

**CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, APRIL 16, 2019
County Board Room, 3rd Floor, Courthouse**

MINUTES

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

CALL TO ORDER

Chair Weyland called the meeting to order.

APPROVAL OF AGENDA

On motion by Campbell, seconded by Gross, and unanimously carried, the Board approved the agenda with one addition: Request for Engineering Fees for Enhanced Landfill Gas System: Kirk Rosenberger, Solid Waste Manager.

REQUEST(S) FOR TAX ABATEMENT

By consent the Board approved two tax abatements: 1) Improvements placed on 2018 assessment in error rather than on 2019 assessment; and 2) Grant of homestead / error in mailing address.

REQUEST AUTHORIZATION TO ADVERTISE FOR YEARLY SUPPLY BIDS FOR HIGHWAY DEPARTMENT

By consent the Board approved the request to advertise for yearly supply bids for the Highway Department.

CITIZENS TO BE HEARD

There were no citizens who wished to address the Board.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Haney, seconded by Gross, and unanimously carried, the Board approved bills and vouchers totaling \$799,717 from 132 vendors for payment. From that total, 103 warrants issued were under \$2,000 (\$37,991) and the following 29 warrants issued were over \$2,000:

Lakes Country Service Cooperative \$255,945

Clay Co Public Health

\$123,661

Otter Tail Co. Public Health	\$108,385	Stellar Services, LLC	\$3,628
Becker Co. Public Health	\$58,489	Brenco Corp.	\$3,500
City of Fargo	\$45,507	Code 4 Services, Inc.	\$3,485
Otis Elevator, Inc.	\$25,488	Jobs HQ	\$3,251
Prairie Lakes Solid Waste Authority	\$24,600	Reliance Telephone	\$3,231
Cardmember Service	\$16,870	Gate City Bank	\$3,117
Wilkin Co. Public Health	\$15,102	Hannaher's, Inc.	\$2,739
Burns McDonnell	\$11,061	Bytespeed, LLC	\$2,692
Petro Serve USA	\$10,252	Town & Country Oil, Inc.	\$2,470
MN Dept. of Transportation	\$7,917	Larry's Auto Body Shop, Inc.	\$2,357
CDW Government, Inc	\$7,661	Larry's Excavating	\$2,340
Pro West & Asso., Inc.	\$5,301	Wild Rice Electric Co-op, Inc.	\$2,170
Holiday Credit Office	\$4,683	MN IT Services	\$2,100
City of Moorhead	\$3,726		

APPROVAL OF MINUTES FROM MARCH 26 AND APRIL 2, 2019

On motion by Gross, seconded by Haney, and unanimously carried, the Board approved the minutes from March 26 and April 2, 2019.

FLOOD UPDATE

Emergency Management Director Gabe Tweten handed out Red River and Buffalo River crests and forecasts and a state damage assessment from last week. A second crest is predicted to be no higher than the first crest. There is still some water in the fields by Georgetown and the forecast for rain may have a small effect on the flooding. The Highway Department is working on road clean-up. Overall, Clay County has been fortunate. As of April 10, 35 Minnesota counties have declared flood emergencies.

On motion by Campbell, seconded by Haney, and unanimously carried, the Board recommended Gabe Tweten pursue backdating Clay County's State of Emergency Declaration to March 1, 2019 due to expenses incurred before the declaration.

UPDATE ON CLAY TRAIL ALLIANCE SNOWMOBILE TRAILS AND APPROVAL OF RESOLUTION 2019-19 OF SUPPORT

Greg Strommen, Trail Administrator, provided a brief update on the snowmobile trails during the past winter season. There was a decent amount of snow and there were challenges with getting equipment stuck. There was one small change in the trail, moving it north of a road, but that change was not successful, and the trail will be moved back to the south of the road.

On motion by Gross, seconded by Mongeau, and unanimously carried, the Board executed the following resolution for the Clay Trails Alliance:

RESOLUTION 2019-19

BE IT RESOLVED, that Clay County act as the legal sponsor for an application for funding from the State of Minnesota Department of Natural Resources for grooming and maintaining of two -way Snowmobile Trails managed by the Clay Trails Alliance.

BE IT FURTHER RESOLVED, that upon approval of its application by the State, Clay County may enter into an agreement with the State of Minnesota for the above referenced project and that it will comply with all applicable laws and regulations as stated in the agreement.

BE IT FURTHER RESOLVED, that the County Administrator is authorized to sign such an agreement with the Department of Natural Resources.

BE IT FURTHER RESOLVED, that Clay County is hereby authorized to serve as the fiscal agenda for the above referenced project.

REQUEST TO ADOPT RESOLUTION 2019-17 AUTHORIZING APPLICATION FOR MN HOUSING AND FINANCE AGENCY - FAMILY HOMELESSNESS PREVENTION AND ASSISTANCE PROGRAM

Emma Schmit introduced herself as a Housing Director from Lakes and Prairies Community Action Partnership. Their services include energy assistance as well as case management for family homelessness prevention. They were able to serve 416 people from July 2017- June 2018. They requested support to seek funding opportunities via resolution. Commissioner Mongeau extended appreciation for the services they provide.

