

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, July 19, 2005

8:15 a.m.

County Board Room - 3<sup>rd</sup> Floor - Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session on Tuesday, July 19, 2005, with Commissioners Brunsvold, Campbell, Evert, and McCarthy present. Commissioner Waller was absent.

APPROVAL OF AGENDA

On motion by Campbell, seconded by Evert, and unanimously carried, the agenda was approved with corrections.

AUTHORIZE RENEWAL OF LEASE AGREEMENT WITH  
LAKES & PRAIRIES/HEAD START

By consent agenda, the Board renewed the lease agreement with Lakes & Prairies - Head Start for 913 sq.ft. of kitchen space @ \$12.25 sq.ft. for the period 9/1/05 - 8/31/06.

AUTHORIZATION TO EXECUTE DEPARTMENT OF NATURAL RESOURCES  
ALL TERRAIN VEHICLE (ATV) ENFORCEMENT GRANT

By consent agenda, the Board authorized execution of the ATV Enforcement Grant with the Department of Natural Resources, for a two year period 6/1/05-6/30/07, which will provide \$3028 for each year of the grant.

CITIZENS TO BE HEARD

Ms. Barbara Sipson, Clay County Housing & Redevelopment Authority (HRA), introduced the new Director of the HRA, Ms. Dara Lee, who begins work in August.

Ms. Sipson addressed the Board regarding the Workforce Housing Coalition, a group of elected and appointed officials, business people, representatives of non-profit organizations and community volunteers with an interest in housing, who have been meeting to consider the future of workforce housing in Cass and Clay counties. She requested the appointment of County Board representatives to the Coalition as the group continues to meet. A consultant will be hired to gather factual, base line information to develop a regional profile that will outline strategic initiatives aimed at addressing workforce housing needs. Planning & Environmental Programs Director Tim Magnusson will attend the meetings to offer staff input.

On motion by Evert, seconded by McCarthy, and unanimously carried, the Board appointed Commissioners Brunsvold and Waller (as members of the Economic Development Work Group) to the Workforce Housing Coalition, and approved payment of per diem as well for attendance at the meetings.

Ms. Sipson indicated that a request for financial participation may be forthcoming if MetroCOG agrees to allow their staff to participate in the information gathering project.

RECOMMENDATIONS WITH RESPECT TO NEW LEGISLATION AND NEED FOR  
REMODELING AT MOTOR VEHICLE DEPARTMENT

The Board reviewed a quote from Hannaher's, Inc., totaling approximately \$27,300, to address new Motor Vehicle work station needs in connection with legislative changes concerning how the office is laid out and how business is conducted at each work station. In the future, computers will be required at each work station (for pro rate, generating cab cards, etc.). County Administrator Vijay Sethi stated that this project is not a budgeted activity, and funds could come from the Building Improvement fund or Fund Balance. Another staff person for Motor Vehicle is being requested for 2006 as well. Commissioner Evert was assured that the work stations could be taken apart and reconfigured if structural remodeling of the building takes place in the future.

Mr. Sethi noted that this plan does not address congestion in the waiting area. It was suggested that the 'testing office' be relocated to alleviate congestion. Mr. Sethi felt this might be achieved for less than \$1000.

Security issues were discussed, noting that currently ADA accessible restrooms are not available to the public. Commissioner McCarthy inquired if the County is required to provide public restrooms for an office setting such as Motor Vehicle.

The Board discussed the fact that some counties/cities have discontinued providing the pro rate service, increasing Clay County's business in that area. Commissioner Evert felt this is a service that Clay County should be providing as it brings people into the community. Commissioner Campbell agreed, in that if we want to have large businesses locate here, we have to provide the services they are looking for.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board approved the quote from Hannaher's for new workstations in the amount of approximately \$27,300.00, to be paid from the Building Improvement fund, as well as minimal remodeling (relocate testing office) to alleviate congestion in the lobby.

REQUEST TO REPURCHASE TAX FORFEIT PROPERTY: MR. MIKE TRAPP

Mr. Mike Trapp was present to request he be allowed to repurchase his tax forfeit property (54.900.0061- Georgetown). Mr. Trapp explained that he had lived on the property for years and had experienced hardships, resulting in the taxes being unpaid. Deputy Auditor Nanci Krenelka informed the Board that the total for Mr. Trapp to repurchase the property and to bring the property to a current status would be \$1524.14 (back Taxes, State Deed fee, Deed tax, Recording fee).

