

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA  
May 17, 2022, 8:30 a.m.

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present in person: Commissioners; Molly Malone, Lori Gunnink, James Kluis, David Thiner, and Dennis Welgraven. Also present in person, General Assistant, Samantha McClellan. County Attorney, Travis Smith, via Zoom.

The Chairman asked if there were any additions to the agenda two were added.

It was moved by Gunnink, seconded by Malone and passed to approve the agenda with additions.

No conflicts of interest were identified.

It was moved by Kluis, seconded by Gunnink and passed to approve the minutes from the May 3, 2022, meeting.

It was moved by Welgraven, seconded by Kluis and passed to approve the minutes from the May 11, 2022, meeting.

OPEN FORUM / PUBLIC COMMENT

There was no one present for open forum.

COMMISSIONER WARRANTS

It was moved by Welgraven, seconded by Thiner and passed that all claims as presented were approved for payment, excluding a claim from Vendor No. 14018 for \$58.95, pending further clarification. The Chairman was authorized to sign the Audit List dated May 17, 2022 with fund totals as follows and warrants numbered 168056 through 168134:

County Revenue Fund	60,041.63	<i>*60,100.58 (see note below)</i>
County Road & Bridge Fund	15,672.93	
EDA	711.96	
Ditch	267.15	
Sunrise Terrace	1,101.73	
SAWS	159.00	
Total	77,954.40	<i>*78,013.35 (see note below)</i>

*\*Different amounts for the “County Revenue Fund” and “Total” above were approved later in the meeting after clarification was given on a question for a claim from Vendor #14018 for \$58.95. Those amounts are denoted with an \*. Please see motion later in the meeting.*

DITCH BILLS

It was moved by Thiner , seconded by Gunnink and passed to approve the report of bills for payment of the Murray County Drainage Authority as follows:

**Cottonwood County Auditor-Treasurer**

21-805-6312	JD 3 - 65.4%	1,685.42	Shared County Ditch Expenses
21-809-6312	JD 5 - 96.30%	96.11	Shared County Ditch Expenses
21-841-6312	JD 18 - 5.00%	3,804.90	Shared County Ditch Expenses
21-855-6312	JD 23 - 85.30%	321.04	Shared County Ditch Expenses

**Subtotal** 5,907.47

**Rinke Noonan**

21-807-6260	JD3	236.50	JD 3 Improvement - Legal
21-868-6260	Admin	200.00	Monthly Retainer - Legal

**Subtotal** 436.50

**Total Ditch Bills** 6,343.97

**APPROVE GAMBLING PERMIT APPLICATION CURRIE TOWN & COUNTY – KEY LARGO**

Commissioner Welgraven offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2022-05-17-01**

**A RESOLUTION APPROVING A GAMBLING PREMISES PERMIT APPLICATION LG214**

WHEREAS, Booster Currie Town and Country is applying for a premise permit application for gambling at Key Largo, and

WHEREAS, Key Largo is located at 29 Valhalla Drive in Mason Township, outside any city limits, and

WHEREAS, The Minnesota Gambling Control Board requires that the County must pass a resolution specifically approving or denying this application.

NOW, THEREFORE BE IT RESOLVED, That the Murray County Board of Commissioners hereby approves the application by Booster Currie Town and Country for legalized gambling on the premises of Key Largo in Mason Township, Murray County, MN.

The foregoing resolution was duly seconded by Commissioner Kluis and thereupon being put to a vote all members of the Board voted for its adoption.

**3.2 LIQUOR LICENSE**

It was moved by Malone, seconded by Gunnink and passed to approve a new 3.2 On/Off Sale Malt Liquor License for Carlson’s Corner (Antonio Moreno).

**SET PUBLIC HEARING - NEW 3.2 ON/OFF SALE MALT LIQUOR LICENSE**

It was moved by Malone, seconded by Welgraven and passed to set a public hearing for June 7, 2022, at 8:45 a.m. for the purpose of taking public input on the off-sale portion of a new “County Combination On Sale, Off Sale and Sunday Liquor License” for Carlson’s Corner (Mason Township).

