

# See Highlighted Section on Page 1

## CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, May 15, 2012

8:30 a.m.

County Board Room – 3<sup>rd</sup> 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 Evert, seconded by Campbell, and unanimously carried, the agenda was approved as presented.

#### APPOINTMENT TO EMPLOYEE APPRECIATION COMMITTEE

By consent agenda, the Board appointed Highway Maintenance Foreman Andrew Holmen to the Employee Appreciation Committee for a two-year term.

#### REVISE UNIT NUMBERS FOR HIGHWAY DEPARTMENT TRUCKS

By consent agenda, the Board revised the Unit numbers for three new 2012 Chevy ½ ton 4 x 2's purchased by the Highway Department: Unit #106 has 3864 as last four numbers of VIN; Unit #110 has 4120 as last four numbers of VIN; and Unit #118 has 9448 as the last four numbers of VIN.

#### CITIZENS TO BE HEARD

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

#### APPROVAL OF MINUTES OF MAY 1 & 8, 2012 MEETINGS

On motion by Waller, seconded by Ingersoll, and unanimously carried, the minutes of the May 1 & 8, 2012 County Board meetings were approved as presented.

#### CLOSED SESSION: DISCUSSION REGARDING POTENTIAL APPELLATE LITIGATION

On motion by Campbell, seconded by Waller, and unanimously carried, the meeting was closed at 8:35 a.m. to discuss potential litigation concerning the Minnesota Board of Water & Soil Resources (BSWR) determination concerning the expansion of the Buffalo-Red River Watershed District (BRRWD) and appointment of two new BRRWD Managers.

On motion by Waller, seconded by Campbell, and unanimously carried, the meeting was reopened at 9:10 a.m.

Commissioner Campbell commented that while Clay County was in full support of the expansion of the BRRWD to include parts of Otter Tail and Wilkin Counties, he was disappointed that BSWR had not granted Clay County one of the two new Manager appointments. He added that he felt Clay County had significant criteria to support the request that one of the Managers be appointed by Clay County; however, Acting County Attorney Michelle Lawson felt it would be difficult to overturn BWSR's decision.

PETITION FOR REZONING, ALDERON HOLDINGS, LLC

Alderon Holdings, LLC, is seeking to rezone approximately 30 acres of land from Highway Commercial (HC) to Agricultural General (AG). The property is located in the W ½ E ½ Section 3, Hawley Township. The applicant no longer requires this property to be zoned HC due to a recent rezoning to HC of another parcel which they own. If the applicant is successful with this rezoning request, the property would continue to be used for agricultural purposes. The Planning Commission heard the request at the April 17 meeting and unanimously recommended that the County Board approve the request. Commissioner Evert recommended approval of the rezoning request.

On motion by Evert, seconded by Ingersoll, and unanimously carried, the rezoning request outlined above was approved.

ADOPT RESOLUTION SETTING PUBLIC HEARING TO AMEND  
CAPITAL IMPROVEMENT PLAN

County Administrator Brian Berg reminded the Board that in September, 2011, Clay County's Capital Improvement Plan (CIP) was amended to include \$2.3 million in projects for which bonds were subsequently sold. Those projects included:

- FSCCC Windows, Reroofing, Heating/Cooling Software Program
- Heating Plant Twin Cell Cooling Tower
- Fire Panel
- Seal-Coat East Parking Lot
- Rebuild FSCCC West Parking Lot
- Courthouse Roof
- Jail Roof
- LEC Parking Lot
- Juvenile Center Replace Heating/Cooling Control System
- Motor Vehicle Fire Alarm & Replace North Window
- Re-roofing over former Highway Shop

Some of these projects have been completed and some are in progress. As the bids have been received, costs are coming in lower than expected. In order to use the remaining bond funds to continue to make other necessary improvements to County properties, a Second Amendment to the Five Year Capital Improvement Plan must be approved. The additional projects include installation of a condensate return tank, venting relief system, repair sewer/drainage in restrooms, domestic hot water heater, summer boilers, roof discharge to sewer system, various pump replacements, jail doors, update carpet/paint, security improvements, MIS air conditioning unit, new chiller board, and re-caulking windows.

Commissioner Waller recalled that the Campus Capital Improvement list developed in 2010 included items prioritized over a 10 year period. Mr. Berg indicated that some of the 5-10 year priority items will be addressed in future years. He felt a discussion needs to take place regarding the future of the Motor Vehicle building (former Highway Department office) and whether or not it is prudent to continue to house the Motor Vehicle functions at that site. Currently, approximately \$125,000 is included for various repairs at that site.

