

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, June 19, 2007

9:00 a.m.

County Board Room – 3rd Floor – Courthouse

M I N U T E S

The Clay County Board of Commissioners met in regular session on Tuesday, June 19, 2007 with Commissioners Brunsvold, Campbell, Evert, and McCarthy present. Commissioner Waller was absent.

APPROVAL OF AGENDA

On motion by Evert, seconded by Brunsvold, and unanimously carried, the agenda was approved as printed.

AUTHORIZATION TO ADVERTISE FOR BIDS FOR TRANSPORTATION SERVICES

By consent agenda, the Board authorized advertisement for bids for transportation services effective January 1, 2008 through December 31, 2009, with an option to renew for one year. If the County enters into a Joint Powers agreement for the transit system, a 90-day opt out clause would allow either party to terminate the contract with proper notice.

APPROVAL OF NEW PROVIDER FOR WAIVER SERVICES (LIFE WORKS SERVICES)

By consent agenda, the Board approved Life Works Services, Mendota, MN, as a new provider of waiver services for the period ending December 31, 2007 (Mental Retardation-related Conditions; Community Alternative Care; Community Alternatives for Disabled Individuals; Traumatic Brain Injury (all Home and Community Based Waivers).

APPROVAL OF LIQUOR LICENSE RENEWAL FOR MAINLINE BAR & GRILL

By consent agenda, the Board approved the renewal of the liquor license for the Mainline Bar & Grill, 9571 Highway 9 South, Barnesville, MN, for the period ending June 30, 2008.

APPROVAL OF ABATEMENT REQUEST (YSTEBO)

By consent agenda and as recommended by the City of Moorhead Assessor's Office, the Board approved an abatement request for Stuart Ystebo, parcel #58.501.0041, for payable 2005, 2006, and 2007 tax, due to an error in GIS mapping (used incorrect square footage), for a total tax reduction of \$298.00.

APPROVAL OF LIQUOR LICENSE RENEWAL FOR GALAXIE SPORTS BAR/SUPPER CLUB

By consent agenda, the Board approved the renewal of the liquor license for the Galaxie Sports Bar/Supper Club, 20063 Highway 34 South, Barnesville, MN, for the period ending June 30, 2008.

AUTHORIZE EXECUTION OF BLUE PLUS CONTRACT WITH PUBLIC HEALTH AND SOCIAL SERVICES TO PROVIDE CASE MANAGEMENT SERVICES TO BLUE PLUS MEMBERS FOR MINNESOTA SENIOR HEALTH OPTIONS

By consent agenda, the Board authorized execution of the Blue Plus contract with Public Health and Social Services to provide case management services to Blue Plus members for Minnesota Senior Health Options, with two changes over the previous contract: the contract will be ongoing until terminated (previous contracts were renewed annually), and reimbursement rates were increased for this year as set by the Department of Human Services Medical Assistance.

CITIZENS TO BE HEARD

There were no citizens present who wished to be heard.

BUY-BACK OPTION FOR 2002 140H MOTOR GRADER

On motion by McCarthy, seconded by Brunsvold, and unanimously carried, the Board authorized the County Engineer to exercise the buy-back option for the 2002 140H Motor Grader due to the fact that the value of the machine is approximately \$140,000 and the buy-back is only \$92,500. Funds are included in the Internal Service Fund for this equipment purchase.

DILWORTH BIKE/PEDESTRIAN PATH PROJECT

County Engineer David Overbo reminded the Board that in August, 2006, they agreed to sponsor the Dilworth Bike/Pedestrian Path project, with the City of Dilworth responsible for all costs. Bids were let June 5, 2007 with five contractors responding:

- Paras Contracting - \$84,118.50
- Opp Construction - \$89,627.10
- Ti-Zack Concrete, Inc. - \$93,806.00
- Northern Improvement - \$118,922.95
- Key Contracting - \$119,772.30

The apparent low bidder is Paras Contracting, Inc., Fargo, \$84,118.50 (the engineer's estimate was \$107,431).

On motion by Evert, seconded by McCarthy, and unanimously carried, the Board authorized execution of a contract with Paras Contracting, Inc., for the Dilworth Bike/Pedestrian Path project, in the amount of \$84,118.50, contingent upon approval by the City of Dilworth.

RECOMMENDATION RE: SUPPORT AND MAINTENANCE RENEWAL OF PROCLARITY DESKTOP LICENSES

County Administrator Vijay Sethi informed the Board that with the availability of Excel 2007 on staff computers, and the ability to download from the Clay County 'cube' into a pivot table within Excel, he did not believe ProClarity software would be used as much in the future and did not see a need to buy the support/maintenance. While ProClarity may still be used by staff during the transition period from ProClarity to Excel, he felt Eide Bailly representatives will be available to assist with questions/support.

On motion by McCarthy, seconded by Brunsvold, and unanimously carried, the Board declined to renew the support/maintenance option with ProClarity.

