

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS MURRAY
COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
May 16, 2023 8:30 a.m.

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present in person commissioners; Lori Gunnink, Jackie Meier, Dennis Welgraven, and David Thiner. Also present in person, General Assistant Emily Ackerman, County Administrator Carolyn McDonald, County Attorney Travis Smith via Zoom. Commissioner Malone was absent.

The Board Chair asked if there were any additions to the agenda, additions were the donation of benches to Parks Department, discussion on a groundbreaking ceremony for the new highway building, the ASC Office meeting on June 2, 2023 at 1:00pm.

It was moved by Meier, seconded by Gunnink to approve the agenda with additions. Motion Passed.

No Conflicts of interest were identified.

It was moved by Meier, seconded by Gunnink, to approve the minutes from the May 2, 2023 meeting with changes. Motion Passed.

COMMISSIONER WARRANTS

It was moved by Meier, seconded by Thiner that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated May 16, 2023 with fund totals as follows and warrants numbered 171085 through 171163:

County Revenue Fund	116,514.30
County Road & Bridge Fund	84,541.43
EDA	628.44
Ditch	2,054.98
Sunrise Terrace	316.16
SAWS	159.00
Total	204,214.31

ACCEPT DONATION – MURRAY COUNTY PARKS

An individual camping at Sundquist Park made an anonymous donation to thank the parks crew for the excellent job they do cleaning the bathrooms and keeping the park beautiful.

It was moved by Gunnink, seconded by Meier to accept a \$20 donation from an anonymous donor to be used to offset general expenditures at Sundquist Park (receipt code 01-521-523-5760). Motion Passed.

SET SPECIAL MEETINGS FOR 2024 BUDGET REVIEWS

It was moved by Gunnink, seconded by Meier to set special meetings for the 2024 departmental budget reviews for 10 and July 11, 2023 beginning at 8:30 a.m. each day. Motion Passed.

RESOLUTION AUTHORIZING FUND TRANSFER WITHIN DITCH FUND

The final construction costs for the improvement projects for Judicial Ditch 6 came in lower than the amount that was bonded. The Board has the option to assess for the actual costs to the landowners and make up the difference for the debt service payment with interest from intrafund advances to drainage systems that are in a deficit balance.

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

Resolution 2023-05-16-01
A Resolution Authorizing Intrafund Transfer
within the Ditch Fund

WHEREAS, bids for an improvement project for Judicial Ditch No. 6 and Judicial Ditch No. 20A were approved for construction on April 22, 2020, and

WHEREAS, the engineer's estimate for those projects were \$1,464,710.52 (JD 6) and \$959,783.06 (JD 20A), and

WHEREAS, bonds were sold and sized for those construction amounts on July 20, 2021, and

WHEREAS, the final acceptance hearing was held on May 4, 2022, with final construction costs of \$1,275,277.99 (JD 6) and \$868,209.80 (JD 20A) which are lower than bid (and financed with bond) by \$189,432.53 (JD 6) and \$91,573.20 (JD 20A).

NOW THEREFORE BE IT RESOLVED, that authority is granted to the Auditor-Treasurer to use the excess bond proceeds for Judicial Ditch No. 6 (\$189,432.53) and Judicial Ditch No. 20A (\$91,573.20) for intrafund advances within the Ditch Fund (Fund 21) for drainage systems that are in the deficit (M.S. §103E.665, subd. 2).

BE IT FURTHER RESOLVED, that interest on the advances be returned to Judicial Ditch 6 and Judicial Ditch 20A pursuant to M.S. §103E.611.

ALSO LET IT BE FURTHER RESOLVED, that the Auditor-Treasurer shall make an annual report to the Board with the advance amounts between the drainage systems and a report of the interest paid.

The foregoing resolution was duly seconded by Thiner and thereupon being put to a vote was adopted.

ARPA COMMITTEE REPORT

The ARPA committee met on May 10, 2023 and recommends the following project(s) for approval today:

Project #	Category	Project Name	Amount Requested	Date Presented	Approved
17	Infrastructure	<i>Sheriff's Dispatch Area-Sewer Lines</i>	\$ 53,316.42	5/16/2023	
This request is for installing new sewer lines under the Sheriff's Dispatch area.					
18	Grant Writer	<i>City of Currie Grant Writing - Karin Anderson Grantwriting</i>	\$ 2,100.00	5/16/2023	
This request is from the City of Currie to hire a grant writer to write a FEMA Grant for their Fire Department (FEMA grant 2023 for SCBA, Turnout and RIT pack; and Pumper Truck)					

It was moved by Thiner, seconded by Gunnink to approve expenditures to be paid from the Murray County American Rescue Plan Act (ARPA) funds as follows: \$53,316.42 to be used for the Sheriff's Dispatch Area – Sewer Lines, and \$2,100 to be used for the City of Currie Grant Writing for a FEMA Grant for their Fire Department. Motion Passed.

