

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA  
October 4, 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, Jim Kluis, Dennis Welgraven, and David Thiner. Also present in person, General Assistant Emily Ackerman, County Administrator Carolyn McDonald, County Attorney, Travis Smith via Zoom.

The Board Chair asked if there were any additions to the agenda, Red Rock Rural Water Committee appointments, road tour on 10/14, all board members will be present, the Board will be touring the Doom property today after the meeting.

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

No conflicts of interest were identified.

It was moved by Welgraven, seconded by Gunnink to approve the minutes from the September 27, 2022 meeting with changes. Motion Passed.

**COMMISSIONER WARRANTS**

It was moved by Thiner, seconded by Welgraven to approve all claims for payment. The Board Chair was authorized to sign the Audit List dated October 4, 2022, with fund totals as follows and warrants numbered 169235 through 169280. Motion Passed.

County Revenue Fund	65,864.96
County Road & Bridge Fund	96,034.12
EDA	333.00
Ditch	1,519.00
SAWS	383.00
Total	164,134.08

**HOSPITAL UPDATE**

Luke Schryvers from Murray County Medical Center gave an update on the annual risk assessment, on staffing and offer was made to Dr. Kartanta with an answered expected soon to start in October 2023, grant options, flu shot and COVID booster shots are both available, weekly call with Sanford to address billing issues, ambulance funding options for 2023 and beyond.

**LINCOLN PIPESTONE RURAL WATER BOARD APPOINTMENT**

Motion made by Welgraven, seconded by Gunnink to approve LPRW Resolution which recommends that Earl De Wilde, Randy Kraus, and Peter Petersen be re-appointed to the LPRW Board for a 4-year term which shall commence on January 1, 2023 and shall expire at midnight on December 31, 2026.

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

Resolution No. 2022-10-04-01

A Resolution Recommending the Appointment of Earl De Wilde, Randy Kraus, and Peter Petersen to the Lincoln Pipestone Rural Water System Board of Commissioners

**WHEREAS**, Earl De Wilde's 4 year term as a Commissioner on the Lincoln Pipestone Rural Water System ("LPRW") Board of Commissioners is scheduled to expire at midnight on December 31, 2022; and

**WHEREAS**, Randy Kraus' 4 year term as a Commissioner on the LPRW Board of Commissioners is scheduled to expire at midnight on December 31, 2022; and

**WHEREAS**, Peter Petersen's 4 year term as a Commissioner on the LPRW Board of Commissioners is scheduled to expire at midnight on December 31, 2022; and

**WHEREAS**, on April 25, 2022 the LPRW Board of Commissioners adopted a Motion which recommends that Earl De Wilde, Randy Kraus, and Peter Petersen each be re-appointed to another 4-year term on the LPRW Board of Commissioners; and

**WHEREAS**, the County Board of Commissioners believes that Earl De Wilde, Randy Kraus, and Peter Petersen are qualified to act as Commissioners on the Lincoln Pipestone Rural Water System Board of Commissioners and are all worthy of appointment.

**NOW BE IT NOW RESOLVED**, that the Murray County Board of Commissioners hereby recommends that Earl De Wilde, Randy Kraus, and Peter Petersen be appointed to the Lincoln Pipestone Rural Water System Board of Commissioners pursuant to and provided for by Minnesota Statutes §116A et seq., for a 4-year term which shall commence on January 1, 2023 and shall expire at midnight on December 31, 2026.

The forgoing resolution was duly seconded by Gunnink Thereupon being put to a vote all members of the Board voted for its adoption.

**SHETEK AREA WATER AND SEWER DISTRICT BOARD**

It was moved by Gunnink, seconded by Malone and passed to appoint Valarie Kastner to the Shetek Area Water & Sewer District Board.

**PLANNING COMMISSION BOARD**

It was moved by Kluis, seconded by Gunnink and passed to appoint Sue Tutt to the Planning Commission Board.