#### DITCH INSPECTION REPORT

A motion was made by Welgraven, seconded by Kluis and carried that the Commissioners in conjunction with the appointed ditch inspector in and for the County of Murray, have examined and inspected that portion of the foregoing described County and Judicial Ditches, lying within the County of Murray, for the purpose of determining what repairs are necessary and ordered said repairs to be made, by this report given thereon at a Murray County Board of Commissioner's meeting, held in the Commissioners Room of the Murray County Government Center, Slayton, Minnesota

- Petition 2022-007 (JD 02, Lime Lake Twp. Sec.21, District 3–Welgraven)

#### DINEHART HOLT HOUSE GRANT

It was moved by Gunnink, seconded by Malone, and passed to authorize the Museums Department to apply for a Legacy Grant through the MN Historical Society for the Dinehart Holt House with matching funds at \$10,000. (Grant Number: R-MHCG-2205-27078). The motion passed with a roll call vote as follows:

David Thiner: No

Dennis Welgraven: Yes

James Kluis: No

Lori Gunnink: Yes

Molly Malone: Yes

#### REDWOOD-COTTONWOOD RIVERS CONTROL AREA JPA

It was moved by Gunnink, seconded by Welgraven and passed to approve the amendments to the Redwood-Cottonwood Rivers Control Area (RCRCA) Joint Powers Agreement (JPA) allowing RCRCA to undertake the administrative role for the Cottonwood River Watershed One Watershed One Plan planning efforts, and, to authorize Commissioner Gunnink to sign the revised RCRCA JPA at their next meeting on June 2, 2022, on behalf of Murray County.

#### PROPOSED STATE LAND ACQUISITION

Commissioner Thiner offered the following resolution and moved for its adoption:

2022-05-17-02

#### MURRAY COUNTY BOARD OF COMMISSIONERS REVIEW OF PROPOSED STATE LAND ACQUISITION

In accordance with Minnesota Statutes 84.944, Sub. 3 and 97A.145, Sub. 2, the Commissioner of the Department of Natural Resources provided the county board with a description of lands to be acquired by the State of Minnesota for Wildlife Management purposes.

Lands to be acquired are described as follows:

The North 600 feet of the West 1325 feet of said North Half of the Northwest Quarter (N ½, NW ¼) of Section Nineteen (19), Township One Hundred Seven (107), Range Thirty-nine (39), Murray County, Minnesota.

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Murray

County on May 17, 2022 that the State's proposed acquisition of the attached described property be approved.

The foregoing resolution was duly seconded by Commissioner Welgraven and thereupon being put to a vote all members of the Board voted for its adoption.

#### ADDITIONAL FIREWALL

It was moved by Thiner, seconded by Gunnink, and passed to approve the purchase of a Cisco FirePOWER 2110 NGFW- Firewall – 1U – rack-mountable and service agreement from Morris Electronics totaling \$7,039.83.

#### HEAT TEAM BUS PURCHASE

Chief Deputy, Heath Landsman led a discussion on utilizing ARPA funds in the amount of \$7,500 dollars toward the purchase of a new bus for the regional HEAT Team. The board asked that it be brought back after approval from the ARPA Committee.

#### GOLF CART ORDINANCE

It was moved by Malone, seconded by Welgraven and passed to set a public hearing for June 7, 2022, at 10:00 a.m. for the purpose of taking public input and amending the golf cart ordinance.

#### PUBLIC HEARING – LIQUOR LICENSE

9:50 a.m. The board chair opened the public hearing.

9:53 a.m. The public hearing closed. There was no comment from the public.

It was moved by Gunnink, seconded by Malone and passed to approve a new liquor license for “On and Off Sale & Sunday Liquor” License to Lake Shetek Lodge/Pelican Cove further moving to prorate the license fees for 2022.

It was moved by Welgraven, seconded by Malone and passed to approve a new liquor license for “On and Off Sale & Sunday Liquor” License to Key Largo.

10:00 a.m. The meeting recessed.

10:05 a.m. The meeting came back into session.