SET HEARING DATE FOR GROUP 2 REDETERMINATION OF BENEFITS

H2Overviewers has been hired to complete a Redetermination of Benefits for several drainage systems within Murray County. These are broken in to three groups. Group 1 is complete. Group 2 is nearing completion. A final hearing needs to be set up.

File an order setting a final hearing for September 12, 2023 at 9:00 a.m.

Landowner meetings are scheduled for July 13, 2023 at 10:00 a.m. in the 4H Building on the Murray County Fairgrounds.

OUT OF STATE TRAVEL REQUEST

County Recorder Karen Brown is requesting approval for out of state travel to attend an annual conference hosted by our software company, Fidlar Technologies. Transportation is provided by Fidlar from Albert Lea, MN to Davenport, IA.

It was moved by Thiner, seconded by Gunnink to authorize the out of state travel for County Recorder Karen Brown to attend the Annual Fidlar Technologies Conference. Motion Passed.

The meeting was recessed at 8:56 a.m.

The meeting came back into session at 9:00 a.m.
PUBLIC HEARING REDETERMINATION OF BENEFITS ON CD 76, CD (76A) 18, JD 14
and JD 15

At 9:00 a.m. pursuant to notice, the Drainage Authority Board for Murray County Ditch No. (76A)18, Murray County 76, Judicial Ditch 14 and Judicial Ditch 15 met with the following members present: Commissioners Lori Gunnink, Dennis Welgraven, Jackie Meier and David Thiner; Murray County Auditor/Treasurer, Heidi Winter; Drainage Inspector, Travis Radke; County Attorney, Travis Smith; Ditch Viewers Kevin Vickerman and Luke Olson; and two (2) landowners.

The Vice Chair called the continued hearing to order. This hearing is continued from April 18, 2023 to receive the corrected viewers report for the Indirect Benefits on Judicial Ditch 14 and receive comments and testimony from all parties interested in the redetermination of benefits for CD 76A, CD 76A18, JD 14 and JD 15. The viewers gave complete reports on CD 76A, CD 76A18, JD 14 and JD 15 on April 18, 2023.

County Auditor-Treasurer, Heidi Winter reported that all notice requirements are met for this hearing.

Kevin Vickerman presented the viewers report for Judicial Ditch 14 Indirect benefits which included 8,113.88 benefited acres and total net benefits of \$402,129.02 (2.50% of maintenance). These amounts are included in the complete Judicial Ditch 14 final report.

The floor was opened to public comment:

- County Ditch 76A18: Hub Sandman (29-Mason Township) disputed the percent of benefit that he pays compared to the landowners upstream. The viewers reported that they adjusted the hydraulic efficiency rate on his parcel from 100% to 50% for the NESE, NWSE & SESE and from 100% to 75% on the SWSE. This reduced his overall percent share of cost to 8.495%. (1925 amount: 34.01%; Original 2023 ROB amount: 16.614%; Final 2023 ROB amount: 8.495%).

The floor was closed to public comment at 9:28 a.m.

A motion was made by Commissioner Jackie Meier, seconded by Commissioner Lori Gunnink and passed to adopt the findings and order accepting and adopting the amended redetermined benefits and damages for Murray County Ditch 76A18 with 3,190.43 benefitting acres and \$1,604,451.63 net benefits. Motion Passed.

A motion was made by Commissioner Lori Gunnink, seconded by Commissioner Jackie Meier and passed to adopt the findings and order accepting and adopting the amended redetermined benefits and damages for Murray County Ditch 76A with 1,794.47 benefitting acres and \$1,206,521.20 net benefits. Motion Passed.

A motion was made by Commissioner Lori Gunnink, seconded by Commissioner Jackie Meier and passed to adopt the findings and order accepting and adopting the amended redetermined

benefits and damages for Murray County Judicial Ditch 14 with 15,072.62 benefitting acres and \$16,397,229.78 net benefits. Motion Passed.

A motion was made by Commissioner Lori Gunnink, seconded by Commissioner Jackie Meier and passed to adopt the findings and order accepting and adopting the amended redetermined benefits and damages for Murray County Judicial Ditch 15 with 2,347.81 benefitting acres and \$1,176,961.88 net benefits. Motion Passed.

The hearing was adjourned at 9:32 a.m.