On motion by Gross, seconded by Mongeau, and unanimously carried, the Board executed the following resolution:

RESOLUTION 2019-17

**Resolution Authorizing Application for
Minnesota Housing and Finance Agency
Family Homelessness Prevention and Assistance Program**

WHEREAS, the Minnesota Housing Finance Agency, State of Minnesota, has been authorized to undertake a program to provide funds for Family Homeless Prevention & Assistance Projects; and,

WHEREAS, Lakes & Prairies Community Action Partnership, Inc. has developed an application to continue to provide homelessness prevention and assistance to residents of Clay County through the Minnesota Housing Finance Agency Family Homelessness Prevention and Assistance Program; and

WHEREAS, Lakes & Prairies Community Action Partnership, Inc. has demonstrated the ability to perform the required activities of the Minnesota Housing Finance Agency Family Homelessness Prevention and Assistance Program;

NOW, THEREFORE, be it resolved that Lakes & Prairies Community Action Partnership, Inc. is hereby authorized as an entity to be charged with the administration of funds made available through the Minnesota Housing Finance Agency Family Homelessness Prevention and Assistance Program in the County of Clay, in Minnesota.

ADDITION: REQUEST FOR ENGINEERING FEES FOR ENHANCED LANDFILL GAS SYSTEM

Solid Waste Manager Kirk Rosenberger stated he came before the Board a couple weeks ago for approval of an enhanced landfill gas system but had not mentioned engineering costs for the system when the project was approved. The engineering costs are 10% of the project costs.

On motion by Gross, seconded by Haney, and unanimously carried, the Board approved the engineering costs for the enhanced landfill gas system.

REQUEST FOR APPROVAL OF DETOX UNION CONTRACT

Darren Brooke, Human Resources Director, stated they have been negotiating with three main bargaining units this year. The contract for Detox for 2019-2021 has been signed by the union members and their stewards. The tentative agreement specifies wage increases (COLA) of 2%, 2%, and 3% for the three years. The language changes include “Fair Share” and “Me too.”

On motion by Gross, seconded by Campbell, and unanimously carried, the Board accepted the Detox Union Contract for 2019-2021.

SENTENCING TO SERVE (STS) QUARTERLY REPORTS AND CONTRACT FOR REVIEW

Janelle Cheney, Probation Supervisor, noted the Sentencing to Serve (STS) crew leader, Mark Dibble, has been out with an injury but is expected to return soon. During his absence, the work service crew has done some work in the jail and some work for the County Maintenance Supervisor. They fulfill their hours by working for the County, State, and non-profits.

The effective dates of the upcoming State of Minnesota Contract for STS are from July 1, 2019 to June 30, 2021. The dollar benefit of STS labor is listed as \$8/hour, but Clay County has agreed to \$10/hour in the past.

On motion by Mongeau, seconded by Haney, and unanimously carried, the Board approved the 2019-2021 STS contract with a dollar benefit for labor at the rate of \$10/hour.

CONSIDER RESOLUTION 2019-18 AUTHORIZING ISSUANCE, AWARDED SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$1,720,000 GENERAL OBLIGATION WATERSHED IMPROVEMENT BONDS, SERIES 2019A

Sr. Advisor Shelly Eldridge from Ehlers, Inc. stated bids were accepted until noon yesterday with four bids accepted. The County received an AA rating. The bid tabulation showed the bids were less than the estimate and the issue size was reduced by \$10,000 to \$1,720,000. The winning bid came from United Bankers’ Bank from Bloomington, MN with a true interest cost of 2.4425%. It is a 15-year bond to be paid by 100% assessments.

On motion by Gross, seconded by Mongeau, and unanimously carried the Board executed Resolution 2019-18:

RESOLUTION NO. 2019-18

Resolution Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$1,720,000 General Obligation Watershed Improvement Bonds, Series 2019A

(see attachment for complete resolution)

CONSIDER RESOLUTION 2019-20 GIVING PRELIMINARY APPROVAL TO CONDUIT BOND FINANCING AND SCHEDULING PUBLIC HEARING – ADDITION TO EVENTIDE MOORHEAD SENIOR LIVING, LLC,

Attorney James H. Stewart, Arntson Stewart Wegner PC, is working as bond counsel for Eventide for a renovation and expansion project for Eventide Moorhead Senior Living. He proposed that Clay County issue up to \$8 million in bonds under the Industrial Development Act to finance a portion of the project. The total project cost is estimated at \$18 million. In order for Clay County to designate bonds as bank-qualified they have to issues less than \$10 million annually.

Darin Ohe, CFO of Eventide, stated this project has been in the works for a long time. Their new building will be on 8th Street across from Concordia College. There will be 70 new units including some larger units for couples. They will also be converting a floor to memory care assisted living. Renovations will include a new entrance, new restaurant kitchen and many other amenities.

Commissioner Campbell noted this is a great opportunity to use this type of financing for additional senior housing.

