

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, February 5, 2013

9:00 a.m.

County Board Room - 3<sup>rd</sup> Floor - Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session with all Commissioners present: Campbell, Evert, Gross, Ingersoll and Weyland. County Administrator Brian C. Berg and Senior Administrative Assistant Vicki Reek were also present.

APPROVAL OF AGENDA

On motion by Campbell, seconded by Weyland, and unanimously carried, the agenda was approved with the following additions: 1) Resolution seeking full reimbursement from the State for their share of the salary for State probation officers; 2) Resolution requesting the 2013 Legislature to specifically name the Oakport Flood Mitigation project in any 2013 Capital Improvement bonding bill, including the 2% Median Household Income (MHI) language and the amount of \$5.62 million.

APPROVAL TO ACCEPT DONATIONS

By consent agenda, the Board accepted a \$200 donation to the Clay County Work Detail from Westminster Presbyterian Church, and a \$200 donation to the Clay County Sentence to Serve program from St. Johns Church, Georgetown.

APPROVAL OF APPLICATION FOR EXEMPT PERMIT.

BARNESVILLE THURSDAY NITE LIONS

By consent agenda, the Board approved an application for an exempt permit (raffles and bingo) for the Barnesville Thursday Nite Lions to conduct raffles and bingo at a fund raising event on April 12, 2013.

APPROVAL OF CONTRACTED PROVIDER OF ADULT FAMILY FOSTER CARE

By consent agenda, the Board approved Brian O'Connor as a provider of Adult Family Foster Care.

APPROVAL OF COUNTY WEED APPEAL COMMITTEE

By consent agenda, the Board appointed Clay County Extension Educator Randy Nelson and past County Commissioner and County resident Jerry Waller to the County Weed Appeal Committee for open-ended terms as recommended by the Soil & Water Conservation District.

CITIZENS TO BE HEARD

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

EMPLOYEE RECOGNITION

The County Board recognized Cindy Arends, Social Worker, Social Services, and Deanne Rothschadl, Accounting Technician, Auditor's Office, for their respective 15 years of service to Clay County. Rory Schmitz, Network Administrator, MIS, was nominated to the Excellence in Performance Club.

APPROVAL OF MINUTES OF JANUARY 15 & 22, 2013 COUNTY BOARD MEETINGS

On motion by Evert, seconded by Gross, and unanimously carried, the minutes of the January 15 & 22, 2013 County Board meetings were approved as presented.

REVIEW/APPROVAL OF 2012 ANNUAL FEEDLOT OFFICER  
AND PERFORMANCE CREDIT REPORT

Mr. Craig Halverson, Soil & Water Conservation District Technician and County Feedlot Officer, presented the 2012 Annual Feedlot Officer and Performance Credit Report for the Board's review. The report indicates there are 117 feedlots in Clay County. Mr. Halverson informed the Board he randomly inspected nine feedlots in 2012. The Board was pleased with the manner in which Mr. Halverson conducts the inspections, with assistance provided to the owners.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board authorized the Chair to execute the 2012 Annual County Feedlot Officer and Performance Credit Report.

CLAY COUNTY'S PARTICIPATION IN TRAINING EXPENDITURES FOR PROPOSED  
VETERANS COURT PROGRAM

Commissioner Weyland informed the Board that Clay County has been accepted to initiate a Veterans Court in Clay County, intended to serve veterans struggling with addiction, serious mental illnesses and/or co-occurring disorders. The Court promotes sobriety, recovery and stability through a coordinated program. Commissioner Weyland requested the Board's consideration of up to \$4500 for training costs to initiate the Court. He felt other organizations, such as Beyond The Yellow Ribbon and Veterans organizations, may provide some of this amount. If Clay County guarantees up to \$4500, reservations for the necessary training can be made. The Board was hopeful that Veterans Court would be as successful as Drug Court.

On motion by Weyland, seconded by Campbell, and unanimously carried, the Board approved up to \$4500 for training for Veterans Court, to be paid from Unanticipated Expenditures.

