

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, April 18, 2006

8:30 a.m.

County Board Room - 3rd Floor - Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session on Tuesday, April 18, 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 with the addition of discussion regarding citizens' concerns regarding excessive dust and safety of road conditions on haul roads.

CITIZENS TO BE HEARD

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

APPROVAL OF MINUTES OF APRIL 4 & 11, 2006

On motion by Campbell, seconded by Waller, and unanimously carried, the minutes of the April 4 and 11, 2006 County Board meetings were approved with one correction.

PRESENTATION OF AWARD FROM UNITED WAY OF CASS CLAY

Ms. Katie Tinjum, United Way of Cass Clay campaign director, presented an award to Clay County employees for having the largest increase in giving in the Public Service Division for the 2005 campaign.

BOILER REPAIR/LAW ENFORCEMENT CENTER

Building Maintenance Supervisor Robbie Norman was present to request Board approval to replace the combination gas/oil burner in the Law Enforcement Center. Quotes have been received from Northwest Iron Fireman, Inc. (\$14,541) and Automatic Heating, Inc. (\$19,206). Mr. Norman reminded the Board that the tubes were replaced last year. He added that per the agreement with the City of Moorhead, they will pay half of the cost for the new burner.

On motion by Evert, seconded by Waller, and unanimously carried, the Board approved replacement of the burner in the Law Enforcement Center via the low bid of Northwest Iron Fireman, Inc., \$14,541.00.

CONTINUE DISCUSSION RE: STATE BUILDING CODE

County Administrator Vijay Sethi informed the Board that as a follow-up to the meeting on March 28, 2006, he had met with several representatives of the City of Moorhead regarding their implementation of the State Building Code. Minnesota Counties Insurance Trust (MCIT) has been contacted with respect to liability issues pertaining to the Code and their response was just received yesterday. The Association of Minnesota Counties (AMC) was contacted as well for information as to other counties' experience with adopting the State Building Code.

Discussion took place regarding the interpretation of 'maintenance' items, potential liability issues if not all of the State Building Code is adopted, flexibility of the code official in determining what is maintenance and what is not and resultant reflection on the code official and his certification, the need for more responses from counties as to their experience with building permits, hiring licensed contractors vs. the home owner acting as their own general contractor (a licensed contractor is required to follow the State Building Code), etc.

Consensus of the Board was that more time should be allowed to research the responses received from MCIT and AMC.

On motion by Evert, seconded by Brunsvold, and unanimously carried, discussion on this topic will continue on May 2, 2006 at 8:45 a.m., to allow staff to research the topic further.

REQUEST FOR PRESIDENTIAL DECLARATION OF EMERGENCY IN CONNECTION WITH FLOOD EVENT OF MARCH 30 - APRIL 11, 2006

Emergency Services Director Matt Siiro informed the Board that to date, \$610,000 in damage due to the recent flood has been identified for Clay County. A total of \$5.8 million statewide must be recorded in order for the Governor to seek a Presidential Disaster Declaration.

On motion by Campbell, seconded by Brunsvold, the Board unanimously adopted the following resolution:

RESOLUTION 2006-26

WHEREAS, the County of Clay has sustained severe losses of major proportion, caused by major flooding on the dates of March 30, 2006 through April 11, 2006; and

WHEREAS, Clay County is a public entity within the State of Minnesota; and

WHEREAS, substantial damage has been sustained to public and private property, as outlined in the attached damage assessment forms; and

WHEREAS, the cost of recovery from this disaster is beyond the resources available within the county, and state and federal resources are necessary.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, for and on behalf of the citizens of Clay County, request the Governor of the State of Minnesota to petition the President of the United States to declare the County of Clay, Minnesota, to be a major disaster area, through appropriate channels.

BE IT FURTHER RESOLVED, that this request is for:

- 1. The Public Assistance (Infrastructure Support) and Human Service Programs as offered through P.L. 93-288 and 106.390.**
- 2. The Hazard Mitigation Program, as offered through P.L. 93-288 and 106.390.**

BE IT FURTHER RESOLVED, that the County Emergency Management Director is authorized to coordinate the damage survey teams with local governments, and assist in the administration of the disaster recovery process, as needed.

