

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, October 28, 2003

4:00 p.m.

Family Service Center of Clay County - Room #4

MINUTES

The Clay County Board of Commissioners met in regular session on Tuesday, October 28, 2003, with all commissioners present: Brunsvold, Campbell, Evert, McCarthy, and Waller.

APPROVAL OF AGENDA

On motion by Campbell, seconded by McCarthy, and unanimously carried, the agenda was approved with the following additions:

- Authorize payment of credit card invoice by Auditor's Warrant
- Authorize payment for crop damage from Swede Grove Lake outlet
- Approve City of Moorhead's proposal to conduct test on roof and to improve the roof drainage system at Hjemkomst Center.

AUTHORIZE RENEWAL OF LUTHERAN SOCIAL SERVICES LEASE AGREEMENT FOR OFFICE SPACE IN THE FSCCC

By consent agenda, the Board approved renewal of the Lutheran Social Services lease agreement for 4096 sq.ft. of office space in the Family Service Center for the period January 1, 2004 - December 31, 2004, at the rate of \$11.25 sq.ft.

APPROVAL OF CORRECTED PER DIEM & MEALS FOR MONTH OF SEPTEMBER

By consent agenda, the Board approved a corrected per diem and meals payment listing for the month of September, totaling \$2142.62.

APPROVAL TO ISSUE \$3500 CHECK TO CITY OF DILWORTH POLICE DEPARTMENT FROM FORFEITURE ACCOUNT

By consent agenda, the Board approved issuance of a \$3500 check to the City of Dilworth Police Department for payment of a forfeiture check which was inadvertently made out to Clay County.

CITIZENS TO BE HEARD

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

APPROVAL OF MINUTES OF OCTOBER 7, 14, 21, 2003

On motion by McCarthy, seconded by Waller, and unanimously carried, the minutes of the October 7, 14, and 21, 2003 County Board meetings were approved as presented.

CONCERNS RE: CORONER SERVICES

Sheriff Bill Bergquist informed the Board that he had visited with Mr. Lloyd Lidbeck who had previously expressed concerns regarding the fact that Clay County does not have a local coroner

and instead uses a coroner from Ramsey County. Mr. Lidbeck was satisfied with the explanation and will not be appearing before the Board today.

AUTHORIZE PAYMENT OF CREDIT CARD INVOICE BY AUDITOR'S WARRANT

On motion by McCarthy, seconded by Campbell, and unanimously carried, a credit card invoice in the amount of \$714.27 was approved for payment by Auditor's Warrant: (Auditor's publications (\$242.45), Commissioners travel (\$100.57), GIS/MIS (\$371.25).

SWEDE GROVE LAKE AGREEMENT

On motion by Waller, seconded by Campbell, and unanimously carried, the Board authorized payment for crop damage from the Swede Grove Lake outlet as per agreement reached with property owners in 1999/2000, as follows, representing payment for 2002, 2003, and final damage award:

Maurice & Helga Nissen - \$3455.00
Ronald Ulven - \$1549.41
Marlyne Christoffers - \$178.09

To address the property owners request for a permanent project at the site, the Board will meet with representatives from the Buffalo Red River Watershed District in January, 2004.

PLANNING COMMISSION RECOMMENDATIONS RE: REZONING REQUESTS

Planning & Environmental Programs Director Tim Magnusson informed the Board that Mr. Greg Jensen, the applicant in one of the re-zoning requests scheduled to be heard today, has requested the matter be continued to a later date.

Mr. Magnusson informed the Board that the Planning Commission has recommended re-zoning of a 10.5 acre parcel on the south side of U.S. Highway 10, just west of Hawley (N ½, NW ¼ Section 11, Hawley Township), from Ag Preservation to Highway Commercial. The applicants, Mr. Paul Sullivan and Mr. Loren Waldo, plan to install a truck/trailer sales facility and used automobile dealership.

Mr. Magnusson provided a map, depicting the subject area, its proximity to land annexed by Hawley, available access to the property, etc.

Mr. Zenas Baer, Attorney for the City of Hawley, informed the Board that the City of Hawley is very interested in new business and business expansion in their community, but in a structured, organized fashion. He encouraged the Board to support the Zoning staff's recommendation to the Planning Commission to reject the re-zoning request due to its inconsistency with the long term goals of the City of Hawley. Mr. Baer expressed the City's objections to the re-zoning (See Attachment "A"): "leap frog" development in contrast to the Clay County Development Code, conflict with the City's long range goals, interference with orderly development along the south Highway 10 corridor, public safety issue with ingress and egress off U.S. Highway 10, surrounding Agricultural land use, burden on public facilities, relationship with overall needs of the County, premature stimulation of public investment in utilities, etc.

Commissioner Waller (a former member of the Planning Commission) commented that the City of Hawley does not mind the proposed use, but would like it to be within the current City limits. He added that the applicant is planning to provide his own onsite sewage treatment and water supply on site. Commissioner Waller informed the Board that the applicant applied for a permit at another location (near Ulen) earlier this summer, but intended to keep looking for a site with better visibility.

Mr. Paul Sullivan, one of the applicants, addressed the Board and stated that the site in question provides good visibility and traffic count for their proposed business. He added that other property within the City limits/Industrial Park is out of their price range and does not offer the same visibility. Mr. Sullivan stated that a few jobs would be created initially and hoped the business would grow so more jobs would be created. To begin with, only sales would be conducted, rather than a full service dealership. He stated that he is aware of the storm water management requirements and would set aside land for water retention (holding pond).

