

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, May 7, 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 all Commissioners present: Campbell, Evert, Gross, Ingersoll, and Weyland. County Administrator Brian C. Berg, Chief Assistant County Attorney Jenny Samarzja, and Senior Administrative Assistant Vicki Reek were also present.

APPROVAL OF AGENDA

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

APPROVAL TO RENEW MN STATE AUDITOR'S OFFICE LEASE IN FAMILY SERVICE CENTER

By consent agenda, the Board approved renewal of the office space lease in the Family Service Center for the MN State Auditor's Office, 1032 sq.ft., \$12.75 sq.ft., for the period 7/1/13 to 6/30/15.

APPROVAL TO AMEND PRODUCTIVE ALTERNATIVES LEASE IN FAMILY SERVICE CENTER

By consent agenda, the Board amended the Productive Alternatives lease in the Family Service Center for a monthly rate of \$2376.50 (rather than \$2375.50), for 2328 sq.ft.

APPROVAL OF COUNTY ABATEMENT REQUEST – ASKEGAARD

By consent agenda the Board approved a County abatement request, payable 2013, for Ed Askegaard, parcel #15.016.3000, Holy Cross Township, for an estimated reduction of \$1892.00 (parcel should have received fractional homestead and value correction).

APPROVAL TO ADVERTISE FOR HIGHWAY DEPARTMENT YEARLY SUPPLY BIDS

By consent agenda, the Board authorized advertisement for Highway Department yearly supplies, with bids to be opened publicly at 10:00 a.m., Friday, May 31, 2013.

CITIZENS TO BE HEARD

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

APPROVAL OF MINUTES

On motion by Evert, seconded by Gross, and unanimously carried, the minutes of the April 16, 23, and 30, 2013 meetings were approved as presented.

EMPLOYEE RECOGNITION

The following employees were recognized for their years of service to Clay County: John Farnberg, Shelter Care Supervisor, Juvenile Center (25 years), and Steven Halverson, Motor Grader Operator, Highway Department (20 years). Seth Pfeifer, Engineering

Technician, Highway Department, and Jennifer Waller, Accounting Technician, Auditor's Office, were nominated to the Excellence in Performance Club.

#### CITIZEN RECOGNITION AWARD

Sheriff Bill Bergquist recognized Mr. Todd Sparrow and Mr. Bryan Reep for their service to the Sheriff's Office on March 29, 2013 in helping to locate a missing aircraft in the rural Hawley area. Mr. Sparrow and Mr. Reep are pilots and used their personal aircraft in this search.

#### SPRING FLOOD UPDATE

Emergency Services Director Lt. Bryan Green informed the Board that there are still some road closures in the County due to high water. Highway Engineer Dave Overbo reported that road damage has been minimal. He noted the largest expense will be debris clean up on the bridges.

On motion by Campbell, seconded by Evert, and unanimously carried, the State of Emergency declaration concerning the 2013 Flood was terminated.

#### FLOOD BUYOUT UPDATE

Planning & Environmental Programs Director Tim Magnusson and Mr. Greg Anderson provided an update concerning the 2009 and 2011 FEMA flood buyout projects. These grant programs expire later this year.

Projects in the 2009 grant are completed, except for seeding and site restoration. The excess FEMA funds will be returned.

\$6.9 million of the \$8.5 million in 2011 grant funds has been committed, with buyouts on 33 homes. Mr. Magnusson noted that the demolition came in less than expected, and \$1.6 million is left in the grant. It was suggested that the funds be used for other eligible buyout projects, if the short timeline can be met before the grant expires. He noted that funds also need to be set aside for future maintenance and upkeep of the buyout properties.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board authorized the purchase of up to four additional eligible flood buyout properties with 2011 grant funds, contingent upon DNR approval.

Commissioner Gross left the meeting at 8:50 a.m.

#### APPROVAL OF PERSONNEL POLICY AMENDMENTS

Human Resources Director Darren Brooke requested the Board's approval of several amendments to the Personnel Policy, which have been reviewed and recommended for approval by the Personnel Issues Committee.

On motion by Evert, seconded by Weyland, and unanimously carried, the Board approved expanded coverage for the funeral leave policy (Section 18.B.4) to include "step" family members as defined in the new policy verbiage.

On motion by Weyland, seconded by Evert, and unanimously carried, minor changes were made concerning the Family and Medical Leave Act (FMLA), (Section 14A), to be in compliance with a recent rule issued by the Department of Labor to provide additional clarification concerning military leave provisions.

