

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, May 19, 2009

8:30 a.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 on Tuesday, May 19, 2009 with all commissioners present: Campbell, Evert, Ingersoll, Waller and Weyland.

APPROVAL OF AGENDA

On motion by Evert, seconded by Weyland, and unanimously carried, the agenda was approved with the addition of authorize execution of documents for purchase of CAT 140M Motor Grader.

AUTHORIZE LEASE FOR FAMILY HEALTHCARE DENTAL

By consent agenda, the Board authorized execution of a lease in the Family Service Center for Family HealthCare Dental, Suite 108c, 825 sq. ft., at \$12.75 sq. ft., for the period 5/15/09 to 12/31/09.

CITIZENS TO BE HEARD

Mr. Paul White, Project Resources Corporation, informed the Board that he has been reviewing a draft of the Wind Ordinance that is being developed by Clay County. He indicated that he would be willing to share some thoughts/knowledge with staff regarding technical details concerning wind towers, such as setbacks, etc. The Board was appreciative of the offer and Commissioner Evert suggested he visit with Planning & Environmental Programs Director Tim Magnusson. Commissioner Evert added that neither the Planning Commission nor the County Board has seen the draft yet.

APPROVAL OF MINUTES OF APRIL 21 AND 28, 2009

On motion by Campbell, seconded by Weyland, and unanimously carried, the minutes of the April 21 and 28, 2009 meetings were approved with a clarification.

PROPOSAL FOR EXCELLENCE IN PERFORMANCE CLUB

Mr. Mark Sloan, Strive for Excellence Committee member, and Ms. Kari Metcalf, Employee Appreciation Committee Chair, were present to suggest changes to the Employee of the Month program. Their proposal suggests that all nominated employees will be acknowledged at the first County Board meeting of the month and given a certificate for acceptance into the Excellence in Performance (E.I.P) Club. The nominees will be recognized in the *Bits of Clay* as new E.I.P. Club members. No plaques will be given out and no drawings will be held each month. Prior to the first County Board meeting in December, the E.I.P. Club members will be invited to have breakfast with the County Board of Commissioners. At that time also, a grand prize drawing will take place involving the nominees for the year.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board approved the implementation of the Excellence in Performance Club as outlined above.

### 2009 BUDGET REDUCTION EFFORTS

County Administrator Vijay Sethi recapped for the Board that to reach the goal of cutting \$1,048,000 from the 2009 budget (due to unallotments and reductions in program aid), expenditure reductions have been made in the amount of \$515,199, and revenue enhancements have been made in the amount of \$292,260, for a total of \$807,459. An additional \$25,000/year has been secured by GIS to provide services to Moorhead Public Service. Mr. Sethi noted that the updated listing of revenues over expenditures as of 12/31/08 shows General Revenue at \$281,000 (was \$180,000 previously). The 2009 budget goal could be met by utilizing the revenues over expenditures for 2008.

Human Resources Director Kari Alme updated the Board with respect to the potential of voluntary 'days without pay' and early retirement incentives. A savings of \$40,000-\$50,000 could be achieved based on the interest expressed by employees for the voluntary days without pay, beginning July 1, 2009. With a mandatory program, \$280,000 could be saved. However, that would include employees covered by grants, as well as employees within the bargaining units. Mr. Sethi commented that the decision regarding 'days without pay' will have to take place in June if implementation is expected for July.

Ms. Alme informed the Board that there are 40-50 employees eligible for early retirement using PERA standards. Discussions continued as to what the 'incentive' would be for early retirement.

Social Services Director Rhonda Porter reviewed the proposed expense reductions and revenue enhancements for the Social Services Department, as well as their resultant impact.

Mr. Sethi felt that from 2010 on, there are likely to be service level reductions, additional costs to citizens, and prioritization of services (mandated/essential/quality of life). Commissioner Evert felt the Core Services analysis will be helpful in the prioritization process.

Commissioner Campbell commented that there are mandates 'to a certain degree', whereby waiting lists are allowed, and issues are not completely black and white. He expressed concern that there may be more unallotments yet to come for 2009.

### YEAR 2010 BUDGET PROCESS

County Administrator Vijay Sethi reviewed the target dates for the 2010 budget preparation and adoption. The Board was comfortable with Mr. Sethi's proposed message to department heads as they develop their 2010 budgets: "...The County Board has directed that that 2010 County operating budget not include any new items, new staff positions, or increases in the line item budgets unless they are due to reasons beyond our control, such as prior contractual obligations, or they are mandated by the State or Federal government, or they are necessary to keep our operations running (such as utility and fuel cost increases)."