#### SOFTWARE AND COMPUTER – ELECTION GRANT

It was moved by Gunnink, seconded by Welgraven and passed to approve the following purchases from Election Systems and Software (ES&S) to be paid by the 2022 HAVA Grant for election security

(01-064-6650): purchases as follows

\$6,973.50 (software, first year warranty/maintenance & service agreement)

\$3,350.00 (dedicated computer)

\$10,323.50

#### COMMISSIONER WARRANTS FOLLOW UP

CLARIFICATION ON CLAIM FROM VENDOR No. 14018 for \$58.95

Murray County Auditor/Treasurer, Heidi Winter reported back to the board on a claim questioned for Vendor No. 14018 for \$58.95 during the review of the Commissioner Warrants. The vendor was “The Honorable Michelle Fischbach.” The expenditure was for the purchase of four (4) U.S. Flags purchased for the Murray County Parks. The Board requested verification that the money was not funding a private campaign before approving the expenditure. The flags were purchased through the “U.S. Capitol Flag Program”, a program started in 1937 and instituted by the Architect of the Capitol (AOC) as a way for schools, local governments and civic groups to obtain flags that have been flown over the U.S. Capitol to use at their facilities. The flags must be requested through a U.S. Representative or Senator, which is why the vendor was listed as “The Honorable Michelle Fischbach.”

It was moved by Thiner, seconded by Gunnink and passed to approve the payment previously excluded from the Commissioner Warrants to Vendor No. 14018 for \$58.95 and include that amount in the fund totals as originally presented.

**COUNTY STORAGE SERVER REPLACEMENT**

It was moved by Kluis, seconded by Malone and passed to authorize the purchase of the HP SAN through The Computer Man.

**JOINT POWERS AGREEMENT – WORKFORCE DEVELOPMENT AREA #6**

It was moved by Thiner, seconded by Gunnink and passed to authorize Murray County Board Chair to sign the Workforce Development Area #6 Southwest Minnesota Workforce Innovation and Opportunity Act (WIOA) Joint Powers Agreement for the Counties of Region 6W & Region 8.

**PURCHASE REQUEST 2022 CIMLINE M2 RUBBER MELTER**

It was moved by Thiner, seconded by Kluis and passed to purchase a 2022 Cimline M2 rubber melter from Midstates Equipment and Supply for \$78,500. Per the recommendation of the County Engineer.

**BRIDGE REPLACEMENT RESOLUTION**

Commissioner Welgraven offered the following resolution and moved for its adoption:

**RESOLUTION NO. 2022-05-17-03  
RESOLUTION ON DEFICIENT BRIDGES**

WHEREAS, Murray County has determined that the following deficient bridges on the CSAH, County Road and Township systems are a high priority and require replacement or rehabilitation within the next five (5) years; and

Old Bridge	Road Number	Estimated Proj. Cost	Federal Funds	State Aid	Town Bridge	Local Tax	Bond Funds	Program Year	Road Jurisdiction
L1555	CSAH 33	400,000		200,000			200,000	2023	County
L1556	CSAH 33	450,000		250,000			200,000	2023	County
51502	T-55	620,000			600,000	20,000		2024	Lowville Twp.

L1513	CSAH 4	400,000		200,000			200,000	2024	County
L1548	CSAH 26	300,000		50,000			250,000	2024	County
<10 ft.	CSAH 16	200,000		120,000			80,000	2024	County
4976	CSAH 42	400,000		250,000			150,000	2025	County
51508	CSAH 3	500,000		300,000			200,000	2025	County

WHEREAS, local roads play an essential role in the overall state transportation network and local bridges are the critical component of the local road systems; and

WHEREAS, State support for the replacement or rehabilitation of local bridges continues to be crucial to maintaining the integrity of the local road systems and is necessary for the County and the townships to proceed with the replacement or rehabilitation of the high priority deficient bridges described above; and

WHEREAS, Murray County intends to proceed with replacement or rehabilitation of these bridges as soon as possible when State Transportation Bond Funds are available.

BE IT RESOLVED, that Murray County commits that it will proceed with the design and contract documents for these bridges immediately after being notified that funds are available in order to permit construction to take place within one year of notification.

The foregoing resolution was duly seconded by Commissioner Gunnink and there upon being put to a vote all members of the Board voted for its adoption.

#### MNDOT MASTER PARTNERSHIP CONTRACT RESOLUTION

Commissioner Gunnink offered the following resolution and moved for its adoption:

#### RESOLUTION NO. 2022-05-17-04 MASTER PARTNERSHIP CONTRACT RESOLUTION

Whereas, The Minnesota Department of Transportation wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government; and

Whereas, MnDOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads; and

Whereas: the parties wish to be able to respond quickly and efficiently to such opportunities for collaboration and have determined that having the ability to write “work orders” against a master contract would provide the greatest speed and flexibility in responding to identified needs.

