

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
December 20, 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.

The Board Chair asked if there were any additions to the agenda, County Administrator Carolyn McDonald stated that we will be rescheduling the 9:10am Agenda item with Larry Filippi to the December 27, 2022 Meeting.

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

No conflicts of interest were identified.

It was moved by Welgraven, seconded by Kluis to approve the minutes from the December 8, 2022 meeting with changes. Motion Passed.

CONSIDERATION OF THE 2023 ELECTED SALARIES

- County Attorney, Travis Smith gave a year-end review for the County Attorney Office.

PUBLIC HEARING: FEE SCHEDULE M.S. §373.41

8:45 a.m. The Chairman called the public hearing for the 2023 fee schedule to order.

The Board reviewed the proposed 2023 fee schedule.

8:46 a.m. The public hearing was opened for comment. No members of the public commented.

8:52 a.m. The public hearing was closed.

It was moved by Thiner, seconded by Welgraven to approve the 2023 fee schedule. Motion Passed.

HAZARD MITIGATION ASSISTANCE GRANT

All Hazard mitigation plans must be updated to be eligible to apply for future federal mitigation funding. Hazard mitigation is any sustained action taken to reduce or eliminate long-term risk to people and their property from natural hazards.

This is a match in-kind cost share grant. The county portion is derived hours of county, city and community volunteers committed towards planning, collaboration, review, and implementation of and updated plan, and has no direct budgetary impact.

It was moved by Thiner, and seconded by Kluis to approve the Murray County Board Chair and the Murray County Administrator to sign the Hazard Mitigation Assistance Agreement. Motion Passed.

2023 AIS PLAN AND BUDGET

The AIS Committee, consisting of Commissioners Thiner and Malone, reviewed the revised AIS Plan, which included suggested changes from the Environmental Services Office. The proposed changes include:

1. The recognition of, and the unknown extent of the zebra mussel infestation of Lake Shetek;
2. Ways to inform the public and neighboring counties of the infestation;
3. Sampling continuance on Shetek to determine the extent of the infestation;
4. Recognition of the installation of new I-LIDS at two public boat landings on Lake Shetek in 2022; and
5. Other minor corrections.

The Plan includes the 2023 AIS Budget

It was moved by Thiner and seconded by Gunnink to approve the proposed amendments to the Murray County Aquatic Invasive Species (AIS) Plan, including the 2023 AIS Budget. Motion Passed.

BID OPENING LIME LAKE DAM PROJECT

9:00 a.m. The Board Chair called for the bid opening for the Lime Lake Dam Project

<u>Company</u>	<u>Address</u>	<u>Amount</u>
Midwest Contracting LLC	Marshall, MN 56258	\$538,975
Henning Construction Inc	Adrian, MN 56110	\$219,250
RES LLC	Jordan, MN 55352	\$366,090
A&C Excavating LLC	Marshall, MN 56258	\$310,220
Rupp Construction	Slayton, MN 56172	\$345,755
Towne & Country Excavating LLC	Garvin, MN 56132	\$233,575
Geomorphic Restoration	Duluth, MN 55803	\$269,925
MNL	Ostego, MN 55362	\$277,700
Landwehr Construction INC	Saint Cloud, MN 56302	\$327,260

Bids will be sent to the engineer for the project, they will tabulate the bids and then send back a recommendation.

LAKE SARAH OUTLET MODIFICATION GRANT

Houston Engineering (HEI) worked with Murray County to develop a plan to replace the Lake Sarah Dam with Rock Arch Rapids, and also to assist with seeking grant funds. An application for a Conservation Partners Legacy (CPL) grant was submitted and we were recently notified that Murray County has been selected for funding for the Lake Sarah Outlet Modification in the amount of \$333,000; reimbursable grant funds that will expire June 30, 2025.

As part of the grant requirements, Murray County must review and approve the general terms and conditions of the grant contract (see attached).

After the draft general terms and conditions of the grant contract have been approved, the Minnesota Department of Natural Resources (DNR) will fill in Murray County's specific grant information for finalizing the grant contract.

It was moved by Welgraven, and seconded by Gunnink to approve the general terms and conditions of the Conservation Partners Legacy Grant Contract for the Lake Sarah Outlet Modification project. Motion Passed.

2023 RETAINER AGREEMENT FOR LEGAL SERVICES

The purpose of the Agreement is to have access to professional legal services specifically for the areas relating to zoning, which is in addition to the professional legal services of the Murray County Attorney and Assistant County Attorney.