Mr. Berg clarified that the item described as "repair sewer/drainage in restrooms" refers to the restrooms at the North end of the Courthouse.

Mr. Berg requested that a Public Hearing be scheduled for Tuesday, June 12, 6:05 p.m. to obtain public comment on the County's intention to approve a Second Amendment to the Capital Improvement Plan.

On motion by Evert, seconded by Waller, and unanimously carried, the following resolution was adopted calling for a Public Hearing on the Second Amendment to the 2007 Five Year Capital Improvement Plan:

**RESOLUTION 2012-23**

**RESOLUTION CALLING FOR A PUBLIC HEARING ON THE SECOND AMENDMENT  
TO THE 2007 FIVE YEAR CAPITAL IMPROVEMENT PLAN  
WHICH WAS ORIGINALLY APPROVED NOVEMBER 27, 2007**

**BE IT RESOLVED**, by the Board of County Commissioners of Clay County, Minnesota (the County), as follows:

- 1. Approval of the Second Amendment to the 2007 Five Year Capital Improvement Plan. The County has prepared and intends to approve the Second Amendment to its Capital Improvement Plan (the CIP) pursuant to Minnesota Statutes, Section 373.40.**
- 2. Public Hearing. A public hearing is hereby scheduled to be held on the approval of the Second Amendment to the 2007 Five Year Capital Improvement Plan at 6:05 p.m. on Tuesday, June 12, 2012, at the Clay County Government Center, in Moorhead, Minnesota. The County Administrator is hereby authorized and directed to cause Notice of such public hearing in substantially the form attached hereto to be published in the official newspaper of the County not less than fourteen (14) days or more than twenty-eight (28) days prior to the date of the hearing.**

**APPROVAL OF FIVE-YEAR HIGHWAY CONSTRUCTION PLAN**

County Engineer David Overbo presented the proposed Highway Construction Plan for the 2012-2016 period (See Attachment "A"). Mr. Overbo noted that the Highway Tracking Committee has reviewed and approved the Plan.

Commissioner Evert suggested that the County explore bonding for some Highway projects due to the fact that interest rates are so favorable at this time and by the time the projects are addressed in the Highway Construction Plan, the condition of the roads will have deteriorated dramatically. The Highway Tracking Committee will review the bonding options and the process to have projects planned and engineered.

On motion by Waller, seconded by Evert, and unanimously carried, the Board approved the 2012-2016 Highway Construction Plan as included in Attachment "A".

**APPROVAL OF RIGHT-OF-WAY VALUES FOR CSAH 31 & CSAH 33 INTERSECTION PROJECT**

County Engineer David Overbo informed the Board that Tinjum Appraisals has completed the appraisal work for the right-of-way needed to conduct the intersection improvements to CSAH 31/CSAH 33/TH 10 in Hawley. This is a collaborative project between Clay County, the City of Hawley, and MNDOT, and the costs will be split three ways. Seven parcels are required, with a total value of \$197,750 (includes land value, cost to cure, and one garage acquisition). The values recommended by Tinjum Appraisals are as follows: Commercial Property: \$2.00/sq.ft.; Residential Property: \$2.00/sq.ft.; and Temporary Easements: \$.39/sq.ft.

On motion by Evert, seconded by Campbell, and unanimously carried, the appraisal values listed above were approved.

APPROVAL OF OUT-OF-STATE TRAVEL FOR THE COUNTY ENGINEER TO  
ATTEND MNDOT BRIDGE SCANNING TOUR

On motion by Ingersoll, seconded by Waller, and unanimously carried, the Board approved out of state travel for County Engineer David Overbo to attend a MNDOT bridge scanning tour in Iowa, June 25-27, with all costs covered by MnDOT State Aid.

APPROVAL OF BILLS AND VOUCHERS

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

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Campbell attended meetings regarding the FM Diversion project.

Commissioner Evert attended the Annual Meeting for the FM Economic Development Corporation, and meetings concerning the FM Diversion Land Management Committee, Buffalo-Red River Watershed District, and Red River Basin Commission.

Commissioner Ingersoll attended meetings of Family Healthcare, Wild Rice Watershed District, and Clay County Collaborative.

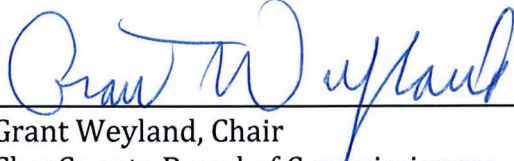
Commissioner Waller attended the Clay County Soil & Water Conservation meeting.

Commissioner Weyland attended the Regional Radio Board Committee meeting and the FM Economic Development Corporation Annual meeting.

