

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, August 25, 2009

2:00 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, August 25, 2009, with all commissioners present: Campbell, Evert, Ingersoll, Waller, and Weyland.

APPROVAL OF AGENDA

On motion by Evert, seconded by Campbell, and unanimously carried, the agenda was approved with the addition of discussion regarding a request by the University of Minnesota-Regional Extension Office to lease additional space in the Family Service Center.

ESTABLISH DATE FOR PUBLIC HEARINGS CONCERNING RE-ZONING REQUESTS

By consent agenda, the Board established dates for public hearings for re-zoning requests as follows:

Martin Properties, LLC – 9:00 a.m., September 15, 2009

Alderon Industries, LLC – 9:10 a.m., September 15, 2009

APPROVAL OF AMENDMENT TO EXISTING MNDOT AGREEMENT FOR SHARING OF
SALT/SAND FACILITIES IN BARNESVILLE, MN

By consent agenda, the Board adopted the following resolution, amending a MnDOT agreement for the sharing of salt/sand facilities in Barnesville, MN:

RESOLUTION 2009-32

WHEREAS, MnDOT has an agreement with the City of Barnesville and Clay County identified as MnDOT Agreement No. 78173-P to provide a partnership sharing of the sand/salt facilities at the MnDOT truck station in the City of Barnesville; and

WHEREAS, the original agreement expired 5/1/09, and the parties wish to renew the agreement for a five-year term.

NOW, THEREFORE, BE IT RESOLVED, that the County of Clay agrees to amend the original agreement.

BE IT FURTHER RESOLVED by the Clay County Commissioners, that the Chair of the County Commission, County Engineer, and the County Maintenance Foreman are hereby authorized and directed to execute said agreement.

CITIZENS TO BE HEARD

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

APPROVAL OF MINUTES OF AUGUST 4 AND 11, 2009

On motion by Weyland, seconded by Campbell, and unanimously carried, the minutes of the County Board meetings held August 4 and 11, 2009 were approved as printed.

REQUEST TO REPLACE COM-TEC SECURITY SYSTEM IN JAIL AND COURTHOUSE

Chief Deputy Sheriff Matt Siiro and Jail Administrator Julie Savat were present to request that the security system in the jail and courthouse be upgraded (two new computers, touch screens, software) at an approximate cost of \$22,500. A failure of this system, which has passed its useful life, would result in security officers being unable to view cameras, use intercoms, and unlock doors in both facilities. When the current system was put in place during the courthouse remodel in 2004, it was not placed in the Internal Service system. This upgrade was requested in 2009, but was not funded due to budgetary restraints.

On motion by Weyland, seconded by Evert, the Board approved the request to replace/upgrade the security system in the jail and courthouse as described above, with the upgrade to be paid for from the Internal Service fund and the system added to that fund for future replacements. Commissioner Campbell was opposed to the motion, citing the fact that he is in favor of the replacement of the security system, but that it should be paid for from Unanticipated Expenditures.

STATEWIDE HEALTH IMPROVEMENT PLAN UPDATE

Public Health Administrator Kathy McKay and Health Promotion Director Gina Nolte informed the Board that a Request For Proposals has been submitted, on behalf of Clay, Wilkin, Becker, and Otter Tail counties, to develop a plan to address the burden of chronic diseases and rising health costs for the Statewide Health Improvement Plan (SHIP) update. A community leadership team will pick the interventions, strategies and suggest changes to help Minnesotans live longer, better, healthier lives.

Commissioner Evert was impressed with the collaboration in this effort and felt collaboration should be emphasized in the final plan.

H1N1 VIRUS UPDATE

Public Health Administrator Kathy McKay updated the Board regarding the H1N1 virus, and the fact that it is circulating worldwide. Another wave of flu is anticipated this fall. The development of the vaccine is in process, and should be available by mid-October. The priority groups recommended to receive the vaccine are: pregnant women, household contacts and caregivers for children younger than six months, healthcare and emergency medical services personnel, all people between six months and 24 years of age, and persons aged 25 through 64 who have health conditions associated with higher risk of medical complications. It is also recommended that individuals receive the seasonal flu vaccine as well as the H1N1 vaccine.

