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CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, February 14, 2012

8:30 a.m.

County Board Room – 3rd Floor – Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session with all Commissioners present: Campbell, Evert, Ingersoll, Waller and Weyland. County Administrator Brian C. Berg and Sr. Administrative Assistant Vicki Reek were also present.

APPROVAL OF AGENDA

On motion by Waller, seconded by Evert, and unanimously carried, the agenda was approved as presented.

AUTHORIZATION TO EXECUTE GRANT AGREEMENT FOR REENTRY SERVICES PROGRAM FUNDS

By consent agenda, the Board authorized execution of the necessary documents to receive grant funds for the Reentry Services Program in the amount of \$173,727 for the period 1/1/12 – 12/31/12.

AUTHORIZATION TO EXECUTE GRANT AGREEMENT FOR STATE OF MINNESOTA VETERANS SERVICE OPERATIONAL GRANT FOR PURCHASE OF COPIER

By consent agenda, the Board authorized execution of the necessary documents for the Veterans Service Office to receive an operational grant in the amount of \$4200 for the purchase of a copier and adopted the following resolution:

RESOLUTION 2012-13

BE IT RESOLVED by the Clay County Board of Commissioners that the County enter into a grant agreement with the MN Department of Veterans Affairs (MDVA) to conduct the following Program: County Veterans Service Office Operational Improvement Grant Program. The grant must be used to enhance the operations of the County Veterans Service Office under Minn. Stat. 197.608 Subd. 4 (1), and should not be used to supplant or replace other funding.

BE IT FURTHER RESOLVED by the Clay County Board of Commissioners that Tom Figliuzzi, the County Veterans Services Officer, be authorized to execute the grant contract for the above-mentioned program on behalf of the County.

CITIZENS TO BE HEARD

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

APPROVAL OF MINUTES OF JANUARY 17, 31, AND FEBRUARY 7, 2012

On motion by Campbell, seconded by Waller, and unanimously carried, the minutes of the County Board meetings held January 17 and 31, and February 7, 2012 were approved as presented.

ACCEPTANCE OF LETTER OF RESIGNATION – COUNTY ASSESSOR RYAN DEJONG

On motion by Campbell, seconded by Ingersoll, and unanimously carried, the Board regretfully accepted the letter of resignation from County Assessor Ryan DeJong, with his last day at Clay County to be March 2, 2012.

Discussion will take place at a later date with respect to filling the Assessor position.

DISCUSSION RE: PROPOSED CONSTITUTIONAL BUDGET AMENDMENTS IN
MINNESOTA LEGISLATURE

The Board discussed several constitutional amendments which have been introduced in the Minnesota Legislature:

- House File 1598/Senate File 1384 would require a three-fifths supermajority vote in each body of the Legislature in order to pass a tax increase.
- House File 1661/Senate File 1378 would limit general fund spending in the biennium to just 98 percent of forecasted revenues.
- House File 1612/Senate File 1364 would limit all spending in the biennium to the amount of all revenues collected in the previous biennium.

On motion by Ingersoll, seconded by Evert, and unanimously carried, the Board adopted the following resolution opposing amendments to Minnesota’s Constitution that would require a supermajority vote to raise taxes or use reserve funds or would restrict lawmakers from using available resources.

RESOLUTION 2012-12

WHEREAS, proposed budget amendments would make it more difficult to reform the tax code and ensure that everyone pays their fair share; and

WHEREAS, they would increase gridlock by empowering a small number of legislators to block action on important priorities; and

WHEREAS, they would increase the likelihood the Legislators will continue to resort to budget gimmicks or one-time fixes; and

WHEREAS, they remove flexibility to respond to evolving public needs; and

WHEREAS, they restrict the state’s ability to respond in a crisis; and

WHEREAS, they would lead to short-sighted decisions that prevent investments in our future;

and

WHEREAS, they threaten our ability to adequately fund schools, safeguard the public health and maintain other critical services.

NOW, THEREFORE BE IT RESOLVED, that the Clay County Board of Commissioners opposes any amendment to Minnesota’s Constitution that would require a supermajority vote to raise taxes or use reserve funds, or would restrict lawmakers from using available resources.

