

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, April 11, 2006

8:30 a.m.

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

MINUTES

The Clay County Board of Commissioners met in regular session on Tuesday, April 11, 2006 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 as presented.

APPROVAL OF MINUTES OF MARCH 21, 28, AND 31, 2006

On motion by Waller, seconded by Campbell, and unanimously carried, the minutes of the March 21, 28, and 31, 2006 County Board meetings were approved as presented.

CITIZENS TO BE HEARD

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

LABOR NEGOTIATIONS STRATEGY (CLOSED SESSION)

On motion by Waller, seconded by Evert, and unanimously carried, the meeting was closed to discuss labor negotiations strategy.

On motion by Campbell, seconded by Brunsvold, and unanimously carried, the meeting was opened.

MOTIONS RELATED TO SOCIAL SERVICES UNION

On motion by Campbell, seconded Evert, and unanimously carried, the Board approved the Clay County Social Workers (Teamsters Local 116) union contract for a two-year period for 2006-2007 with a 2% increase for each year of the contract, along with the language as noted in the contract subject to final approval by from labor counsel.

On motion by Evert, seconded by Campbell, and unanimously carried, the Board directed that once the contract is approved and signed by all parties, anything in Resolution 2006-24, (adopted April 4, 2006) pertaining to the strike or impact of a potential strike would hereby be rescinded and authority will be given to the County Administrator to notify the employees as appropriate.

2006 METROPOLITAN BICYCLE AND PEDESTRIAN PLAN

Ms. Kajara Laskar, MetroCOG, presented the 2006 Metropolitan Bicycle and Pedestrian Plan, the purpose of which is to:

- provide a comprehensive guideline for developing an efficient region wide bicycle and pedestrian network which is feasible, usable, and acceptable by all classes of bikers and pedestrians;
- identify concerns and issues relevant to the bike and pedestrian system;

- address the identified issues and provide resourceful guidance to planners, stakeholders, developers, policy makers, and other users to help design and promote a user friendly network in and around the metropolitan area
- program relevant projects and support their eligibility for federal and state funding
- ensure that the state and federal policies and recommendations are relevantly incorporated

Commissioner Evert inquired if there is any plan to connect Buffalo State Park or the City of Barnesville to the bike system. Ms. Laskar commented that a route to the Park has been included for a planning study in the next year or so. It was noted that the roadway shoulders that are 6' are considered adequate for bike travel, and that in Minnesota bicyclists are permitted to use the roadway for travel.

On motion by Evert, seconded by Waller, the following resolution was unanimously adopted:

**RESOLUTION 2006-25**

**WHEREAS, the Clay County Commission is the duly elected governing body responsible for the planning and development of safe and functional transportation systems including bicycle and pedestrian facilities.**

**WHEREAS, the Fargo-Moorhead Metropolitan Council of Governments, as the metropolitan planning organization, is designated by the Governors of North Dakota and Minnesota to maintain the metropolitan area's transportation planning process in accordance with federal regulations;**

**WHEREAS, the Fargo-Moorhead Metropolitan Council of Governments has undertaken the task of updating the Metropolitan Bicycle and Pedestrian Plan, which is a vital element of this planning process; and which makes transportation related bikeway projects eligible for future federal funding;**

**WHEREAS, the metropolitan bikeway and pedestrian planning process was directed by the Metro Trails Committee composed of a wide cross section of bicycle and pedestrian interest groups including elected leaders, park district representatives, police officers, bike club members, local school and higher education officials, technical staff and various interest groups;**

**WHEREAS, the 2006 Metropolitan Bicycle and Pedestrian Plan was prepared using an extensive planning process; and projects or strategies proposed in the short range program were reviewed utilizing a stringent screening process that considered technical soundness, financial feasibility, and social acceptability;**

**WHEREAS, the 2006 Metropolitan Bicycle and Pedestrian Plan provides a comprehensive, coordinated program of projects and strategies that will improve the urban and extraterritorial bikeway system;**

**WHEREAS, the 2006 Metropolitan Bicycle and Pedestrian Plan will further enhance the area's bicycling environment so that the bicycle becomes a convenient transportation and recreation alternative contributing to the health, safety, and quality of life for citizens in the metropolitan area;**

**NOW, THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners does hereby adopt the 2006 Metropolitan Bicycle and Pedestrian Plan, and agrees to use it as a tool to implement metropolitan bikeway goals and objectives which will complement overall development of the metropolitan transportation system.**

**OPEN QUESTION & ANSWER SESSION REGARDING STATE BUILDING CODE**

Planning & Environmental Programs Director Tim Magnusson informed the Board that Mr. Leroy Heitz, State Building Code Official, was unable to attend today's meeting due to a prior commitment.

Mr. Magnusson inquired of the Board as to which of the counties that have adopted the State Building Code they would like him to contact regarding their experience with the Code.

Consensus of the Board was that Mr. Magnusson should e-mail those counties with a few key questions: if they adopted the Code in its entirety, is there flexibility in the description of 'maintenance' items (water heaters, windows, etc.), what types of permits have been issued in the

last 3-6 months; and request to see a copy of their resolution adopting the Code.

Commissioner Campbell commented that Jim Mulder, AMC, had told him that counties do not have to adopt the Code in its entirety. Mr. Magnusson stated that he was aware that there are parts of the Code that are optional: sprinklers, elevators, flood proofing.

The question has been posed to Minnesota Counties Insurance Trust as to the liability the County would face if only part of the Code was adopted or enforced. Commissioner Brunsvold felt it would be reckless of the County to adopt the Code and not enforce all of it.

Commissioner Campbell expressed concern about those areas of the County that the Code would not apply to if it was adopted.

