

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, January 10, 2012

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 with all Commissioners present: Campbell, Evert, Ingersoll, Waller and Weyland. County Administrator Brian C. Berg and Sr. Administrative Assistant Vicki Reek were also present.

APPROVAL OF AGENDA

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

PRESENTATION: MR. TOM KUMMROW, MINNESOTA SAFE & SOBER CAMPAIGN
"TOWARDS ZERO DEATH" HIGH VISIBILITY ENFORCEMENT

Mr. Tom Kummrow, law enforcement liaison with the Minnesota Department of Public Safety, presented Sheriff Bill Bergquist with radar equipment in recognition of the Sheriff Department's commitment to enforcing traffic laws and participation in the Minnesota Safe & Sober Campaign and "Towards Zero Death" grant program.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board accepted the radar equipment which will be placed into the inventory of the County.

APPROVAL OF FINAL CONTRACT VOUCHER FOR CSAH 52 CONCRETE PAVING

By consent agenda, the Board approved the final contract voucher for the CSAH 52 concrete paving project, which totaled \$5,067,191.13. Project overruns were due to shortage of top soil and hauling costs, crown correction of the existing concrete panels, quantity of gravel for shouldering was short, bridge diaphragm construction unforeseen until construction, additional asphalt needed over culvert repair locations, rapid stabilization and erosion control measures for the ditches and shoulders.

AUTHORIZE EXECUTION OF RENEWAL DOCUMENT FOR NATIONAL SCHOOL LUNCH
PROGRAM VIA FOOD CONTRACT WITH A'VIANDS FOR WEST CENTRAL REGIONAL
JUVENILE DETENTION CENTER

By consent agenda, the Board authorized execution of the renewal agreement with A'viands for the National School Lunch Program participation for the West Central Regional Juvenile Center for 2012, at \$2.023/meal.

AUTHORIZATION TO EXECUTE BOARD OF WATER & SOIL RESOURCES, NATURAL
RESOURCES BLOCK GRANT AGREEMENT FOR CLAY SOIL & WATER CONSERVATION
DISTRICT

By consent agenda, the Board authorized execution of the Board of Water & Soil Resources, Natural Resources Block Grant agreement for Clay Soil & Water Conservation District's participation with the following grants: Comprehensive Local Water

Management, Wetland Conservation Act, DNR Shoreland Management, MPCA County Feedlot, and MPCA/BWSR SSTS, totaling \$61,068.

APPROVAL TO ACCEPT DONATION TO VETERANS VOLUNTEER RECOGNITION PROGRAM

By consent agenda, the Board accepted a \$100 anonymous donation to the Veterans Volunteer Recognition program.

CITIZENS TO BE HEARD

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

PENALTY/INTEREST TO ACCRUE ON CITY OF DILWORTH OWNED SUMMERWOOD LOTS
IN 2012/2013

Mr. Ken Parke, Dilworth City Administrator, reminded the Board that in November, 2009 the County Board waived 2010 and 2011 penalty and interest that would accrue on the special assessments on 59 residential lots the City of Dilworth took possession of in 2008 in the Summerwood First & Second Additions. Mr. Parke requested the same type of waiver for the 39 lots which remain for 2012-2013 (See Attachment "A"). By eliminating the penalties and interest, the lots can be more easily marketed and sold.

On motion by Waller, seconded by Campbell, and unanimously carried, the Board waived the upcoming penalties and interest on the annual special assessments due on city owned lots in the Summerwood Additions for 2012 and 2013.

SPONSORSHIP FOR DILWORTH 7TH STREET NE LOCAL ROAD IMPROVEMENT PROJECT

Mr. Stan Thurlow, Dilworth City Planner, informed the Board that action would not be necessary on this topic as the City of Dilworth had declined to submit a grant application for the project due to lack of funds for the required match.

APPROVAL OF ROAD MAINTENANCE AGREEMENT WITH THE CITY OF BARNESVILLE

County Engineer David Overbo requested the Board's approval to enter into a road maintenance agreement with the City of Barnesville whereby the City, rather than Humboldt Township, will maintain 180th Street South from the City of Barnesville city limits to the Wilkin County line, approximately .50 miles, through June 30, 2012, for a prorated fee of \$159.50. The County currently contracts with Humboldt Township for this road maintenance.