EMPLOYEE COMPENSATION FOR WORK DURING FLOOD

Sheriff Bill Bergquist addressed the Board regarding the policy for compensation for exempt employees who worked hours, above and beyond normal, during the recent flood (Sheriff's Department Supervisors, Highway Department staff, and GIS Coordinator). He noted that the non-exempt employees who worked additional hours during this period have received payment at time and a half. The hours for the non-exempt staff have been included in the total of damages to be submitted to FEMA for reimbursement if a Presidential Disaster Declaration is made. According to FEMA guidelines, if the County has a written policy regarding payment of overtime wages for

exempt staff in disaster situations, they will reimburse the County those wages. Lt. Matt Siiro stated that the policy must be adopted before a Presidential Disaster Declaration is made.

Human Resources Director Dawn Schlosser-Greuel informed the Board that the current compensatory time policy does not allow for additional wages for exempt employees. The Personnel Issues Committee had determined that if there was a disaster, the County Board would look at how to address the issue of additional hours worked by exempt employees.

Commissioner McCarthy felt it is important not to break from County policy. However, a condition could be included in the policy that 'contingent upon receiving FEMA funds, additional wages could be paid to exempt employees'.

Commissioner Campbell felt it is difficult to say that the County will pay additional wages only if FEMA makes reimbursement. He felt the function of these employees was far and above the norm during the recent flood event. He felt the County's policy should be if a Countywide disaster is declared, the County should be prepared to compensate the exempt employees.

Commissioner Brunsvold commented that exempt employees are paid to get the job done, whatever that might be. He commented that disasters happen in all departments at some time or another, and questioned if changing the policy would open the door to payment of time and a half to exempt employees in other situations (blizzards, ice storms, computer outage, broken pipes, public health issues).

Commissioner Waller commented that the Personnel Issues Committee adopted the compensatory time policies to clean up past issues with excessive compensatory time balances and to appropriately compensate non-exempt employees, etc. He added that the committee did discuss the fact that if a disaster declaration were made, and the County collects time and a half from FEMA for hours worked, that the employees should get paid that time and a half.

Commissioner Evert felt a Disaster Declaration is different than the other emergencies that may occur in departments. He felt the payment of time and a half should be tied to a Disaster Declaration.

Consensus of the Board was that the Personnel Issues Committee should review this matter further to develop a recommendation.

Lee Livdahl, Highway Maintenance Foreman, commented that it will take another month of him working 15 hours a day at no extra pay to get things back to normal following this flood. In the flood of 2002, prior to changes in the compensatory time policies, he received hour for hour payment for additional hours worked.

Highway Engineer Dave Overbo commented that most departments have small emergencies that they deal with occasionally, so the departments would be equitable in that respect. He felt a major declaration of disaster could not be compared to occasional emergency occurrences.

County Administrator Vijay Sethi felt that the Presidential Declaration of Emergency, which activates FEMA involvement, should be the determining factor in the payment of overtime wages.

On motion by Campbell, seconded by Evert, and unanimously carried, this topic was referred to the Personnel Issues Committee.

**COMMUNICATION FROM LAKES AND PRAIRIES COMMUNITY ACTION
PARTNERSHIP RE: SPACE RENTAL IN FAMILY SERVICE CENTER**

County Administrator Vijay Sethi informed the Board that over the past few months, discussions have been taking place regarding Lakes and Prairies Community Action Partnership

(formerly Clay-Wilkin Opportunity Council) entering into a long term lease arrangement for their space in the Family Service Center. He reminded the Board that in 1992, Clay-Wilkin brought in funds to assist with the remodeling of the Family Service Center, for which they received a reduced rental rate for Headstart space.

