

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, January 27, 2009

4:00 p.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, January 27, 2009, with all commissioners present: Campbell, Evert, Ingersoll, Waller, and Weyland.

APPROVAL OF AGENDA

On motion by Campbell, seconded by Weyland, and unanimously carried, the agenda was approved with the removal from Consent Agenda of the appointment of Clay County Housing & Redevelopment Authority Board members; and the addition of a discussion regarding recent County land leases.

APPROVAL OF APPLICATION FOR EXEMPT PERMIT FOR BINGO/RAFFLES

By consent agenda, the Board approved an application for an exempt permit for Bingo and Raffles for a fund raising event to be held by the Barnesville Thursday Nite Lions on April 24, 2009.

APPROVAL OF APPLICATION FOR EXEMPT PERMIT FOR RAFFLES

By consent agenda, the Board approved an application for an exempt permit for Raffles for a fund raising event to be held by the Barnesville Lions Club on April 16, 2009.

APPROVAL OF RECOMMENDATION FOR APPOINTMENT TO CLAY COUNTY HOUSING & REDEVELOPMENT AUTHORITY BOARD

The Board reviewed correspondence from the Clay County Housing & Redevelopment Authority (HRA), recommending two individuals for appointment to openings on their Board of Commissioners.

Commissioner Campbell inquired how the public is informed of potential openings on boards such as this. County Administrator Vijay Sethi commented that the County places ads in the local newspapers from time to time seeking names of individuals interested in serving on the various boards and committees. Mr. Sethi indicated he would contact the Executive Director of the HRA regarding their process to fill open positions.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board appointed Mr. Milt Opatril to fill the unexpired term (to February 1, 2010) of Mr. Rick Halverson who has resigned from the HRA Board.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board tabled the request to fill a new 5-year term on the HRA Board of Commissioners until such time as more information is known regarding the process to fill positions on the HRA Board.

ADOPT RESOLUTION FOR REIMBURSEMENT TO MUNICIPALITIES FOR MONIES
EXPENDED IN 2008 ON COUNTY ROADS/COUNTY STATE AID HIGHWAYS LOCATED
WITHIN THEIR CORPORATE LIMITS

RESOLUTION 2009-4

IT IS HEREBY RESOLVED, by the Clay County Board of Commissioners that the Clay County Auditor shall reimburse the municipality of the City of Moorhead, a city of the second class in the State of Minnesota, for all monies expended by that government body for the establishing, locating, constructing, improving and maintaining of any County Highway or County State Aid Highway including those within the corporate limits of the City of Moorhead, Clay County, Minnesota. However, the monies expended directly by Clay County for the establishing, location, construction or improvement or maintenance of any County Highway or County State Aid Highway within the corporate limits of the City of Moorhead during the year 2008 shall be deducted prior to the reimbursement of any monies to the City of Moorhead as set forth above.

FURTHER, IT IS HEREBY RESOLVED, that the City of Moorhead shall certify to the County Highway Engineer the location and the purpose for which the said monies were expended and that the said monies were expended during the 2008 annual year. Monies shall not exceed \$330,285.12 and unexpended monies shall be encumbered.

FURTHER, IT IS HEREBY RESOLVED, that the following Cities be reimbursed for money spent on City Streets for 2008 in the following amount:

City of Barnesville	\$12,038.79
City of Comstock	\$614.52
City of Dilworth	\$22,860.90
City of Felton	\$851.62
City of Georgetown	\$528.06
City of Glyndon	\$5,475.15
City of Hawley	\$10,935.26
City of Hitterdal	\$776.99
City of Sabin	\$2,422.85
City of Ulen	\$2,894.76
TOTAL	\$59,398.90

CITIZENS TO BE HEARD

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

APPROVAL OF MINUTES OF JANUARY 6 AND 13, 2009

On motion by Evert, seconded by Weyland, and unanimously carried, the minutes of the January 6 and 13, 2009 County Board meetings were approved as presented.

REQUEST TO WAIVE PENALTY FOR LATE PAYMENT OF TAX

Ms. Leann Benjamin was present to request that the Board waive the penalty (\$140.96) for late payment of tax on her family's property in Moorhead. Ms. Benjamin informed the Board that her husband, who has handled the family's financial matters for twenty years, has recently been diagnosed with a cognitive problem resulting in significant memory issues. Ms. Benjamin presented a letter from her husband's physician to that effect and assured the Board that steps have been taken to make sure the taxes are paid timely in the future.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board waived the \$140.96 penalty for Charles & Leann Benjamin, parcel #58.102.1050.

