

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, October 28, 2008

4:00 p.m.

County Board Room – 3<sup>rd</sup> Floor – Courthouse

M I N U T E S

The Clay County Board of Commissioners met in regular session with commissioners Campbell, Evert, McCarthy, and Waller present. Commissioner Brunsvold was absent.

APPROVAL OF AGENDA

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

AUTHORIZATION TO EXECUTE VICTIM WITNESS GRANT DOCUMENTS

By consent agenda, the Board approved execution of the necessary documents to implement the \$43,145 Victim Witness grant, for the period 10/1/08 – 9/30/09.

APPROVAL OF LAKES & PRAIRIES COMMUNITY ACTION AGENCY LEASES IN  
FAMILY SERVICE CENTER

By consent agenda, the Board approved leases in the Family Service Center for Lakes & Prairies Community Action Agency: Suite #402, 5273 sq.ft., \$11.75/sq.ft., for the period 3/1/08-12/31/09 and Suite #405a, 620 sq.ft., \$11.75/sq.ft., for the period 1/1/09-12/31/09.

CITIZENS TO BE HEARD

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

Mr. Grant Weyland, retired Moorhead Chief of Police, was introduced as one of two candidates running for Fifth District Commissioner.

APPROVAL OF MINUTES

On motion by McCarthy, seconded by Campbell, and unanimously carried, the minutes of the County Board meetings held October 7 and 14, 2008 were approved with a correction.

APPROVAL OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES PURCHASE OF  
PROPERTY IN SECTION 28, SKREE TOWNSHIP

Mr. Don Schultz, DNR Area Wildlife Supervisor, was present to inform the Board that the DNR intends to purchase 155 acres of land in the NE ¼ of Section 28, Skree Township. The parcel is adjacent to other property owned by the DNR, and includes wet prairie pasture and cropland which is enrolled in the CRP program. The land would become an addition to the Clay County Wildlife Management Area and would be open to public hunting, trapping and other wildlife related activities.

With respect to the annual payments in lieu of taxes,  $\frac{3}{4}$  of 1% of the purchase price will be paid for the first five years, and then  $\frac{3}{4}$  of 1% of the appraised value thereafter. The current net tax is \$1,198, and the in lieu payment will be \$1,282.50.

Mr. Gary Bergan, Skree Township Officer, expressed his concerns regarding the farmer who currently rents the 74 acres of pastureland. Mr. Schultz stated that DNR does not plan to remove the pasture, and would use rotational grazing as part of the management tool. He stated he would be willing to work with the current renter towards this goal.

Mr. Bergan also expressed concern with the condition of roads in the area where these wetlands exist. He stated that the Township has spent considerable dollars repairing the frost boils in the roads. Mr. Schultz stated that nothing will change as far as the wetlands, and the area can't store more water than it already is.

On motion by McCarthy, seconded by Campbell, the following resolution was unanimously adopted:

#### **RESOLUTION #2008-46**

#### **REVIEW OF PROPOSED STATE WILDLIFE LAND ACQUISITION**

**In accordance with Minnesota Statutes 97A.145 Subd. 2, the Commissioner of the Department of Natural Resources on October 28, 2008 provided the County Board and the appropriate town officers with a description of lands to be acquired by the State of Minnesota for water and wildlife conservation purposes.**

**Lands to be acquired are described as follows:**

*The Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Twenty-Eighty (28), Township One Hundred Thirty-eight (138) North, Range Forty-Five (45) West, Clay County, Minnesota, LESS, a tract of land described as follows, to wit: Beginning at the northeast corner of said Section 28; thence North 88 degrees 40 minutes 30 seconds West along the north line of said Section 28 for a distance of 511.50 feet; thence South 00 degrees 00 minutes 00 seconds West parallel to the east line of said Section 28 a distance of 409.15 feet; thence North 88 degrees 57 minutes 00 seconds East a distance of 511.45 feet, more or less, to a point of intersection with the east line of said Section 28; thence North 00 degrees 00 minutes 00 seconds East along the east line of said Section 28 a distance of 387.95 feet, more or less, to the point of beginning.*

**IT IS HEREBY RESOLVED, by the Board of County Commissioners of Clay County on October 28, 2008, that the State's proposed acquisition of the above described property be approved.**

#### **REQUEST TO WAIVE PENALTY FOR LATE PAYMENT OF TAX**

Mr. Lynn Monge was present to request that the Board waive the penalty for late payment of tax on his properties (totaling \$109.06). Mr. Monge explained that his wife, who normally takes care of all bill payments, was hospitalized for more than three months (July-September) and the payment was missed. It was noted that in 2002 the Monge's were delinquent on the tax on these same properties and paid the late fee. Mr. Monge stated that in 2002 the payment was missed due to their error and they did not seek consideration for the fee to be waived.

County Auditor-Treasurer Lori Johnson suggested that the penalty be waived for the residence (\$23.78) and the penalty for the rental properties (\$84.28) be paid.

Commissioner Campbell recalled that the Board has in the past waived late fees when extreme medical conditions are involved.

Commissioner Waller agreed that exceptions have been made, however, not when there is a history of late payments. He stated that he could not support waiving the late fee.

Commissioner Evert noted that in 2002 the penalty was paid, and did not believe it should be tied to this situation.

Commissioner McCarthy inquired if the Monge's have made arrangements so this does not happen again. Mr. Monge stated that they have.

Commissioner McCarthy moved that the \$109.06 in tax penalties on the Monge's properties be waived. Commissioner Campbell seconded the motion which carried with Commissioner Waller opposed.

