

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, MAY 14, 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 Haney, seconded by Gross, and unanimously carried, the Board approved the agenda with one addition: Request Approval to Appoint Matthew Jacobson as new Planning & Zoning Director.

RENEWAL OF LIQUOR LICENSE: WILLOW CREEK MUNICIPAL GOLF COURSE

By consent the Board approved renewal of Willow Creek Municipal Golf Course's liquor license.

RECORDING SOFTWARE FEE TO BE TAKEN FROM COMPLIANCE FUNDS

By consent the Board approved taking the Recorder's software fee from compliance funds.

UPDATES TO CLAY COUNTY'S FEDERAL AWARD PROCUREMENT POLICY TO ALLOW MAXIMUM THRESHOLDS

By consent the Board approved updates to the County's Federal Award Procurement Policy to allow maximum thresholds.

CITIZENS TO BE HEARD

There were no citizens who wished to address the Board.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Gross, seconded by Campbell, and unanimously carried, the Board approved bills and vouchers totaling \$423,329 from 146 vendors for payment. From that total, 108 warrants

issued were under \$2,000 (\$47,098) and the following were over \$2,000:

Clay Co. Public Health	\$46,092	Netwrix Corp.	\$4,536
City of Fargo	\$37,569	Express Lane - Hawley	\$4,300
Vision Bank	\$35,200	City of Hitterdal	\$3,945
MEnD Correctional Care, LLC	\$33,225	Thomson Reuters - West	\$3,390
Network Center Comm, Inc.	\$28,236	Martin/Corey Lynn	\$3,364
Prairie Lakes Solid Waste Auth	\$24,600	Powerplan	\$3,356
MN Housing Finance	\$16,451	Barnesville Record-Review	\$3,241
MN State Auditor	\$12,860	City of Ulen	\$3,110
Becker Co. Public Health	\$12,800	West Central Reg Juvenile Center	\$3,044
Election Systems & Software, Inc.	\$10,413	MN Counties Computer Co-op	\$3,019
Clay County Treasurer	\$9,416	Wilkin Co Public Health	\$2,655
JV Hough, Inc.	\$8,790	Stellar Services, LLC	\$2,603
Nitzkowski, Inc.	\$7,877	Reliance Telephone	\$2,484
Bell Bank	\$7,477	R Travelmart	\$2,393
City of Hawley	\$7,209	Sabin C Store	\$2,303
Petro Serve USA - Hwy	\$5,825	Wex Bank (fleet)	\$2,136
MN Life	\$5,640	MN IT Services	\$2,100
New American Consortium	\$5,243	Thomson Reuters - West	\$2,085
Fargo Case Titan Machinery	\$5,183	Amazon Capital Services	\$2,063

ADDITION: REQUEST APPROVAL TO APPOINT MATTHEW JACOBSON AS NEW PLANNING AND ZONING DIRECTOR

Stephen Larson, County Administrator, provided background information on the selected candidate, Matthew Jacobson, for the Planning and Zoning Director. He has the qualities and background they were seeking for this position and could start work on May 28. He would start at Grade 23, Step 1 of the salary grid.

On motion by Gross, seconded by Mongeau, and unanimously carried, the Board approved appointing Matthew Jacobson as Planning and Zoning Director.

PUBLIC HEARING – PROPOSAL FOR COUNTY TO ISSUE REVENUE BONDS TO FINANCE EVENTIDE MOORHEAD SENIOR LIVING PROJECT (LINDEN TREE)

On motion by Campbell, seconded by Haney, and unanimously carried, the Board opened the public hearing.

James Stewart, Arntson Stewart Wegner PC, stated he was here on April 16 for preliminary approval and to set a public hearing for the County to issue revenue bonds in the amount of \$10 million to finance a portion of the Linden Tree Facility at Eventide. Darin Ohe, CFO for

Eventide was also present for questions. The total cost of the project is \$18 million. They are still seeking another issuer/entity to issue more bonds but may end up coming back to the County next year for another issuance of bank-qualified bonds to complete the project. Commissioner Mongeau noted she supported the project being in Moorhead.

On motion by Gross, seconded by Campbell, and unanimously carried, the Board closed the public hearing.

**REQUEST APPROVAL OF RESOLUTION 2019-23 FOR ISSUANCE OF FACILITIES REVENUE BONDS
EVENTIDE MOORHEAD SENIOR LIVING PROJECT**

On motion by Campbell, seconded by Gross, and unanimously carried, the Board approved Resolution 2019-23.

BOND RESOLUTION 2019-23

RECITALS:

1. Clay County, Minnesota (the "Issuer") is authorized pursuant to Minnesota Statutes, Sections 469.152 through 469.165, as amended (the "Act") to issue its revenue bonds and to loan the proceeds to a contracting party to finance revenue producing facilities.

