

CLAY COUNTY BOARD OF COMMISSIONERS

8:30 a.m., Tuesday, April 10, 2018

COUNTY BOARD ROOM, 3RD FLOOR, COURTHOUSE

MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present: Jim Haney, Frank Gross, Jenny Mongeau, Grant Weyland, and Kevin Campbell. Others present: County Administrator Brian C. Berg, Assistant County Attorney Jenny Samarzja, and Senior Administrative Assistant Colleen Eck.

CALL TO ORDER

Chair Mongeau called the meeting to order.

APPROVAL OF AGENDA

On motion by Weyland, seconded by Haney, and unanimously carried, the Board approved the agenda with one addition: Fill vacancy for an Assistant County Attorney.

AUTHORIZE AMENDMENT TO PUBLIC DEFENDER LEASE AGREEMENT

By consent agenda, the Board authorized the amendment to a lease agreement with the Public Defender’s Office at the Family Service Center.

AUTHORIZE AMENDMENT TO AGREEMENT WITH DEPARTMENT OF HUMAN SERVICES FOR OPIOID USE DISORDER GRANT

By consent agenda, the Board authorized the amendment to an agreement with the Department of Human Services for an Opioid Use Disorder Grant.

AUTHORIZE REQUEST FOR EASEMENT AT DEPARTMENT OF MOTOR VEHICLE BUILDING – CITY OF MOORHEAD 15TH AVE PROJECT

By consent agenda, the Board authorized an easement along 15th Avenue North, in front of the Motor Vehicle building, for a City of Moorhead project.

CITIZENS TO BE HEARD

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

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Weyland, seconded by Gross, and unanimously carried, the bills and vouchers (totaling \$1,956,078.33 from 169 vendors) were approved for payment. From that total, 134

warrants issued were under \$2,000 (\$58,707.18); and the following 35 warrants issued were over \$2,000:

Becker County Public Health	67,000.54	MEnD Correctional Care, LLC	16,451.13
City of Fargo	5,544.00	Michael J Burns Architects	13,063.00
City of Moorhead	60,602.27	MN.IT Services	2,100.00
CivicPlus, Inc.	2,595.88	New American Consortium	5,239.77
Clay Co Public Health	41,905.47	Nitzkowski, Inc.	3,452.57
Clay Co Auditor	2,835.58	ND State College of Science	2,457.00
Clay Co Social Services	129,189.62	Otter Tail Public Health	40,458.12
Construction Engineers, Inc.	997,997.35	Petro Serve USA-Hwy	5,044.03
Dakota Plains Mechanical, Inc.	14,126.40	Powerplan	3,091.14
Department of Corrections	189,249.39	Prairie Lakes Municipal Solid Waste	29,750.00
Department of Corrections	4,725.00	RDO Exch # 80-6130	3,437.16
Enterprise FM Trust	3,134.20	Scholtes/Dale M	106,979.56
Fargo Freightliner	2,278.65	T.F. Powers Construction Co.	29,355.00
Farmers Coop Oil Co	4,456.53	Town & Country Heat & AC	2,387.09
Key Contracting, Inc.	4,380.00	Town & Country Oil, Inc.	7,608.61
Klein Mccarthy & Co Ltd	32,560.17	Wilkin Co Public Health	18,398.21
Larry's Auto Body Shop, Inc.	3,151.55	Wright Co Jail Administration	3,905.00
Magic Fund	38,461.16		

RECOGNITION OF DONATION OF \$500 FROM CONCORDIA COLLEGE FOR SHERIFF’S OFFICE

Concordia College was recognized for their \$500 donation to the Sheriff’s Office.

ADDITION: REQUEST APPROVAL TO FILL ASSISTANT COUNTY ATTORNEY POSITION

On motion by Gross, seconded by Weyland, and unanimously carried, the Board approved the request, presented by Assistant County Attorney Jenny Samarzja, to fill a vacancy for an Assistant County Attorney in the Criminal Division.

REQUEST APPROVAL TO FILL VACANCY FOR DEPUTY IN SHERIFF’S OFFICE

On motion by Weyland, seconded by Campbell, and unanimously carried, the Board approved the request, presented by Sheriff Bill Bergquist and Lt. Steve Landsem, to fill a vacancy for a FT deputy in the Sheriff’s Office.