PRESENTATION BY CITIZENS FOR FARMLAND PRESERVATION

Mr. Dave Stumbo, farmer and landowner in the Ulen area, addressed the Board on behalf of the Citizens For Farmland Preservation, requesting that the County Board adopt a resolution opposing establishment of a new Wild Rice Watershed Management District and any additional fee, levy or tax therein. Mr. Stumbo summarized the material in the handouts by saying that they believe the projects proposed by the Wild Rice Watershed District (WRWD) are too costly for the benefits realized and negatively impact areas where they are constructed. The Citizens group is not opposed to flood control, but believe they have had no input, and cooperation with the WRWD is poor.

Commissioner Evert commented that he is reluctant to take a position to tell another governmental entity how to conduct its business, and taking the action requested by the Citizens group would affect other areas where farmers are in favor of the proposed projects. He stated his belief that establishing a Water Management District is a legal funding mechanism.

Commissioner Waller commented that the WRWD can move forward despite the County Board's opinion. He felt there are flaws in the process when everyone in the district is assessed, not just the beneficiaries. He felt there are flaws in the appeal process as well, in that the same people imposing the tax also hear the appeals.

Commissioner Ingersoll inquired of Chief Assistant County Attorney Michelle Winkis as to her legal opinion.

Ms. Winkis commented that adopting the resolution would have no legal effect, but may have a political effect. She was reluctant to offer an opinion without hearing from both sides of the issue. Commissioner Waller stated that the WRWD has come before the County Board several times, and could be requested to appear again.

Mr. Stumbo commented that a new tax will not be received well and there are serious trust issues with the WRWD.

Commissioners Ingersoll and Weyland indicated they would support the adoption of a resolution in opposition to the new Wild Rice Watershed Management District.

Commissioner Campbell was opposed to the financing means planned by the WRWD.

Mr. Richard Smith, Ulen, commented that the Citizen group feels it will be taxed without representation by the establishment of the Water Management District.

Commissioner Evert had no objection to the Citizen group fighting this issue in their area, but questioned whether it is the County Board's job to tell the WRWD what to do.

Ms. Winkis commented that after listening to the discussion today, it appears as though the majority of the County Board is supportive of some type of resolution opposing the Wild Rice Watershed Management District, just not in the exact form presented by the Citizens group. She suggested that she develop a draft resolution for the Board's approval which would address the concerns and issues discussed today.

On motion by Campbell, seconded by Weyland, the Board directed Chief Assistant County Attorney Michelle Winkis to prepare a resolution in opposition of the establishment of a new Wild Rice Watershed Management District based on the County Board's concerns expressed today. Commissioner Evert was opposed to the motion.

APPROVAL OF RIGHT OF WAY FOR CSAH 11 GRADING PROJECT

County Engineer David Overbo informed the Board that Tinjum Appraisal Services has completed the before and after appraisal work for Parcel #37 (Wang property) needed to shift an alignment on the North End of the project to align across from CSAH 11 at the CSAH 26 intersection. The Wang parcel is comprised of 220.50 acres, and the right of way needed is 7.58 acres. Tinjum's before and after valuation is \$47,700. Temporary construction easement is required (\$261.30), and the conversion from easement to fee is \$150.00. The total right of way offer for Parcel #37 is \$48,112.00. Mr. Overbo stated that safety will be improved at the intersection, thus some Local Road Improvement Plan (Safety) dollars will be used.

On motion by Evert, seconded by Weyland, and unanimously carried, the Board approved the valuation offer of \$48,112.00 for Parcel #37 for the CSAH 11 Grading Project.

APPROVE PAYMENT OF BILLS AND VOUCHERS

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

CONCERNS RE: RECENT COUNTY LAND LEASES

Commissioner Evert expressed concern regarding the recent leases approved for County land, having learned that one of them involves the Felton Prairie property. County Administrator Vijay Sethi indicated he would seek advice from Chief Assistant County Attorney Michelle Winkis regarding this issue, for the Board's further discussion on February 10th.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Ingersoll attended the Inter-Agency Early Intervention meeting.

Commissioner Weyland attended meetings of the Greater Fargo-Moorhead Economic Development Corporation and Minnesota Rural Counties Caucus.

Commissioner Evert attended meetings of the Resource Conservation & Development, the Historical Society, AMC Board of Directors, Basin Commission, Intergovernmental Retreat, and Big Three (School Boards, League of Cities, and Association of Minnesota Counties).

Commissioner Campbell attended an Extension meeting and the Intergovernmental Retreat.

Commissioner Waller attended meetings of Metropolitan Council of Governments, Lakes & Prairies Community Action Partnership, Intergovernmental Retreat, and Agassiz Trails.

County Administrator Vijay Sethi informed the Board of the Drug Court graduation to be held Wednesday, January 28th.

ADJOURN

The meeting adjourned at 5:20 p.m.

Jerry C. Waller, Chair
Clay County Board of Commissioners

Vijay K. Sethi, County Administrator