2. Eventide Moorhead Senior Living LLC, a Minnesota nonprofit limited liability company (the "Company"), whose sole member is Eventide, a Minnesota nonprofit corporation, has requested the Issuer to issue its Senior Housing Revenue Bonds (Eventide Moorhead Senior Living LLC Project) Series 2019A (the "Bonds") in an amount not exceeding \$8,000,000, for the purposes 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"), and paying the costs of issuing the Bonds.

3. The County Board has, on the date hereof, held a public hearing following duly published notice thereof, at which all persons desiring to be heard were heard.

4. It is in the public interest, for public benefit and in furtherance of the public purposes of the Issuer and surrounding area that the County Board approve the issuance of the Bonds.

(The entire resolution and its attachments are on file in the County Administrator's Office)

REQUEST PERMISSION TO SOLICIT DONATIONS TO RE-ESTABLISH A SECOND K-9 UNIT

Sheriff Empting and Chief Deputy Stephen Landsem, requested permission to begin fund-raising for re-establishing a second K-9 unit in the Sheriff's Office. A trained second canine is important for when the other canine is ready to retire, and it allows more coverage for the County. They are used for demonstrations, requests for sniffs, assisting in tracking, for traffic stops, etc. The law enforcement units on both sides of the river provide canines where they are needed to help each other out. Fargo is also working on getting a second canine as well. Training for apprehension and tracking takes about three months and narcotic training is an additional month. Thirty thousand dollars would cover purchasing the canine, training, equipment, etc. There are several deputies who are interested in becoming a canine handler.

On motion by Campbell, seconded by Mongeau, and unanimously carried, the Board approved seeking donations for a second K-9 Unit.

REQUEST FROM CITY OF FELTON TO RECEIVE A TAX FORFEIT PARCEL FOR AUTHORIZED PUBLIC USE (RECYCLING CENTER) WITH RESOLUTION 2019-24

Jeff Rehder, Felton City Council; Kirk Rosenberger, Solid Waste Manager; and Nanci Krenelka, Deputy Auditor were present for the tax forfeit parcel request. The request is for the City of Felton to obtain the tax forfeit property in Felton at no cost and utilize the site for a recycling center. The City is collaborating with Clay County Solid Waste to get the site established. The residence on the site has had water damage and other issues. It will either be used for a controlled burn or will be torn down.

On motion by Gross, seconded by Mongeau, and unanimously approved, the Board executed the following resolution in support of the request:

Resolution 2019-24

CLAY COUNTY BOARD OF COMMISSIONERS

BE IT RESOLVED, on this 14th day of May 2019 that the Property owned by the State of Minnesota, County of Clay, and legally described as follows:

Pt Outlot M-28 to the City of Felton Beg at SW corner of J-28 thence W 75' on S line of M-28; N 140'; E 75'; S 140' to Beg Sec 28 Twp 142 Range 46

has forfeited to the State of Minnesota for non-payment of taxes. The City of Felton has requested to receive this parcel free of charge and will utilize the property for an Authorized Public Use as described in Minn. Stat. 282.01, subd. 1a (e) and therefore, has a \$0 purchase price.

BE IT FURTHER RESOLVED, that the Chair of the Board, the Auditor and/or the County Administrator are hereby authorized to execute whatever documents are necessary to effectuate said transfer.

BE IT FURTHER RESOLVED, this Resolution shall be effective as of May 14, 2019, the date Board action was taken.

REQUEST APPROVAL OF REVISION(S): CHILD CARE LICENSING POLICY; COMMUNITY RESIDENTIAL SERVICES LICENSING FEE SCHEDULE; AND OUT OF HOME PLACEMENT FEE SCHEDULE

Social Services Director Rhonda Porter introduced Amy Amundson, David Hallman, and Jessica Mickelson from Social Services. They were present with revisions in three areas of policies and procedures in following State Statutes.

For "Family Child Care Licensing Inspection Fees," they are deleting fees for background checks since because those are now done at CCRI. They will continue to charge an initial fee of \$50 for licensed child care provider applicants and \$100 for relicensing child daycare homes. There are currently 150-160 licensed childcare homes in Clay County.

On motion by Campbell, seconded by Mongeau, and unanimously carried, the Board approved the revisions in Family Child Care Licensing Inspection Fees.

For “Community Residential Services” (corporate care settings) fees have been collected since 2017. These licensed sites provide foster care for folks with disabilities. The statute allows the County to recoup some of the costs, up to \$500, for the licensing process that is done by David Hallman. The request is to increase all licensing inspection fees to \$500. The initial licensing inspection fees have been \$350 and relicensing inspections have been \$200. Hallman sent out letters three months ago to the 13 corporate care settings regarding the increase and had just one response confirming the amount. The increase would begin in 2020 and still does not cover the County’s costs for this process even with the increase. These providers of services benefit the County and fill a need for foster care.

On motion by Mongeau, seconded by Haney, and unanimously carried, the Board approved an increase in licensing fees to \$500 for Community Residential Services.

