

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, March 5, 2013

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 Commissioners Campbell, Gross, and Ingersoll present. Commissioners Evert and Weyland were absent. Assistant County Administrator Darren Brooke and Senior Administrative Assistant Vicki Reek were present.

APPROVAL OF AGENDA

On motion by Campbell, seconded by Gross, and unanimously carried, the agenda was approved with the addition a clarification regarding the use of the \$710,900.20 premium received as a result of the bid accepted for the General Obligation State Aid Road Bonds.

APPROVAL OF EXTENDED UNPAID LEAVE FOR CUSTODIAL EMPLOYEE

By consent agenda, the Board approved an extension of unpaid leave for a Custodial employee until July 1, 2013.

APPROVAL OF LEASE AGREEMENTS IN FAMILY SERVICE CENTER

By consent agenda, the Board approved lease agreements in the Family Service Center for Rural MN CEP as follows: 3/1/13-4/30/15 for 5365 sq.ft. at a rate of \$11.75 sq.ft. (Suite 302: 4100 sq.ft.; Suite 301: 466 sq.ft.; Suite 304b: 150 sq.ft.; Suite 309: 432 sq.ft.; Suite 308: 217 sq.ft.) and Suite 307: 228 sq.ft., \$11.75 sq.ft.

APPROVAL TO ACCEPT DONATION FROM ST. JAMES UNITED CHURCH

By consent agenda, the Board accepted a \$100 donation from St. James United Church for the Clay County Work Detail.

CITIZENS TO BE HEARD

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

EMPLOYEE RECOGNITION

J. Bonnie Rehder, County Recorder, was recognized for her 35 years of service to Clay County. Claudia Schroeder, Deputy Auditor/Motor Vehicle was recognized for her 20 years of service to the County. Matt Brown, MIS Computer Support Specialist, was nominated to the Excellence in Performance Club.

APPROVAL OF MINUTES

On motion by Campbell, seconded by Gross, and unanimously carried, the minutes of the February meetings were approved as presented.

BUFFALO-RED RIVER WATERSHED DISTRICT REQUEST FOR TAX LEVY INCREASE

Buffalo-Red River Watershed District (BRRWD) Office Administrator Bruce Albright reviewed a request made at the February 26<sup>th</sup> County Board meeting seeking the County Board's support of a legislative administrative/general fund levy increase.

Mr. Albright stated that the BRRWD's administrative revenue is currently capped at \$250,000 (or .048% of taxable market value, whichever is less). The size of the BRRWD has recently been increased by 450 square miles and expenditures have increased proportionately. If approved by the legislature, the administrative (general) fund levy cap would be increased to 0.01% (\$474,600, or \$542,530 with the new area included).

Discussion took place regarding the numerous projects the BRRWD works on and the fact that the projects should be charged proportionate managers' per diem, staff salaries, site visits, etc.

Commissioner Campbell was supportive of the request to the legislature, and commended the BRRWD and staff for the work they accomplish.

Mr. Albright informed the Board that the BRRWD Board of Managers is aware of the County Board's hope that the BRRWD would again consider rejoining the Red River Watershed Management Board (RRWMB). Mr. Albright indicated that discussions between the BRRWD and RRWMB continue to take place.

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

**RESOLUTION 2013-16**

**WHEREAS, the Buffalo-Red River Watershed District (BRRWD) has put forth a case for increased general funds, for a variety of purposes; and**

**WHEREAS, the current Minnesota Statutes (M.S.) limit the general fund to not exceed 0.048 percent of the taxable market value, or \$250,000, whichever is less; and**

**WHEREAS, as of April 25, 2012, the Minnesota Board of Water and Soil Resources (BWSR) approved increasing the size of the BRRWD from approximately 1,380 square miles in parts of Clay, Becker, Wilkin, and Otter Tail Counties to approximately 1,830 square miles in the same said counties, thereby increasing the taxable market value, as well as increasing the administrative work load, but not allowing any increase in the general funding; and**

**WHEREAS, given the current watershed taxation laws, the BRRWD has a maximum general fund levy based on the \$250,000 cap and not the percentage calculation based on the taxable market value; and**

**WHEREAS, the BRRWD has a proven track record of being a very active District by taking advantage of grant opportunities to address water problems, being a leader in problem solving, currently conducting two Total Maximum Daily Load (TMDL) studies, and recently agreeing with the Red River Basin Commission to conduct modeling and investigations for flood damage reduction (FDR) sites.**

**THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners supports the BRRWD's request to raise the general fund levy cap to 0.01 percent of the taxable market value, recognizing this is a maximum amount and that for the near future, the BRRWD should not have to tax near this maximum amount given current expenditures; and**

**THEREFORE, BE IT FINALLY RESOLVED, that the undersigned supports 2013 Legislative action to increase the general fund levy cap for the BRRWD.**

BUFFALO-RED RIVER WATERSHED DISTRICT REQUEST FOR PETITIONS FOR TAX  
AUTHORITY PER M.S.A. 103d905, Subd. 3

Buffalo-Red River Watershed District Office Administrator Bruce Albright outlined a request for petitions for the use of M.S.A. 103D.905, Subd., 3 taxing authority. The first petition (\$378,731) will be used for a variety of projects/programs. The second petition, \$200,000, will help provide funding to construct a wetland mitigation site with willing landowners in Elkton Township. The third petition, \$270,000, will be for the BRRWD building fund (\$100,000 already approved), development of a Water Management Plan for the newly added district area (\$70,000), and to help finance local costs for the proposed Manston Slough Restoration (\$100,000). The total proposed 2013 BRRWD taxation is 6.63% over 2012.