Commissioner McCarthy questioned if it is the type of business that is the issue. Mr. Baer stated that it is not, in that it is a permitted use, and if located in the City, the City would have control over the type of structure, as well as water and sewer issues. He added that the logical growth and development should be controlled by the City of Hawley, rather than the City having to deal with encroachment by County uses.

Mayor Joe Pederson expressed concern with streets developed by the applicant, as well as the frontage road, in that they may not fit with the City's future plans. Mr. Magnusson stated that MNDOT has very strict guidelines and MNDOT must be involved in the design of the roadways. The applicant has indicated that the roads would be built as required to fit the City's plans.

Considerable discussion took place as to the future placement of water/sewer/utilities across U.S. 10, annexation of the subject property, other available property, etc.

Commissioner Brunsvold expressed concern that the City of Hawley and Clay County should be working to help the applicants start their business, rather than drive them away.

Commissioner Waller commented that in visiting with the cities in the County in connection with Economic Development, a concern heard often was that concerning leap frog development issues.

Mr. Greg Anderson, a member of the Planning Commission, commented that this potential business is a 'bird in the hand', and all efforts should be made to keep it within Clay County.

Commissioner Campbell stated that in visiting with contractors and developers, they comment that there are too many barriers to developing in Clay County. He supported the re-zoning.

Mr. Waldo commented that the City of Hawley has never wanted to work with them on this project, and that other cities want their business.

Commissioner McCarthy suggested that the City and the applicants work together to make this project a 'win-win' for both. He suggested a 60-day extension of time be considered to allow for a meeting between the City and applicants to work out a mutually acceptable resolution.

Mr. Waldo commented that 60 days was too long a period of time to wait for resolution of this matter.

Assistant County Attorney Michelle Winkis stated that in re-zoning matters, a 4/5 majority vote of the County Board is required.

Mr. Sullivan and Mr. Waldo indicated they would allow an extension of 30 days for resolution of this matter.

On motion by McCarthy, seconded by Brunsvold, and unanimously carried, the Board tabled action on the re-zoning request to November 25, 2003, at which time they intend to act on the request. The Board was hopeful that during the 30 days the City and the applicants can reach a mutually satisfactory resolution.

AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE SALE OF USED HIGHWAY
DEPARTMENT/LANDFILL ITEMS

On motion by McCarthy, seconded by Waller, and unanimously carried, the Board authorized advertisement for bids for the sale of various pieces of used Highway Department and Landfill equipment for Friday, December 12, 2003, at 4:00 p.m.

AUTHORIZATION TO PURCHASE THE REMAINING CONTRACTS ON
TWO 1999 CAT MOTOR GRADERS

On motion by Waller, seconded by Brunsvold, and unanimously carried, the Board authorized the purchase of the remaining contracts on two 1999 Caterpillar Motor Graders, Units 143 and 145, for \$108,184.13 plus interest, for a total of \$113,866.00 each. The contracts expire on April 27, 2004.

NORMAN COUNTY RESOLUTION

County Engineer Jack Cousins presented a copy of a resolution which Norman County is forwarding to the State Legislature, seeking the inclusion of township and county roads as part of the state's 10% overweight permit for sugar beets, as well as an increase in the fee for the permit to \$100 with the County receiving \$50 of the fee. Mr. Cousins felt that the current permit, which only applies to the trunk highways, is senseless, and the resolution would condone that action. The Board requested that Mr. Cousins develop a resolution, citing his recommendation in the matter.

2004 BUDGET DISCUSSION

County Administrator Vijay Sethi distributed a listing of possible cuts and new revenues to balance the 2004 budget, totaling \$982,305, see Attachment "B". Additional items being considered for cuts/revenue increases are also listed.

Commissioner Brunsvold commented that he will not vote for a budget without an explanation regarding the million dollar surpluses in past years. He expressed concern regarding eliminating programs, raising taxes, and laying off employees when surpluses have been identified in previous years.

Mr. Sethi suggested that this issue be discussed next week when County Auditor Lori Johnson is present.

Ms. Marcia Paulson, YWCA; Ms. Joyce Newton, Rural Enrichment and Counseling Headquarters (REACH); and Mr. Joe Pederson, Lakes & Prairies Community Action Partnership, and Ms. Bev Nelson, Senior Coordinator program, were present to inform the Board of their programs and encourage continued funding.

APPROVE CITY OF MOORHEAD PROPOSAL TO CONDUCT TESTING OF ROOF

FABRIC AND TO IMPROVE THE ROOF DRAINAGE SYSTEM AT THE HJEMKOMST
CENTER

On motion by McCarthy, seconded by Brunsvold, and unanimously carried, the Board approved the City of Moorhead's proposal to conduct testing of the roof fabric at the Hjemkomst Center (\$3995), as well as to improve the roof drainage system (\$4000), with funds available in the Building Repair Reserve account for the building.

COUNTY ADMINISTRATOR UPDATE/COMMITTEE REPORTS

The North Dakota Air National Guard employer recognition luncheon will be held Friday, November 14.

County Administrator Vijay Sethi informed the Board of an issue which has arisen involving an employee's excessive use of a cell phone. A reimbursement plan has been established.

Commissioner McCarthy informed the Board that the contract for Rural Transit services is being negotiated, however, there will likely be an increase for 2004.

ADJOURN

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Vijay Sethi
County Administrator

Jon Evert, Chair
Clay County Board of Commissioners