LETTER OF SUPPORT FOR BECKER COUNTY'S BONDING EFFORTS TO INCREASE  
RECOVERY OF RESIDENTIAL AND COMMERCIAL RECYCLABLES

On motion by Evert, seconded by Weyland, and unanimously carried, the Board approved execution of a letter of support for Becker County's bonding efforts to increase recovery of residential and commercial recyclables through a material recovery facility which may be adaptable for the region.

DISCUSSION RE: DISPOSITION OF COUNTY OWNED PROPERTY IN  
SECTION 10, ELKTON TOWNSHIP

Planning & Environmental Programs Director Tim Magnusson was present to request the Board's approval to sell a 10 acre parcel of County owned property in Section 10, Elkton Township. Some time ago, The Nature Conservancy (TNC) requested to purchase the property, as TNC owns property on three sides of the parcel. However, the County is required to advertise the sale of County-owned property in most instances.

Mr. Magnusson provided answers to questions asked by the Board on January 15. He stated that the property has access off 80<sup>th</sup> Avenue South. The existing deed to the County does not carry any restrictions on the County's use of the property. The County Assessor has reviewed the parcel and concluded that it should be revalued to reflect its best use (not gravel). The valuation was dropped to \$650/acre as of January 1, 2013. Assistant County Attorney Jenny Samarzja confirmed that the County can place whatever use restrictions on the property they wish prior to the sale, which would remain in place for 30 years. Also, by statute, mineral rights on the property would be reserved to the County. Lynn Foss, Soil & Water Conservation District, informed Mr. Magnusson that the wetlands on the parcel were the result of mining activity and are not regulated under the Wetlands Conservation Act, therefore not eligible for wetland banking.

Commissioner Evert expressed his opinion that the County should restrict the placement of permanent structures on the site for continuity with the surrounding property, and the rough, marsh-like terrain of the 10 acres. Commissioner Campbell felt it was not appropriate to place development restrictions on the site, and preferred a separate approval process if the buyer were to choose to build there.

On motion by Evert, seconded by Weyland, the Board approved advertising the sale of the 10 acre County owned parcel in Section 10 Elkton Township, established a minimum sale price of \$650/acre, and restricted the construction/placement of permanent structures on the site. Commissioner Campbell was opposed to the motion.

APPROVAL TO SPONSOR CITY OF BARNESVILLE SAFE ROUTES TO SCHOOL PROJECT

On motion by Weyland, seconded by Evert, and unanimously carried, the Board adopted the following resolution, agreeing to act as the fiscal agent for the City of Barnesville's grant application for a Safe Routes to School project (sidewalk extensions, painting of crosswalks, signage and lighting around the school):

RESOLUTION 2013 - 08

**BE IT RESOLVED, That the County of Clay partner with the City of Barnesville to act as project sponsor for a Safe Routes to School (SRTS) Project within the City of Barnesville and acknowledges herewith that it is willing to be a project sponsor knowing full well that such sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules and regulations.**

**BE IT FURTHER RESOLVED, That Dave Overbo, is hereby authorized to act as agent on behalf of the applicant.**

Agreement to Maintain Facility

**WHEREAS, The Federal Highway Administration (FHWA) requires that states agree to design, construct, operate and maintain facilities constructed with federal transportation funds for the useful**

life of the improvement and not change the use of right of way acquired without prior approval from the FHWA; and

WHEREAS, Transportation enhancement projects receive federal funding from the reauthorization of the Surface Transportation Program (STP) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA – LU) of 2005; and

WHEREAS, The Minnesota Department of Transportation (MnDOT) has determined that for projects implemented with SRTS funds, this requirement should be applied to the project sponsor, and

WHEREAS, The County of Clay is a project sponsor for the Safe Routes to School Project within the City of Barnesville.

WHEREAS, The County of Clay will act as the fiscal agent for the SRTS project on behalf of the City of Barnesville.

THEREFORE BE IT RESOLVED, that the County of Clay hereby agrees to assume full responsibility as being the fiscal agent for the City of Barnesville's SRTS Project.

#### APPROVAL OF OUT OF STATE TRAVEL FOR HIGHWAY DEPARTMENT STAFF

On motion by Evert, seconded by Gross, and unanimously carried, the Board approved out of state travel for Highway Engineer David Overbo and Assistant Highway Engineer Nathan Gannon to attend the National Association of County Engineers conference in Des Moines, IA, April 21-26, 2013.