Commissioner Campbell felt that with other counties (Becker, Otter Tail, and Wilkin) now having land in the BRRWD, requests of this type should be shared with those jurisdictions for their opinion on this topic. Mr. Albright indicated a meeting of all partners would be helpful in the future.

Commissioner Campbell informed the group that the FM Diversion Authority has \$25 million set aside to develop water storage sites which would benefit the metro area in terms of flood reduction.

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

**RESOLUTION 2013-17 APPROVING 2013 GENERAL TAX LEVY PETITION #1 -  
BUFFALO RED RIVER WATERSHED DISTRICT**

WHEREAS, pursuant to Minnesota Statutes Annotated (M.S.A.) 103.D.905, Subd. 3, and any other applicable statutes, the Clay County Board of Commissioners hereby petitions for a one-year (2013) annual tax levy in an amount not to exceed 0.00798 percent of the taxable market value (\$378,731) to pay the costs attributable to the basic water management features of project/programs within the Buffalo-Red River Watershed District (BRRWD); and

WHEREAS, the BRRWD per M.S.A. 103D.905, Subd. 3, will use these funds for a variety of projects/programs, including: financial support for the Red River Basin Commission (\$25,000) and River Keepers (\$45,000), development and implementation of total maximum daily load (TMDL) analysis for water quality, waterway log jam removal, flood damage reduction (fdr) projects, farmstead ringdikes, retention studies, and a variety of other fdr and natural resource enhancement projects.

NOW, THEREFORE, BE IT RESOLVED, by the Clay County Board of Commissioners that the Board does hereby authorize the Board of Managers, BRRWD, the use of this approved levy for 2013 as discussed at their September 10, 2012, annual budget hearing.

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

**RESOLUTION 2013-18 APPROVING 2013 GENERAL TAX LEVY PETITION #2 -  
BUFFALO RED RIVER WATERSHED DISTRICT**

WHEREAS, pursuant to Minnesota Statutes Annotated (M.S.A.) 103.D.905, Subd. 3, and any other applicable statutes, the Clay County Board of Commissioners hereby petitions for a one-year (2013) annual tax levy in an amount not to exceed 0.00798 percent of the taxable market value (\$200,000) to pay the costs attributable to the basic water management features of project/programs within the Buffalo-Red River Watershed District (BRRWD); and

WHEREAS, the BRRWD per M.S.A. 103D.905, Subd. 3, will use these funds to construct a wetland restoration mitigation site in Section 28, Elkton Township, Clay County, T138N R46W. The

BRRWD will use the credits as state and federal wetland mitigation credits for future BRRWD projects. Working with four willing landowners, the sites will provide approximately 83.3 acres of wetland credits, and are estimated to cost \$744,100. The estimated value of the credits upon completion is in excess of \$1.1 million (\$0.30/sq.ft.). The project will require 135.6 acres of land, which the BRRWD has obtained via an easement. Plus, the credits are more valuable when obtained and used in the same watershed. The land has been acquired (\$474,250), and construction bids let (Ziegler Construction, Inc.) for \$47,075.70, with estimated seeding costs of \$85,942. The County approved and the BRRWD levied \$300,000 in 2012 for this project.

NOW, THEREFORE, BE IT RESOLVED, by the Clay County Board of Commissioners that the Board does hereby authorize the Board of Managers, BRRWD, the use of this approved levy for 2013 as discussed at their September 10, 2012 annual budget hearing.

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

**RESOLUTION 2013-19 APPROVING 2013 GENERAL TAX LEVY PETITION #3 -  
BUFFALO RED RIVER WATERSHED DISTRICT**

WHEREAS, pursuant to Minnesota Statutes Annotated (M.S.A.) 103.D.905, Subd. 3, and any other applicable statutes, the Clay County Board of Commissioners hereby petitions for a one-year (2013) annual tax levy in an amount not to exceed 0.00798 percent of the taxable market value (\$270,000) to pay the costs attributable to the basic water management features of project/programs within the Buffalo-Red River Watershed District (BRRWD); and

WHEREAS, the BRRWD per M.S.A. 103D90e5, Subd. 3, will use part of these funds to finance the 2012 office building project. Use of this funding (\$100,000) has already been approved by the Clay County Board of Commissioners on 3/27/12, and is included again in this petition so it appears on the 2013 tax statements. With the recently added areas (450 square miles) in Wilkin and Otter Tail Counties, the Minnesota Board of Water and Soil Resources (BWSR) has directed the update of our Revised Watershed Management Plan (RWMP) previously approved by BWSR on 6/23/10. The Red River Basin Flood Damage Reduction Work Group (RRBFDRWG) has already approved 50% state funding for adding the new area to the RWMP. At the same time, BWSR and BRRWD have agreed that with minimal work, the existing RWMP will also be updated, so when completed, the entire new plan will have a new approval date. By law, RWMPs must be updated every 10 years. The amount proposed in this petition for planning purposes is \$70,000. The third and final amount in this petition (\$100,000) will be used to help construct the Manston Slough Restoration project. While this project has been on the books for a number of years, the BRRWD has made a renewed commitment to get it under construction in 2013. The BRRWD recently put in place the final state funding to reach the 75% level with BWSR. This leaves local costs of approximately \$1 million, which will be split between the BRRWD and benefited landowners.

