Commission, but the motion failed with a vote of 3 ayes (Ingersoll, Mongeau and Gross) and 2 nays (Campbell and Weyland). A vote of 4/5 is needed for rezoning.

On motion by Campbell, seconded by Ingersoll, and unanimously carried, the Board recommended that the Planning Commission amend the Land Development Code to allow applicants to reapply sooner than one year after a denial is made.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSION

- Commissioner Mongeau attended meetings of the Planning Commission, Lakes and Prairies Community Action, and Lakeland Mental Health.

- Commissioner Weyland attended meetings of the Solid Waste Advisory Committee and the Regional Juvenile Detention Advisory Board.
- Commissioner Ingersoll attended a Local Advisory Council for Adult Mental Health meeting.
- Commissioner Gross attended meetings of the Planning Commission, the Historical & Cultural Society, Metropolitan Council of Government, and a meeting with property owners (Triepkes) concerning a permit that had been issued in the flood plain in error.
- Commissioner Campbell attended a meeting for the Juvenile Detention budget and the Prairie Lakes Municipal Solid Waste Authority meeting.
- County Administrator Brian C. Berg attended a meeting with the local legislatures following the last Board meeting; several budget meetings with department supervisors; Central Administration managers meeting, an Administrative Advisory Board meeting; a meeting with FM Extra staff for an article; and met with a property owner concerning a potential buyout with a rent alternative. Concerning the property rental agreement, the Board, by consensus, agreed to allow Berg to work with Commissioners Campbell and Weyland to secure an agreement with the property owner. Berg also received correspondence from the judges concerning cell phones in the courthouse and will schedule a meeting to address the issue further. He reminded the Board of a round-table meeting in Dilworth on Thursday.

ADJOURN

The meeting adjourned at 12:35 p.m.

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Frank Gross, Chair

Clay County Board of Commissioners

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Brian C. Berg, County Administrator