On motion by Weyland, seconded by Campbell, and unanimously carried, the Board approved changes to the Sick Leave Severance section (Sec. 14.D.3) to comply with legislation that sick leave severance contributions can no longer be accepted for elected officials (Commissioners, Elected Department Heads); that the Social Services Department Head/Supervisors and Chief Deputy are now covered under the language in the policy referring to non-bargained employees; and the Lieutenants are now covered under their own bargaining unit contract which reflects specific language on Health Care Savings Plan contributions/sick leave severance.

**APPROVAL TO FILL SOCIAL WORKER POSITION DUE TO RESIGNATION**

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board authorized filling a Social Worker position which will be vacant due to resignation, and if the position is filled from within, to fill the vacated position as well.

**CHILDREN'S MENTAL HEALTH LOCAL ADVISORY COUNCIL REPORT**

Representatives from the Children's Mental Health Local Advisory Council reported on the group's activities of the past year, which included educational presentations, training, identification of gaps in service, etc. Results from a recent survey indicate that unmet needs include adequate transportation, quality child care, and affordable housing. Commissioner Evert felt the County needs to address these issues, especially transportation.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board appointed Ms. Melissa Varanai as a Parent representative on the Children's Mental Health Local Advisory Council.

On motion by Weyland, seconded by Evert, and unanimously carried, the Board proclaimed May 9, 2013 as Children's Mental Health Awareness Day:

**CHILDREN'S MENTAL HEALTH AWARENESS DAY**

**WHEREAS, addressing the complex mental health needs of children, youth and families today is fundamental to building the health, resilience and future of Clay County; and**

**WHEREAS, children even as young as 18 months can be affected by traumatic events and have serious emotional, behavioral and physical problems later in childhood and adulthood. More than 35 percent of children exposed to a single traumatic event will develop serious mental health problems.**

**WHEREAS, with support from caring adults, children and youth can recover from traumatic events, reestablish a sense of well-being, and access treatment and other services if needed.**

**WHEREAS, the need for comprehensive, coordinated mental health services for children, youth and families places upon our community a critical responsibility; and**

**WHEREAS, it is appropriate that a day should be set apart each year for the direction of our thoughts and actions toward our children's mental health and well-being; and**

**WHEREAS, Clay County in its policy and planning roles, supports effectively caring for the mental health needs of children, youth and families in our community;**

**NOW, THEREFORE, we, the Clay County Board of Commissioners do hereby proclaim May 9, 2013 to be Children's Mental Health Awareness Day throughout Clay County and urge our citizens and all agencies and organizations interested in meeting every child's mental health needs to unite on that day in observance of such exercises as will acquaint the people of Clay County with the fundamental necessity of nurturing the social and emotional well-being of children from birth and providing effective, accessible services and supports for children and youth with mental health needs and their families.**

### ADULT MENTAL HEALTH LOCAL ADVISORY COUNCIL REPORT

Representatives of the Adult Mental Health Local Advisory Council (LAC) reported on the Council's activities over the past year, noting that numerous educational presentations have been made at LAC meetings, and display booths have been staffed at various events. Transportation continues to be an issue for clients. The waiting list time has improved since last year.

On motion by Evert, seconded by Weyland, and unanimously carried, the LAC Member list was approved as presented.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board proclaimed May as Mental Health Month:

#### MAY IS MENTAL HEALTH MONTH

**WHEREAS, the U.S. Surgeon General states that mental health is fundamental to health and indispensable to personal well-being, family and interpersonal relationships, and contributes to community and society; and**

**WHEREAS, the National Institute of Mental Health confirms that in any given year mental illness affects approximately 1 in 4 (26.2%) adults and 1 in 5 (20%) children. An estimated 91,000 children in Minnesota need treatment for emotional disturbances; and**

**WHEREAS, the U.S. Surgeon General states that an estimated 46.4% of Americans will experience some form of mental illness in their lifetime; and**

**WHEREAS, the U.S. Surgeon General has found that a range of treatment exists for most mental disorders and the efficacy of mental health treatments are well documented; and**

**WHEREAS, Clay County has made a commitment to community-based systems of mental health care for all residents and has appointed a Local Mental Health Advisory Committee for children and adults; and**

**WHEREAS, the guiding principles of community mental health care have always been comprehensiveness, cost-efficiency, effective management and high quality and consumer responsive services, and these principles are now being adopted by private and public healthcare payers; and**