On motion by McCarthy, seconded by Campbell, and unanimously carried, the following resolution was adopted, allowing repurchase of tax forfeit property by Mr. Mike Trapp:

RESOLUTION 2005-32

**WHEREAS, a request was submitted to the Clay County Board of Commissioners by Mr. Mike Trapp, hereinafter referred to as the "Repurchaser" to repurchase Clay County tax parcel number 54.900.0061, hereinafter referred to as the "Property."**

**WHEREAS, The Repurchaser is obligated by statute, rule, or other agreement to pay real estate taxes relevant to the above-referenced property;**

**WHEREAS, The Repurchaser satisfies the statutory criteria for being an eligible repurchaser;**

**WHEREAS, the Board finds that the repurchase would cure an undue hardship or injustice resulting from the forfeiture, and will permit the use of the lands that will best serve the public interests; and**

**WHEREAS, if it is appropriate to place certain conditions on the repurchase, those conditions are fully outlined below.**

**NOW THEREFORE, BE IT RESOLVED, that the Repurchaser be allowed to repurchase the Property for an amount equal to the statutory formula for repurchase to be calculated by the Clay County Auditors Office.**

**REVIEW USAGE OF MERITCARE ADULT MENTAL HEALTH HOLD ORDER AND CIVIL COMMITMENT TREATMENT CONTRACT AND REQUEST FROM PRAIRIE ST. JOHN'S TO INITIATE A HOLD ORDER SERVICE CONTRACT**

Pat Boyer and Rhonda Porter, Social Services, and Marshall Korman, Sue Korman, and Vanessa Handte, Prairie St. John's, were present to request initiation of a hold order service contract with Prairie St. John's for Clay County and other Minnesota counties. Since October, 2004, a hold order service contract has been in place with Meritcare, and has saved Clay County and neighboring counties roughly \$30,000.

Consensus of the Board was that such a contract is a win/win for the County, clients, and Prairie St. John's.

On motion by Campbell, seconded by McCarthy, and unanimously carried, the Board approved contracting with Prairie St. John's for Adult Mental Health Hold Order and Commitment Services.

Mr. Korman offered assistance to the County in its efforts to develop a regional treatment center for methamphetamine treatment.

**OVERWEIGHT PERMIT REQUEST FOR KEN REILE, REILE'S TRANSFER & DELIVERY**

Interim County Engineer David Overbo presented a request from Mr. Ken Reile, Reile's Transfer & Delivery, for an overweight permit to alleviate truck travel in pedestrian areas to the American Crystal transport station. After considerable discussion as to the various route options and the possibility of lesser weight loads, the Board suggested the following route: CSAH 26 from the Red River to TH 75 (approximately 3.5 miles) and then from CSAH 18 west to American Crystal Sugar (approximately ½ mile). This permit would be in effect until the work on the CSAH 22 bridge is complete, at which time Mr. Reile could request a permit for a different route.

Commissioner Campbell expressed concern with adding truck traffic to CSAH 22 as there is much local pedestrian traffic on that road and it has a higher traffic speed than in the cities.

It was suggested that Mr. Overbo review the route that is permitted for American Crystal's trucks.

On motion by Evert, seconded by McCarthy and unanimously carried, the Board approved an overweight permit for Reile's Transfer & Delivery, for CSAH 26 from the Red River to TH 75 (approximately 3.5 miles) and then from CSAH 18 west to American Crystal Sugar (approximately ½ mile).

**REQUEST AUTHORIZATION TO MAKE PURCHASE OFFER FOR PROPERTY IN CONNECTION WITH CSAH 22 BRIDGE PROJECT**

Interim County Engineer David Overbo informed the Board that he has received the appraisal from Barth for the property right of way to be acquired from E. J. Anda in connection with the CSAH 22 bridge project. Based on new lot sizes, the comparables have been updated. The required right of way (80' strip on 54<sup>th</sup> Avenue and 10' strip on Broadway) has been appraised at \$43,943.52. Mr. Overbo added that the Anda's may seek a second appraisal, for which the County

is obligated to pay a maximum of \$1500.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board approved offering the Anda's \$43,943.52 for the right of way with a 30-day acceptance clause. If the proposal is rejected, the next step would be condemnation of the property.

Mr. Overbo informed the Board that the City of Moorhead is requiring a detailed drainage plan for the subdivision, flood elevations, and post development contours. He suggested a meeting with Oakport Township, City of Moorhead and County officials to determine who conducts this work and who is responsible for payment.

