

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, August 23, 2005

2:00 p.m.

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

MINUTES

The Clay County Board of Commissioners met in regular session on Tuesday, August 23, 2005, with all commissioners present: Brunsvold, Campbell, Evert, McCarthy, and Waller.

APPROVAL OF AGENDA

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

- Authorize office space lease in the FSCCC for Solutions (Suite 205, 655 sq.ft. for the period 9/1/05-12/31/07).

- Approve payment of invoice by Auditor's Warrant (Rittenhouse & Associates \$5117.20 (missed payment deadline).

EXECUTION OF CONTRACT BETWEEN CLAY COUNTY AND NDSU'S CRIMINAL JUSTICE/POLITICAL SCIENCE DEPARTMENT

By consent agenda, the Board adopted the following resolution, approving execution of a contract between Clay County and NDSU's Criminal Justice/Political Science Department for evaluation of the Reentry Services project for the period 9/1/05-5/31/07:

RESOLUTION 2005-39

**WHEREAS, Clay County received a grant from the Minnesota Department of Public Safety Office of Drug Policy and Violence Prevention in the amount of \$205,289 for a Reentry Services Project for Juvenile Offenders; and**

**WHEREAS, the Clay County Probation is managing the grant along with a 'match' of \$68,430 of Local Collaborative Time Study funds made available by the Clay County Joint Powers Collaborative; and**

**WHEREAS, the North Dakota State University (NDSU) Department of Criminal Justice and Political Science has been serving as the evaluator of the grant since October 24, 2003; and**

**WHEREAS, all documents, data, and information furnished by Clay County and the Clay County Joint Powers Collaborative and all work products submitted by North Dakota State University will be shared property of Clay County, the Clay County Joint Powers Collaborative and North Dakota State University.**

**WHEREAS, North Dakota State University may publish the findings of the evaluation, and shall send all manuscripts to Clay County in reasonable time for comments and criticism to be received and considered prior to publication, but will make the final decision of what to publish; and**

**WHEREAS, the aid of Clay County Probation and the Collaborative shall be acknowledged in publications and Clay County and the Collaborative shall have the right to make such use of the reports, or any part thereof as it may desire, but only after their release for publication, unless otherwise agreed to by North Dakota State University; and**

**WHEREAS, the copyrights on reports shall be retained by the authors; and**

**WHEREAS, NDSU shall comply with all reporting requirements of Clay County, the Clay County Joint Powers Collaborative and the Minnesota Department of Public Safety, Office of Drug Policy and Violence Prevention, but does not guarantee specific results; and**

**WHEREAS, NDSU shall comply with all state and federal laws relating to confidentiality and privacy that are applicable to disclosure and use confidential, or private, drug and alcohol treatment and rehabilitation**

information for research purposes only; and

WHEREAS, all information shared with NDSU, throughout this Project, shall remain subject to the requirements of the Minnesota Government Data Practices Act and NDSU shall not release any information in violation of that act; and

WHEREAS, in the event NDSU fails to comply with any of the terms of this Agreement, Clay County may suspend any payments pending full compliance with this Agreement and completion of the process evaluation of the Reentry Services Project, but if NDSU is unable to complete this contract due to the conduct of Clay County or the Collaborative, Clay County shall pay any amounts due, including expenses, incurred to date.

NOW, THEREFORE, BE IT RESOLVED, that NDSU receive a total fixed amount of \$24,883, for services rendered by Dr. Jeff Bouffard and a Ph.D. student, and that NDSU invoice Clay County on a quarterly basis (every 3 months) for the amount of \$3,554.71, over a period of 7 quarters (20 months).

#### ADDITIONS TO SOCIAL SERVICES' PROVIDERS LIST

By consent agenda, the Board approved the addition of Bob Kern & Sons, Inc., to the provider list for AC/EW/CAC/CADI/TBI Home & Community Based Services.