Ms. McKay informed the Board that Public Health is working with various entities concerning mass vaccinations, and encouraged employers to develop plans to keep sick people away from well people.

REQUEST FOR RENEWAL OF DEED OWNER OCCUPIED REHABILITATION GRANT AND CLAY COUNTY HOUSING & REDEVELOPMENT AUTHORITY TAX LEVY

Housing & Redevelopment Authority (HRA) Executive Director Dara Lee; HRA Board Chair Barbara Sipson; and Mr. John Young, Jr., Lakes and Prairies Community Action Partnership, were present to seek the Board's approval of the submission of another grant application to the Department of Employment and Economic Development (DEED), via a

“short form application”, to rehabilitate 20 owner-occupied homes in Clay County in 2010. The amount of the grant request will be approximately \$400,000. These grant funds will be open to all areas of the County (except the cities of Barnesville and Moorhead which have their own programs).

Ms. Lee reported that the 2008 program was very successful, with over 20 homes rehabilitated through collaboration with other agencies, such as Lakes & Prairies’ Youth WorkCamps, Social Services, and West Central Minnesota Community Action Program’s Weatherization Program. The \$398,000 in DEED funding was matched with \$100,000 from the Greater Minnesota Housing Fund, \$100,000 HRA Tax Levy in 2008, and \$25,000 in additional funds. Ms. Lee informed the Board that they had underestimated the demand for a program such as this, and have already received applications for the next program.

Ms. Kathy Lillequist, one of the homeowners who benefitted from the program, expressed her appreciation for the assistance she received in rehabilitating her home in Dilworth.

Commissioner Campbell commented that an added benefit of the program is the positive impact to the neighboring properties and the community by the improvement and the resultant increase in values.

The HRA is also seeking a Special Benefit Tax Levy in the amount of \$100,000 for 2010. These funds will be used to leverage the above mentioned funding from DEED, as was done in 2008. The tax implication on a \$100,000 home will be approximately \$5.82, and \$2.70 for farmland. The levy would be applicable to all properties except those in the cities of Barnesville and Moorhead. Ms. Lee assured the Board that if the DEED application is not successful, the HRA would rescind the request for a tax levy.

Commissioner Evert was supportive of the program and was appreciative of the fact that so many partners are working together towards the success of this program.

On motion by Ingersoll, seconded by Evert, and unanimously carried, the Board adopted the following resolution agreeing to act as the legal sponsor for a DEED grant application for owner-occupied home rehabilitation, authorized execution of the necessary documents, and approved a request for an HRA Tax Levy for 2010 in the amount of \$100,000:

RESOLUTION 2009-33
RESOLUTION FOR DEED SCDP GRANT APPLICATION

BE IT RESOLVED, that Clay County act as the legal sponsor for the project contained in the Application to be submitted on September 3, 2009, and that the County Administrator (Title of First Authorized Official) and the Chairperson of the Clay County Commission, (Title of Second Authorized Official) are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of Clay County.

BE IT FURTHER RESOLVED, that Clay County has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED, that Clay County has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED, that upon approval of its application by the State, Clay County may enter into an agreement with the State of Minnesota for the approved project, and that Clay County certifies that it will comply with all applicable laws and regulations as stated in all contract agreements.

NOW, THEREFORE, BE IT RESOLVED, that the County Administrator, (title of First Authorized Official) and Chairperson of the Clay County Commission, (Title of Second Authorized Official, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project of behalf of the Applicant.

Ms. Lee updated the Board regarding the Gateway Gardens project, a 24-unit apartment complex to house long term homeless individuals. She expects the building to be completed by summer, 2010.