Mr. Joe Pederson, Executive Director, Lakes & Prairies Community Action Partnership, informed the Board that their agency's economic conditions have shrunk, and in order to stay in the Family Service Center, they need a long term lease at a reduced rate. He added that they would be willing to pay additional rent for utility increases, and free up space the County might be able to lease easier. Grant funds (\$500,000 statewide) for early childhood facilities have become available for Headstart and Rainbow Bridge programs (reconfigure space, upgrade playground, parenting room for safe exchanges), however, the grantee must be a governmental entity. This is one-time money, but the potential is there for next year as well. A dollar for dollar match is strongly encouraged, and this match could be lease costs.

On motion by Evert, seconded by Waller, and unanimously carried, the Board agreed to proceed with the grant process for early childhood facilities as described above.

Commissioner Waller commented that dollars put towards programming could be used to leverage other dollars, which makes a case for other non-profits negotiating rent.

Commissioner Brunsvold felt the Family Service Center building should be appraised as far as rental space is concerned. He also felt the need to assure that all expenses for the building are being properly allocated.

FINAL PLAT APPROVAL: LAKE ELEVEN ACRES
(ROGENBROOK/LIZZIE BAY INVESTMENTS, LP)

Planning & Environmental Programs Director Tim Magnusson presented the Lake Eleven Acres plat for final approval. He reminded the Board that on April 26, 2005, the preliminary plat was approved by the Board with several conditions. Mr. Magnusson reported that all of the conditions placed by the Board have now been met.

County Recorder Bonnie Rehder commented that the plat document includes a space for signature/approval of the Planning Commission. Due to the fact that the Planning Commission did not recommend approval of this plat, Chief Assistant County Attorney Michelle Winkis suggested that the signature area for the Planning Commission be X'd out.

On motion by Campbell, seconded by Brunsvold, and unanimously carried, the Board granted final approval of the Lake Eleven Acres Subdivision.

APPROVAL TO REPLACE COPIER FOR FSCCC COPY/MAIL ROOM

On motion by Evert, seconded by Brunsvold, and unanimously carried, the Board approved replacement of the copier in the FSCCC Copy/Mail Room via a lease purchase arrangement with Reardon's Office Equipment (60 month lease, \$1 buy-out, \$713.39/month which includes lease and maintenance agreement).

ACCOUNTING NEEDS FOR SOCIAL SERVICES

Social Services Director Rhonda Porter and County Auditor Lori Johnson were present to address accounting needs for the Social Services Department. Ms. Porter recommended a job classification change for Ms. Susan Roll, Accounting Technician II to a Fiscal Supervisor position under the Minnesota Merit System. Ms. Porter stated that this change would allow Ms. Roll more

time to work with her on revenue enhancements and other new pieces (applying funds to correct accounts, to maximize the Eide Bailly product, direct the work of accounting staff for Social Services, and provide oversight of auditing staff (4.5 FTE Social Services accounting staff including Susan). Ms. Porter felt this change would be a first step in the adjustment to Eide Bailly's program, in that Ms. Roll will meet with Eide Bailly representatives regarding changes to the method of input of data.

County Auditor Lori Johnson stated that currently there is work that is not getting accomplished and there is little time for analysis of funds coming in/going out. She felt additional staff time is needed to track funds, lay out the budget differently, and to recapture more revenue.

On motion by Evert, seconded by Brunsvold, and unanimously carried, the Board approved a job classification for Ms. Susan Roll to Fiscal Supervisor I under the Minnesota Merit System, \$19.82/hour.

With respect to the request for a permanent full time Accounting Technician position, Commissioner Waller questioned if the County would be better off continuing with the roster Accounting Technician until such time as it is known what the needs will be with the new Eide Bailly program. Ms. Johnson stated that the roster staff person would have to be working full time to get to where we want to go. The Accounting Technician will have to be trained to take over what Ms. Roll was doing. She felt the full time Accounting Technician will be needed and one more staff person for sure, possibly more.

Mr. Sethi stated that the changes in these positions will help address Social Services accounting issues. He felt there are still issues in other departments with accuracy and timeliness of reports.

Commissioner Brunsvold commented that the committee is committed to staffing appropriately for the new financial reporting program.

Commissioner Waller reiterated his concern with hiring a full time employee, not knowing exactly what will be needed with the Eide Bailly project.

