

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, August 16, 2016

8:30 a.m.

County Board Room – 3rd 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. Brian C. Berg, County Administrator; Jenny Samarzja, Chief Assistant County Attorney; and Colleen Eck, Sr. Administrative Assistant, were also present.

APPROVAL OF AGENDA

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

NEW LEASE AGREEMENT: PRODUCTIVE ALTERNATIVES, INC.

By consent agenda, the Board approved a new lease agreement for Productive Alternatives, Inc., #306M, \$12.25 SF, 9/1/16 to 12/31/17.

WAIVE TAX PENALTIES AND LATE FEES

By consent agenda, the Board waived a resident's tax penalties and late fees as result of a death in the family.

CITIZENS TO BE HEARD

There were no citizens who wished to address the Board.

APPROVE PAYMENT OF BILLS AND VOUCHERS

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

CLOSED SESSION: ATTORNEY/CLIENT DISCUSSION REGARDING URBAN EXPANSION OVERLAY DISTRICT ZONING ISSUE

On motion by Campbell, seconded by Ingersoll, and unanimously carried, the meeting was closed at 8:35 a.m. pursuant to Minnesota Statute Section 13D.05, Sub division 3(b) to discuss Urban Expansion overlay district zoning issues.

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

PUBLIC HEARING: BRB REQUEST TO AMEND ZONING DISTRICT

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

Tim Magnusson, Planning Director, presented a request from BRB, LLC to amend a zoning district, by removing the Urban Expansion (UE) overlay on a 7.66-acre parcel fronting on 46th Ave. S., just south of Moorhead city limits. Removal of the overlay district would leave the property zoned as Agricultural General (AG). The applicants would then apply for a Conditional Use Permit for self-storage units which is a use allowed in the AG zoning district, but not in the UE zoning district. The Clay County Planning Commission heard the request at their July meeting. Following discussion for and against the proposal, the Planning Commission's recommendation (with one nay vote) was for the County Board to approve the request. According to the Clay County Development Code, any action for approval of a zoning amendment requires a 4/5 vote of the County Board. The staff recommendation to the Planning Commission was for denial of the rezoning request because the change would be contrary to the County Comprehensive Plan and City of Moorhead's 2009 Future Land Use Map and Growth Plan Area. The City's growth plan for this area is residential development. There are water and sewer services on the north side of 46th Avenue, but not on the south side of the avenue where this property is located.

The applicants, Brent Strand & Ray Kvalvog, were present to address their request. They purchased the property with the intent of putting up storage rental units. They believe this would be a good location and would serve a need of area residents. They plan to put up structures that are aesthetically-pleasing. There is a pipeline running through the property that could not be built over, but could have a road over it. When the applicants purchased the property they were informed that it was zoned Highway Commercial, but later found out there had been a mapping error. They applied for the same rezoning a year ago, were denied at that time, and had to wait another year to reapply. They would be willing to withdraw their request, if the City and County intend to address the issues related to zoning this property. They would not be opposed to having the property annexed into Moorhead and paying city taxes, but would not need sewer and water at the site.

John Shockley, City of Moorhead Attorney, commented that the city is not anti-business. Staff have already met and looked at reconfiguring the overlay district, and have set up a timeline to address it further. Changes may or may not include this property. Currently, there are no special assessments levied against this property. The Moorhead Mayor is also committed to finding a resolution to this issue

At this time, the applicants asked to withdraw their application for rezoning.

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

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board approved the request from BRB, Ltd to withdraw their proposed rezoning request.

On motion by Campbell, seconded by Mongeau, and unanimously carried, the Board recommended that the Planning Commission address an ordinance change to allow applicants who have been denied on an application the chance to be reheard in a lesser time period than one year.

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENT
RE: INTERNET CRIMES AGAINST CHILDREN TASK FORCE

Lt Stephen Landsem presented the request for approval of the Resolution Approving State of Minnesota Joint Powers Agreement Re: Internet Crimes Against Children Task Force.

On motion by Weyland, seconded by Campbell, and unanimously carried, the following resolution was adopted:

RESOLUTION NO. 2016-30

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS
WITH THE COUNTY OF CLAY ON BEHALF OF ITS SHERIFF RE: MINNESOTA
INTERNET CRIMES AGAINST CHILDREN TASK FORCE (ICAC)**

WHEREAS, the County of Clay, on behalf of its Sheriff desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to utilize applicable state and federal laws to investigate and prosecute crimes committed against children and the criminal exploitation on children that is committed and/or facilitated by or through the use of computers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Clay County, Minnesota as follows:

- 1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Clay on behalf of its Sheriff are hereby approved. A copy of the Joint Powers Agreement is attached to this Resolution and made a part of it.**
- 2. That the Clay County Sheriff, Bill Bergquist, or his or her successor, is designated the Authorized Representative for the Sheriff. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.**
- 3. That Frank Gross, the Chair of the County Board of Commissioners of Clay County, and Brian Berg, the County Administrator, are authorized to sign the State of Minnesota Joint Powers Agreements.**

BUDGET DISCUSSION

Brian C. Berg, County Administrator and Lori Johnson, Auditor-Treasurer reviewed the 2017 budget information including the new requests from several departments and a health insurance cost reduction. The current levy increases for 2017 stand at \$2,910,095, and total adjustments are at \$3,703,537.

Commissioner Campbell commented that the County needs to look at prevention measures to help decrease expenses. There is a big increase in out-of-home placements and the Department of Corrections has more expenses. There is some savings in payroll with new employees replacing employees with longevity, and savings with time gaps between employees leaving and new ones starting. Campbell questioned whether the County has seen a reduction in employees due to efficiencies. He suggested having all department heads look at ways to lower their expenses, and having external agencies asked to reconsider their requests. Commissioner Mongeau requested looking at cell phone expenses. She noted that the County needs to stay competitive with salaries to keep positions filled. She suggested some of the overages come out of reserves. Furloughs and early retirements have helped in the past. Society is creating costs that are beyond the County's control. There are greater demands with juveniles at our regional facility; there are state mandates to meet; and the cost of doing business is high. The max levy is due September 30. There needs to be a reduction in spending requests and consideration for using some reserves.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Campbell attended meetings of FM Diversion Land Management and FM Diversion Authority. Outreach plans were discussed to deal with landowners who will be involved with the diversion; and there was discussion related to road raises for Georgetown flood protection being included in the diversion.
- Commissioner Mongeau attended FM Diversion Land Management meeting where there was discussion on elected officials handling items. She also attended a Soil and Water Conservation District meeting and a Planning Subcommittee meeting that addressed decreasing the animal unit threshold in the Land Development Ordinance.
- Commissioner Weyland attended the Greater FM Economic Development Corp Executive meeting.
- Commissioner Gross also attended the Planning Subcommittee meeting where there was a recommendation to decrease the animal unit threshold from 250 to 50. At the FM Diversion Authority meeting, they discussed finances and change orders and are still within the budget.
- County Administrator Brian C. Berg attended meetings for City/County rezoning issue; purchasing cameras for the FSC building and parking lot; home improvements for the rental house; review of jail costs with the architects; budgets with the County Auditor; and demolition of two blocks north of the campus, the Sheriff's garage, and outdoor exercise area.

ADJOURN

The meeting adjourned at 11:15 a.m.

Frank Gross, Chair
Clay County Board of Commissioners

Brian C. Berg, County Administrator