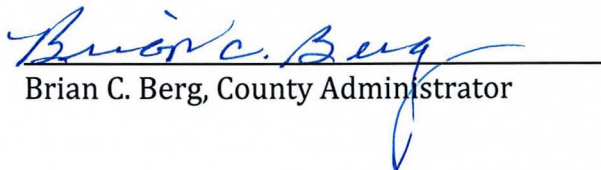
County Administrator Brian Berg informed the Board that he and County Engineer David Overbo toured several of the outlying Highway shops. He attended FM Diversion meetings and the Chamber of Commerce Public Affairs meeting.

ADJOURN

The meeting adjourned at 10:05 a.m.



Grant Weyland, Chair  
Clay County Board of Commissioners



Brian C. Berg, County Administrator

**CLAY COUNTY HIGHWAY DEPARTMENT  
 2012- 2016 PROPOSED CONSTRUCTION PROGRAM**

|                        |                                                 |             |  |
|------------------------|-------------------------------------------------|-------------|--|
| Balance as of 1/1/2012 | State Aid Regular Const Balance - (\$2,400,000) |             |  |
|                        | State Aid Municipal Const Balance - (\$218,357) | (\$328,884) |  |

| Project No.                  | Highway No. | Location                                | Type of Construction      | Miles | ADT   | YEAR | Estimated Cost     | Fed. Aid Funding   | State Aid Funding  | County Funding  | State Bridge Funding |
|------------------------------|-------------|-----------------------------------------|---------------------------|-------|-------|------|--------------------|--------------------|--------------------|-----------------|----------------------|
| 1                            | 8           | Red River to T.H. 75                    | 10 Ton Paving             | 1.2   | 195   | 2012 | \$660,000          |                    | \$660,000          |                 |                      |
| 2                            | 19          | 0.50 Miles North of T.H. 10 to CSAH 18  | Grading & 10 Ton Paving   | 1.5   | 500   | 2012 | \$1,500,000        |                    | \$1,550,000        |                 |                      |
| 3                            | 52          | Co Rd 56 to CSAH 21                     | Unbonded Concrete Overlay | 3.3   | 1,300 | 2012 | \$2,000,000        | \$2,000,000        |                    |                 |                      |
| 4                            | 94          | Sec. 6/7 Moland Twp. Over Buffalo River | Bridge Replacement        | 0.2   | 20    | 2012 | \$900,000          |                    |                    | \$75,000        | \$825,000            |
| 5                            | 52          | Sections 9 and 15, Barnesville Twp.     | Box Culvert Construction  | 0.2   | 990   | 1012 | \$368,689          |                    | \$214,382          |                 | \$154,307            |
| 6                            | 11          | 1 mile N. of CSAH 34                    | Box Culvert Construction  | 0.1   | 345   | 2012 | \$197,454          |                    | \$130,882          |                 | \$66,583             |
| 7                            | 7           | 2 mi. S. of CSAH 12                     | Box Culvert Construction  | 0.1   | 60    | 2012 | \$100,000          |                    | \$54,000           |                 | \$46,000             |
| 8                            | 68          | 1 mi. N of CSAH 18                      | Box Culvert Construction  | 0.1   | 45    | 2012 | \$92,361           |                    |                    | \$7,978         | \$84,382             |
| 9                            | T-48        | Viding Township Section 6               | Bridge Removal            | 0.1   | 45    | 2012 | \$25,000           |                    |                    |                 | \$25,000             |
| <b>TOTAL ESTIMATED COSTS</b> |             |                                         |                           |       |       |      | <b>\$5,843,504</b> | <b>\$2,000,000</b> | <b>\$2,609,264</b> | <b>\$82,978</b> | <b>\$1,201,272</b>   |

|                        |                                                 |            |  |
|------------------------|-------------------------------------------------|------------|--|
| Balance as of 1/1/2013 | State Aid Regular Const Balance - (\$2,353,264) |            |  |
|                        | State Aid Municipal Const Balance - \$11,643    | (\$61,862) |  |