Ms. Johnson stated that she knows for sure that this position is needed. She added that expertise will be needed for this position, along with extensive training, which she did not want to put into a roster staff. She stated that the current roster position is used for scanning documents. She felt it will take 4-6 months to determine what other staffing is needed, however, she did not feel another employee would be hired in 2006.

Ms. Porter felt this position is needed for issues over and above the Eide Bailly financial reporting project. She felt the position is income based to some degree, for work with the Social Services budget, tracking, input, revenues, etc. There is \$15,911 budgeted for the current roster Accounting Technician position. A full time Accounting Technician position would require an annual salary and benefit cost of approximately \$37,832, thus an additional \$21,921 would be needed for the position. Ms. Porter felt additional billing and revenue maximization will result in increased reimbursements, offsetting the increased cost of the position.

Commissioner Brunsvold moved approval of the hiring of a permanent full time Accounting Technician position which would replace the current Accounting Technician roster position. The motion carried unanimously.

DISCUSSION RE: ELECTED OFFICIALS' SALARIES

Human Resources Director Dawn Schlosser-Greuel informed the Board that the Personnel

Issues Committee had met regarding the development of a process to set elected officials' salaries from year to year. The following guidelines were recommended:

Merit/Step Increases: *Elected Officials are not subject to the same personnel policies as the other employees and are not subject to performance appraisals. The public evaluates the performance of an elected official through the election process; therefore it is recommended that a merit, step or longevity increase would not apply to elected officials.*

Cost of Living Adjustment (COLA): *It is recommended that a COLA be applied to the elected official salary every year to keep up with inflation. The COLA would be the same as other non-represented employees within Clay County as decided by the Clay County Board of Commissioners.*

Market Adjustments: *It is recommended that every four years, a market study be conducted using the county comparison guidelines as previously approved by the board. The 4-year increment will fall in line with the necessity to set salaries in the election year (2006, 2010, 2014, 2018, etc.). The next market study would be conducted in the fall of 2009 for the year 2010. Adjustments will be made as necessary to keep the elected officials at the mid-level of the market.*

New Elected Officials: *The incoming elected officials will be performing the same work and duties as the outgoing elected official. Therefore, it is recommended that the incoming elected official receive the same pay as the outgoing elected official.*

Commissioner McCarthy commented that it was the Personnel Issues Committee's intent to keep the guidelines simple and reasonable.

Commissioner Waller did not see anything different in the written guidelines than what has taken place in past practice, except now there is a written schedule of when adjustments will be considered. With respect to new elected officials receiving the same salary as outgoing officials, he was comfortable given the fact that with the new comparable counties, it is more fair than in the past.

Commissioner Brunsvold disagreed with the statement that elected officials are not subject to performance appraisals, in that if an elected official disputes his salary, his training, experience and performance must be considered in establishing the salary. With respect to market adjustments, Commissioner Brunsvold felt it is difficult for the current Board of Commissioners to make decisions for future Boards. He also felt that elected officials should be compensated appropriately, based on what they do, and not at the "mid-level" of the market.

Ms. Schlosser-Greuel felt the public does evaluate the performance of elected officials, otherwise they would not be re-elected. With respect to incoming elected officials receiving the same salary as outgoing officials, she felt the pay is for the position, not the person, in that the new official will have the same responsibilities the outgoing official.

Chief Assistant County Attorney Michelle Winkis commented that she does not know of a County Board that evaluates its officials.

Commissioner Evert felt the Board has no basis to determine how elected officials perform.

Commissioner Campbell felt a major accomplishment has been the establishment of a new

list of comparison counties for the purpose of maintaining a base salary for elected officials. However, this could be changed by a new Board of Commissioners. He felt there should be some pay differentiation between someone who has been in a position for 20 years and someone just elected.

County Recorder Bonnie Rehder informed the Board that some counties do pay additional percentages to their elected officials for longevity.

Commissioner Waller corrected recent media reports that the County Board had received a 14% increase. He noted that the Board did increase their per diem from \$50/day to \$75/day, and received the same cost of living adjustment (2%) as other County employees.