#### HIGHWAY PROJECTS BONDING UPDATE

County Engineer David Overbo reminded the Board that the Highway Projects bond sale will take place February 12, 2013. He noted that bonding cap has been established at \$10,600,000 rather than \$10,920,000 due to moving up the date of sale from 2014 to 2013 (limit is based on State Aid allotment for 2011 and 2012, which is \$320,000 less than the 2012 and 2013 amount).

#### RESOLUTION SEEKING FULL REIMBURSEMENT FROM THE STATE FOR THEIR SHARE OF THE SALARY FOR STATE PROBATION OFFICERS

On motion by Evert, seconded by Weyland, and unanimously carried, the Board adopted the following resolution seeking full reimbursement from the State for their share of the salaries of State Probation officers (currently 31% rather than the 50% included in MN Statutes 244.19 Sub. 6):

#### RESOLUTION 2013-09

WHEREAS, Minnesota Statutes 244.19 subdivision 6 outlines a process for state reimbursement to participating counties of 50% of the previous year's expenditure for their probation officer salaries, and

WHEREAS, 27 County Probation Officer counties and 28 Department of Corrections Contract counties participate in this process, and

WHEREAS, appropriations from the state have steadily decreased from 50% in 1996 to an all-time low of 31% in FY 2012, and

WHEREAS, the 55 counties participating in this process have been forced to absorb the \$2,963,000 deficit in the FY 2012 reimbursement funding for their probation officers, and

WHEREAS, the 2013 legislative session will be establishing the FY 14 and FY15 appropriation for probation officer salary reimbursement for these 55 counties, and

WHEREAS, the Minnesota Association of County Probation Officers has been working with the Department of Corrections and legislative staff to ensure that an accurate FY 14 and FY 15 appropriation amount is determined, and

**NOW, THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners strongly requests the 2013 Minnesota Legislature to appropriate sufficient funds to reimburse the 55 participating counties for the full 50% of the cost of their probation officer salaries.**

**RESOLUTION REQUESTING THE 2013 LEGISLATURE SPECIFICALLY NAME THE OAKPORT FLOOD MITIGATION IN ANY 2013 CAPITAL IMPROVEMENT BONDING BILL, INCLUDING THE 2% MEDIAN HOUSEHOLD INCOME LANGUAGE AND THE AMOUNT OF \$5.62 MILLION**

Commissioner Campbell informed the Board that the Oakport Flood Mitigation project is 75% complete; however, the percentage that isn't complete protects the sewer and water utility infrastructure. An additional \$5.62 million in State funding is needed to complete the project. Discussion has taken place with officials from the City of Moorhead, Oakport Township and Buffalo-Red River Watershed District to seek legislation specifically naming the Oakport Flood Mitigation project in any 2013 Capital Improvement bonding bill, including the 2% Median Household Income (MHI) language and the amount of \$5.62 million. Consensus of the Board was that in its resolution seeking State funding, the County support the City of Moorhead's funding efforts to complete its Flood Mitigation project.

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

**RESOLUTION 2013-10**

**Project No. 49, Oakport Flood Mitigation Funding Appropriation**  
**City of Moorhead Flood Mitigation Funding Appropriation**

**WHEREAS, the citizens of Oakport Township, Clay County, Minnesota have had a long history of flooding problems caused by the Red River of the North: with damages costing in the millions; untold costs and hours in emergency preparation; damages to public infrastructure such as roads, bridges, sewer and water utilities; relocation and evacuation costs; post flood cleanup costs; and social costs, including loss of life; and**

**WHEREAS, the residents of Oakport Township and the Buffalo-Red River Watershed District (BRRWD) worked together after the 1997 flood to design and implement Project No. 49, Oakport Flood Mitigation, which is a series of levees to provide protection for a 100-year flood, with said design not causing impacts to upstream or downstream properties; and**

**WHEREAS, starting in 2006, Oakport Township and the BRRWD entered into a contract with the State of Minnesota for financial assistance to construct said project, with the State calculating the 2% median household income (MHI) for the project, with the local share being \$741,253, based on the 2010 census, with said amount having been raised and allocated to said project; and**