APPROVAL OF AMENDMENT TO CONDITIONS FOR
TIMBER SHORES PLATTED SUBDIVISION

Planning & Environmental Programs Director Tim Magnusson informed the Board that the Planning Commission held another public hearing concerning condition #7 with respect to the Central Sewer System placed on the Timber Shores Platted Subdivision. The developer, Mr. Gregg Larson, has requested that the condition requiring a Central Sewer System on lots 13 thru 21 on Block One be removed. Information was provided to the Planning Commission from the University of Minnesota, Onsite Sewage Treatment Program, indicating that individual treatment systems on each of the lots will properly treat and disperse wastewater. The communication from the U of M states that individual systems typically have advantages over cluster systems such as: lower impact on sites, greater lot sizes, elimination of one or two problematic users impacting the entire cluster system, lower capital and management costs, and individual system management.

Mr. Magnusson informed the Board that the Planning Commission again heard concerns from area residents as to the loss of trees and lake quality. Subsequently, the Planning Commission approved the developer's request to remove the requirement for a central system (condition 7 on Timber Shores Platted Subdivision); however the applicant must maintain a permanent easement which will allow future installation of a central sewage system for Lots 13-21.

Commissioner Waller commented that he would accept the recommendation of the Planning Commission, however there are citizens who feel the approval process was circumvented in this instance. Mr. Magnusson stated that in some people's opinion, allowing the central sewer system was a concession in the beginning of the subdivision process.

Commissioner Campbell commented that the Boards should be open to receiving information from people who have the knowledge and science on any given issue, whether it be soils, animal barns, etc. He felt this case proved that a better decision was made with the new data that was provided.

Mr. Greg Anderson, Chair of the Planning Commission, stated that this situation was unfortunate in that every time Mr. Larson came to the Planning Commission, additional information was requested of him, time and time again.

On motion by Evert, seconded by Weyland, and unanimously carried, the Board approved the amendment of Condition 7 on the Timber Shores Platted Subdivision to remove the requirement for central sewer system for Lots 13-21, Block One; and to maintain a permanent easement on Lots 13-21 which will allow future installation of a central sewage system.

Mr. Larson informed the Board that the plat already includes a permanent easement on Lots 13-21 for this purpose.

APPROVAL OF MOVING & UTILITY PERMIT FEE STRUCTURE &
RIGHT OF WAY RESEARCH COSTS

County Engineer David Overbo was present to request the implementation of fees for various permits issued by the Highway Department in an effort to cover staff time for the research required for the issuance of the permit.

On motion by Evert, seconded by Weyland, and unanimously carried, the Board established a fee of \$100 per Utility Permit.

On motion by Evert, seconded by Ingersoll, the Board established a fee of \$25 for over-dimensional permits (6 axles or less and 80,000 lbs. or less); and \$100 for gross weight permits (7 axles or more and in excess of 80,000 lbs.). Commissioner Campbell voted against the motion citing his concern for local commercial businesses which already pay a higher rate in taxes, and the fact that haulers have not had an opportunity to be heard on this issue.

On motion by Campbell, seconded by Weyland, and unanimously carried, the Board approved fees for 6 or 7 axle truck haul permits (for specially configured trucks), as follows: 6 axle permit (up to 90,000 lbs.): \$300; 7 axle permit (up to 97,000 lbs.): \$500. These fees would help compensate Clay County for additional wear and tear on roads due to the heavier loads.

On motion by Evert, seconded by Weyland, the Board approved a Harvest Permit in the amount of \$60, to allow local farmers to haul up to 88,000 pounds on 5 axles only for the following crops: sugar beets, carrots and potatoes, for the time period October 1st through November 30. This permit will allow farmers to haul legally on County and State roads. Commissioner Campbell was opposed to the motion citing the fact that he would have preferred to hear from the farmers regarding the permit proposal.

APPROVAL OF RT VISION AGREEMENT FOR ONLINE PERMIT SOFTWARE DEVELOPMENT

County Engineer David Overbo introduced Mr. Tom Gertz, RT Vision, who provided a power point demonstration of an online permitting application. Online permitting would allow users to complete their permit request online and even pay the required fee online. This application would save staff time and would allow for easier tracking and managing. The cost of the software is \$11,700 which takes into consideration a \$3,000 savings for Clay County as a development partner, support for the first year, and training.