DISCUSSION RE: PROPOSED BUFFALO-RED RIVER WATERSHED DISTRICT
ENLARGEMENT
AND INCREASE IN NUMBER OF MANAGERS

The Board discussed the petition concerning the proposed enlargement of the Buffalo-Red River Watershed District and addition of two members to the Buffalo Red River Watershed Board of Managers. Data concerning the current and proposed tax capacity of each county, drainage area, and population was reviewed (See Attachment “A”). **Consensus of the Board was that Clay County should have the ability to appoint at least one of the two proposed new managers based on its land value (72.7%), drainage area (44.1%), and population (82%).** Buffalo-Red River Watershed District Office Administrator

Bruce Albright confirmed that Watershed Statutes address distribution of managers (*M.S. 103D.301 DISTRIBUTION OF MANAGER POSITIONS; Subd. 1. More than one affected county. If more than one county is affected by a watershed district, the board must provide that managers are distributed by residence among the counties affected by the watershed district.*)

The Moorhead City Council addressed the petition at their February 13th meeting and concurred with Clay County's position.

The Public Hearing regarding the petition will be held Thursday, February 23, 2012, at 6:30 p.m. and representatives from the County Board will attend to provide comment. The Minnesota Board of Water and Soil Resources will subsequently act on the petition.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board directed that a letter be sent to the Board of Water & Soil Resources, acknowledging Clay County's receipt of a copy of the petition, indicating Clay County's support of the concept of the enlarged Watershed area, and requesting BWSR to base the number of managers by population per the Watershed statutes.

BUFFALO RED RIVER WATERSHED DISTRICT BOARD UPDATE

Buffalo-Red River Watershed District (BRRWD) Administrator Bruce Albright informed the Board that the Board has opened bids and decided upon construction of a new \$450,000 office building this spring. He added that an Administrative Assistant has been hired for the office. The BRRWD voted at their most recent meeting to not re-join the Red River Watershed Management Board.

COMMUNICATION FROM OTTER TAIL COUNTY BOARD OF COMMISSIONERS RE: CLAY COUNTY ACTING AS LOCAL GOVERNMENTAL UNIT FOR ENVIRONMENTAL ASSESSMENT OF TRANSMISSION LINE ROUTE PERMIT

The Board reviewed a communication from the Otter Tail County Board of Commissioners agreeing that Clay County can proceed as the Local Government Unit for the environmental assessment review of the Lakeswind 115kV Transmission Line Project on Otter Tail County's behalf.

On motion by Waller, seconded by Campbell, and unanimously carried, the Board agreed to act as the Local Government Unit for the environmental assessment of the 115kV Transmission Line Project, which also involves property in Otter Tail County, as described in a presentation to the County Board on January 31, 2012.

APPROVAL OF BILLS AND VOUCHERS

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

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Waller attended meetings of the Highway Tracking Committee and Soil & Water Conservation District.

Commissioner Ingersoll attended meetings of the Moorhead Planning Commission, Local Advisory Council for Children's Mental Health, and Lake Agassiz Regional Library.

Commissioner Evert attended the entrance meeting for the Audit for 2011, Diversion Land Management organizational meeting, Buffalo Red River Watershed District meeting, and Personnel Issues Committee meeting.

Commissioner Campbell attended several meetings regarding the F-M Diversion Authority.

Commissioner Weyland attended meetings concerning the 2011 Audit, FM Diversion Authority, Resource/Conservation/Development, and Personnel Issues Committee.

County Administrator Brian Berg attended meetings regarding the F-M Diversion Authority, Chamber of Commerce Public Affairs, Extension supervision, Assessor's Office vacancy, and Personnel Issues Committee. He informed the Board that the Extension remodeling in the Family Service Center is complete, the plumbing project in the Courthouse is nearing completion, and the bids will be let in March for the window project at the Family Service Center.

CLOSED SESSION: LABOR NEGOTIATION STRATEGY

On motion by Evert, seconded by Waller, and unanimously carried, the meeting was closed at 9:35 a.m. to discuss labor negotiation strategy.

On motion by Evert, seconded by Campbell, and unanimously carried, the meeting was opened at 9:50 a.m.

On motion by Campbell, seconded by Waller, and unanimously carried, the Board authorized execution of a proposed labor contract with Law Enforcement Labor Services Unit #141, effective 1-1-10 through 12-31-11.

On motion by Campbell and seconded by Ingersoll, the Board authorized execution of a proposed labor contract with Law Enforcement Labor Services Unit #141, effective 1-1-12 through 12-31-14 with minor modifications in language. Commissioner Waller was opposed to the motion citing his opinion that the length of the contract was too long.

ADJOURN

The meeting adjourned at 9:56 a.m.

Grant Weyland, Chair
Clay County Board of Commissioners

Brian C. Berg, County Administrator