**WHEREAS, the National Mental Health Association, the National Council for Community Behavioral Healthcare and their national partners, the National Alliance for the Mentally Ill and their local affiliates observe Mental Health Month every May to raise awareness and understanding of mental health and illness;**

**THEREFORE, we, the Clay County Board of Commissioners, by virtue of the authority vested in us, do hereby proclaim May 2013 Mental Health Month in Clay County. As Commissioners of Clay County, we call upon all citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness and the need for appropriate accessible services for all people with mental illness.**

#### DISCUSSION/DIRECTION FOR PROCESS FOR FINANCIAL PLANNING FOR CORRECTIONAL FACILITY

County Administrator Brian Berg recapped the steps that have taken place in recent years regarding replacing the current jail (See Attachment "A"), which include committee work, a jail study, architect's estimate for the project, etc. At the recent Goal Setting Retreat, participants identified financial planning for a new jail as a top priority for Clay County. Currently, Clay County boards out 10-25 prisoners a day at \$55/day, plus transportation costs. In 2014, an additional six prisoners will be boarded out due to a loss of beds.

Mr. Berg reminded the Board that Clay County's current outstanding long term debt paid solely from taxes is \$7,415,000. These bonds will be paid off in 2023. In order to begin preparation for financing a new jail in the future, Mr. Berg presented a scenario for the Board's consideration which would allow for a .25% levy increase in years 2014 through 2017, and continuation of tax collection at the 2017 level through 2023, which would generate approximately \$7.6 million by 2023. Clay County's unused debt is \$117.5 million.

Commissioner Weyland, a member of the Jail Needs Assessment Committee, recalled that in 2009 discussion regarding jail replacement was tabled due to overall economic conditions.

Commissioner Campbell, also a member of the Jail Needs Assessment Committee, felt it is appropriate to begin the financial planning for a new facility. He noted various areas to be researched in the future: the possibility of a sales tax to fund a new jail; the costs to keep the jail on the County campus vs. building off-site; the dilemma faced by other Minnesota counties which have overbuilt their new jails; Clay County's law enforcement partnership with the City of Moorhead; the additional staffing costs for a new jail; the possibility of housing inmates in Cass County, ND; and the needs of other County departments which may arise.

Consensus of the Board was that Commissioner Campbell, Commissioner Weyland, County Auditor-Treasurer Lori Johnson, and County Administrator Brian Berg meet to discuss a financial plan for the construction of a new jail in the next 10-20 years, and prepare a recommendation for financing to be included in the 2014 budget process.

Commissioner Evert noted that considerable dollars have been invested in the tunnel between the Courthouse and the Jail and that should be recognized as a benefit for security in keeping the facility on the County campus.

#### APPROVAL TO PAY 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

All Commissioners attended the Commissioners' Day at the Veterans Service Office.

Commissioner Campbell attended the League of Women Voters event at the Sons of Norway and a meeting of the Insurance Committee.

Commissioner Gross attended the League of Women Voters event at the Sons of Norway, and the gathering of legislators regarding area flood preparation.

Commissioner Evert attended the League of Women Voters event at the Sons of Norway, the gathering of legislators regarding area flood preparation, and the Historical & Cultural Society Annual Meeting.

Commissioner Weyland attended the legislators' meeting regarding area flood preparation.

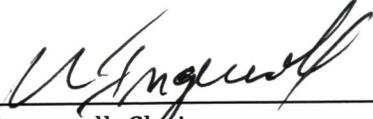
Commissioner Ingersoll attended meetings of the Lake Agassiz Regional Library and Insurance Committee.

County Administrator Brian Berg informed the Board of the Chamber of Commerce's upcoming legislative wrap-up with Minnesota legislators. The City of Hawley

has requested that County representatives attend a meeting concerning Rodeo Drive maintenance issues with representatives of the City of Hawley and Eglon Township.

ADJOURN

The meeting adjourned at 10:30 a.m.



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Wayne Ingersoll, Chair  
Clay County Board of Commissioners



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Brian C. Berg, County Administrator

## Jail Planning History

This is information extracted from County Board minutes over the past few years regarding subsequent steps in the Jail Planning process.

May 6, 2008 – County Board approved funding to contract with an architectural firm for schematic design of a jail and law enforcement center remodeling/construction.

August 26, 2008 – The Board discussed the possibilities for financing the project.