DISCUSSION RE: MOORHEAD AIRPORT JOINT ZONING BOARD APPOINTMENT

Chief Assistant County Attorney Michelle Winkis offered her opinion as to the ability of Clay County to appoint a commissioner to the newly created Moorhead Airport Joint Zoning Board, replacing a previous ad hoc committee. She stated that in a 1960's opinion by the Office of the Attorney General, the Joint Powers board cannot have an elected member of a County Commission or City Council because of the statutory provision that if either Commission or Council is dissatisfied with the action of the Joint Powers Board, they have the authority and ability to take an appeal to District Court. Having a commissioner or council member on the Joint Powers Board, would be a conflict of interest if the Commission or Council were to appeal an action of the Joint Powers Board.

On motion by McCarthy, seconded by Brunsvold, and unanimously carried, the Board adopted the following resolution, appointing Planning & Environmental Programs Director Tim Magnusson and Planning Commission Chair Greg Anderson to the Moorhead Airport Joint Zoning Board:

RESOLUTION 2007-34

AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD

WHEREAS, the City of Moorhead, hereinafter called the Municipality, owns and controls the Moorhead Airport; and

WHEREAS, portions of the airport hazard area adjacent to the airport are located outside the territorial limits of said Municipality but within the territorial limits of Clay County; and

WHEREAS, the above Municipality has requested in writing that we join with them in the creation of a Joint Airport Zoning Board; and

WHEREAS, Clay County deems it necessary and expedient to create a Joint Airport Zoning Board in cooperation with the above Municipality pursuant to Minnesota Statutes Section 360.062, Subdivision 3, and other applicable laws for the purpose of establishing, administering and enforcing zoning laws for the areas surrounding the airport and for the protection of the airport and the public; and

WHEREAS, the above statute provides that Clay County has the right to appoint two (2) persons to said Board (said persons should not be members of the County Board of Commissioners); and

WHEREAS, Subdivision 3 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no monies shall be expended by the Commissioner of Transportation of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport.

NOW, THEREFORE, BE IT RESOLVED, by Clay County as follows:

- 1. That there is hereby created in cooperation with the above Municipality a Joint Airport Zoning Board to be comprised of representatives of the County of Clay and representatives of the above Municipality pursuant to Minnesota Statutes Section 360.063, Subdivision 3.**
- 2. That Clay County hereby appoints Planning & Environmental Programs Director Tim Magnusson and Planning Commission Chair Greg Anderson to be its representatives on said Board, said persons to serve for an indefinite term until they resign or are replaced by Clay County.**

APPROVAL OF BILLS AND VOUCHERS

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

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Brunsvold informed the Board that Churches United is undergoing a management review process provided free of charge by the University of Minnesota. Commissioner Brunsvold attended the Executive Board meeting of the Greater Fargo-Moorhead Economic Development Corporation.

Commissioner McCarthy informed the Board that the Area Agency on Aging is able to go another two years before bidding out the Senior Meals contract due to changes at the State.

Commissioner Evert commented that the joint meeting with the Cass County Board of Commissioners was a good opportunity to share information. He suggested that a similar meeting take place with the Moorhead City Council. County Administrator Vijay Sethi will contact City officials to see if there is an interest in a joint meeting at this time. Commissioner Evert took part in the interview process to fill the Ag Inspector/Sanitarian position and was pleased that Kent Severson has accepted the position. Commissioner Evert attended meetings of the Red River Basin Commission; Northern Connections; Resource, Conservation & Development (RC&D); the Tour of Devils Lake, ND; and MCIT Insurance Review.

Commissioner Campbell requested that an update be provided to the Board in the near future concerning the possibility of housing prisoners in Cass County. Commissioner Campbell commented that work continues on the possibility of a joint effort for transit operations. At the Area Transportation Partnership meeting, changes were made in the distribution of funds (discretionary fund was eliminated and redistributed to County Engineers to allow for better planning). The Highway Tracking & Scheduling Committee continues to work on the 5-year Highway Construction plan. Commissioner Campbell advised the Board that Ms. Becky Harrington has accepted the position of Regional 4-H Director, creating another local Extension Educator vacancy.

County Administrator Vijay Sethi inquired if the Board would like to contact the Governor regarding the possibility of calling a Special Session to address unfinished business from the recent Session. Consensus of the Board was that they would be supportive of a Special Session to address specific concerns, support a base for neighboring counties whose Aid had continued to drop every year, and to address transportation funding.

In response to Commissioner Evert's recent inquiry regarding E-Waste, Mr. Sethi indicated that he would ask Planning & Environmental Programs Coordinator Kathy Maher to make a presentation to the Board in the near future.

Mr. Sethi advised the Board that the Case Aides in Social Services are taking steps to organize union representation. The Personnel Issues Committee has been reviewing their issues for some time.

ADJOURN

Following adjournment at 10:10 a.m., the commissioners completed the National Incident Management Systems Training (NIMS) with the assistance of Emergency Services Director Lt. Matt Siiro.

Kevin L. Campbell, Chair
Clay County Board of Commissioners

Vijay Sethi, County Administrator