On motion by Evert, seconded by Ingersoll, and unanimously carried, the Board authorized execution of the agreement referred to above and included in Attachment "B", contingent upon Humboldt Township's approval.

RECEIVING CENTER (DETOX) PROGRAM OVERVIEW

Public Health Administrator Kathy McKay, Public Health Finance Director Mary Frahm, and Receiving Center Director Don Johnson reviewed the annual statistics for the Receiving Center (Detox), noting that the average daily client census is 5.32 for 2011, up from 4.81 in 2010 (See Attachment "C"). Ms. McKay noted that there were 16 times in 2011 that the facility was at capacity (10 beds), however, no clients were turned away on those days.

Ms. McKay informed the Board that she would be facilitating a meeting concerning the new law which permits counties and the state to contract with facilities in a bordering state for detoxification services, and allows Minnesota detoxification facilities to contract with bordering states to provide services to residents of the bordering states.

Ms. McKay informed the Board that a complaint investigation was completed in October at the Receiving Center by the Minnesota Department of Health, Office of Health Facility Complaints. The unannounced visit to the facility occurred on June 1, 2011 to investigate an alleged violation of State Licensing Rules for Supervised Living Facility. The investigative report was reviewed. No violations of state licensing rules or statutes were issued as a result of the onsite investigation.

2012 COMMITTEE APPOINTMENTS

The Board continued discussion of the 2012 committee appointments. On motion by Ingersoll, seconded by Campbell, and unanimously carried, the 2012 Committee appointments were approved as included in Attachment "D".

APPROVAL OF BILLS AND VOUCHERS

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

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Waller attended a meeting with township officers regarding extraterritorial jurisdiction issues.

Commissioner Ingersoll attended meetings of the Moorhead Planning Commission and Clay County Joint Powers Committee.

Commissioner Campbell attended the Clay County Joint Powers Committee. He reminded the Board that the Intergovernmental Retreat is January 27, 2012.

Commissioner Evert attended meetings of Northern Connections, Personnel Issues Committee, and a meeting with township officers regarding extraterritorial jurisdiction issues.

Commissioner Weyland attended meetings of the Personnel Issues Committee and the Heartland Trail Committee.

County Administrator Brian Berg confirmed the date of February 22, 2010 for the training session for Commissioners and the Management team.

Mr. Berg updated the Board regarding FEMA reimbursements for flood damage: 2009 reimbursements totaled approximately \$2.4 million (unreimbursed \$75,933); reimbursements for 2010 totaled approximately \$486,000 (unreimbursed \$31,756); and flood expenses in 2011 were \$305,936 (no reimbursement has been received to date).

Mr. Berg informed the Board that 25 of the 31 flood buyout homes are under contract. Reimbursement requests have been submitted to the Department of Natural Resources.

ADJOURN

The meeting adjourned at 10:00 a.m.