Commissioner Evert cautioned that if the County Board waits until 2009 for a market adjustment, the increase might be too strong. He questioned whether or not a market adjustment should be considered now for the Board so it is more gradual. Commissioner Campbell expressed his opinion that the per diem and COLA increases the Board received for 2006 were enough. Commissioner Brunsvold felt it was not appropriate to wait until 2009 for a market adjustment.

Consensus of the Board was that they are comfortable with the recommendation regarding Cost of Living Adjustments.

County Administrator Vijay Sethi felt that the comparison counties would be reviewed every four years to assure that the comparisons are still accurate. Commissioner McCarthy agreed that the comparison counties would be reviewed every four years, and that salaries would not necessarily be adjusted every four years.

Consensus of the Board was that the topic of elected officials salaries should be sent back to the Personnel Issues Committee for further review.

COUNTY GOVERNMENT WEEK, APRIL 23-29, 2006

Human Resources Director Dawn Schlosser-Greuel informed the Board of County Government Week activities April 23-29, 2006.

AUTHORIZATION TO ADVERTISE FOR YEARLY SUPPLY LETTING

On motion by Brunsvold, seconded by Evert, and unanimously carried, the Board authorized advertisement for Highway Department yearly supplies for May 23, 2006, 4:05 p.m.

DISCUSSION RE: HIGHWAY DEPARTMENT MAINTENANCE DISTRICTS

County Engineer David Overbo informed the Board that the Highway Department Tracking/Scheduling Committee has been discussing for some time the possible reinstatement of a maintenance district. This is a result of complaints from Township Officers concerning the quality of work being conducted in their areas, as well as timeliness. Another issue is the fact that the County may be conducting maintenance work in rural subdivisions in the future and the resultant need for more equipment and hours for this work.

Mr. Overbo stated that costs for the additional district would involve a motor grader and truck, as well as roughly \$30,000 for annual salary for the operator. The committee has discussed the possibility of implementing just the motor grader the first year and add the truck the next year. There may be some spare equipment that could be put into use.

Commissioner Brunsvold felt this topic should be discussed in the budget context.

Commissioner Waller commented that the Townships will be paying roughly half of the

costs for the new maintenance district.

Consensus of the Board was that they believe another maintenance district should be created. The Board requested that Mr. Overbo develop firm cost estimates towards implementation of a new maintenance district.

Commissioner Evert felt the new district needs to be implemented as soon as possible.

CONCERNS FOR EXCESSIVE DUST IN TANSEM TOWNSHIP AREA

Commissioner Evert relayed concerns he has received from citizens in the 147th Avenue, 280th Street and County Road 127 in Tansem Township, involving excessive dust caused by the gravel trucks. The residents in the area have stated that the dust is so bad they can't be outside, and the dust control product that has been placed in front of their homes does not do any good, in that it should be placed on the entire road. The residents questioned whether the County is enforcing the provisions of the gravel extraction permit. The citizens fear for their safety when the gravel trucks create so much dust and meet each other on the road. Consensus of the Board was that research be conducted on the conditions of the gravel extraction permits, and that the gravel companies be sent a letter from the County Attorney's office seeking their cooperation in remedying the situation.

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 distributed the 2005 Year End Revenue/Expenditure Report to be reviewed at the April 25th County Board meeting.

Mr. Sethi informed the Board that he has several copies of the DVD entitled, "Minnesota Local Government Meth Project", which was developed in collaboration by AMC, League of Minnesota Cities, and Minnesota School Board Association. The Board felt it is important that all County employees view the DVD.

Commissioner Campbell commented that the Insurance Committee is beginning the process of review of the different types of health insurance programs that may be available to County employees.

Commissioner Evert informed the Board that he had toured hog barns similar to those proposed for Hawley and Ulen Townships, for which the Planning Commission is holding public hearings.

Commissioner Brunsvold stated that he had toured one of the Baer farms, in connection with the possibility of a hog facility being built west of their chicken facility.

ADJOURN

Mike McCarthy, Chair
Clay County Board of Commissioners

Vijay Sethi, County Administrator