#### PURCHASE OF COLOR COPIER FOR 2<sup>ND</sup> FLOOR COURTHOUSE

By consent agenda, the Board authorized the purchase of a color copier for 2<sup>nd</sup> Floor of the Courthouse, from Advanced Business Methods, at a cost of \$12,600, to be paid for with funds from the Equipment Replacement fund.

#### ADOPT RESOLUTION TO TRANSFER FILING OF MINISTER'S CREDENTIALS FROM COURT ADMINISTRATION TO COUNTY RECORDER'S OFFICE

By consent agenda, the Board adopted the following resolution, transferring the filing of Minister's credentials from Court Administration to the County Recorder's office:

#### RESOLUTION 2005-40

WHEREAS, the duties of the Clay County Court Administrator relating to vital statistics under M.S. 144.211-144.227, notaries public under 359.061, hospital liens under 514.69 to 514.70 and to marriage licenses under chapter 517, have been transferred to the Clay County Recorder effective January 1, 1991; and

WHEREAS, the acceptance of the filing of minister's credentials relating to marriage licenses is a duty that has remained with the Clay County Court Administrator since that time; and

WHEREAS, the Clay County Recorder is a suitable place for the filing of minister's credentials in that they are assigned all other duties related to marriage licenses; and

WHEREAS, the Clay County Court Administrator along with the Clay County Recorder have requested that the transfer take effect,

NOW, THEREFORE, BE IT RESOLVED, that effective immediately, the duty of accepting minister's credentials are hereby transferred to the Clay County Recorder.

#### PAY CREDIT CARD INVOICE BY AUDITOR'S WARRANT

By consent agenda, the Board approved payment of a credit card invoice by Auditor's Warrant, for methamphetamine workshop attendance expenses incurred by Bruce Jaster, \$178.54.

#### CITIZENS TO BE HEARD

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

#### 2006 BUDGET REVIEW

County Administrator Vijay Sethi informed the Board that the MCIT dividend for Workers

Comp and Property/Casualty insurance has been announced, \$179,000. There will be an estimated \$57,000 increase in premiums for these areas for 2006, of which the tax levy portion is \$45,000.

The "Summary of 2006 Proposed Tax Levy by Funds", dated 8/11/05, indicates a 10.33%, but does not include a cost of living adjustment. With a \$2.3 million increase in tax levy, the percent increase over 2005 would be 13.86%.

Mr. Sethi highlighted the Revenue Fund increases:

- New Requests: \$495,337 (*includes software for HR/Payroll and new positions*)
- Independent Accounting: \$10,000
- Increase of PERA contributions (county share): \$37,000
- MIS/GIS: \$63,700
- Election: \$122,086 (*This is an Election year*)
- Surveyor: \$5000
- Grounds & Building (utility cost increases is part of this): \$50,429
- Sheriff: \$175,000
- Corrections (Jail - 2 new officers hired in 2005 + market adjustment to jailer salaries): \$250,391(*These commitments have already been made,*)
- Electronic Home Monitoring: \$15,000
- External Agency funding requests: \$25,570
- Unallocated budget: designated for FSCCC and labor negotiation: \$258,696

The Social Services fund increases total \$920,515.

Mr. Sethi noted that some of the items listed above have already been committed for 2006 and equate to an approximate 3% increase over 2005 (new corrections officers, salary increase for jailers, County share of PERA increases, insurance increases, FSCCC budget, general election costs)

The Board suggested budgeting every year for Elections, so there will not be such dramatic increases every other year.

Commissioner Brunsvold felt it would be helpful if the MCIT dividend would be credited to the insurance line item, for a clearer year-end report. County Auditor Lori Johnson stated that for the State Audit Report, it is netted out.

Mr. Sethi stated that he had met with the department heads where the largest increases occur (Social Services, Law Enforcement, Auditor, MIS/GIS) to request that they pare down their budget requests.

The new staff requested is for Social Services (2), Auditor's office, Deputy in Motor Vehicle, Executive Assistant in Sheriff's office, Jailers (2), Assistant County Attorney, Extension (part time support staff).