\*\*\*This assumes availability of Federal Funds for the completion of CSAH 52

\*\*\*This plan is subject to change due to uncontrollable variables

State Aid Reg Const Allotment = \$2,600,000

State Aid Mun Const Allotment = \$230,000

Clay County Const Allotment = \$350,000

**CLAY COUNTY HIGHWAY DEPARTMENT  
2012- 2016 PROPOSED CONSTRUCTION PROGRAM**

|                        |                                                 |            |
|------------------------|-------------------------------------------------|------------|
| Balance as of 1/1/2013 | State Aid Regular Const Balance - (\$2,353,264) |            |
|                        | State Aid Municipal Const Balance - \$11,643    | (\$61,862) |

| Project No.                  | Highway No. | Location                     | Type of Construction             | Miles | ADT   | YEAR | Estimated Cost     | Fed. Aid Funding   | State Aid Funding                         | County Funding   | State Bridge Funding |
|------------------------------|-------------|------------------------------|----------------------------------|-------|-------|------|--------------------|--------------------|-------------------------------------------|------------------|----------------------|
| 10                           | 31          | CSAH 10 to CSAH 12           | 10 Ton Overlay/<br>Subgrade Work | 5.0   | 720   | 2013 | \$2,100,000        |                    | \$2,100,000                               |                  |                      |
| 11                           | 31/33       | Hawley and MN TH 10          | Intersection Improvements        |       | 1,100 | 2013 | \$750,000          |                    | \$370,000 SA<br>\$380,000 Mun             |                  |                      |
| 12                           | 52          | TH 9 to Co Rd 56             | Grading & 10 Ton Paving          | 2.0   | 1,300 | 2013 | \$3,000,000        | \$3,000,000        |                                           |                  |                      |
| 13                           | 75          | Jct. of TH 75 and 50 Ave. S. | Round-about                      | 0.1   | 60    | 2013 | \$1,900,000        |                    |                                           | \$100,000        |                      |
| 14                           | 100         | Georgetown                   | Grading & 10 Ton Paving          | 0.3   | 355   | 2013 | \$460,000          | \$260,000          |                                           | \$200,000        |                      |
| <b>TOTAL ESTIMATED COSTS</b> |             |                              |                                  |       |       |      | <b>\$8,210,000</b> | <b>\$3,260,000</b> | <b>\$2,470,000</b><br>\$380,000 Municipal | <b>\$300,000</b> | <b>\$0</b>           |

|                        |                                                 |            |
|------------------------|-------------------------------------------------|------------|
| Balance as of 1/1/2014 | State Aid Regular Const Balance - (\$2,223,264) |            |
|                        | State Aid Municipal Const Balance - (\$138,357) | (\$11,862) |

\*\*\*This shows \$138,357 going into 2013 from the 2014 Municipal State Aid Allotment

\*\*\*This assumes availability of Federal Funds for the completion of CSAH 52

\*\*\*This plan is subject to change due to uncontrollable variables

State Aid Reg. Const. Allotment = \$2,600,000

State Aid Municipal Const. Allotment = \$230,000

Clay County Const. Allotment = \$350,000

**CLAY COUNTY HIGHWAY DEPARTMENT  
2012- 2016 PROPOSED CONSTRUCTION PROGRAM**

|                        |                                                        |                   |
|------------------------|--------------------------------------------------------|-------------------|
| Balance as of 1/1/2014 | <b>State Aid Regular Const Balance - (\$2,223,264)</b> |                   |
|                        | <b>State Aid Municipal Const Balance - (\$138,357)</b> | <b>(\$11,862)</b> |

| Project No.                  | Highway No. | Location           | Type of Construction                | Miles | ADT   | YEAR | Estimated Cost     | Fed. Aid Funding   | State Aid Funding  | County Funding   | State Bridge Funding |
|------------------------------|-------------|--------------------|-------------------------------------|-------|-------|------|--------------------|--------------------|--------------------|------------------|----------------------|
| 15                           | 18          | TH 75 to CSAH 11   | Grading                             | 4.5   | 1300  | 2014 | \$1,900,000        |                    | \$1,900,000        |                  |                      |
| 16                           | 52          | Barnesville        | RR Underpass bridge                 |       | 1,300 | 2014 | \$2,500,000        | \$2,500,000        |                    |                  |                      |
| 17                           | 17          | I 94 to TH 10      | Asphalt Overlay                     | 5.0   | 540   | 2014 | \$1,000,000        |                    | \$1,000,000        |                  |                      |
| 18                           | 95          | CSAH 18 to CSAH 26 | Reclaim, draitile, asphalt emulsion | 5.0   | 280   | 2014 | \$500,000          |                    |                    | \$500,000        |                      |
| <b>TOTAL ESTIMATED COSTS</b> |             |                    |                                     |       |       |      | <b>\$5,900,000</b> | <b>\$2,500,000</b> | <b>\$2,900,000</b> | <b>\$500,000</b> | <b>\$0</b>           |

|                        |                                                        |                    |
|------------------------|--------------------------------------------------------|--------------------|
| Balance as of 1/1/2015 | <b>State Aid Regular Const Balance - (\$2,523,264)</b> |                    |
|                        | <b>State Aid Municipal Const Balance - \$91,643</b>    | <b>(\$161,862)</b> |