**RED ROCK RURAL WATER SYSTEM BOARD APPOINTMENT**

Motion made by Welgraven, seconded by Gunnink to approve RRRW Resolution which recommends that Shelley Sweetman and Gary Schimbeno be re-appointed to the RRRW Board for a 4-year term which shall commence on January 1, 2023 and shall expire at midnight on December 31, 2026.

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

RESOLUTION 2022-10-04-02

Resolution Recommending the Appointment of Shelley Sweetman and Gary Schimbeno to the Red Rock Rural Water System Board of Commissioners

**WHEREAS**, Shelley Sweetman's 4-year term as a Commissioner on the Red Rock Rural Water System ("RRRWS") Board of Commissioners is scheduled to expire at midnight on December 31, 2022; and

**WHEREAS**, Gary Schimbeno's 4-year term as a Commissioner on the RRRWS Board of Commissioners is scheduled to expire at midnight on December 31, 2022; and

**WHEREAS**, on July 14, 2022 the RRRWS Board of Commissioners unanimously adopted a Motion which recommends that Shelley Sweetman and Gary Schimbeno each be re-appointed to another 4-year term on the RRRWS Board of Commissioners; and

**WHEREAS**, the County Board of Commissioners believe that Shelley Sweetman and Gary Schimbeno are qualified to act as Commissioners on the RRRWS Board of Commissioners and are both worthy of re-appointment.

**NOW BE IT NOW RESOLVED**, that the Murray County Board of Commissioners hereby recommends that Shelley Sweetman and Gary Schimbeno be appointed to the Red Rock Rural Water System Board of Commissioners pursuant to and provided for by Minnesota Statutes §116A et seq. for a 4-year term which shall commence on January 1, 2023 and shall expire at midnight on December 31, 2026.

The foregoing resolution was duly seconded by Commissioner Gunnink with all members voting in favor.

COMMITTEE REPORTS FROM SEPTEMBER 18 – OCTOBER 1

**Welgraven:** 9/19 Building Committee, 9/20 Regular Board Meeting & ARPA, 9/21 SWHHS, 9/22 EDA, Redetermination of Benefits/H2O Meeting, & Fair Board Meeting (no per diem), 9/26 Solid Waste, MREB, WMH, 9/27 Regular Board Meeting & Work Session, 9/29 Fairground Advisory Meeting & SRDC.

**Kluis:** 9/20 Regular Board Meeting, 9/22 Redetermination of Benefits/H2O Meeting, 9/27 Regular Board Meeting & Work Session, 9/28 Hospital Board.

**Thiner:** 9/19 Building Committee, CEOB, SMOC, 9/20 Regular Board Meeting, 9/21 SWHHS, 9/22 Redetermination of Benefits/H2O Meeting, 9/26 SMOC, 9/27 Regular Board Meeting & Work Session, 9/28 RAC/ECB Radio Board.

**Gunnink:** 9/19 SAWS, 9/20 Regular Board Meeting, 9/22 Fair Board Meeting (no per diem) Redetermination of Benefits/H2O Meeting, 9/27 Regular Board Meeting & Work Session, 9/29 Fairground Advisory, 9/30 Friends of the Casey Jones Trail.

**Malone:** 9/20 Regular Board Meeting & ARPA, 9/21 Township Association Meeting, 9/22 EDA & Redetermination of Benefits/H2O Meeting, 9/27 Regular Board Meeting & Work Session, 9/28 Hospital Board, 9/29 Hospital Board Sub Committee, 9/30 Friends of the Casey Jones Trail.

## BOARD OF ADJUSTMENT/APPEALS BOARD FOR WEEDS

It was moved by Gunnink, seconded by Welgraven and passed to appoint Sue Tutt to the Board of Adjustment/Appeals Board for Weeds to fill out the term with a reappointment on January 1<sup>st</sup>, 2023. The motion passed with a roll call vote as follows:

Thiner: No

Welgraven: Yes

Kluis: Yes

Gunnink: Yes

Malone: Yes

## DACA RESOLUTION RELATED TO THE 2018 FLOODING

It was moved by Gunnink, seconded by Kluis to adopt the DACA resolution related to the 2018 flooding.