PUBLIC HEARING – APPEAL OF COUNTY PLANNING COMMISSION’S DECISION TO GRANT APPROVAL OF CONDITIONAL USE PERMIT FOR SANDBECK RACE DEVELOPMENT

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

Tim Magnusson, Planning Director, pointed out the location (south of the Moorhead Airport), where the recent Conditional Use Permits were approved. The permits are for four storage buildings (two now and two in the future) and an auto repair shop in one of the buildings. Following the Planning Commission's decision to approve the permits, Moorhead Public Service (MPS) appealed the decision due to concerns with protection of the wellheads. Since the appeal was submitted, MPS and the applicant (Sandbeck Race Development) entered into an agreement incorporating three additional conditions to the permits. The property is located in the Limited Highway Commercial zoning district, but was never in the wellhead protection area.

John Boulger, MPS's attorney, conveyed MPS's main concern with the location is because of the Buffalo Aquifer. The incorporated conditions agreed upon fully address MPS's concerns. Chris Knutson and Bill Schwandt from MPS and representatives from Sandbeck Race Development were also present. In response to questions, Magnusson confirmed that the only business allowed in the building, other than storage, is the auto repair shop.

Matt Sandbeck stated that at the Planning Commission meeting they asked for unlimited hours for the storage business. For the auto repair shop, 7:00 a.m. to 6:00 p.m., Monday thru Saturday, would be adequate. Magnusson confirmed that the conditions in the permits will be changed to adequately address what was agreed upon.

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

On motion by Gross, seconded by Campbell, and unanimously carried, the Board approved three additional conditions for the storage building permit, as presented in the agreement between Sandbeck and MPS, and hours of operation will be changed to 24/7.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board approved three additional conditions for the auto repair shop as presented in the agreement between Sandbeck and MPS, and hours of operation will be changed to 7 a.m. to 6 p.m., Monday thru Saturday.

COMPLIANCE COMMITTEE REPORT AND RECOMMENDATION FOR DISBURSEMENT OF FUNDS:

Diann Streifel, Recorder, reported that the Recorder's Office met their real estate compliance for 2017 at 100%. The Recording Compliance Committee met on April 3 and recommended the disbursement of funds as provided on an attachment. The office plans to keep more of the technology funds for scanning their real estate books in 2019. Commissioner Weyland noted he is on the Compliance Committee and everything is in order.

On motion by Gross, seconded by Weyland, and unanimously carried, the Board recommended disbursement of compliance funds for 2019.

Streifel was congratulated on her upcoming retirement.

BID OPENING FOR CSAH 10 ROAD PROJECT

Erik Hove, Assistant Highway Engineer, and Lee Beaudry, Engineering Technician, presented four electronic bids and opened two paper bids for the County-State Aid Highway 10 road project. The County Highway Department received a State grant for the project that received an engineer's estimate of \$1,087,998.45.

On motion by Haney, seconded by Campbell, and unanimously carried, the Board approved the low bid from Central Specialties for \$928,749.11, contingent on final review of the bid packet.

GUARANTEED MAXIMUM PRICE FOR JUVENILE DETENTION EXPANSION PROJECT

Brian C. Berg, County Administrator, Stephen Larson, Juvenile Center Director, and Ben Matson, Construction Engineers, were present for the Guaranteed Maximum Price for the West Central Regional Juvenile Center expansion project.

Subsequent to his review of the figures, Berg noted that the bond payments should be covered by the budget that has been established. Matson noted the bids were opened on March 29 and the figures were very close and competitive. Soft costs, tax rebates, and an owner contingency were included in the price.

On motion by Campbell, seconded by Haney, and unanimously carried, the Board approved the Guaranteed Maximum Price (\$5,917,521) for the Juvenile Center construction project as well as the overall project cost of \$6,475,836 for the Juvenile Center Secure Unit.

On motion by Haney, seconded by Weyland, and unanimously carried, the Board approved the Guaranteed Maximum Price (\$2,958,760) for the Juvenile Center construction project as well as the overall project cost of \$3,237,918.00 for the Juvenile Center Non-Secure Unit.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board approved the total Guaranteed Maximum Price and overall project cost of \$9,713,754.00 for the Juvenile Center construction project.

PRESALE REPORT FOR \$7.3 MILLION GENERAL OBLIGATION JAIL BONDS TO FINANCE JUVENILE DETENTION EXPANSION PROJECT

Brian C. Berg, County Administrator; Shelly Eldridge, Ehlers and Asso.; and Lori J. Johnson, Auditor-Treasurer, were present for the pre-sale report for the General Obligation Jail Bonds for financing the West Central Regional Juvenile Detention Expansion Project. Eldridge went over the pre-sale report, affirming the bonds are for a 21-year term with interest commencing in February 2019. Since the bonds are under \$10 million they can be offered as bank-qualified bonds and should acquire more bids on the national market. If a premium bid is accepted, the Board can decide on the day of the sale whether to reduce the size of the issue or keep the premium for project costs. Distribution of the official statement and a conference with the Rating Agency will occur the week of April 30. Bids will be taken thru May 14 and will be presented to the Board on May 15.

