

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, September 16, 2008

8:30 a.m.

County Board Room – 3rd Floor – Courthouse

M I N U T E S

The Clay County Board of Commissioners met in regular session on Tuesday, September 16, 2008 with all commissioners present: Brunsvold, Campbell, Evert, McCarthy and Waller.

APPROVAL OF AGENDA

On motion by McCarthy, seconded by Waller, and unanimously carried, the agenda was approved as presented.

APPROVAL OF AGREEMENT TO PROVIDE TEMPORARY SANITARIAN SERVICES TO THE CITY OF MOORHEAD

By consent agenda, the Board authorized execution of an agreement whereby Clay County will provide temporary Sanitarian Services to the City of Moorhead while they conduct the hiring process for a Sanitarian.

APPROVAL OF APPLICATION FOR EXEMPT PERMIT FOR BARNESVILLE ROD & GUN CLUB TO CONDUCT A RAFFLE

By consent agenda, the Board approved an application for an exempt permit for the Barnesville Rod & Gun Club to conduct a raffle on October 11, 2008 at the Mainline Bar & Grill, Downer.

CITIZENS TO BE HEARD

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

APPROVAL OF MINUTES OF SEPTEMBER 2 AND 9, 2008

On motion by Brunsvold, seconded by Campbell, and unanimously carried, the minutes of the September 2 and 9, 2008 County Board meetings were approved as presented.

REQUEST TO REPURCHASE TAX FORFEIT PROPERTY – MS. JUNE LARSON

Ms. June Larson was present to request that she be allowed to repurchase her tax forfeit property at 610 Appletree Lane, Moorhead, MN. A total of \$10,240.82 is due for back taxes, first half of 2008 taxes, deed tax, recording fee, and state deed fee. Ms. Larson has paid a lump sum of \$5,000 towards the debt, leaving a balance of \$5,240.82. She indicated it would be a hardship if she were to lose her home.

On motion by Campbell, seconded by Brunsvold, and unanimously carried, the Board adopted the following resolution, allowing Ms. June Larson to repurchase her tax forfeit property described below, contingent upon the balance due (\$5240.82) being paid by November 1, 2008:

RESOLUTION 2008-43

WHEREAS, a request was submitted to the Clay County Board of Commissioners by Ms. June Larson, hereinafter referred to as the "Repurchaser" to repurchase the following described real property:

NW 60' of Lot 17 & SE 15' of Lot 18 Block 6 Morningside Addition to the City of Moorhead

WHEREAS, the Repurchaser is obligated by statute, rule, or other agreement to pay real estate taxes relevant to the above-referenced property.

WHEREAS, the Repurchaser satisfies the statutory criteria for being an eligible repurchaser;

WHEREAS, the Board finds that the repurchase would cure an undue hardship or injustice resulting from the forfeiture and will permit the use of the lands that will best serve the public interests; and

WHEREAS, if it is appropriate to place certain conditions on the repurchase, those conditions are fully outlined below.

NOW, THEREFORE, BE IT RESOLVED, that the Repurchaser be allowed to repurchase the Property for an amount equal to the statutory formula for repurchase to be calculated by the Clay County Auditor's Office.

INFORMATION: WATERSHED MANAGEMENT DISTRICTS

Chief Assistant County Attorney Michelle Winkis provided the Board with information concerning the legal basis for Watershed Districts to form Water Management Districts. She stated that Minnesota Statutes allow for the establishment of Water Management Districts by an amendment to the Watershed District Water Management Plan. The process must go through the Board of Water & Soil Resources' Governing Board. Once the plan has been amended, it can be used as a tool for collecting revenues for projects or planning. Ms. Winkis noted that County Boards have no authority over Watershed Districts, however, counties do have a right to be heard at hearings relevant to projects. If there is a dispute between local units of government and Watershed Districts as to the assessment of a fee for a particular project, there is an appeal process through the Board of Water & Soil Resources.

Commissioner Evert commented that the establishment of a Water Management District is another tool for raising money for projects which avoids the need for damages and benefits, and allows for collecting fees over the whole population to be used on a smaller area.

Mr. David Stumbo, representing Citizens for Farmland Preservation, expressed his opinion that the establishment of a Water Management District provides for a tax that is in the control of an appointed board which can be used for anything they want. He commented that the flood control project proposed by the Wild Rice Watershed District will require local funding of over \$25 million. The Citizens for Farmland Preservation group is strongly opposed to the Wild Rice Watershed District's establishment of a Water Management District.

Commissioner Waller commented that another issue for the landowners is that regardless of whether they are benefited or not, they will get taxed for water crossing their property. He felt the Watershed Management District eliminates the judicial process whereby there is no mechanism for individuals who dispute an issue other than to present their claim to the Watershed District itself. Commissioner Waller commented that Mahnomon County does not support the establishment of a Watershed Management District and have adopted a resolution to that effect. He added that Becker County and

Clearwater County are not supportive of the Water Management District either. He indicated he would support a Clay County resolution opposed to the establishment of a Watershed Management District by the Wild Rice Watershed District.

Commissioner Campbell commented that he understands the need for areas to have flood control projects, but there must be another way to fund those projects.

Commissioner Evert commented that this is a legal process, however, if the landowner's rights to appeal are eliminated, that is not appropriate.

There were conflicting opinions on whether or not a Water Management District project must be identified prior to the collection of fees.

Commissioner Brunsvold equated the Wild Rice Watershed District's issues to those of the Red River Water Board, whereby they are taxing the whole district for a project affecting just a small area.

Commissioner McCarthy inquired if Watershed Districts need County Board approval to establish a Water Management District, to which Ms. Winkis responded that they do not. However, the County Board's opinion may have some impact with the Board of Water & Soil Resources.