The “Out of Home Placement” fee policy was last reviewed in 2010. Porter noted they will continue to use child support guidelines on fees. No fees are charged to those who are below the federal poverty level. If the child is getting income from child support or Social Security, it will be redirected to the County. They will also communicate with the parents about their ability to contribute to the costs associated with out-of-home placement. The fee policy has been simplified and will now include the secure program at the Juvenile Center as well. Parents can set up a payment plan and hardship requests are considered. The child will not be taken out of placement if fees are not paid. Amundson added they will be upfront with the families regarding fees prior to placement. Neither Medical Assistance nor insurance companies pay for detention fees.

On motion by Campbell, seconded by Gross, and unanimously carried, the Board approved the proposed changes in the “Out of Home Placement” fee policy with the addition of fees for secure placement at the Juvenile Center.

REQUEST APPROVAL OF HOUSING SUPPORT AGREEMENT FOR COMMONWEALTH DEVELOPMENT

Rhonda Porter, Social Services Director; Erin Anderson, Commonwealth Development Corp; and Emma Schmit, Lakes and Prairies, were present with a housing support agreement.

Anderson presented the affordable housing proposal with permanent support of 10 housing units: six for people with disabilities and four for high priority homeless people. The application

will be submitted to MN Housing and Finance for State funds for Clay County. Commonwealth Development contracts with Lakes and Prairies for administration of the housing support agreement. The County would make the referrals to Lakes and Prairies or to Commonwealth Development. Those with the greatest needs at the time housing is available are chosen. The agreement would pay for \$504 monthly for rent and utilities with a standard one-year lease. Lakes and Prairies would provide case management. They would spend two to three hours per week with each resident for the first year and less time after the first year. The 10 units are in an apartment complex at 2604 8th Avenue North which consists of 46 units. There are approximately 40 other housing units in Clay County in similar housing agreements and 440 more homeless in Clay County. Applicants for the four units for high priority homeless would need to go through the coordinated entry system for determination of those with the highest needs. The residency requirement is 30 days. The County's budget will not be affected by this program.

On motion by Mongeau, seconded by Gross, and unanimously approved, the Board approved the State-funded Housing Support Program with Commonwealth Development and Lakes and Prairies for 10 units to service high priority homeless and people with disabilities and to designate Rhonda Porter as signatory.

APPROVAL OF CHANGE ORDER #24 WITH INCREASE IN GUARANTEED MAXIMUM PRICE – JUVENILE CENTER CONSTRUCTION PROJECT

Stephen Larson, County Administrator, stated the items in Change Order #24 all pertain to the Juvenile Center Project. Two items were previously addressed by the board and several more items are code issues that came up with inspection. There was also a slab transition from the existing building and relocation of some piping to flush the system.

Commissioner Campbell noted they had a great deal of discussion on change orders and contingencies at the recent advisory board meeting. They did not have the option to construct a new building but tying in an addition to the present building has been a massive undertaking. There are still contingency funds left for the other two construction projects, but overall, they may exceed the owner contingency by \$100,000 by the time the projects are completed. This information has also been reported to the 11 Member Counties for the Secure Unit at the Juvenile Center.

On motion by Campbell, seconded by Haney, and unanimously carried, the Board approved Construction Change Order #24 for the Juvenile Center with an increase in the Guaranteed Maximum Price.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

- Commissioner Mongeau attended meetings for Cass-Clay Food Systems Joint Powers and Soil and Water Conservation District. Mongeau mentioned the ag inspector from Cass County being allowed to check for weeds in Clay County if aggregate is going to Cass County. The noxious weed lists in the two counties are different.
- Commissioner Campbell attended meetings for Lakes Country Service Co-op; Construction Projects Update; and Buffalo Red River Watershed.
- Commissioner Haney attended meetings for NW Radio Communications Board and Soil and Water Conservation District.
- Gross attended meetings for Managers Offsite Retreat; Buffalo Red River Watershed; Planning Director interviews, Historical Society of Clay County; MN Rural Counties; Hawley City Council; Felton City Council; Ulen Township; Wild Rice Watershed Board; Highland Grove Township; Agassiz Recreational Trail; City of Hitterdal; and Goose Prairie Township.
- Commissioner Weyland attended meetings for Construction Projects Updates; NW Emergency Communications Board; Beyond the Yellow Ribbon Committee; and Recorder's Compliance. He recommended the other Commissioners tour the Juvenile Center Construction Project.
- County Administrator Stephen Larson attended meetings for Recorder's Compliance; MN Dept. of Corrections RE: Occupation Certification for 7/3/19; FM Foundation RE: Regional Workforce Study; and Agassiz Recreational Trails.
- Tony Weigel stated the Attorney's Office is looking for one additional attorney to work with both civil and criminal law.

The meeting adjourned at 10:25 a.m.

Grant Weyland, Chair, County Board of Commissioners

Stephen Larson, County Administrator