Commissioner Ingersoll commented that the County will be forced to increase revenue at the local level in order to maintain services that County residents expect.

APPROVAL OF RIGHT OF WAY VALUES FOR COUNTY ROAD 86 GRADING PROJECT

County Engineer David Overbo informed the Board that Tinjum Appraisal Services has completed the appraisal work for the right of way values for the upcoming grading project on County Road 86, as follows: Building Site: \$8000/acre. Non-Building Site: \$1300; Temporary easements: 10% of foregoing amounts.

On motion by Evert, seconded by Weyland, and unanimously carried, the Board approved the right of way values for the County Road 86 grading project as described above.

APPROVAL OF QUOTES FOR SANDBAG SEPARATION AT THE COUNTY PIT IN

SECTION 3, RIVERTON TOWNSHIP

County Engineer David Overbo informed the Board that quotes were received to separate the sand from sandbags, stockpile the sand, and dispose of the bags for all rural Clay County and Oakport Township sandbags, as follows:

H & S Contracting:	\$2.28/ton
American Enterprise:	\$2.35/ton
Master Construction:	\$2.50/ton

Mr. Overbo estimated that there is between 25,000-30,000 tons of material. The site for this work is at the County Pit in Section 3, Riverton Township. Mr. Overbo recommended award to H & S Contracting for their low quote of \$2.28/ton.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board accepted the quote of H & S Contracting, \$2.28/ton, for the separation of sandbags, stockpiling sand, and disposal of the bags.

REQUEST BY KNIFE RIVER MATERIAL TO LEASE PROPERTY IN SECTION 3, RIVERTON TOWNSHIP FOR PRODUCT STORAGE FOR TH 10 PROJECT

County Engineer David Overbo informed the Board that Knife River Materials has requested to lease one acre of County property in Section 3, Riverton Township for product storage for their TH 10 and I-94 projects, at \$600/month.

On motion by Campbell, seconded by Weyland and unanimously carried, the Board authorized execution of a contract with Knife River Materials to lease one acre of County owned property in Section 3, Riverton Township, for storage of materials at the rate of \$600/month for three months, subject to the issuance of a Conditional Use Permit.

AUTHORIZATION TO EXECUTE DOCUMENTS FOR PURCHASE OF CAT 140M MOTOR GRADER FROM STATE BID LIST

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board adopted resolution #2009-16 (See Attachment "A"), and authorized execution of the necessary documents for the full purchase lease of a CAT 140M Motor Grader from the State Bid List, subject to review of the documents by the County Attorney's office.

BID OPENING: GRADING, AGGREGATE BASE & STOP SIGN BEACONS ON CSAH 11

County Engineer David Overbo opened and read sealed bids for the SP 14-611-44 Grading, Aggregate Base and Stop Sign Beacons project on CSAH 11, as follows:

Sellin Brothers, Inc. -	\$1,652,429.05
Gladden Construction Inc. -	\$1,718,718.50

Midwest Contracting, LLC - \$1,805,788.95

Riley Brothers Construction - \$1,891,671.83

On motion by Campbell, seconded by Evert, and unanimously carried, the bid was awarded to the apparent low bidder, Sellin Brothers Inc., \$1,652,429.05, contingent upon there being no errors in the bid. Due to the Federal funding component, this bid also requires authorization by MnDOT/State Aid for Local Transportation prior to award.

BID OPENING: YEARLY HIGHWAY DEPARTMENT SUPPLIES

County Engineer David Overbo opened and read sealed bids for yearly supplies for the Highway Department. The bid tabulations will be presented at the May 26, 2009 meeting.

Asphaltic Road Oils – Flint Hills Resources was the sole bidder.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board accepted the bid of Flint Hills Resources.

Bituminous Mixture – Three companies submitted quotes for patch material: Border States Paving, Aggregate Industries, and Northern Improvement.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board accepted the bids from all bidders, acknowledging that the Highway Department will use product from the closest/least expensive site.

Corrugated Metal Culverts – Johnston Fargo Metal Culverts was the sole bidder for corrugated metal culverts.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board accepted the bid of Johnston Fargo Metal Culverts for corrugated metal culverts.

