

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, June 11, 2013

8:30 a.m.

County Board Room – 3rd 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, 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.

CITIZENS TO BE HEARD

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

APPROVE RENEWAL OF BIRTHRIGHT LEASE IN FAMILY SERVICE CENTER

By consent agenda, the Board approved renewal of the Birthright office space lease in the Family Service Center for the period 6/1/13-5/31/14, \$12.75 sq.ft., for 962 sq.ft.

REQUEST FOR OUT OF STATE TRAVEL FOR ALCOHOL, TOBACCO, AND OTHER DRUGS COORDINATOR

By consent agenda, the Board approved out of state travel for the Alcohol, Tobacco and Other Drugs (ATOD) Coordinator to attend required training on substance abuse prevention, July 21-25, 2013 in Austin, Texas. All expenses will be paid by the regional ATOD grant.

APPROVE MUTUAL AID AGREEMENT FOR MINNESOTA HOMELAND SECURITY & EMERGENCY MANAGEMENT BETWEEN CLAY COUNTY AND BECKER COUNTY

By consent agenda, the Board authorized execution of a Mutual Aid Agreement between Clay County and Becker County for the Minnesota Homeland Security & Emergency Management program.

ELDER ABUSE GRANT UPDATE & PROCLAMATION

Elder Abuse Grant Coordinator Shelly Carlson, and Social Services staff members Pat Boyer and Kathy Nornes, informed the Board of the Elder Abuse program accomplishments from 2009-2013: increased training; outreach; conducted a needs assessment; coordinated community response; and policy changes in judiciary, law enforcement, adult protection, Rape & Abuse Crisis Center. The \$290,000 grant will expire September 30, 2013.

Ms. Carlson invited the Board members to Elder Abuse Awareness Day, June 26, 2013.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board proclaimed June 26, 2013 as World Elder Abuse Day in Clay County:

**World Elder Abuse Awareness Day
Declaration of Clay County**

WHEREAS, Clay County's elderly citizens deserve to live safely with dignity, and as independently as possible, with the supports they need;

WHEREAS, Elder Abuse is most often defined as any act that harms an elderly person or jeopardizes his or her health or welfare;

WHEREAS, eliminating abuse to older persons in each community's responsibility. Clay County is concerned about the risk to their elderly citizens who suffer from neglect or are victims of financial, emotional or physical abuse.

WHEREAS, everyone in our community should watch for signs of abuse, such as physical trauma, withdrawal, depression, anxiety, fear of family members, friends or caregivers.

NOW, THEREFORE, in recognition of World Elder Abuse Awareness Day, we the Commissioners of Clay County proclaim the 26th day of June, 2013, as Elder Abuse Awareness Day in Clay County, and we call upon citizens of Clay County to join us in encouraging everyone to commit to building a safer community for our elderly citizens.

**APPROVAL OF LEASE AGREEMENT WITH DRAKE COUNSELING SERVICES FOR OFFICE
SPACE IN FAMILY SERVICE CENTER**

Building Manager Georgia Beaudry informed the Board that ShareHouse, which provides outpatient chemical dependency treatment, and is a tenant in the Family Service Center, has requested to cancel their lease of 3805 sq.ft. of office space. The terms of the Family Service Center lease dictate that the lease payments are due and payable through the term of the lease, unless the space can be leased again.

Drake Counseling Services, a for-profit outpatient chemical dependency treatment provider, has expressed interest in leasing the space to be vacated by ShareHouse. Drake Counseling currently provides counseling service for Clay County from their Fargo, ND, location.

The Board acknowledged that in the past, tenants of the Family Service Center have been non-profit entities, per the requirements of the General Obligation Capital Improvement Bonds (tax exempt) which were issued some years ago. Per the bond attorney, "the threshold for determining if private use jeopardizes the tax exemption of bonds is the use of 5% or more of the space by entities other than state or local governments, unless the use by private parties is related to the governmental use of the facility." The space to be leased to Drake Counseling would comprise 3% of the total leasable space in the Family Service Center (the total leasable space is approximately 88,000 sq.ft.).

Commissioner Campbell was comfortable with the proposed lease, given that Drake Counseling already provides counseling service to Clay County clients.

On motion by Weyland, seconded by Evert, and unanimously carried, the Board approved termination of the Family Service Center lease with ShareHouse (3805 sq.ft.), contingent upon lease of the space to Drake Counseling, effective September 1, 2013 - December 31, 2016 (Suite #204, 3150 sq.ft., \$11.75 sq.ft.; and Suite #205, 655 sq.ft., \$11.75 sq.ft.), pending MN outpatient chemical dependency treatment program license approval. ShareHouse is responsible for lease payments until Drake Counseling takes possession.

**LETTER OF SUPPORT FOR NEW OUTPATIENT CHEMICAL DEPENDENCY TREATMENT
PROVIDER, DRAKE COUNSELING SERVICES**

Social Services Director Rhonda Porter requested the Board's approval of a letter of support for Drake Counseling Services as a new provider of outpatient chemical dependency treatment in the Clay County Family Service Center. Drake Counseling Services is a current provider of services to Clay County with offices in Fargo, ND. The site at the Family Service Center will be in addition to the Fargo site.

On motion by Evert, seconded by Weyland, and unanimously carried, the Board approved a letter of support for Drake Counseling to provide outpatient treatment services in a new location in the Clay County Family Service Center.

**PRE-SALE REPORT FOR \$1,795,000 GENERAL OBLIGATION
WATERSHED IMPROVEMENT BONDS**

Bruce Albright, Buffalo-Red River Watershed District (BRRWD) Administrator, and Shelly Eldridge, Financial Advisor, Ehlers & Associates, were present to request the Board to authorize the sale of \$1,795,000 General Obligation Watershed Improvement Bonds.