**SP 14-622-06 RESOLUTION REGARDING BRIDGE BONDING FUNDING FOR CSAH 22  
BRIDGE CONSTRUCTION**

On motion by Campbell, seconded by McCarthy, and unanimously carried, the following resolution was adopted in connection with bridge bonding funding for the CSAH 22 bridge construction:

**RESOLUTION 2005-33**

**WHEREAS, the County of Clay has applied to the Commissioner of Transportation for a grant from the Minnesota State Transportation Fund for the construction/reconstruction of County/Township bridge No. 7135 - Old Number/14539 - New Number over the Red River of the North, and**

**WHEREAS, the amount of the grant has been determined to be \$2,688,150.78 by reason of the lowest bid.**

**NOW, THEREFORE, BE IT RESOLVED, that the County of Clay does hereby affirm that any cost of the bridge in excess of the grant will be appropriated from funds available to the County of Clay, and that any monies appropriated for the bridge but not required, based on final estimate, shall be returned to the Minnesota State Transportation fund.**

**SUMMARY OF BOARD'S CONCLUSIONS REGARDING EVALUATION OF EMPLOYEE  
FROM CLOSED SESSION ON JULY 12, 2005**

Assistant County Attorney Stephanie Borgen summarized the discussion held in closed session by the County Board on July 12, 2005, concerning the evaluation of employee Sandy Hanson. Ms. Borgen stated that the findings of the County Board were that on June 2, 2005, Ms. Hanson engaged in misconduct, and violated policy and procedure, warranting termination from Clay County employment.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board voted to terminate the employment of Ms. Sandy Hanson effective immediately, as recommended by Welfare Director Rhonda Porter.

**APPROVAL TO TRANSFER TOWN & COUNTRY FLOOD BUY-OUT PROPERTIES**

Planning & Environmental Programs Director Tim Magnusson informed the Board of the City of Moorhead's interest in acquiring flood-buy out properties in Section 30, Moorhead Township, North of the Town & Country golf course, adjacent to property the City already owns. Mr. Magnusson has communicated with the Hazard Mitigation Administrator, and approval was given to Clay County to transfer the properties, contingent upon the current deed restrictions being maintained by the City of Moorhead. Mr. Magnusson recommended the transfer as it would remove the County's responsibility to oversee use and maintenance of the property.

The lots had been leased to an individual who used to own adjacent property but who sold that property to the City of Moorhead. Mr. Magnusson felt the sale of the individual's property voided the lease provisions.

On motion by Campbell, seconded by McCarthy, and unanimously carried, the Board approved transfer of the Town & Country flood buy-out properties to the City of Moorhead, and requested the County Attorney's office to draft deeds for the transfer.

#### REVIEW DEVELOPMENT CODE UPDATE

Planning & Environmental Programs Director Tim Magnusson and Ms. Jean Coleman, Consultant, reviewed an Executive Summary of the changes to the County Zoning and Subdivision Ordinance (See Attachment "A"). Mr. Magnusson presented a map delineating the various zones and overlay districts.

Recommendations suggested by the City of Moorhead were incorporated with the exception to extend the Urban Expansion District (UED) into the future 2- mile jurisdiction area resulting from annexation of Tract 2 of the Oakport Joint Powers Area or, extending the UED into Phase 3 of Moorhead's Municipal Services Plan located North of County Road 93. This exception was made due to the Planning Commission's position that Oakport Township does not support that recommendation and that the County Board and Planning Commission understand that a joint area growth study is being completed by the City and Township for that area.

The Planning Commission has recommended that the County adopt the MN State Building code. Consensus of the Board was that adoption of the MN State Building Code should be incorporated by 'reference' in the Development Code so that the entire document does not have to be changed whenever changes are made to the State Building Code. Ms. Coleman stated that counties that adopt the State Building Code are required to enforce it. Discussions have taken place with City of Moorhead officials with respect to sharing staff for enforcement of the Building code. Further work needs to be completed with respect to the enforcement process, fees for inspections, etc.

Ms. Coleman informed the Board that no further public hearings regarding the Development Code are necessary if the changes recommended since the last public hearing are not substantive.

Commissioner Evert commended the Planning Commission for their work on the Development Code, which began in 2004.

Mr. Magnusson informed the Board that some verbiage may need to be included in the Development Code with respect to Townships signing off on permit requests if they have their own zoning ordinances. Consensus of the Board was that this would protect the County and the applicant.

Mr. Magnusson clarified that with respect to plat approval, the County Board would be eliminated from the 'preliminary' approval process, and would only grant 'final' approval. (Recommendations of the Planning Commission regarding subdivisions are subject to final review by the County Board. A recommendation for approval of a preliminary plat will be presented to the County Board as a Final Plat review). Recommendations of approvals or denials by the Planning Commission would come to the County Board automatically for final action. Commissioner Campbell felt interested parties should be notified if a Planning Commission denial is appealed to the County Board. Mr. Magnusson stated there is no legal requirement for such a notification.