\*\*\*This assumes availability of Federal Funds for the completion of CSAH 52

\*\*\*This plan is subject to change due to uncontrollable variables

State Aid Reg. Const. Allotment = \$2,600,000  
 State Aid Mun. Const. Allotment = \$230,000  
 Clay County Const. Allotment = \$350,000

**CLAY COUNTY HIGHWAY DEPARTMENT  
 2012- 2016 PROPOSED CONSTRUCTION PROGRAM**

|                               |                                                        |                    |
|-------------------------------|--------------------------------------------------------|--------------------|
| <b>Balance as of 1/1/2015</b> | <b>State Aid Regular Const Balance - (\$2,523,264)</b> |                    |
|                               | <b>State Aid Municipal Const Balance - \$91,643</b>    | <b>(\$161,862)</b> |

| Project No.                  | Highway No. | Location           | Type of Construction | Miles | ADT  | YEAR | Estimated Cost     | Fed Aid Funding | State Aid Funding  | County Funding   | State Bridge Funding |
|------------------------------|-------------|--------------------|----------------------|-------|------|------|--------------------|-----------------|--------------------|------------------|----------------------|
| 19                           | 18          | TH 75 to CSAH 11   | 10 ton Conc. Paving  | 4.5   | 1300 | 2015 | \$2,680,000        |                 | \$2,680,000        |                  |                      |
| 20                           | 95          | CSAH 18 to CSAH 22 | 2" asphalt overlay   | 5.0   | 280  | 2015 | \$500,000          |                 |                    | \$500,000        |                      |
| <b>TOTAL ESTIMATED COSTS</b> |             |                    |                      |       |      |      | <b>\$3,180,000</b> | <b>\$0</b>      | <b>\$2,680,000</b> | <b>\$500,000</b> | <b>\$0</b>           |

|                               |                                                        |                    |
|-------------------------------|--------------------------------------------------------|--------------------|
| <b>Balance as of 1/1/2016</b> | <b>State Aid Regular Const Balance - (\$2,603,264)</b> |                    |
|                               | <b>State Aid Municipal Const Balance - \$321,643</b>   | <b>(\$311,862)</b> |

*\*\*\*This plan is subject to change due to uncontrollable variables*



State Aid Reg. Const. Allotment = \$2,600,000

State Aid Mun. Const. Allotment = \$230,000

Clay County Const. Allotment = \$350,000

**CLAY COUNTY HIGHWAY DEPARTMENT  
2012- 2016 PROPOSED CONSTRUCTION PROGRAM**

|                        |                                                        |                    |
|------------------------|--------------------------------------------------------|--------------------|
| Balance as of 1/1/2016 | <b>State Aid Regular Const Balance - (\$2,603,264)</b> |                    |
|                        | <b>State Aid Municipal Const Balance - \$321,643</b>   | <b>(\$311,862)</b> |

| Project No.                  | Highway No. | Location               | Type of Construction             | Miles | ADT  | YEAR | Estimated Cost     | Fed. Aid Funding | State Aid Funding  | County Funding | State Bridge Funding |
|------------------------------|-------------|------------------------|----------------------------------|-------|------|------|--------------------|------------------|--------------------|----------------|----------------------|
| 21                           | 18          | CSAH 3 to TH 75        | Subgrade repair and Conc. Paving | 0.8   | 790  | 2016 | \$725,000          |                  | \$725,000          |                |                      |
| 22                           | 3           | Center Ave. to CSAH 18 | Asphalt Mill and Overlay         | 2.0   | 8900 | 2016 | \$720,000          |                  | \$360,000          |                |                      |
| 23                           | 2           | CSAH 21 to CSAH 11     | Asphalt Overlay                  | 5.0   | 900  | 2016 | \$1,500,000        |                  | \$1,500,000        |                |                      |
| <b>TOTAL ESTIMATED COSTS</b> |             |                        |                                  |       |      |      | <b>\$2,945,000</b> | <b>\$0</b>       | <b>\$2,585,000</b> | <b>\$0</b>     | <b>\$0</b>           |

|                        |                                                        |                 |
|------------------------|--------------------------------------------------------|-----------------|
| Balance as of 1/1/2017 | <b>State Aid Regular Const Balance - (\$2,588,264)</b> |                 |
|                        | <b>State Aid Municipal Const Balance - \$551,643</b>   | <b>\$38,138</b> |

\*Project Number 21 is anticipating 50% funding from the City of Moorhead

**\*\*\*This plan is subject to change due to uncontrollable variables**