Grant Weyland, Chair
Clay County Board of Commissioners

Brian C. Berg, County Administrator

Summerwood First Addition

Legal Description	Parcel Number	2012 Specials Pymnt (excludes taxes)	Unpaid Specials Balance (End of 2012)
Lot 1, Block 1	52.760.0010	\$3,554.99	\$34,526.97
Lot 2, Block 1	52.760.0020	\$3,554.99	\$34,526.97
Lot 3, Block 1	52.760.0030	\$3,554.99	\$34,526.97
Lot 7, Block 1	52.760.0070	\$3,554.99	\$34,526.97
Lot 8, Block 1	52.760.0080	\$3,554.99	\$34,526.97
Lot 10, Block 1	52.760.0100	\$3,297.41	\$32,025.25
Lot 15, Block 1	52.760.0150	\$3,039.82	\$29,523.47
Lot 1, Block 3	52.760.0280	\$3,195.81	\$31,038.58
Lot 4, Block 3	52.760.0310	\$3,039.82	\$29,523.47
Lot 5, Block 3	52.760.0320	\$3,039.82	\$29,523.47
Lot 6, Block 3	52.760.0330	\$3,039.82	\$29,523.47
Lot 7, Block 3	52.760.0340	\$3,040.75	\$29,532.49
Lot 8, Block 3	52.760.0350	\$3,040.75	\$29,532.49
Lot 9, Block 3	52.760.0360	\$3,194.78	\$31,028.56
Lot 1, Block 4	52.760.0370	\$3,554.99	\$34,526.97
Lot 2, Block 4	52.760.0380	\$3,554.99	\$34,526.97
Lot 3, Block 4	52.760.0390	\$3,554.99	\$34,526.97
Lot 1, Block 5	52.760.0400	\$3,022.30	\$29,353.40
Lot 2, Block 5	52.760.0410	\$3,022.30	\$29,353.40
Lot 3, Block 5	52.760.0420	\$3,022.30	\$29,353.40
Lot 5, Block 5	52.760.0440	\$3,022.30	\$29,353.40
Lot 6, Block 5	52.760.0450	\$3,092.15	\$30,031.91
Lot 7, Block 5	52.760.0460	\$3,154.29	\$30,635.28
Lot 8, Block 5	52.760.0470	\$3,154.29	\$30,635.28
Lot 9, Block 5	52.760.0480	\$3,154.29	\$30,635.28
Lot 11, Block 5	52.760.0500	\$2,976.87	\$28,912.03
Lot 12, Block 5	52.760.0510	\$3,007.98	\$29,214.25
Lot 13, Block 5	52.760.0520	\$3,000.77	\$29,144.21
Lot 1, Block 6	52.760.0530	\$3,046.72	\$29,590.57
Lot 2, Block 6	52.760.0540	\$3,041.88	\$29,543.50

Summerwood Second Addition

Legal Description	Parcel Number	2012 Specials Pymnt (excludes taxes)	Unpaid Specials Balance (End of 2012)
Lot 1, Block 2	52.761.0090	\$3,008.61	\$29,220.20
Lot 2, Block 2	52.761.0100	\$3,091.33	\$30,023.88
Lot 5, Block 2	52.761.0130	\$3,049.71	\$29,619.57
Lot 6, Block 2	52.761.0140	\$3,063.52	\$29,753.62
Lot 9, Block 2	52.761.0170	\$2,998.60	\$29,123.23
Lot 10, Block 2	52.761.0180	\$3,008.91	\$29,223.25
Lot 11, Block 2	52.761.0190	\$3,029.51	\$29,423.44
Lot 12, Block 2	52.761.0200	\$3,029.51	\$29,423.44
Lot 13, Block 2	52.761.0210	\$3,029.51	\$29,423.44

► Specials amortized over 20 years (2008-2027) at 6%

ROAD MAINTENANCE AGREEMENT

THIS AGREEMENT, entered into this ___ day of _____, 2012 (hereinafter referred to as the "effective date") by and between the City of Barnesville Minnesota, a political subdivision of the State of Minnesota, whose address is 102 Front Street, P.O. Box 550, Barnesville, Minnesota 56514 (hereinafter referred to as the "City") and Clay County, a Minnesota County, whose address is 807 11th Street No., P.O. Box 280, Moorhead, Minnesota 56561 (hereinafter referred to as the "County").

WHEREAS, the City has equipment and employees sufficient to maintain 180 Street South from the City of Barnesville city limits to the Wilkin County line, approximately 0.50 miles, (hereinafter referred to as the "Street"); and

WHEREAS, the County is under contract with Humboldt Township and desires to subcontract with the City to maintain the Street; and

WHEREAS, the parties desire that the City maintain the Street pursuant to the terms and conditions of this Road Maintenance Agreement.

NOW THEREFORE the parties agree as follows:

1. Purpose. The purpose of this Agreement is to have the City maintain the Street.
2. Term. The City will begin maintaining the Street on the effective date of this Agreement and will continue to maintain the Street through June 30, 2012. This Agreement will automatically renew for two additional one (1) year terms.
3. Maintenance. City will, insofar as practical using City equipment and employees, perform roadway blading and snow plowing of the Street.
4. Mowing. The City shall have no responsibility to mow, or cause to be mowed, all Township roadways and ditches which are adjacent to the Street.
5. Indemnification and Hold Harmless. The County agrees to defend and indemnify the City, its agents, employees and designees from any and all liability, loss, or damage the City may suffer as a result of claims, demands, costs, or judgments against it arising out of activities and to be carried out pursuant to this Road Maintenance Agreement consisting of the following maintenance operations: Township road graveling, adequate turn-around on dead-end roads, removal of rocks and trees or limbs, or other work necessary to prevent equipment damage or reduce the possibility of highway accidents.
6. Payment. The County agrees to pay City the sum of three hundred nineteen dollars (\$319), prorated to \$159.50 from the effective date of this contract to June 30, 2012.

