

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
June 7, 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, County Administrator, Carolyn McDonald, Extension Support Staff, Samantha McClellan, General Assistant Emily Ackerman. County Attorney, Travis Smith, via Zoom.

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

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

Commissioner Malone identified a conflict of interest with CD 43A. Belfast Twp. Sec.16, District 1 and JD 21, Shetek Twp. Sec 14, District 1.

It was moved by Kluis, seconded by Malone and passed to approve the minutes from the May 24, 2022, meeting.

OPEN FORUM / PUBLIC COMMENT

There was no one present for open forum.

COMMISSIONER WARRANTS

It was moved by Welgraven, seconded by Gunnink and passed that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated June 7, 2022 with fund totals as follows and warrants numbered 168294 through 168362:

County Revenue Fund	54,155.36
County Road & Bridge Fund	13,475.75
EDA	171.23
Self-Insurance	200.00
Sunrise Terrace	895.62
Total	68,897.96

DITCH BILLS

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

Johnson Ditching, Inc.

21-659-6290 CD 11 1,392.57 #2020-053 ok'd by T. Radke on 5/26/2022

Subtotal 1,392.57

Total Ditch Bills 1,392.57

SWENSON PARK – ELECTRICAL PAY REQUEST #2

It was moved by Welgraven, seconded by Kluis and passed to approve Pay Application No. 2 (Final) for the Swenson Park Campground Upgrade – Electrical to Engelkes Electric, LLC for \$6,300, contingent upon receiving IC134 contractor affidavit documentation. Per the recommendation of the Parks Director.

APPROVE GAMBLING PERMIT APPLICATION – CURRIE TOWN & COUNTY PELICAN COVE

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

RESOLUTION NO. 2022-06-07-01

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 Pelican Cove, and

WHEREAS, Pelican Cove is located at 21 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 Pelican Cove, 21 Valhalla Drive in Mason Township, Murray County, MN.

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

ARPA COMMITTEE REPORT

It was moved by Thiner, seconded by Gunnink and passed to approve expenditures to be paid from the Murray County American Rescue Plan Act (ARPA) funds as follows:

Infrastructure Engineering review to cost \$2,600.00, engineering review of the data center and Network/911 rooms for HVAC replacement.

Infrastructure update to get fiber optics to the highway department and Health and Human services buildings. \$10,000 fiber installation, \$17,000 networking equipment, \$21,600 for fiber leasing.

There will be unfunded costs of \$14,400 for the remaining 2 years of the 5 years lease agreement, the county will ask Southwest Health and Human Services to cover either part or all of the lease for their building.

Fiber will be installed to the old building; lease agreement does include service to be moved to the new building once completed at no cost to the county.

DITCH INSPECTION REPORT

Commissioner Malone identified a conflict of interest with CD 43A and JD 21. Commissioner Welgraven ran that part of the meeting.

A motion was made by Gunnink, 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. The motion passed with a roll call vote as follows:

Malone: Abstained

Gunnink: Yes

Kluis: Yes

Thiner: Yes

Welgraven: Yes

- Petition 2022-009 (CD 43A, Belfast Twp. Sec.16, District 1–Malone)
- Petition 2022-010 (JD 21, Shetek Twp. Sec.14, District 1–Malone)

A motion was made by Thiner, seconded by Welgraven 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 2022-011 (JD 21, Shetek Twp. Sec.15, District 1–Malone)
- Petition 2022-012 (CD 76A, Mason Twp. Sec.20, District 1–Malone)
- Petition 2022-013 (CD 63, Skandia Twp. Sec.9, District 2–Gunnink)
- Petition 2022-014 (CD 63, Skandia Twp. Sec.4, District 2–Gunnink)
- Petition 2022-015 (CD 82, Mason Twp. Sec.22, District 1–Malone)
- Petition 2022-016 (CD 66, Lowville Twp. Sec.35, District 2–Gunnink)

PUBLIC HEARING FOR NEW OFF SALE LIQUOR LICENSE

8:55 a.m. The board chair opened the public hearing.

8:56 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 new liquor licenses for Carlson's Corner (Licensee: GPPS, Global Provider of Products and Services, LLC/Antonio Moreno).

HOSPITAL UPDATE

Luke Schryvers

Operating Room HVAC system 10-14 days to install, surgeries put on hold for that period of time. Staffing update, financials update, new payroll system to start June 19th, 2022 resulting in a pay date change.

USDA grant applied for six – eight months ago, requesting approval for the person that holds the hospital board chair position to have the authority to sign and submit grant applications on behalf of MCMC.

It was moved by Gunnink, seconded by Welgraven and passed to approve the person who holds the hospital board chair position submit and sign grant applications.