With respect to Tree Removal, it was clarified that only the 'trees to be removed' would be

identified in the tree removal plan.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board approved the Development Code with changes mentioned above, effective immediately, as recommended by the Planning Commission, with a summary of the Code to be published in the official County newspaper as required by Statute.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board directed staff to develop a recommendation with respect to the adoption of the State Building Code and enforcement thereof, and to be referenced in the Development Code document.

On motion by Evert, seconded by McCarthy, and unanimously carried, the Board adopted the Zoning Map as presented by Mr. Magnusson.

#### UPDATE RE: SMOKE-FREE CAMPUS

Ms. Kathy McKay and Ms. Heidi Happel, Public Health, presented the Clay County Smoke-Free Policy, as a follow-up to the Board's designation of the grounds of County campuses as smoke-free effective November 1, 2005. Ms. Happel distributed pictures of the various sites on the campuses where signs will be posted and smoke 'snuffers' will be located (roughly 25' fee from entrances to the buildings). Sheriff Bergquist requested that a spot be designated near the jail entrance as well.

Consensus of the Board was that the word 'anonymously' should be removed from the paragraph relating to reporting of violations of the policy.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board approved the Clay County Smoke-Free Policy with the omission of the word "anonymously" in the last paragraph (See Attachment "B").

#### WILD RICE WATERSHED DISTRICT REQUEST FOR \$830,000 GENERAL OBLIGATION WATERSHED IMPROVEMENT BONDS

Ms. Carolyn Drude, Ehlers & Associates, was present to seek the County's assistance in the issuance of \$830,000 General Obligation Watershed Improvement Bonds on behalf of the Wild Rice Watershed District for Repair of Project No. 9 (See Attachment "C"). Mr. Mark Aanenson, Interim Director of the Wild Rice Watershed District, described the projects, some of which are located in Norman County, and for which a joint powers agreement will be developed to assure Norman County pays its share of the project. It was noted that 3/4 of the 'benefitted' area is located in Clay County.

On motion by Campbell, seconded by McCarthy, and unanimously carried, the Board authorized execution of the above mentioned Joint Powers Agreement, subject to review by the attorneys office.

On motion by McCarthy, seconded by Campbell, and unanimously carried, the Board authorized staff to work with Ehlers & Associates to solicit proposals for \$830,000 General Obligation Watershed Improvement Bonds, to be reviewed August 16, 2005, on the condition that the above mentioned joint powers agreement is adopted by Norman County.

#### APPROVE PAYMENT OF MONTHLY BILLS AND VOUCHERS; PAYMENT OF CREDIT CARD INVOICE

On motion by McCarthy, seconded by Campbell, and unanimously carried, the monthly bills and vouchers were approved for payment, as well as a credit card charge to Dell Marketing for keyboard repair for the MIS department, \$21.25.

CONTINUE 2006 BUDGET REQUEST REVIEW

Sheriff's Department - Sheriff Bill Bergquist and Chief Deputy Sheriff Craig Baker reviewed the proposed 2006 Sheriff's budget. It was noted that the Restorative Justice program should be included in the budget. A new records management system in connection with Red River Regional Dispatch will be implemented in 2006. The Board was in favor of keeping a separate budget line item for Emergency Management, which will transfer to the Sheriff's Department in January, 2006.

Jail Administrator Julie Savat reviewed the Jail budget, which includes a request for two more jailers, in addition to the two approved in 2005, as well as additional nurse time. Ms. Savat has also increased the part time secretary time from .5 FTE to .6 FTE.

Sheriff Bergquist mentioned a new program entitled "Code Red" which will allow all residents to be contacted via telephone in the event of an emergency in their area. It is unknown at this point what the budget impact will be. Sheriff Bergquist also informed the Board that another full time judge is being assigned to Clay County, likely increasing the need for security staffing.

Social Services - County Administrator Vijay Sethi informed the Board of a new 'bottom line' budget number for Social Services - \$6,973,685, as it was found that an expense had been duplicated. Social Services Director Rhonda Porter felt that in the past some child support revenues have been overbudgeted due to lack of 'actuals'. She felt this would be more realistically budgeted in the future. Ms. Porter commented that there were areas where revenue was credited erroneously. She was hopeful that with some personnel and procedure changes, revenue could be receipted immediately to the appropriate account.

New requests include a Child Support Officer, Support Enforcement Aide, and a vehicle (Clay County is responsible for 50% of the cost).

Review of the Social Services budget will continue at 2:00 p.m., Tuesday, July 26.

ADJOURN

The meeting adjourned at 3:30 p.m.

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Ben Brunsvold, Chair  
Clay County Board of Commissioners

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Vijay Sethi, County Administrator