County Administrator Vijay Sethi commented that he will be visiting with City of Moorhead officials as to their adoption of the Code and enforcement of it.

Commissioner Waller noted that the public seems to have no problems with adopting portions of the Code pertaining to new construction and major remodeling. He stated that it is hard to believe the State takes the position of "all or nothing" pertaining to the Code.

Mr. Magnusson felt if the Code is to be adopted, it should be in its entirety. He informed the Board that the Request For Proposals for inspection services for the Building Code included verbiage that the contractor would have to carry errors and omissions insurance in the amount of \$1-\$2 million, and the contract would include a hold harmless clause for the county's protection.

Ms. Carol Schoff informed the Board that she had heard there is some talk of 'random' inspections. Mr. Magnusson clarified that one way of dealing with the smaller items is to have licensed contractors install these items and send back certification to the County. He added that the fee structure could be minimal for smaller items. Commissioner Waller did not care for the idea of an installer being able to inspect his own work.

FLOODING & WATERSHED MANAGEMENT, WILD RICE WATERSHED DISTRICT:  
CONCERNED CITIZENS OF WILD RICE WATERSHED DISTRICT

Mr. Mark Harless and Mr. Don Vellenga, representing 55 members of the Concerned Citizens of the Wild Rice Watershed District, were present to request that the County Board hold the Wild Rice Watershed District (WRWD) Managers accountable to reach a goal of 125,000 acre feet of storage, initiate a comprehensive water plan, and reconsider the Marsh Creek Site 6 project. Mr. Harless stated that WRWD appears to agree to the goal of 125,000 acre feet of storage and to initiate a comprehensive water plan. He was hopeful that the Marsh Creek 6 project, which had grown in cost to \$4 million due to environmental/DNR impacts and mitigation, would be reconsidered. Commissioner Evert inquired what else the WRWD could have done for the Marsh Creek 6 project, he felt their hands were tied. Mr. Vellenga stated that the WRWD did not have a plan in hand for the Marsh Creek 6 project in 1997.

Mr. Harless felt the County Board should routinely meet with their appointed managers to receive updates/feedback on Watershed issues.

Commissioner Waller felt the legislators need to be involved for assistance with the bigger projects where the environmental impacts and mitigation significantly increase the project costs.

DISCUSSION RE: APPOINTMENT/REPRESENTATION TO  
WILD RICE WATERSHED BOARD OF MANAGERS

Consensus of the Board was that they would wait to address this issue until the Board of Water and Soil Resources has made its decision regarding Mahnommen County's petition for redistricting.

APPROVAL OF PLATTING FEE FOR SP 14-622-06, CSAH 22 BRIDGE CONSTRUCTION PROJECT, FOR REPLATTING RIVERSIDE SECOND SUBDIVISION

On motion by Evert, seconded by Campbell, and unanimously carried, the Board approved payment by Auditor's Warrant of the City of Moorhead's \$500 fee for Preliminary and Final Plat Approval in connection with the CSAH 26/SP 14-622-06 project, noting that the fee will be deducted from the final settlement proceeds (Roger/Betty Anda) for the project.

UPDATE RE: CONDITION OF ROADS FOLLOWING FLOOD

County Engineer David Overbo informed the Board that the Highway crew is still assessing damage from the flood. Some washed out roads are being repaired and several culverts will be replaced. Emergency Management Director Matt Siiro is collecting damage information to be submitted for possible FEMA reimbursement. Statewide, \$5 million in damages must be recorded for FEMA involvement.

HIRING OF APPRAISER FOR RIGHT-OF-WAY PROJECTS

On motion by Evert, seconded by Brunsvold, and unanimously carried, the Board authorized the County Engineer to contract with Mr. Tom Barth for right-of-way appraisals for projects on County Road 96 and CSAH 7.

APPROVAL OF MONTHLY BILLS & VOUCHERS

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

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

County Administrator Vijay Sethi informed the Board that the request for \$150,000 from the legislature for a pilot study for the West Central Chemical Treatment and Correctional Facility did not advance in the House of Representatives for inclusion in the Omnibus Bill.

At the Joint Powers Committee last week, the planning and organizational responsibilities for the Intergovernmental Retreat were discussed. The majority of those attending the past retreats felt the one day/in Moorhead retreat was best. The Committee felt it is important to set the date and stick with it, either the 3<sup>rd</sup> or 4<sup>th</sup> week in January. The Committee has discussed the possibility of rotating the planning portion of the Retreat among the participants.

Commissioner McCarthy informed the Board that the Moorhead Planning Commission held 15 public hearings last week. Menards should be digging ground this week.

Commissioner Campbell informed the Board that with respect to the Oakport Flood Protection project, there are 12 buy-outs in the first phase, and this could increase to 16-17.

Commissioner Evert reported that discussion took place at the recent meeting of the Extension Citizens Advisory Committee regarding the need for flexibility in crisis situations (flood).

Commissioner Evert was hopeful that the Board would be informed and have a clear understanding of their role in the event of a flu pandemic.

Commissioner Evert advised that he would be visiting a hog operation in Pelican Rapids which is similar to the one proposed for Hawley Township.

Commissioner Waller requested a response from Social Services as to reports that Clay County is serving North Dakota clients.

Commissioner Brunsvold reported on the quarterly meeting of the West Central Regional Juvenile Detention Center, and that the occupancy rate is down

MINNESOTA COUNTIES INSURANCE TRUST - REPORT TO BOARD

Ms. Jane Hennagir, MCIT Account Representative, presented an update regarding the various coverages provided by MCIT: property/casualty, workers' compensation, risk management and loss control.

ADJOURN

The meeting adjourned at 11:45 am.

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Mike McCarthy, Chair  
Clay County Board of Commissioners

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Vijay Sethi, County Administrator