The Board briefly discussed developing criteria for a prioritization process for granting new staff, to include case loads, those departments which have not recently received new staff, those positions which are funded with grant monies or are revenue generators, changes in workload, etc.

With respect to the increase for Social Services, the Board felt discussion should take place regarding mandated services and if there is a latitude on how much the County can spend. Social Services Director Rhonda Porter commented that there is latitude with behavioral placements for

truants, in that some times placement is not an option. She added that \$1.8 million of the \$1.9 million budgeted for 2005 in this area is already spent at this point in the year. Ms. Porter has increased the out of home placement budget for 2006 to \$2.3 million, but cautioned that that might not be realistic, in that the County is mandated to pay families to take kids in for placement.

Commissioner Waller questioned how the County can afford to pay for programs when the State says they cannot. Commissioner Campbell questioned if the State/Federal governments offer options as to offset the cuts they make. He felt the proper form of government should be held accountable.

Commissioner Evert felt the County may have to raise taxes more than it would like in order to protect youth.

Ms. Porter stated that a new fee schedule is being developed for the 30-day evaluation and consequential programs. She added that these are court-ordered placements.

Commissioner McCarthy felt parents should pay for placement if their children are incorrigible.

Commissioner Brunsvold felt the most basic services should be looked at and prioritized.

Commissioner Campbell felt each commissioner should speak to what is important to them for the 2006 budget. He expressed his concern for funding for the 5-year Highway Construction plan and general road maintenance. He considered these essential services.

Commissioner Brunsvold commented that in a tight year such as this, the fund balance may have to be reduced.

Ms. Porter reviewed a listing of provider requests totaling \$195,476, noting that she is recommending increases totaling \$25,000. She highlighted other areas where she anticipates savings, for a total of \$272,237 (includes provider requests).

Mr. Sethi felt the difficult tasks for the Board will be determining the appropriate level of service to be provided, and whether or not the reductions from the State can be passed on.

The Board briefly discussed the external agency funding, the need to review the criteria for being funded, how new entities can be placed on the external agency list, etc.

Commissioner Campbell felt no new external agencies should be considered for funding when the County is dealing with finding funding for core services.

The Board discussed the fact that there are only two regular meetings scheduled before the preliminary levy must be set. The Board was receptive to an extra meeting, if needed, the week of September 6, or a full day meeting September 13.

#### COUNTY EMPLOYEE RECOGNITION

Mr. Drew Wrigley, US Attorney for North Dakota, and Mr. Jeff Behrmann, Resident Agent in Charge of DEA, were present to award plaques of appreciation to several Clay County employees who performed outstanding work in connection with a drug trafficking case for which 29 defendants have been sentenced. The employees are Mr. Chuck Anderson, Mr. Chris McCarthy, and Ms. Cindy Sunde.

#### 2005 LEGISLATIVE CHANGES TO ALTERNATIVE CARE PROGRAM

Ms. Rhonda Porter and Ms. Pat Boyer, Social Services, updated the Board regarding legislative changes which will impact seniors in our community by revising financial eligibility criteria and covered services. Ms. Boyer noted that Clay County has 37 clients on the Alternative

Care Program which will no longer be covered (for assistive living, adult foster care, residential care) due to these changes.

#### DISCUSSION RE: CONTRACT WITH RED RIVER RECOVERY

Ms. Rhonda Porter and Ms. Pat Boyer, Social Services, were present to request the Board's approval of a contract for chemical dependency treatment services at Red River Recovery in Dilworth (Adult room & board - \$47.20/day, treatment - \$64.25/day; Adolescent room & board - \$47.20/day, treatment - \$84.25/day).

On motion by Evert, seconded by McCarthy, and unanimously carried, the Board authorized execution of the contract with Red River Recovery for chemical dependency treatment services effective September 1, 2005 through December 31, 2006.