BID OPENING PROJECT CP 01-22, COUNTY MAINTENANCE STRIPING

9:00 a.m. The Board Chair called for the bid opening for County Maintenance Striping Project CP 01-22

<u>Company</u>	<u>Address</u>	<u>Amount</u>
Sir Lines-A-Lot	7175 Cahill Rd., Edina, MN 55439	\$124,322.30
Traffic Marking Service	621 Division Street East, Maple Lake, MN 55358	\$108,118.14

County Engineer Randy Groves returned to his office to tabulate the bids for accuracy.

SET BID OPENING FOR BRIDGE PROJECT SAP 051-599-105

It was moved by Thiner, seconded by Welgraven and passed to set the bid opening for Bridge Project SAP 051-599-105 on July 19, 2022 at 9:00 a.m.

PARKS BOARD BY-LAWS AND PARK RULES

It was moved by Malone, seconded by Thiner and passed to approve the parks board by laws and rules with the changes presented.

It was moved by Malone, seconded by Gunnink and passed to appoint Jason Kirchner to the Parks Advisory Board as a voting member recommended by the EDA.

SWENSON COUNTY PARK SEASONAL CAMPING

It was moved by Gunnink, seconded by Welgraven and passed to add 5 more seasonal campsites at a rate of \$780.00 starting on July 1st – October 1st.

CONDITIONAL USE PERMIT – BAVARIA SOLAR LLC

It was moved by Malone, seconded by Gunnink and passed to approve Conditional Use Permit #1400 for Bavaria Solar LLC to construct and operate a 1MW Community Solar Garden in the Agriculture District in the NE1/4, Section 20, Leeds Township with the findings and eight (8) special conditions recommended by the Planning Commission.

CONDITIONAL USE PERMIT – NOVEL ENERGY SOLUTIONS

It was moved by Malone, seconded by Gunnink and passed to approve an extension of Conditional Use Permit #1387 for Novel Energy Solutions to construct and operate a 1 MW Community Solar Garden in the Agriculture District in the NE1/4 NE1/4, Section 23, and NW ¼ NW ¼, Section 24, Slayton Township, with construction to start prior to December 31, 2023.

9:14 a.m. The meeting recessed.

9:19 a.m. The meeting came back into session.

COMMITTEE REPORTS FOR THE PERIOD OF MAY 15-28, 2022

Commissioner Malone reported that she went to emergency training for rural communities and also signed an emergency declaration.

Commissioner Gunnink 5/1 to approx 7 Regular Board Meeting, 5/18 Governing Board Meeting, 5/26 Fair Board Meeting.

Kluis: 5/24 Regular Board Meeting, 5/27 Hospital Board Meeting

Welgraven: 5/17 Regular Board Meeting, 5/18 Southwest Health & Human Services, Personnel Committee, Elected Officials Training, 5/23 Solid Waste, MN Rural Energy Board, Western Mental Health, 5/26 EDA, Fair Board Meeting.

Thiner: 5/16 SMOC, 5/17 Regular Board, 5/18 HHS and Emergency management training, 5/19 One Watershed One Plan, Planning and Zoning, 5/24 Parks, Regular Board.

MVTV WIRELESS AGREEMENT

It was moved by Gunnink, seconded by Malone and passed to approve the Access Point Agreement, and authorize Chief Deputy Heath Landsman and County Administrator Carolyn McDonald sign the agreement.

2022 STATE OF MINNESOTA BOAT AND WATER GRANT

It was moved by Thiner, seconded by Welgraven and passed to approve the 2022 State of Minnesota Boat and Water Safety grant, for the amount of \$3,486. Authorizing the Board Chair and County administrator to sign the 2022 State of Minnesota Annual County Boat and Water Safety Grant Contract Agreement.

AWARD BID OPENING PROJECT CP 01-22, COUNTY MAINTENANCE STRIPING

It was moved by Gunnink, seconded by Kluis and passed to approve awarding the Bid to the low bidder Traffic Marking Services in the amount of \$108,118.14

BID OPENING PROJECT SP 051-638-026

9:30 a.m. The Board Chair called for the bid opening for Project 051-638-026

<u>Company</u>	<u>Address</u>	<u>Amount</u>
Prahm Construction Inc.	1294 180 th Ave, Slayton, MN 56172	\$1,509,798.65

County Engineer Randy Groves returned to his office to tabulate the bids for accuracy.

9:35 a.m. The meeting recessed.

9:59 a.m. The meeting came back into session.

PUBLIC HEARING – GOLF CART ORDINANCE

10:00 a.m. The board chair opened the public hearing.