Gravel Material – Sealed bids from Dunham Sand & Gravel, Aggregate Industries, Fitzgerald Construction, and Turner Sand & Gravel were opened for gravel material. The bids will be tabulated and award will be made at the May 26<sup>th</sup> County Board meeting.

Rental of Construction Equipment – Sealed bids for the rental of various pieces of construction equipment were opened: Master Construction, Sellin Brothers, Larry's Excavating, Subsurface Drainage, Ziegler Construction, Turner Sand & Gravel, and Fitzgerald Construction. Mr. Overbo explained that all bids are usually accepted to ensure that the needed equipment can be acquired from one vendor or another.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board accepted all bids for rental construction equipment.

APPROVE PAYMENT OF BILLS AND VOUCHERS

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

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Weyland attended meetings of the Greater Fargo Moorhead Economic Development Corporation, Economic Development District for West Central MN, and Land of the Dancing Sky Area Agency on Aging.

Commissioner Ingersoll attended the Clay Wilkin Health Advisory Board meeting in Wolverton.

Commissioner Evert attended meetings of the AMC Futures group, AMC Conference Planning, Executive Committee for the Basin Commission, Lakeland Mental Health, Heritage and Cultural Society of Clay County, and Personnel Issues Committee.

Commissioner Campbell attended the Clay Wilkin Health Advisory Board meeting in Wolverton.

Commissioner Waller attended meetings of the Greater Fargo Moorhead Economic Development Corporation, Executive Committee of the Greater Fargo Moorhead Economic Development Corporation, Agassiz Recreational Trails, and Personnel Issues Committee. Commissioner Waller reminded the Board of the Wind Energy Forum to be held this evening and the Joint meeting on May 20 with the Cass County Commission, City of Fargo Commission, and Moorhead City Council to discuss permanent flood protection measures for the area.

County Administrator Vijay Sethi informed the Board that he continues to attend meetings of the Governor's Task Force on Ultra High Speed Broadband.

ADJOURN

The meeting adjourned at 11:10 a.m.

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Jerry C. Waller, Chair  
Clay County Board of Commissioners

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Vijay K. Sethi, County Administrator



Lessee's Authorization Resolution

RESOLUTION 2009-16

Whereas, Clay County, (the "Governmental Entity"), a body politic and corporate duty organized and existing as a political subdivision, municipal corporation or similar public entity of the State of Minnesota (the "State"), is authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into contracts with respect thereto; and

Whereas, in order to acquire such equipment, the Governmental Entity proposes to enter into a lease-purchase transaction pursuant to that certain governmental Equipment Lease-Purchase Agreement (the "Lease") with Merchants Capital Resources, Inc. , the form of which has been presented to the governing body of the Governmental Entity at this meeting;

Section 1. Approval of Documents. The form, terms and provisions of the Lease and all other schedules and exhibits attached thereto are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel of the Governmental Entity or other members of the governing body of the Governmental Entity executing the same, the execution of such documents being conclusive evidence of such approval; and the persons holding the titles listed below or any other officer of the Governmental Entity who shall have the power to execute contracts on its behalf are hereby authorized and directed to execute, acknowledge, countersign and deliver the Lease and all exhibits attached thereto, and the Secretary/Clerk of the Governmental Entity is hereby authorized to attest to the foregoing and affix the seal of the Governmental Entity to such documents.

Section 2. Other Actions Authorized. The officers and employees of the Governmental Entity shall take all action necessary as reasonably required by the parties to the Lease to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary to conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Lease.

Section 3. No General Liability. Nothing contained in this Resolution, the Lease, or any other instrument shall be construed with respect to the Governmental Entity as incurring a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Lease, or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Lease are special limited obligations of the Governmental Entity as provided in the Lease.

Section 4. Authorized Signatories. Following are the true names, correct titles and specimen signatures of the incumbent officers referred to in the foregoing resolution.

Name ( Print or Type)	Title ( Print or Type)	Signature
_____	_____	_____
_____	_____	_____

Section 5. Effective Date. This Resolution shall be effective immediately upon its approval and adoption. This Resolution was adapted and approved on \_\_\_\_\_

Signature: \_\_\_\_\_  
Secretary/Clerk

Name Printed: \_\_\_\_\_

Date: \_\_\_\_\_