The Board requested that Ms. Winkis provide them with information regarding the appeal process for landowners in a Water Management District, and to provide clarification as to what the funds raised can be used for (planning or pre-determined projects).

DISCUSSION RE: SCOPE FOR TRANSPORTATION CONSULTANT CONTRACT (CSAH 52)

Chair Evert reminded the Board that this topic was discussed at the September 9th meeting, however it was not included on the printed Agenda for the day.

Chair Evert reiterated his opinion that the hours for Ms. Barbara Rohde, transportation consultant, should be increased to the requested level (12.5 hours/month; an additional \$3000/month for five months). He felt it will be helpful for Clay County's CSAH 52 project to be listed as part of the transportation appropriation bill.

Commissioner Waller felt the impact of potential funding would be significant. If alternative funding is not found for the CSAH 52 project, the County would have to fund it with State Aid funds, likely taking 5-10 years.

Given more time to review the request this past week, Commissioner McCarthy informed the Board that he is supportive of the increase in hours for Ms. Rohde, and felt the potential benefits outweigh the negatives.

On motion by Waller, seconded by McCarthy, and unanimously carried, the Board approved an increase in hours to 12.5/month for five months (September, 2008 through January, 2009) for Ms. Barbara Rohde as she seeks legislative funding for the CSAH 52 project (maximum contract increase of \$15,000), to be paid for from the Highway Department consulting budget line.

CAFETERIA PLAN DESIGN POLICY CHANGE

Human Resources Director Kari Alme was present to request a policy change for the Cafeteria Plan, whereby the County Commissioners would be allowed to opt out from participation in the Cafeteria Plan, and thus receive no Cafeteria Plan contribution. The issue has arisen with this group of employees due to the fact that some Commissioners may have other primary coverage and the County's coverage is considered primary as well,

precluding a Commissioner from participation in some benefits offered by the non-County group. The Personnel Issues Committee has recommended approval of this policy change.

Commissioner Brunsvold commented that this change could pose a problem in election campaigns where one candidate may indicate his intention to opt out of the Cafeteria Plan, thus saving the County money. However, opting out of the Cafeteria Plan may not be an option for the other candidate.

On motion by McCarthy, seconded by Waller, and unanimously carried, the Board approved a policy change for the Cafeteria Plan whereby Clay County Commissioners may opt out of the Cafeteria Plan and therefore will not receive a Cafeteria Plan contribution.

REQUEST FOR SALARY GRID PLACEMENT FOR REGIONAL ALCOHOL, TOBACCO, AND OTHER DRUGS PREVENTION COORDINATOR

Public Health Administrator Kathy McKay requested the Board's approval to place the new Regional Alcohol, Tobacco and Other Drugs Prevention Coordinator on Line 12, Step F of the Salary Grid based on his 30 years of experience, including clinical practice of intervention services to families, school psychological services with children and adolescents including educational programming and crisis intervention. This position is grant funded and will be in partnership with the Minnesota Department of Human Services, covering a 12-county region.

On motion by McCarthy, seconded by Campbell, and unanimously carried, the Board approved placement of the Regional Alcohol, Tobacco and Other Drugs Prevention Coordinator on Line 12, Step F of the Salary Grid, based on 30 years of past experience.

AUTHORIZATION TO PUBLISH REQUEST FOR PROPOSALS FOR CLAY COUNTY FOOD SERVICES FOR JAIL, JUVENILE CENTER AND DETOX

West Central Regional Juvenile Detention Center Director Barry Steen was present to seek the Board's approval to issue a Request For Proposals for food services for the Jail, Juvenile Center and Detox for a three-year period commencing January 1, 2009. The current contract expires December 31, 2008. Mr. Steen noted that participation in the National School Lunch program requires a bidding process every three years. Mr. Steen suggested a bid opening date of October 16, 2008, which would allow a 60-day notice to the current provider if they are not the new low bidder.

On motion by McCarthy, seconded by Brunsvold, and unanimously carried, the Board authorized the publication of a Request For Proposals for food services for the Clay County Jail, Juvenile Center and Detox.

APPROVE PAYMENT OF BILLS AND VOUCHERS

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

COMMITTEE REPORTS; COUNTY ADMINISTRATOR UPDATE

Commissioner Waller attended a meeting of the Revolving Loan Fund committee where an application for a business in Barnesville was approved, contingent upon other successful funding. He also attended the Soil & Water Conservation District meeting, which included discussion of the 2009 budget.

Commissioner Waller informed the Board that he visited with County Administrator Vijay Sethi this morning and Mr. Sethi will be out of the office the rest of the week undergoing medical testing.

Commissioner Campbell informed the Board that the Jail Planning Committee had met this week. The architect has reduced the scope of the project by \$3 million by moving jail functions into the existing building. Commissioner Campbell commented that it is cheaper to build new offices than it is to build jail cells. He questioned the need for 19 indoor parking stalls. Commissioner Brunsvold commented the Klein McCarthy has been very responsive to the requests of the Committee.

Commissioner McCarthy attended a meeting of the West Central Area Agency on Aging.

Commissioner Evert attended the Resource Conservation & Development meeting, a Historical Society Planning meeting for an upcoming fund raiser, and the Executive Committee meeting for AMC. He reminded the Board of the demonstration this Thursday at the Capitol regarding the number of State prisoners held in County jails, and the Annual AMC Conference in Duluth December 8, 9, and 10, 2008

ADJOURN

The meeting adjourned at 10:05 a.m.

Jon D. Evert, Chair
Clay County Board of Commissioners

Vijay K. Sethi, County Administrator