7. Not a Joint Powers Agreement. This Road Maintenance Agreement shall not be considered a joint powers agreement.

8. Complete Agreement. This Road Maintenance Agreement constitutes the entire and complete agreement between the parties and supersedes any prior oral or written agreements between the parties with respect to the subject premises. It is expressly agreed that there are no verbal understandings or agreements which in any way change the terms, covenants and conditions set forth herein, and that no modification of this Road Maintenance Agreement and no waiver of any of its terms and conditions shall be effective unless in writing and duly executed by the parties.

9. Minnesota Law Applies. This Road Maintenance Agreement has been made and entered into under the laws of the State of Minnesota, and said laws shall control its interpretation.

CITY OF BARNESVILLE

BY: _____
Its Mayor

BY: _____
Its City Administrator

CLAY COUNTY

BY: _____
Its Clerk

BY: _____
Its Chair

Clay County Receiving Center (Detox) Annual Statistics

	2011	2010	2009	2008	2007	2006	2005
Total # of client admissions:	1084	929	873	873	924	946	1076
Billable days	1941	1,756	1959	1999	2164	2048	2460
Total # of client (unduplicated):	681	425	429	401	425	489	549
# of clients not accepted	44	33	54	56	64	58	31
Sex							
Male:	539	319	337	313	324	369	426
Female:	141	106	92	88	101	120	123
Age Group (use unduplicated#)							
18-30	188	160	165	157	153	147	176
31-44	214	96	105	115	118	163	180
45-59	240	145	142	114	140	158	171
60-64	30	18	12	11	7	15	16
65 and over	9	6	5	4	7	6	6
State of residence (Use total # of admits)							
Minnesota Referrals:	41	11	11	2	199	299	334
Clay County	1043	918	862	870	175	55	84
North Dakota:	0	0	0	0	56		
Jail Holds	62	69	62	5	0		
Homeless	308	140	124	66	0		
Other/Unknown:	0	0	0	0	180	135	131

Average client census per day

5.32

4.81

5.37

5.48

5.93

5.61

6.74

Clay County Receiving Center

	Billable Days	Potential Revenue	Actual Revenue Received	Percentage Revenue Collected	Actual Expenses	Budgeted		Actual	
						Social Service Contract	Social Service Contract	Social Service Contract	Social Service Contract
2005	2,460	676,500	176,144	26.04%	629,812	582,102	582,102	457,448	457,448
2006	2,048	563,200	148,880	26.43%	624,544	550,739	550,739	476,101	476,101
2007	2,164	595,100	111,646	18.76%	591,439	552,156	552,156	479,787	479,787
2008	1,999	549,725	102,125	18.58%	624,158	599,495	599,495	521,928	521,928
2009	1,959	538,725	107,768	20.00%	641,809	593,816	593,816	534,002	534,002
2010	1,756	482,900	92,514	19.16%	542,374	500,982	500,982	449,860	449,860
**2011	1,941	621,120	100,656	16.21%	514,999	493,481	493,481		

** estimated amounts

Clay County Receiving Center Referrals

	Clay Jail Holds	# of days	Amount billed	Other MN Counties	# of days	Amount billed
2007	54	118	\$32,450	28	53	\$14,575
2008	47	101	\$27,775	33	73	\$20,075
2009	62	134	\$36,850	27	67	\$18,425
2010	76	141	\$38,775	26	62	\$17,050
**2011	61	110	\$35,200	46	127	\$40,640