Comment was made regarding not allowing carts to go to Carlson Corner, they should not be allowed to go to Breezy Barn.

Designated roadways can be changed without amending the ordinance.

There was comment about grandfathering some language and allowing permits to be grandfathered in under the old ordinance.

Comment was made about the affect on the businesses by not allowing golf carts to travel to them.

County Attorney Smith send over an amended version of the ordinance with the additions of 1.10 B and C.

There was comment about changing the expiration date of the permits for this year to expire on December 31st, 2022, and to start with new official permits in 2023

There was discussion of making a permit similar to the City of Slayton's permit for the remainder of 2022.

There was discussion of having residents take the current permit card and taping it to the lower left-hand side of their golf cart to ensure that the cart is properly permitted.

It was discussed that card must be present and turned in to get a refund.

It was discussed that permits will need to be turned into the sheriff's office and then once a week the sheriff will turn the permits into the auditor's office for them to issue a refund for excess permits.

There was brief discussion on those who applied for the permit online, there has not been an online application for a permit thus far.

It was moved by Malone, seconded by Gunnink and passed to adopt the amended motorized golf cart ordinance as follows:

AMENDED MOTORIZED GOLF CART ORDINANCE

ADOPTED:

The county board of Murray County ordains that the Murray County Golf Cart Ordinance adopted September 9, 2021 be amended to read as follows:

§ 1.01 AUTHORIZATION.

Motorized golf carts may be operated within the county only on designated roadways pursuant to a permit issued under this ordinance. This ordinance does not authorize the operation of golf carts on state or federal highways within the county or on any roadways within incorporated cities without a city permit and in accordance with applicable city ordinances.

§ 1.02 DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DESIGNATED ROADWAYS. The roadways, designated by resolution of the County Board, on which motorized golf carts may be operated by permit.

MOTORIZED GOLF CART. A self-propelled vehicle of the type and style designed for and commonly used by patrons of golf courses and that is not capable of exceeding speeds of 20 miles per hour, but excluding vehicles commonly known as all-terrain vehicles or ATVs, golf carts with increased power, wheelbase, or tire modifications, speed-modified golf carts or “hybrid” golf carts.

PERMIT. A permit issued by the county under this ordinance, allowing for operation of a motorized golf cart on designated roadways in the County.

PERSON. A natural person.

§ 1.03 PERMIT REQUIRED.

(A) Motorized golf carts shall not be operated on roadways in the county except by a person holding a valid driver’s license.

(B) When operating a motorized golf cart, a person must display a valid permit on the rear left-hand side of the golf cart.

§ 1.04 PERMIT APPLICATIONS.

(A) Application forms for permits shall be obtained from the Murray County Sheriff’s Office.

(B) Each application shall include at least the following information and documentation:

(1) Date of application;

(2) Full name and address of applicant;

(3) Full name and address of the owner of the motorized golf cart, if other than the applicant;

(4) Make, model and identification or serial number of the motorized golf cart to be operated under the permit;

(5) A satisfactory certificate of insurance complying with Minnesota Statutes section 65B.48, subd. 5, and with any other insurance required by Minnesota Statutes section 169.045;

(6) Telephone numbers;

(7) Driver’s license number;

(8) Date of birth;

(9) Such additional and further information as the County may deem necessary or appropriate to process the application.

(C) The application must be accompanied by payment of a permit fee as set by the County Board.

§ 1.05 GRANTING OR DENYING PERMITS.

(A) The Murray County Sheriff’s Office may grant a permit to applicants satisfactorily providing all information required by this ordinance.

(B) The Murray County Sheriff’s Office may deny an application, in whole or in part, for public safety reasons, including, but not limited to, the following:

(1) The application or documentation submitted in support of the application is incomplete or contains false, fraudulent or deceptive statements;

- (2) The applicant does not have a valid driver's license;
 - (3) The applicant cannot safely operate a motorized golf cart on roadways in the county;
 - (4) Information or documentation required by any other applicable law has not been filed with the Murray County Sheriff's Office;
 - (5) The applicant does not qualify for a permit.
- (C) The Murray County Sheriff's Office may issue a permit subject to special conditions, if it determines that the applicant does not otherwise qualify for a permit, or that such conditions are necessary to ensure public safety.
- (D) For public safety considerations, a permit issued under this ordinance also may:
- (1) Limit operation of the motorized golf cart to use on only specific roads within the group of designated roadways;
 - (2) Prohibit operation on certain designated streets during specified times, dates, or occasions.

§ 1.06 DISPLAY OF PERMIT REQUIRED.

A person operating a motorized golf cart by permit must display the permit at all times when operating the motorized golf cart and shall produce a valid driver's license upon demand of a peace officer.