The Board discussed the fact that once the software is paid for through the fees charged, the excess fees would be credited to road maintenance.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board authorized execution of the necessary documents for the purchase of the online permitting system described above, to be paid for from Unanticipated Expenditures.

BIKEPATH PROJECT IN DILWORTH

County Engineer David Overbo requested the Board's authorization to accept the low bid of Opp Construction for the Bikepath Project in Dilworth in the amount of \$114,398.60. The City of Dilworth advertised for the bids, opened them on July 21, 2009, and approved award to Opp Construction. Two other bids were received: Hough, Inc.: \$119,297.87; and Sellin Brothers, Inc.: \$134,022.80. Mr. Overbo reminded the Board that

this project is fully funded from the State and Clay County is sponsoring the project on behalf of the City of Dilworth.

On motion by Ingersoll, seconded by Evert, and unanimously carried, the Board approved the low bid of Opp Construction (\$114,398.60) for the Bikepath Project in Dilworth, contingent upon review by the County Attorney's office.

On motion by Evert, seconded by Weyland, and unanimously carried, the Board approved execution of a Memorandum of Understanding between Clay County and the City of Dilworth which describes each entities' responsibilities for Clay County's sponsorship of the project, contingent upon review by the County Attorney's office.

On motion by Evert, seconded by Weyland, and unanimously carried, the Board approved execution of a contract between Clay County and Opp Construction concerning the Dilworth Bike Path project for which Opp Construction was the low bidder, contingent upon approval by the County Attorney's office.

REQUEST BY UNIVERSITY OF MINNESOTA REGIONAL EXTENSION OFFICE TO LEASE
ADDITIONAL SPACE IN FAMILY SERVICE CENTER

Regional Extension Director Nancy Frosaker Johnson was present to request the Board's approval to lease an additional 320 square feet of office space in the Family Service Center. The Board requested that an estimate be developed as to the minor remodeling costs for the space (to be paid for by the County), and brought back to the Board at a later date.

2010 BUDGET DISCUSSION

County Administrator Vijay Sethi informed the Board that numerous items are being reviewed and explored in an effort to come up with the \$1.56 million required to balance the 2010 budget. He informed the Board that the law has been overturned with respect to reimbursement on Child Welfare Targeted Case management, resulting in Clay County receiving a \$424,000 reimbursement as opposed to the \$344,000 previously thought. This brings the amount necessary to cut to balance the budget to approximately \$1.22 million.

The possibility of restructuring the Detox unit is being explored. Additional cuts may come in the form of service reduction in various departments. Meetings have been held with department heads to discuss not filling positions that become vacant, reducing roster and/or part time positions, reductions in Highway Department road materials, voluntary retirements (three employees have expressed interest), etc.

Mr. Sethi informed the Board that Minnesota Counties Insurance Trust has advised that the County's 2010 Workers Compensation premium will be \$100,000 more than expected. Clay County's employee health insurance utilization has been favorable, therefore the premium increase may not be too great.

At this time, the allocations to external agencies remain the same as that for 2009. Mr. Sethi advised that \$87,500 has been left in the budget for the Greater Fargo Moorhead Economic Development Corporation.

Discussion will continue at the September 1st County Board meeting regarding Cost of Living Adjustments for non-union employees, mandatory furloughs, and special levies.

APPROVE PAYMENT OF BILLS AND VOUCHERS

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

COMMITTEE REPORTS

Commissioner Evert attended the Flood Recovery Appreciation luncheon and commended the Strive For Excellence Committee for their coordination of the event. He also attended meetings of the Planning Commission, Red River Basin Commission, and Lakeland Mental Health Board.

Commissioner Waller attended meetings of the Agassiz Recreational Trail Committee and MetroCOG.

Commissioner Ingersoll attended the MetroCOG meeting and a presentation regarding the transit improvement plan.

County Administrator Vijay Sethi suggested that a meeting be scheduled with the local legislators to discuss transit funding and flood recovery funding.

ADJOURN

The meeting adjourned at 5:30 p.m.

Jerry C. Waller, Chair
Clay County Board of Commissioners

Vijay K. Sethi, County Administrator