** Thru Oct

2012 COMMISSIONER COMMITTEE ASSIGNMENTS

Jerry Waller	Grant Weyland Chair	Kevin Campbell	Jon Evert	Wayne Ingersoll Vice Chair
<p>AMC Transportation Agassiz Recreational Trails Budget, Financial Reporting & Capital Improvement Campus Improvement Clay Soil & Water Conserv Dist Countywide Economic Development Extension Family Service Collaborative Felton Prairie Stewardship (Alt) Flood Buyout Planning Friends of the Buffalo River State Park (Alt) Greater FM Economic Dev. Corp Exec Board of Directors Heartland Trail Extension (Alt) Highway Construction Project Tracking/Scheduling Lakes & Prairies Community Action Partnership Metro COG MnDOT Variance Cmte Noxious Weed Appeal Public Health Collaborative (Multi-County) Revolving Loan Fund Board TH 336 Corridor Jt Powers Wellhead Protection (Moorhead) Wild Rice Watershed District Advisory Board Wild Rice Watershed Flood Reduction/Project Team</p>	<p>AMC Public Safety Audit/Investment (Chair & Past Chair) Corrections Advisory Economic Development District -West Central MN (Alt) F-M Ambulance Greater FM Economic Development Corp Board Heartland Trail Extension Jail Needs Assessment Law Library Diversion Authority (Alt) Metro COG (Alt) Metro COG 5-Yr Transit Plan Dev Metro Flood Study MN Rural Counties Caucus Northwest MN Regional Radio Board Oakport Annexation Oakport Joint Powers Personnel Issues (Chair & Past Chair) Radio Users Cmte Recorder's Compliance (ad hoc) Regional Juvenile Detention Advisory Board (Alt) Restorative Justice Adv Cmte Security Alternatives Sheriff's Posse Adv (ad hoc) State Community Health Services Adv (Alt) Veterans Service Advisory WesMin R C & D West Central Area Agency on Aging - Land of the Dancing Sky West Central Trails Planning</p>	<p>AMC General Gov't Budget, Financial Reporting & Capital Improvement Buffalo Red River Watershed Ditch Coordinating (Alt) Emergency Services Advisory (Ad Hoc) Extension Flood Buyout Planning Health Insurance (ad hoc) Highway Construction Project Tracking/Scheduling Jail Needs Assessment Jt. Powers (Co/Cty/Schools/Twp) Diversion Authority Metro Flood Study Minnesota Rural Counties Caucus (Alt) Northwest MN Regional Radio Board (Alt) Oakport Annexation Oakport Dike Technical Adv. Oakport Joint Powers Regional Juvenile Detention Advisory Board Regional Solid Waste Mgmt Steering Cmte Regional Water Plan Jt. Powers Board (Alt) Sheriff's Posse Advisory (ad hoc) Solid Waste Advisory TH 336 Corridor Jt. Powers</p>	<p>AMC Futures Project AMC Legislative Steering AMC Environmental & Natural Res Policy Audit/Investment (Chair & Past Chair) Buffalo Red River Watershed Ditch Coordinating Diversion Mitigation Economic Development District for West Central MN Emergency Services Advisory (Ad Hoc) Family HealthCare Ctr Bldg Cmte Felton Prairie Stewardship Friends of the Buffalo River State Park Historical & Cultural Society Lakeland Mental Health Center Northern Connections Noxious Weed Appeal (Alt) Personnel Issues Cmte (Chair & Past Chair) Planning Commission Public Health Advisory Red River Basin Commission Regional Water Planning Joint Powers Board Security Alternatives Solid Waste Advisory Cmte Southside Flood Task Force Wellhead Protection (Barnesville) Wild Rice Watershed Flood Reduction (Alt)</p>	<p>AMC Health & Human Services Adult Mental Health Local Advisory Council Children's Mental Health Local Advisory Council Clay-Wilkin Homeless Prevention & Assistance Program Clay Soil & Water Conservation District (Alt) Corrections Advisory Countywide Economic Development Cmte Family Health Care Center Family Services Collaborative Health Insurance (ad hoc) Inter-Agency Early Intervention Jt. Powers (Co/Cty/Schools/Twp) Lake Agassiz Reg. Library Board Lakes & Prairies Community Action Partnership Local Water Plan Task Force Moorhead City Planning Comm Public Health Advisory Restorative Justice Cmte (Alt) State Community Health Services Adv Cmte WesMin R C & D (Alt) West Central Area Agency on Aging (Alt) West Central Trails Planning (Alt)</p>

Updated 1-10-12

per diem payment approved for appointees & alternates for attendance at the above meetings, and for attendance at: Intergovernmental Retreat, Township Officers Meetings; Clay Wilkin Public Health Board, All AMC & District IV meetings. Commissioners are authorized to be paid mileage/expenses in performing official duties of a County Commissioner.