DITCH INSPECTION REPORT

A motion was made by Gunnink, seconded by Thiner 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 2023-009 (CD11, Leeds Twp. Sec.14, District 2–Gunnink)
- Petition 2023-010 (CD46, Leeds Twp. Sec.21, District 2 –Gunnink)
- Petition 2023-012 (JD 07, Fenton Twp. Sec.34, District 3 –Welgraven)

DOUG RUPP CONDITIONAL USE PERMIT

The original Public Hearing was held by the Murray County Planning Commission July 21, 2022, during which the Planning Commission recommended an extension of the 60-day rule to allow for the Murray Soil & Water Conservation District (SWCD) to complete their Notice of Decision on the Wetland type/delineation. It was also during that original hearing that Doug decided to increase the number of lots such that the subdivision would fall into the mandatory Environmental Assessment Worksheet (EAW) category.

On July 21, 2022, the Planning Commission recommended, and the County Board agreed on August 2, 2022, to require an EAW, which meant that no governmental decision could be made on this conditional use permit (CUP) until a decision was reached on the EAW. The County Board approved a Negative Declaration on the Pelican Bay Addition Residential Subdivision EAW on April 4, 2023, which allowed this CUP process to be restarted. The public hearing for this restarted CUP was held by the Murray County Planning Commission on May 4, 2023.

Approval of Planning Commission's recommendation on the following Conditional Use Permit Application:

Doug Rupp

66.09 acres in Section 24, Lake Sarah Township, Murray County

CUP #1403

To place more than 1,000 cubic yards of fill on a parcel of land in the Flood Fringe District of the Floodplain Overlay District of Lake Shetek

It was moved by Gunnink, seconded by Meier to approve Conditional Use Permit #1403 for Doug Rupp to place more than 1,000 cubic yards of fill on a parcel of land in the Flood Fringe District of the Floodplain Overlay District of Lake Shetek for 66.09 acres in Section 24, Lake Sarah Township, Murray County with the findings and three (3) special conditions recommended by the Planning Commission, with Special Condition Number 3 to read as follows:

3. The applicant must install a silt fence between all areas of exposed soil and the lake with the silt fence to remain in place until vegetation is established. Vegetation must be established within six (6) months of completion of the grading and filling of the black dirt. Motion Passed.

USS SLAYTON SOLAR, LLC CUP EXTENSION

A Public Hearing was held for the conditional use permit on April 21, 2022, by the Murray County Planning Commission, was approved by the Murray County Board of Commissioners (County Board) at their meeting on May 3, 2022; the CUP was recorded on May 23, 2022.

US Solar is requesting an extension of their CUP largely due to the long procurement timeline of solar garden equipment. They would like an extension to August 1, 2024, to allow them to commence construction in either mid-summer 2023, if they receive their solar garden materials by then, or in spring 2024.

Recommend to approve an extension of the Conditional Use Permit (CUP) for the following:

USS Slayton Solar LLC CUP

SE1/4 SE1/4, Section 16, Slayton Township

CUP# 1397

Construct and operate a 1 MW Community Solar Garden in the Agriculture District.

It was moved by Thiner, seconded by Gunnink to approve an extension of the USS Slayton Solar LLC Conditional Use Permit #1397 in the SE1/4 SE1/4, Section 16, Slayton Township for construction to commence by August 1, 2024. Motion Passed.

EDGEWATER BY CAMPGROUND EXPANSION EAW

The Planning Commission reviewed the EAW, including the submitted comments and responses, for the Edgewater Bay Campground Expansion on May 4, 2023. A copy of the full EAW was provided to the County Commissioners and can be found on the County's website.

Recommended to review and approve of Planning Commission's recommendation to make a Negative Declaration on the EAW and adopt findings.

Project Title: Edgewater Bay Campground Expansion EAW

Project Proposer: Edgewater Bay LLC -Jeff Barstad

Project Location: NE1/4, Section 2, Mason Township, Murray County

It was moved by Thiner, seconded by Welgraven to accept the recommendation of the Murray County Planning Commission to make a Negative Declaration for an Environmental Impact Study for the Edgewater Bay Campground Expansion Environmental Assessment Worksheet

(EAW) in the NE1/4, Section 2, Mason Township, Murray County, and to adopt the attached Findings on the EAW for Edgewater Bay Campground Expansion. Motion Passed.

The meeting recessed at 9:59 a.m.

The meeting came back into session at 10:03 a.m.

REAPPOINTMENT OF COUNTY ENGINEER

MN Statute §163.07 provides for the reappointment of the County Highway Engineer. Randy Groves was reappointed to the position of County Highway Engineer for Murray County Highway Engineer in May of 2019 to a four-year term. Pursuant to statute, reappointment of the County Highway Engineer shall occur in May the year the term expires.

It was moved by Thiner, seconded by Gunnink to reappoint Randy Groves as County Highway Engineer for a four-year term commencing June 1, 2023, and expiring May 31, 2027. Motion Passed.