#### RAINBOW RIDGE SUBDIVISION (ATHERTON): FINAL PLAT APPROVAL

Planning & Environmental Programs Director Tim Magnusson presented the Rainbow Ridge Subdivision, a six lot subdivision proposed by Gary and Peggy Atherton in Section 8, Oakport Township. The Planning Commission has recommended approval of the plat with conditions: submission of a drainage/stormwater pollution protection plan, professional verification of an adequate supply of potable water for proposed lots, and evaluation of lots for adequacy of soils for on-site sewage treatment systems and determination of system locations.

Mr. Magnusson reviewed the documentation that has been presented and stated that the cul-de-sac needs a radius of 60' as per the Development Code. Two letters have been submitted from Olson Well Drilling addressing the adequacy/availability of water on the sites. A storm water management plan has been provided and reviewed by County Engineer David Overbo. Mr. Overbo has also reviewed the road design and plan. Mr. Overbo and GIS Coordinator Mark Sloan have advised that the entire interior road shall be named 9<sup>th</sup> Street North. Mr. Overbo recommended the installation of an 18" corrugated metal pipe culvert, rather than the 12" suggested by the developer. The County Recorder offered suggestions for the plat document itself: names should be printed beneath signature lines, combine Planning Director and Zoning Administrator to one signature line, and correct the information pertaining to a mortgage on the property. Consensus of the Board was that the existing field approach will not have a use once the road is installed, therefore it should be removed at the time the road is built.

Mr. Magnusson noted that the bearings do not match and that issue should be addressed by the surveyor. Mr. Atherton stated that Moore Engineering conducted a survey on site, so their numbers should be correct.

The City of Moorhead has been approached for extension of water to this subdivision, but has declined to do that.

On motion by Campbell, seconded by McCarthy, and unanimously carried, the Board granted final plat approval to the Rainbow Ridge Subdivision, subject to the conditions set out by the Recorder and County Engineer, creating a 60' radius cul-de-sac, and that when the road is built, the field approach will be removed.

Commissioner Evert commented that the future owners of these lots should be informed about ghost platting so that in the event of future curb and gutter installation costs, the lots could be further subdivided.

APPROVAL OF FAMILY SERVICE CENTER OFFICE SPACE LEASE - SOLUTIONS

On motion by McCarthy, seconded by Waller, and unanimously carried, the Board approved an office space lease in the Family Service Center for Solutions for 655 sq.ft. for the period 9/1/05-12/31/07, at a rate of \$11.25 sq.ft.

APPROVE PAYMENT OF INVOICE BY AUDITOR'S WARRANT

On motion by Evert, seconded by McCarthy, and unanimously carried, the Board approved payment of an invoice from County Surveyor Brian Rittenhouse, in the amount of \$5117.20, by Auditor's Warrant due to the fact that it missed the regular payment deadline.

ROAD CONDITIONS DURING SUGARBEET HAULING

County Engineer David Overbo informed the Board that he would like to develop a policy similar to MnDOT's whereby the County would troubleshoot areas on the roadways where considerable mud is appearing due to the sugarbeet truck traffic. The County would clean up the areas and invoice the sugarbeet haulers. The Board was supportive of such a policy.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

County Administrator Vijay Sethi informed the Board that Rural Transit Coordinator Georgia Beaudry will be meeting with Wahpeton and Breckenridge officials regarding a trial bus route to those communities this fall, and requested representation by the Board.

Mr. Sethi stated that a revised Highway Department organizational chart will be presented for approval at the next Board meeting.

Mr. Sethi informed the Board that due to recent legislation, all counties are required to have an Out of State Travel Policy for elected officials, outlining when travel is appropriate, the expense limits, and the procedures for approving travel. This Policy is being developed.

The legislature has also determined what items elected officials may include on the County's website pertaining to them (no solicitation).

ADJOURN

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Ben Brunsvold, Chair  
Clay County Board of Commissioners

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Vijay Sethi, County Administrator