Therefore, be it resolved:

1. That the County of Murray enter into a Master Partnership Contract with the Minnesota Department of Transportation, a copy of which was before the Board.
2. That the proper County officers are authorized to execute such contract, and any amendments thereto.
3. That the County Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work order contracts may provide for payment to or from MnDOT, and that the County Engineer may execute such work order contracts on behalf of the County of Murray without further approval by this Board.

The foregoing resolution was duly seconded by Commissioner Welgraven and thereupon being put to a vote all members of the Board voted for its adoption.

#### GENERAL ASSISTANT

It was moved by Gunnink, seconded by Welgraven and passed to approve hiring Emily Ackerman as a regular full-time General Assistant effective June 6, 2022, grade 8, step 1. Per the recommendation of the Personnel Committee. Contingent upon satisfactory results of a criminal background check and a pre-employment drug test.

#### COUNTY ADMINISTRATOR

Commissioner Malone discussed the County Administrator Candidate counter offering employment terms to the County Board.

It was moved by Malone, seconded by Gunnink and passed to approve offering Carolyn McDonald, 2 weeks sick and 2 weeks vacation at the start of employment, pay of \$1.00 more annually than the highest paid county employee, at a Labor Grade 21, \$126,985.00 starting annual salary, with the condition of relocation the County Administrator office to a more prominent location, and approve the presented employment agreement subject to approval of the County Attorney. The motion passed with a roll call vote as follows:

David Thiner: Yes

Dennis Welgraven: No

James Kluis: No

Lori Gunnink: Yes

Molly Malone: Yes

#### COMMITTEE REPORTS FOR THE PERIOD OF MAY 1-14, 2022

Lori Gunnink – 5/3 Commissioner Meeting, 5/4 Ditch Hearing 20A, 5/5 Minnesota River Basin Area II & Redwood-Cottonwood Rivers Control Area, 5/11 Interviews County Administrator.

James Kluis: 5/3 Commissioner Meeting, 5/4 Ditch Hearing 20A, 5/11 Interviews County Administrator.

Dennis Welgraven: 5/2 Supporting Hands Nurse Family Partnership, 5/3 Commissioner Meeting, 5/4 Safety Meeting, Ditch Hearing 20A, 5/9 Lakes Area Association - Golf Cart Ordinance, 5/11 County Administrator Interviews, 5/12 Southwest Regional Development Commission.

David Thiner: 5/3 Commissioner Meeting, 5/4 Ditch Meeting, 5/11 County Administrator Interviews, 5/12 Annual Soil and Water Meeting.

#### CLOSED SESSION

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present in person: Commissioners; Molly Malone, Lori Gunnink, James Kluis, David Thiner, and Dennis Welgraven. Also present in person was County Attorney, Travis Smith, General Assistant, Samantha McClellan, County Assessor, Marcy Barritt, and County Auditor/Treasure, Heidi Winter.

10:52 a.m. It was moved by Gunnink, seconded by Kluis and passed to move into closed session pursuant to Attorney-Client Privilege for the purpose of discussing pending litigation in the property tax appeal for Parcel ID #01-016-0030.

11:22 It was moved by Gunnink, seconded by Thiner and passed to come out of closed session.

It was moved by Gunnink, seconded by Thiner and passed to approve the proposed settlement of the tax appeal on parcel 01-016-0030 for taxes in 2020 and 2021, by agreeing to assess the property at the appraised value of \$848,000.00, which is a reduction of the current assessed value of \$1,154,300.00, further moving Murray County is not responsible for the partitioner tax court fees. Per the recommendation of the Murray County Attorney. The motion passed with a roll call vote as follows:

David Thiner: Yes

Dennis Welgraven: Yes

James Kluis: No

Lori Gunnink: Yes

Molly Malone: Abstained (Conflict of Interest)

The meeting adjourned 11:27 a.m.

ATTEST:

\_\_\_\_\_  
Samantha McClellan, General Assistant

\_\_\_\_\_  
Molly Malone, Chairman of the Board