FAIRGROUNDS FENCE PROJECT

One of the projects budgeted for fairgrounds improvements was replacing the east property line fence. Quotes were obtained from Michaels Fence and David A. Swenson Construction to install a 6' tall commercial grade chain link fence. The county park staff will remove the old fence and trees that are growing into the old fence. Justin has sent letters to all the neighbors and held a meeting on April 20th to inform everyone what is going on and that we may need to trim or remove some of the trees growing into or near the fence. Justin has verbal agreements and written agreements from all the neighbors for going through with this project. Both companies said they can install the fence middle to late July, so everything is completed by fair time. Below is a budget summary:

It was moved by Thiner, seconded by Gunnink to find the lot pins for the county property or find a surveyor to look for the lot pins to ensure accurate property lines and to award the fairgrounds fence to Michaels Fence and Supply at a cost of \$26,110.00. Motion Passed.

ACCEPT DONATION OF BENCHES FROM LUTHERAN BIBLE CAMP

Justin was contacted by the Shetek Lutheran Bible Camp regarding a donation they would like to make. They currently have about 30 – 12' wooden benches they would like to give to the fairgrounds. Justin also contacted the fair board, and they approved using these benches at the fair under the big entertainment tent rather than using blocks and boards as seating.

It was moved by Gunnink, seconded by Meier to approve the donation of benches from the Shetek Lutheran Bible Camp. Motion Passed.

SEASONAL PARKS MAINTENANCE WORKERS

Consider hiring Adam Winter as a Seasonal Parks Maintenance Worker, effective May 17, 2023, grade 1S, step 1 (\$13.75) from the seasonal grade scale.

It was moved by Gunnink, seconded by Welgraven to approve hiring Adam Winter as a Seasonal Parks Maintenance Worker, effective May 17, 2023, grade 1S, step 1 from the seasonal grade scale. Contingent upon satisfactory results of a criminal background check and pre-employment drug test. Motion Passed.

Consider hiring Dylan Kluis as a Seasonal Parks Maintenance Worker, effective June 5, 2023, grade 1S, step 1 (\$13.75) from the seasonal grade scale.

It was moved by Gunnink, seconded by Meier to approve hiring Dylan Kluis as a Seasonal Parks Maintenance Worker, effective June 5, 2023, grade 1S, step 1 from the seasonal grade scale. Contingent upon satisfactory results of a criminal background check and pre-employment drug test. Motion Passed.

SEASONAL IT INTERN

Consider hiring Kele Moudry as a Seasonal IT Intern, effective May 31, 2023, grade 2S, step 1 (\$15.75) from the seasonal grade scale.

It was moved by Thiner, seconded by Gunnink to approve hiring Kele Moudry as a Seasonal IT Intern, effective May 31, 2023, grade 2S, step 1 from the seasonal grade scale. Contingent upon satisfactory results of a criminal background check and pre-employment drug test. Motion Passed.

RENEW RCRCA JOINT POWERS AGREEMENT

The RCRCA JPA allows government entities to develop plans to protect property from damage due to flooding and erosion, provide property protection, pollution protections, and overall maintaining the quality of water in streams and lakes, all in accordance with the intent of Section §471.59 of MN Statutes.

The agreement is for two years commencing on July 1, 2023 and expiring on June 30, 2025.

It was moved by Thiner, and seconded by Gunnink to approve the renewal of RCRCA Joint Powers Agreement and authorize the County delegate. Motion Passed.

GROUNDBREAKING FOR HIGHWAY BUILDING

It was discussed on whether the board would like to have a groundbreaking ceremony for the highway building. It was determined to bring this back to the board on May 23, 2023 for an official standing.

SOIL & WATER CONSERVATION MEETING

It was moved by Gunnink, and seconded Thiner to approve all of the commissioners attending the Soil and water conservation meeting on June 2, 2023 at 1:00 p.m. Motion Passed.

COMMITTEE REPORTS FOR A PERIOD OF APRIL 30 – MAY 13

Gunnink: 5/2 Commissioner Meeting, 5/4 RCRCA Area II Meeting, 5/9 Historical Society, 5/10 Lake Wilson Solar Project

Meier: 5/1 Supporting Hands Nurse Family Partnership, 5/2 Commissioner Meeting, 5/3 Drug Court Graduation (no per diem), 5/4 ECI, 5/10 Lake Wilson Solar Project

Welgraven: 5/2 Commissioner Meeting & Building, 5/4 Building & Zoning, 5/10 ARPA & Lake Wilson Solar Project, 5/11 SRDC

Thiner: 5/2 Commissioner Meeting, 5/3 Drug Court Graduation (no per diem), 5/4 Planning & Zoning, 5/9 Policy Committee.

The meeting adjourned at 10:28 a.m.

ATTEST:

Carolyn McDonald, County Administrator

Molly Malone, Board Chair