On motion by Mongeau, seconded by Haney, and unanimously carried, the Board executed Resolution 2019-20 for preliminary project approval and to schedule a public hearing on the issuance of bonds for 8:30 a.m., Tuesday, May 14, 2019:

RESOLUTION 2019-20

RESOLUTION RELATING TO A PROJECT UNDER THE INDUSTRIAL DEVELOPMENT ACT, GIVING THE PROJECT PRELIMINARY APPROVAL, SUBJECT TO A PUBLIC HEARING (EVENTIDE MOORHEAD SENIOR LIVING, LLC PROJECT)

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

SECTION 1. POLICY AND PURPOSE.

1.01. The County is a political subdivision duly organized under the Constitution and laws of the State of Minnesota and is authorized under the provisions of Minnesota Statutes, Sections 469.152 through 469.165, as amended (the “Act”), to issue and sell bonds, with the consent of the City of Moorhead, on behalf of an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 to finance a project within its boundaries.

1.02. Eventide Moorhead Senior Living, LLC, a Minnesota nonprofit limited liability company (the “Company”), whose sole member is Eventide, a Minnesota nonprofit corporation and an organization described

in section 501(c)(3) of the Internal Revenue Code of 1986, as amended, has requested the County to issue its Facilities Revenue Bonds (Eventide Moorhead Senior Living, LLC Project), Series 2019A (the "Bonds") in the amount not to exceed \$8,300,000 for the purpose of financing a portion of the cost of renovating and constructing an addition to an assisted living facility located at 1405 8th Street South, Moorhead, Minnesota, resulting in the addition of 70 units (the "Project").

1.03. The County is advised by representatives of the Company that with the aid of municipal financing and the resulting lower borrowing cost, the Project would be significantly more feasible. The County finds that the Project furthers the purposes stated in Section 469.152 of the Act by providing health care facilities for elderly and disabled residents of Clay County and the surrounding area.

SECTION 2. APPROVAL AND AUTHORIZATION.

2.01. The Project and the issuance of the Bonds by the County in an amount not to exceed \$8,300,000, is hereby given preliminary approval by the County, subject to: (i) a public hearing, (ii) the approval of the Project by the Commissioner of the Department of Employment and Economic Development or such other state officer having authority to grant approval (the "Commissioner"), (iii) consent of the City of Moorhead, and (iv) final approval by the County, the Company, and the purchaser of the Bonds as to the ultimate details of the financing of the Project.

2.02. In accordance with Section 469.154, Subd. 3 of the Act, the Chair or County Auditor is hereby authorized and directed to submit the proposal for the Project to the Commissioner requesting his approval, and other officers, employees and agents of the County are hereby authorized to provide the Commissioner with such information as he may require.

2.03. Neither this preliminary commitment nor any actions, agreements, or legal matters related hereto or executed in pursuance hereof, shall in any manner or form create an indebtedness or liability of the County. The passage of this Resolution does not finally commit the County to issue and deliver the Bonds.

SECTION 3. PUBLIC HEARING.

3.01. Because a public hearing, after notice according to law, is required for final approval of the Bonds, a public hearing on the issuance of the Bonds shall be held at the Board of Commissioners Room, Clay County Courthouse, Moorhead, Minnesota at a regular meeting on May 14, 2019, beginning at 8:30 A.M.

3.02. The County Auditor is hereby authorized to cause notice of such public hearing to be published in the official newspaper of the County not less than fourteen days prior to the hearing date according to law. The form of public notice attached to this Resolution is hereby approved.

REQUEST FOR APPROVAL OF ANNUAL SIGN QUOTES

Sr. Engineering Tech Seth Pfeifer provided quotes from two companies for furnishing 2019 traffic signs. He recommended the lowest quote from M-R Sign Company of Fergus Falls for \$20,025. The quotes are for the third phase of the 911 Street/Avenue sign replacement project. The project was included in the 2019 budget.

On motion by Gross, seconded by Haney, and unanimously carried, the Board approved M-R Sign Company's quote of \$20,025 for replacement of one-third of the address signs in the County.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Mongeau met with the Soil and Water Conservation District.
- Commissioner Campbell attended meetings for Highway Tracking; FM Diversion Authority; Buffalo Red River Watershed, FM Diversion members and Army Corp; Lakes Country Service

Co-op; Construction Updates for LEC, Correctional Facility, and Juvenile Center. He also attended a retirement event for the landfill manager.

- Commissioner Gross attended meetings for Wild Rice Watershed Board; Glyndon Township; and Riverton Township. He had the Auditor verify the agencies that pay taxes on land they own and those who make PILT payments.
- Commissioner Weyland attended meetings for MN Rural Counties Caucus; Nursing Issues at the Juvenile Center; and Beyond the Yellow Ribbon.
- County Administrator Stephen Larson attended meetings for Juvenile Center Nursing Issues; Highway Tracking; Planning & Zoning; FM Diversion Authority; Construction Updates; a Tax Exemption Issue in Barnesville; and met with two concerned citizens.

The meeting adjourned at 9:52 a.m.

Grant Weyland, Chair, County Board of Commissioners

Stephen Larson, County Administrator