§ 1.07 OPERATION REGULATIONS.

Motorized golf carts operated pursuant to permit on designated streets must also comply with the following:

- (A) The operator must have and possess a current, valid, driver's license.
- (B) The motorized golf cart may be operated only between sunrise and sunset.
- (C) The motorized golf cart shall not be operated during inclement weather; nor when visibility is impaired by weather, smoke, fog, or other conditions; nor at any time when there is insufficient light to clearly see persons in vehicles on the roadway at a distance of 500 feet.
- (D) The motorized golf cart must display the slow moving vehicle emblem provided for in Minnesota Statutes Chapter 169.
- (E) All rights and duties applicable to the driver of any other vehicle shall apply to the driver of a motorized golf cart. Every person operating a motorized golf cart in Murray County shall comply with the provisions of Minnesota Statutes Chapter 169 and local traffic ordinances and laws, except those provisions that cannot reasonably be applied to the motorized golf cart or which relate to vehicle equipment.
- (F) The motorized golf cart shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle.
- (G) Motorized golf carts shall not be operated on public sidewalks.

§ 1.08 REVOCATION, SUSPENSION OR MODIFICATION OF PERMITS.

- (A) Permits may be revoked or temporarily suspended by the Murray County Sheriff's Office if there is evidence that:

- (1) The application for permit contained false or misleading information or documentation;
 - (2) A violation has occurred as provided in section 1.08(B) below, regardless of whether the violation resulted in a conviction;
 - (3) The insurance required by law for a permit is no longer in effect.
- (B) The Murray County Sheriff's Office may administratively revoke, modify or temporarily suspend a permit if there is evidence satisfactory to the County that a permit holder has committed, permitted or otherwise allowed:
- (1) A violation of any provision of this ordinance;
 - (2) Conduct constituting a misdemeanor, gross misdemeanor, or felony offense involving the operation of a vehicle;
 - (3) A violation of any special conditions of the permit.
- (C) A revocation, modification or suspension shall be effective when notice of the same is personally delivered to the permit holder or mailed by first class mail to the permit holder at the address stated in the permit application.

§ 1.09 APPEAL.

- (A) **APPEAL FROM DENIAL.** If an application for a permit is denied the applicant has a right to appeal the denial to the County Board by filing a written notice of appeal with the County Administrator within 5 days after the applicant is notified of the denial.
- (B) **APPEAL FROM REVOCATION, MODIFICATION, OR SUSPENSION.** Any permit holder may appeal a revocation, modification or suspension to the County Board, by a written notice of appeal submitted to the County Administrator within 15 days of the effective date of the revocation, modification or suspension.
- (C) **HEARING.** The County Board will hold a hearing in the County Commissioner's Room within 30 days after the written notice of appeal was filed. The County Board shall provide appellant with notice of the date and time of the hearing at least 7 days prior to the hearing.
- (D) **DECISION.** The County Board shall decide the appeal by majority vote. The decision shall be made immediately following the hearing and shall be final.

§ 1.10 PERMIT TERM.

- (A) Permits shall be issued for a period not to exceed one year and may be annually renewed.
- (B) Valid, unexpired permits issued under the previous ordinance shall remain valid for the remainder of the period for which they were originally issued. Persons holding such valid, non-expired permits shall present them to the Murray County Sheriff's Office. The Sheriff's Office shall confirm that the permit remains valid and shall issue a new permit to be affixed to the golf cart as required by this ordinance at no additional cost.
- (C) Permit holders who are members of the same household and who obtained individual permits for operation of the same golf cart in 2022 may present and surrender those permits to the Murray County Sheriff's Office no later than December 31, 2022 to obtain a new permit to be affixed to the golf cart as required by this amended ordinance at no additional cost. The Auditor's Office shall issue and mail a refund of the permit fees previously paid that exceed the current permit fee established by the county board per golf cart for the surrendered permits.

§ 1.11 PENALTY.

(A) Except as provided in § 1.11(B) below, violations of this ordinance are petty misdemeanors and subject to the maximum penalty for petty misdemeanors as provided by Minnesota law.

(B) Violations of this ordinance that are:

(1) Committed under circumstances that endanger, or that are likely to endanger, persons or property are misdemeanors; or

(2) Committed within 12 months of a conviction for a prior violation are misdemeanors and subject to the maximum penalty for misdemeanors as provided by Minnesota law.

The board gave consensus for the auditor's office and sheriff's office to create a form for refunds on already purchased permits for 2022.

10:42 a.m. The public hearing closed.

The meeting adjourned 10:44 a.m.

ATTEST:

Carolyn McDonald, County Administrator

Molly Malone, Chairman of the Board