Following discussion among the Board, they agreed to \$7.5 million in bonds.

REQUEST APPROVAL OF RESOLUTION AUTHORIZING ISSUANCE OF \$7.5 MILLION GENERAL OBLIGATION JAIL BONDS AND CREDIT ENHANCEMENT AGREEMENT

On motion by Weyland, seconded by Haney, and unanimously carried, the Board adopted the following resolution authorizing the issuance of \$7.5 Million General Obligation Jail Bonds:

RESOLUTION 2018-18

Resolution Authorizing the Issuance of \$7,500,000 General Obligation Jail Bonds, Series 2018a; and Authorizing the County to Enter into an Agreement with the Public Facilities Authority

BE IT RESOLVED by the Board of Commissioners of Clay County, Minnesota (the “County”), as follows:

1. Authorization. The Board hereby determines that it is in the best interests of the County to issue its General Obligation Jail Bonds, Series 2018A (the “Bonds”), in the aggregate principal amount of \$7,300,000 to provide funds for financing the costs associated with the construction of the County's new Juvenile Detention Center.

2. Sale. The County has retained Ehlers & Associates, Inc., as independent financial advisor in connection with the sale of the Bonds and Ehlers & Associates, Inc. is therefore authorized to prepare and distribute an Official Statement and to solicit proposals in accordance with Minnesota Statutes, Section 475.60. The Board is scheduled to meet on April 10, 2018, at 10:00 A.M. for the purpose of considering sealed proposals and awarding the sale of the Bonds.

3. Application; Fee; Agreement. The Chair and the County Auditor are hereby authorized to submit, on behalf of the County, an Application to the Minnesota Public Facilities Authority (the “Authority”) Credit Enhancement Program (the “Program”) along with a nonrefundable application fee in the amount of \$500.00 and to enter into an Agreement with the Authority, all in accordance with and as required by Minnesota Statutes, Section 446A.086 (the “Act”). The County covenants that it will comply with and be bound by the provisions of the Act. The Chair and the County Auditor are authorized to execute any and all applicable forms prescribed by the Authority with respect to the Program.

REQUEST TO FILL VACANCY FOR NON-SECURE SUPERVISOR POSITION

Stephen Larson, Juvenile Detention Director, requested an approval to fill a vacancy for the Non-Secure Program Supervisor position at the Juvenile Center due to a retirement.

On motion by Weyland, seconded by Haney, and unanimously carried, the Board approved filling a vacancy for a FT Supervisor for the Non-Secure Program at the Juvenile Center, and to backfill as necessary.

REQUEST TO PURCHASE REPLACEMENT FLEET VEHICLE

Stephen Larson asked to replace a used van with 130,000 miles with a 2018 Dodge Grand Caravan for the Juvenile Center. The used van would be included in the fall auction. The request is to purchase the van through the State bid process for \$22,010, with funding from the internal service funds. The van is used for over 1,000 transports for hearings and appointments per year.

On motion by Weyland, seconded by Haney, and unanimously carried, the Board approved the request to replace a used van with a 2018 Dodge Caravan for the Secure and Non-Secure Programs at the Juvenile Center.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Weyland attended meetings for Recorder's Compliance; Juvenile Center; and MN Rural Counties ITV.
- Commissioner Campbell attended meetings for Juvenile Detention; Clay County Joint Powers; and attended the Jail Ministries Annual Banquet.
- Commissioner Gross attended meetings in the Cities of Dilworth, Barnesville, and Hawley; Wild Rice Watershed Board; a Veterans Conference; MN Rural Counties ITV; Heartland Trail Extension; Viding Township; and Ulen Township. He mentioned a letter the Commissioners received from the Nature Conservancy and attended the Senator Tina Smith's office Grand Opening and the Jail Ministry Annual Banquet.
- Commissioner Haney attended meetings for Clay County Joint Powers; Children's Mental Health Local Advisory Committee, and City of Moorhead Planning Commission.
- Commissioner Mongeau attended a MetroCOG Executive Committee meeting and Jail Ministries Annual Banquet.
- Brian C. Berg attended meetings with local legislators; personnel issues, Juvenile Detention bid review; Clay County Joint Powers, City of Moorhead Manager; Management Team; County Auditor-Treasurer; and attended Jail Ministries Annual Event.

The meeting adjourned at 10:08 a.m.

Jenny Mongeau, Chair, County Board of Commissioners

Brian C. Berg, County Administrator