**WHEREAS, to date, Phases 1A, 1B, 2, 3A, 3B, and 3C have been funded and constructed to provide partial flood protection to the project area; and**

**WHEREAS, there is a dire need to finish said project by completing Phase 4 to provide the full promised flood protection to the project area, including protection of public infrastructure; and**

**WHEREAS, an additional \$5.62 million in State funding is needed to complete said project; and**

**WHEREAS, following the 2009 Red River flood of record, the City of Moorhead initiated an aggressive project to provide flood risk reduction for public infrastructure and private property repeatedly threatened by historically frequent and severe flooding; and**

**WHEREAS, in 2009, the City entered into a contract with the State of Minnesota for flood damage reduction financial assistance to construct said project, with the State calculating the 2% MHI for the project, with the local share being \$12,416,444 based on the 2010 census, with said amount having been raised and allocated to said project; and**

**WHEREAS, due to the critical nature of the project, the City Council committed additional local funding to ensure the project moves forward in a timely manner with said additional local funding exceeding the minimum local share by approximately \$18 million; and**

**WHEREAS, to date, over 210 flood-prone properties have been acquired and approximately 10.5 miles of levees and floodwalls, 11 stormwater pump stations, and 59 stormwater gate structures have been or will be constructed with previously allocated funding; and**

**WHEREAS, an additional \$14.7 million in State funding is needed to complete the final phase of levees, floodwalls, and stormwater improvements associated with said project.**

**THEREFORE, BE IT RESOLVED, the undersigned hereby request the 2013 Legislature specifically name the Oakport Flood Mitigation in any 2013 Capital Improvement Bonding bill, including the 2% MHI language and the amount of \$5.62 million; and**

**THEREFORE, BE IT FURTHER RESOLVED, that the undersigned feel there is an urgent need to complete said project in a timely manner, to provide flood protection to approximately 750 acres and 700 residents, recognizing that in 2015, said project area will become part of the City of Moorhead through an orderly annexation, with the undersigned desiring to have said project completed prior to that date; and**

**BE IT FURTHER RESOLVED, the undersigned hereby request the 2013 Legislature specifically name the City of Moorhead in any 2013 Capital Improvement Bonding bill, including the 2% MHI language and the amount of \$14.7 million; and**

**BE IT FURTHER RESOLVED, that the undersigned feel there is an urgent need to complete said projects in a timely manner, to provide flood protection for the citizens and businesses in Oakport Township and the City of Moorhead.**

#### APPROVAL OF BILLS AND VOUCHERS

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

#### COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Gross attended AMC's new Commissioner training, the Intergovernmental Retreat, several MetroCOG meetings, Clay County Collaborative, the Legislative Breakfast, and a meeting with Township officials (Hawley, Eglon, Cromwell, and Highland Grove).

Commissioner Campbell attended meetings of the Solid Waste Advisory Committee, Legislative Breakfast, Economic Development Recommending Committee, Oakport Flood Risk Reduction Committee, and Intergovernmental Retreat.

Commissioner Weyland attended meetings of the Beyond The Yellow Ribbon Campaign, Intergovernmental Retreat, Public Health Emergency Preparedness Group, and Economic Development Recommending Committee.

Commissioner Evert attended the Basin Commission Annual Conference, Intergovernmental Retreat, Legislative Breakfast, Lakeland Mental Health Board meeting, Local Foods Committee meeting, and State Extension Committee meeting.

Commissioner Ingersoll attended meetings of MetroCOG, Clay County Collaborative, Intergovernmental Retreat, and the Legislative Breakfast.

County Administrator Brian Berg reported on the Legislative Breakfast, Red River Basin Commission Conference, Intergovernmental Retreat, a meeting concerning Juvenile Center contracts, new employee orientation, the upcoming Highway Projects bond sale, the Economic Development Recommending Committee, Safety Committee, an MCIT webinar, and a meeting with Township officials.

#### ADJOURN

The meeting adjourned at 10:30 a.m.

*W Ingersoll*

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Wayne Ingersoll, Chair  
Clay County Board of Commissioners

*Brian C. Berg*

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Brian C. Berg, County Administrator