NOW, THEREFORE, BE IT RESOLVED, by the Clay County Board of Commissioners that the Board does hereby authorize the Board of Managers, BRRWD, the use of this approved levy for 2013 as discussed at their September 10, 2012 annual budget hearing.

**OPEN BID FOR COUNTY ROAD 94 BRIDGE PROJECT, SAP 14-598-009**

County Engineer David Overbo informed the Board that a bid was inadvertently left unopened at the February 26 bid opening for the County Road 94 bridge project. Upon advice from the County Attorney's office, the bid was opened, as follows: Structural Specialties, \$779,377.84. At the February 26 meeting, the project was awarded to the apparent low bidder, Robert Schroeder Construction, for their bid of \$707,773.90, contingent upon there being no changes in the bid following tabulation. Mr. Overbo indicated that upon tabulation, the bid of Robert Schroeder Construction was complete and accurate.

On motion Campbell, seconded by Gross, and unanimously carried, the Board ratified the award of the bid for the County Road 94 bridge project to Robert Schroeder Construction for the low bid of \$707,773.90.

APPROVAL TO ADVERTISE FOR INTERSECTION IMPROVEMENTS IN  
HAWLEY, CSAH 31/33

On motion by Campbell, seconded by Gross, and unanimously carried, the Board approved advertisement for bids for intersection improvements in connection with the CSAH 31/33 project in Hawley, said bids to be opened April 9, at 9:00 a.m.

AMEND 2013 EQUIPMENT REQUEST FOR MOWING TRACTOR

On motion by Gross, seconded by Campbell, and unanimously carried, the Board amended the Highway Department equipment request made February 12 to instead purchase a Model 105U Mowing Tractor from Titan through the MN State Contract, \$69,834, less trade-ins for a total of \$16,834 (+ tax), rather than the Model 105C which is no longer available.

CONFIRMATION REGARDING USE OF PREMIUM FUNDS RECEIVED IN CONNECTION WITH  
\$10,600,000 GENERAL OBLIGATION STATE-AID ROAD BONDS

Commissioner Campbell informed the Board that confirmation has been received as to the various ways the premium funds can be used which were received in connection with the recent sale of General Obligation State-Aid Road Bonds. Per the Dorsey & Whitney firm (Clay County's bond counsel), the funds (\$710,900.20) can be used as follows:

1. To fund the \$320,000 that was subtracted from the original bond size by MnDOT to fulfill the requirement of not exceeding the total of the last two years allotments (2011, 2012);
2. To fund construction over-runs on the projects included in the bond issue;
3. To fund interest payments on the bonds which occur within the first three years from the date of issue; and
4. To fund the types of work on County State Aid Roads considered "maintenance" in nature, such as patching/crack filling bituminous, clear debris, destroy beaver dams, maintain posted signs, striping pavement, reshaping shoulders/roadbeds/ditches/inslopes, replacing culverts, repairing bridges and culverts, seeding and sodding, seal coat bituminous, roto milling, base one application, repair frost boils, flood barricading, road build-up due to high water, repair flood/bridge/culvert washout, build barricades, flood barricade construction.

Commissioner Campbell stated that he had voted against the bond sale because of the uncertainty of the use of the premium funds. He stated he is glad the bond sale was approved and that it will not impact the general levy.

APPROVAL OF BILLS AND VOUCHERS

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

COMMITTEE REPORTS/ASSISTANT COUNTY ADMINISTRATOR UPDATE

Commissioner Campbell attended meetings of the Wellhead Protection Committee, Economic Development Recommending Committee, Highway Tracking Committee, and Chamber of Commerce Committee on Permanent Flood Protection.

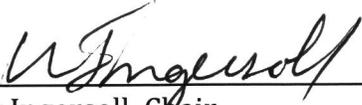
Commissioner Gross attended the Family Healthcare meeting.

Commissioner Ingersoll attended the Lakes and Prairies Community Action Partnership meeting.

Assistant County Administrator Darren Brooke updated the Board regarding the sewer line repair project in north bathrooms of the Courthouse, Safety Committee, an upcoming meeting with department heads regarding standardizing the roster hiring process, and the Lean training for the Motor Vehicle Department scheduled for March 18-20.

ADJOURN

The meeting adjourned at 9:35 am



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Wayne Ingersoll, Chair  
Clay County Board of Commissioners



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Darren Brooke, Assistant County Administrator