October 21, 2008 – Comments were made that the County has set aside no funds for capital expenditure, nor for increased operation costs. The Board also inquired as to maximum bond levy amounts, the debt retirement remaining on existing bonds, and other revenue streams that may have to be utilized to build a jail.

February 17, 2009 – Discussion by the County Administrator added that the next step would be to hear a presentation from Ehlers & Associates as to the financing options.

June 9, 2009 – Ehlers & Associates provided information regarding the various types of bonds which could be issued, comparison of current debt service with potential future debt service and the estimated tax impact on various types of property for the different financing options. County Administration reminded the Board that Ehlers' presentation is an essential next step in the jail planning process.

April 9, 2013 – The Goal Setting Retreat identified the planning process to finance a new correctional facility as one of three major long range goals for Clay County.

Attachment "A" is information from Ehlers indicating outstanding long term debt paid solely from taxes of \$7,415,000. Unused debt limit \$117,498,643.

Attachment "B" shows the two outstanding bonds paid from taxes and their amortization schedule. Following is a summary of the attachments.

**DEBT LIMIT**

The statutory limit on debt of Minnesota municipalities other than school districts or cities of the first class (Minnesota Statutes, Section 475.53, subd. 1) is 3% of the Assessor's Taxable Market Value of all taxable property within its boundaries. "Net debt" (Minnesota Statutes, Section 475.51, subd. 4) is the amount remaining after deducting from gross debt: (1) obligations payable wholly or partly from special assessments levied against benefitted property; (2) warrants or orders having no definite or fixed maturity; (3) obligations issued to finance any public revenue producing convenience; (4) obligations issued to create or maintain a permanent improvement revolving fund; (5) funds held as sinking funds for payment of principal and interest on debt other than those deductible under 1-4 above; (6) other obligations which are not to be included in computing the net debt of a municipality under the provisions of the law authorizing their issuance (e.g. the Bonds of this offering).

2011/12 Assessor's Taxable Market Value	\$4,163,788,100
Multiply by 3%	<u>0.03</u>
Statutory Debt Limit	\$ 124,913,643
Less: Long-Term Debt Outstanding Being Paid Solely from Taxes	<u>(7,415,000)</u>
Unused Debt Limit	<u><u>\$ 117,498,643</u></u>



### Scheduled Debt Elimination

	Clay County's Long Term Debt Outstanding Being Paid Solely from Taxes \$7,415,000	If we were to continue to collect taxes at this level for debt services, no levy increase or decrease, this is the amount that would be available for jail funding:	With a .25% levy increase in years 2014, 2015, 2016, & 2017
2014	\$1,360,773		\$62,500
2015	\$1,351,033		\$125,000
2016	\$1,358,293		\$187,500
2017	\$1,367,446		\$250,000
2018	\$957,345	\$410,101	\$660,101
2019	\$473,063	\$894,383	\$1,144,383
2020	\$476,938	\$890,508	\$1,140,508
2021	\$480,063	\$887,383	\$1,137,383
2022	\$310,719	\$1,056,727	\$1,306,727
2023	0	\$1,367,446	\$1,617,446

This information is being provided to assist the Board's discussion as how to proceed in facilitating the financing of a future correctional facility. Would the Board like to re-establish the Jail Committee to work through this process?

<b>Scheduled Debt Elimination with Tax Levy Added</b>				
	Clay County's Long Term Debt Outstanding Being Paid Solely from Taxes \$7,415,000	If we were to continue to collect taxes at this level for debt services, no levy increase or decrease, this is the amount that would be available for jail funding:	With a .25% levy increase in years 2014, 2015, 2016, & 2017	Funds Available
2014	\$1,360,773		\$62,500	\$62,500
2015	\$1,351,033		\$125,000	\$187,500
2016	\$1,358,293		\$187,500	\$375,000
2017	\$1,367,446		\$250,000	\$625,000
2018	\$957,345	\$410,101	\$660,101	\$1,285,101
2019	\$473,063	\$894,383	\$1,144,383	\$2,429,484
2020	\$476,938	\$890,508	\$1,140,508	\$3,569,992
2021	\$480,063	\$887,383	\$1,137,383	\$4,707,375
2022	\$310,719	\$1,056,727	\$1,306,727	\$6,014,102
2023	0	\$1,367,446	\$1,617,446	\$7,631,548

This information is being provided to assist the Board's discussion as how to proceed in facilitating the financing of a future correctional facility. Would the Board like to re-establish the Jail Committee to work through this process?