Mr. Albright outlined the various projects which would be included in the bond for improvement:

- Project No. 50, Cromwell Township Outlet
- Project No. 56, Manston Slough Restoration
- Project No. 65, County Line Outlet
- Project No. 70, Crystal Creek
- Project No. 71, City of Moorhead 50th Ave S
- Project No. 72, Wilkin County Ditch No. 22-Lat. 3 Improvement
- Project No. 73, Country Heritage Ditch Improvement

Mr. Albright indicated that by combining the projects into one large bond sale, the current low interest rates will be beneficial and repayment of assessments can be spread out over a longer period of time. Mr. Albright informed the Board that in the time since the Pre-Sale Report was prepared by Ehlers, the bids for the Manston Project came in higher than expected. The Board was comfortable with increasing the General Obligation Watershed Improvement Bond amount to \$2,000,000.

Mr. Albright informed the County Board that the BRRWD Board has indicated they will begin to attend Red River Watershed Management Board (RRWMB) meetings and to re-join for a three year period.

Ms. Eldridge informed the Board that an 8-year bond will be sold, and only underwriters can bid on this sale. She added that a premium will likely be offered again, as was done with the Highway Improvement bond.

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

RESOLUTION 2013-35
**Resolution Providing for the Sale of \$2,000,000 General Obligation
Watershed Improvement Bonds, Series 2013B**

WHEREAS, the County Board of the County of Clay, Minnesota, has heretofore determined that it is necessary and expedient to issue the County's \$2,000,000 General Obligation Watershed

Improvement Bonds, Series 2013B (the "Bonds"), to finance Buffalo-Red River Watershed District Improvements including Project No. 50, Cromwell Township Outlet; Project No. 56, Manston Slough Restoration; Project No. 65, County Line Outlet; Project No. 70, Crystal Creek; Project No. 71, City of Moorhead 50th Ave S; Project No. 72, Wilkin County Ditch No. 22-Lat. 3 Improvement; Project No. 73, Country Heritage Ditch Improvement; and

WHEREAS, the County has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent financial advisor for the Bonds and is therefore authorized to solicit proposals in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9);

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

1. **Authorization: Findings.** The County Board hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.
2. **Meeting: Proposed Opening.** The County Board shall meet at 11:00 a.m. on July 9, 2013, for the purpose of considering proposals for and awarding the sale of the Bonds.
3. **Official Statement.** In connection with said sale, the officers and employees of the County are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the County upon its completion.

APPROVAL TO FILL VACANT RESTORATIVE JUSTICE COORDINATOR POSITION

On motion by Campbell, seconded by Gross, and unanimously carried, the Board approved filling the vacant Restorative Justice Coordinator position, housed within the County Attorney's office.

APPROVAL OF QUOTES FOR BRIDGE REPLACEMENT ON CR 73

County Engineer David Overbo informed the Board that quotes were taken for replacement of the wood bridge on County Road 73, Viding Township. Five contractors submitted quotes, with the low quote submitted by Riley Brothers Construction, Inc., for \$78,859.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board approved the replacement of the CR 73 bridge by Riley Brothers Construction, Inc. for their quote of \$78,859.

APPROVAL OF OUT OF STATE TRAVEL FOR HIGHWAY DEPARTMENT STAFF TO ATTEND MOTOR GRADER TRAINING

On motion by Evert, seconded by Gross, and unanimously carried, the Board approved out of state travel for Highway Department staff to attend training in Moline, IL, for the new John Deere road graders recently purchased by the County.

LAKESWIND ROAD USE AGREEMENT

Chief Assistant County Attorney Jenny Samarzja presented a Road Use & Repair Agreement for the Board's consideration. The Agreement is with Lakeswind Power Partners, LLC, and addresses prevention and correction of road damage in connection with Lakeswind's wind farm project in Tansem & Parke Townships in Clay County. The Agreement has been reviewed by the County Engineer, Planning & Environmental Programs Director, and Attorney's Office. Tansem and Parke Township officials are also signatories to the Agreement.

Mr. Paul White and Ms. Lee Glover, representing Lakeswind Power Partners, were present to inform the Board that they expect construction to begin in July, 2013. Mr. White added that the power generated will be purchased by a group of municipal utilities.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board authorized execution of the Lakeswind Road Use Agreement between Lakeswind Power Partners, LLC and Clay County.

APPROVE PAYMENT OF BILLS AND VOUCHERS

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

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Weyland attended meetings of the Heartland Trail Committee, Detox Committee, and AMC District IV.

Commissioner Campbell attended the Highway Tracking Committee meeting and Insurance Committee meeting.

Commissioner Gross attended the Red River Basin tour, Highland Grove Township Crime Watch picnic, and the Hagen Township meeting.

Commissioner Evert attended the Highway Tracking Committee and a Red River Basin Commission Board meeting.

Commissioner Ingersoll attended meetings of the Moorhead Planning Commission and the Insurance Committee.

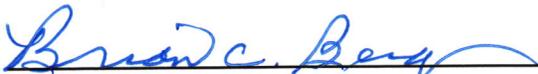
County Administrator Brian Berg reported on the AMC District IV meeting topics, and attended meetings concerning Family Service Center reception area, Veterans Service Office scanning project, the use of the Clay County Detox facility by North Dakota clients, Motor Vehicle remodeling, Management Committee, Insurance Committee.

ADJOURN

The meeting adjourned at 10:03 a.m.



Wayne Ingersoll, Chair
Clay County Board of Commissioners



Brian C. Berg, County Administrator