AWARD BID FOR PREPARED FOOD SERVICE FOR THE CLAY COUNTY JAIL, RECEIVING CENTER AND JUVENILE CENTER

Jail Administrator Julie Savat, Public Health Administrator Kathy McKay, Receiving Center Director Janelle Brakke, and Shelter Care Director John Farnberg presented their recommendation with respect to the award of the bid for prepared food service for the Clay County Jail, Receiving Center and Juvenile Center.

Two responses were received for the Request For Proposal: A'viands, LLC, (\$1.86 per meal) and CBM Food Service (\$1.59 per meal). The committee recommended award to A'viands, LLC, based on the following:

1. The bid specifications indicate that juvenile meals cannot be prepared by inmate labor. A'viands meets that requirement.
2. A'viands has a local dietician versus CBM which has a dietician located in South Dakota.
3. A'viands is a local Minnesota company. Because of this fact, they can respond quickly if any immediate changes occur with meal delivery. Transport time is essential based on scheduling, particularly with the juveniles at the Center (they only have ½ hour for lunch break because of the school programs).
4. With A'viands, we have high quality service, accommodations, nutritionally balanced and tasteful meals.
5. The County personnel and A'viands have quarterly meetings to ensure quality standards.
6. There are 2-4 meetings annually for the National School Lunch Program. These are held in the metro area and A'viands attends these in place of Juvenile Center staff. A'viands then meets with Detention staff to provide the updates from the metro meetings.
7. With A'viands, we have the option to change menus (without difficulty) based on client preferences.

Commissioner McCarthy inquired if the County can accept a bid that is not the lowest bid submitted. Chief Assistant County Attorney Michelle Winkis stated that the Request For Proposals is for a 'service contract', which allows for consideration of numerous factors, not just the lowest bid. She noted that the key components in accepting A'viands bid are that they meet the Request For Proposals specifications for preparation of food (not by inmates); and travel time for replacement/addition of food items, which is less with A'viands (kitchen located in Moorhead) than CBM (kitchen located at the Cass County Jail in Fargo, ND).

It was noted that accepting A'viands bid rather than the CBM bid equates to \$26,000 more to be paid for food service per year. Jail Administrator Julie Savat commented that this amount is still less than what is currently being paid. Mr. Farnberg added that involvement in the National School Lunch Program equates to \$30,000-\$40,000 in grant funds for the Detention Center and the national trend is going away from inmate-prepared food for juveniles. Deviating from the National School Lunch Program guidelines may jeopardize the grant funds.

Mr. Ed Miller, A'viands, addressed the Board and indicated that production records for CBM indicate that inmates at Cass County Jail make their food (7-8 inmates supervised by one supervisor). He added that A'viands partnership with Eventide assures that proper food handling procedures are at the level to meet and exceed the National School Lunch program guidelines.

No one was present from CBM Food Service to address the Board.

On motion by McCarthy, seconded by Waller, and unanimously carried, the Board awarded the food service contract for 2009 to A'viands, LLC, at \$1.86/meal, based on the fact that A'viands meets the Request For Proposals bid specifications and travel time for replacement/addition of food items is less with A'viands.

Commissioner Campbell commented that if/when a new jail is built, and Clay County has its own kitchen for preparation of food, this issue may be reviewed again.

PLANNING COMMISSION RECOMMENDATION FOR EGLON HILLS SUBDIVISION PLAT,  
SECTION 9, EGLON TOWNSHIP

Planning & Environmental Programs Director Tim Magnusson requested the Board's approval of Eglon Hills, a proposed 16-lot platted subdivision in the West Half, Northwest Quarter, Section 9, Eglon Township. The Planning Commission has reviewed this plat, heard testimony at a public hearing, and recommended approval with the following conditions: 1) Applicant will need to meet any requirements related to wetland issues that the National Resources Conservation Services (NRCS) deems necessary; 2) Written approval from County Highway Engineer for proposed design and construction of new right-of-way with ditch back slopes not exceeding 2.5 to 1; 3) Applicant to provide layout for septic systems on individual lots on the final plan for the Planning Office. Mr. Magnusson stated that the conditions have been met.

Commissioner Campbell inquired if any conditions are included for this subdivision concerning an adequate supply of water. Mr. Magnusson stated that an adequate supply of water is generally not an issue as you go East in Clay County, and no conditions are included in that regard.

Commissioner Evert commented that some discussion has taken place with MnDOT regarding the safety of the intersection at 5<sup>th</sup> Avenue and Highway 32 and no action has been taken.

Commissioner Waller inquired if the Township has accepted the proposed dedicated road in the subdivision. Mr. Magnusson replied that they have.

On motion by McCarthy, seconded by Campbell, and unanimously carried, the Board approved the Eglon Hills Subdivision with the conditions as determined by the Planning Commission.

APPROVE PAYMENT OF BILLS AND VOUCHERS

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

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner McCarthy attended meetings of the Area Agency on Aging, Western Area City/County Cooperative, and Lakeland Mental Health.

Commissioner Campbell attended the annual meeting of the Minnesota Rural Counties Caucus.

Commissioner Waller attended the MetroCOG Executive Board meeting, the Solid Waste Advisory Committee meeting, and several meetings of the Agassiz Recreational Trails committee.

Commissioner Evert attended meetings of the Planning Commission, West Central Initiative (Family Economic Success), Minnesota Rural Counties Caucus, and a meeting concerning handicap transportation and employment.

The Board was invited to the Township Officers meeting to be held Monday, November 24, 9:00 a.m. in Glyndon.

ADJOURN

The meeting adjourned at 5:01 p.m.

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Jon D. Evert, Chair  
Clay County Board of Commissioners

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Vijay K. Sethi, County Administrator