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

### Resolution 2022-10-04-03

#### A Resolution Requesting the release of Disaster Assistance Account (DACA) Funds

**WHEREAS**, from 2018 through 2020, four state declared disasters were proclaimed that affected Minnesota Counties. These disasters resulted in the need for federal assistance to repair county owned roadways and bridges. The Federal Highway Administration (FHWA) Emergency Relief (ER) Program declares that permanent emergency repairs are federally eligible for reimbursement at 80% with the remaining 20% to be a Local Public Agency (LPA) cost share.

**WHEREAS**, Minnesota Statutes Chapter 12.221 subdivision 6 was revised in 2015 to include a clause to provide the LPA cost share for federal assistance from the FHWA ER Program under United States Code, title 23, section 125. The law was modified in 2015 to provide a more efficient distribution of funds to LPAs in the event of a declared disaster. This is the first time since the law was changed that local agencies have requested funds using this revised statute and process.

**WHEREAS**, over the four disasters, fifteen counties were provided with FHWA ER funding and assurance that the associated 20% cost share would be provided from the DACA.

**WHEREAS**, requests for funding reimbursements for the ER funded projects began in 2020 and have been denied by the Department of Public Safety (DPS).

**WHEREAS**, Minnesota Statutes Chapter 12.221, subdivision 6, clause 3 clearly states that the local agencies are eligible for the 20% cost share from the DACA fund.

**WHEREAS**, the fifteen Counties have expended an estimated \$3.3 million in LPA 20% cost share since 2018 and have not been provided the pledged funding from the DACA Fund.

**WHEREAS**, the 20% cost share represents an additional property tax burden to local residents and has prevented Murray County from using these funds on other needed resources.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the County of Murray, Minnesota, hereby requests that Governor Walz intercede on their behalf to release the 20% LPA cost share of FHWA ER Program Funding from the DACA Fund.

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

**MNDOT DETOUR AGREEMENT AND RESOLUTION**

It was moved by Welgraven, seconded by Gunnink, to adopt the MnDOT detour agreement and resolution.

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

**Resolution 2022-10-04-04**

A Resolution Requesting Murray County to enter into MnDot Agreement No. 105218 with the State of Minnesota, Department of Transportation

IT IS RESOLVED that Murray County enter into MnDOT Agreement No. 1051218 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use and maintenance of County roads used for detour, County State Aid Highway No. 34 and No. 4 as a detour route during the construction to be performed upon, along, and adjacent to Trunk Highway No. 59 from 0.64 miles South of TH 30 to 0.29 miles North of C.S.A.H. 33 under State Project No. 5104-42 (T.H. 59=17).

IT IS FURTHER RESOLVED that the

\_\_\_\_\_

(Title)

and the

\_\_\_\_\_

(Title)

are authorized to execute the Agreement and any amendments to the Agreement.

**CERTIFICATION**

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Board of Commissioners of Murray County at an authorized meeting held on the 4<sup>th</sup> day of October 2022, as shown by the minutes of the meeting in my possession.

The forgoing resolution was duly seconded by Gunnink Thereupon being put to a vote all members of the Board voted for its adoption.

**ROAD TOUR FRIDAY OCTOBER 14TH**

It was moved by Welgraven, and seconded by Kluis to approve the commissioners going on a road tour on the 14<sup>th</sup> of October.

The meeting recessed at 9:24 a.m.

The Commissioners and the County adminisitrator went to the Doom Property to tour, the meeting adjourned at 10:00 a.m.

ATTEST:

\_\_\_\_\_  
Carolyn McDonald, County Administrator

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Molly Malone, Board Chair