All aspects of the Agreement relating to the terms and in-service training remain the same from previous years. The overall cost of the Agreement remains the same at \$5,000 for the year. However, the hourly rate provided outside the retainer was increased by \$5.

It was moved by Gunnink, seconded by Welgraven to approve and authorize County Administrator Carolyn McDonald to sign the 2023 Retainer Agreement for Legal Services with Jay Squires and Scott Anderson of Rupp, Anderson, Squires & Waldspurger, P.A. Motion Passed.

COMMISSIONER WARRANTS

It was moved by Gunnink, seconded by Kluis to approve all claims for payment. The Chairman was authorized to sign the Audit List dated December 20, 2022 with fund totals as follows and warrants numbered 169919 through 170012:

County Revenue Fund	79,222.16
County Road & Bridge Fund	37,627.39
EDA	1,159.60
Ditch	430.60
Self-Insurance	3,056.15
Hospital	11,463.00
Sunrise Terrace	1,271.97
SAWS	159.00
Lime Creek Service District	6,643.24
Total	141,033.11

DITCH BILLS

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

Bolton & Menk

21-810-810-6260	JD6	4,500.50	Engineering Services for Improvement
21-847-847-6260	JD20a	868.50	Engineering Services for Improvement
21-667-6260	CD 20	645.30	#2021-029 Ok'd by T. Radke or 12/19/2022
21-829-6260	JD 14	1,505.70	#2022-001 & 2022-002 ok'd by T. Rake on
	Subtotal	<u>7,520.00</u>	

Johnson Ditching, Inc.

21-829-6290	JD14	511.48	#2022-043 Ok'd by T. Radke or 12/19/2022
21-773-6290	CD76a	1,854.50	#2022-012 Ok'd by T. Radke or 12/19/2022
	Subtotal	<u>2,365.98</u>	

Moldestad, William (Ditch Viewer)

21-810-810-6289	JD6	1,168.13	Viewing Services
21-847-847-6289	JD20a	250.00	Viewing Services
	Subtotal	<u>1,418.13</u>	

Onken Backhoe Service, Inc

21-717-6290	CD 45	770.00	#2022-014 Ok'd by T. Radke or 12/19/2022
21-733-6290	CD 53	535.00	#2019-051 Ok'd by T. Radke or 12/19/2022
21-753-6290	CD 63	412.50	#2022-013 Ok'd by T. Radke or 12/19/2022
21-753-6290	CD 63	585.00	#2022-014 Ok'd by T. Radke or 12/19/2022
21-819-6290	JD 10	1,000.00	#2021-016 Ok'd by T. Radke or 12/19/2022
	Subtotal	<u>3,302.50</u>	

Rinke Noonan

21-868-6260	Ditch Admin	200.00	Monthly Retainer Fee
21-807-6260	JD3	108.00	JD 3 Improvement - Legal
	Subtotal	<u>308.00</u>	

Total Ditch Bills 14,914.61

APPROVAL OF 2023 TOBACCO LICENSE

This is an annual approval for establishments within the parameters of Murray County Tobacco Ordinance No. 98-10-6-01.

It was moved by Welgraven, seconded by Kluis and passed to approve the 2023 tobacco license renewals in accordance to Murray County Tobacco Ordinance No. 98-10-6-1 for the following establishments:

- M004 - Carlson's Corner - GPPS, LLC
- M005 - Ruppert Oil - Michael D. Ruppert
- ~~M003 - Pete's Corner - Joyce Bloemendaal (No longer selling tobacco)~~
- M006 - Chandler Coop (dba Cenex Convenience Store - Lake Wilson)
- M009 - Avoca Municipal Liquor Store - City of Avoca
- M014 - Jaroskelly, LLC - Trails Edge General Store
- M015 - DG Retail, LLC (dba Dollar General Store #20579)

Further moving that approval is contingent upon receipt of all required paperwork in the Auditor-Treasurer's Office. Motion Passed

The meeting recessed at 9:26 a.m.

The meeting came back into session at 9:31 a.m.

DITCH INSPECTION REPORT

A motion was made by Gunnink, seconded by Malone 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 2022-048 (CD 22, Holly Twp. Sec.18, District 1-Malone)*

COMMUNITY SUPERVISION

At the AMC Board of Directors meeting on December 4, the Board approved legislative priorities for the 2023 legislative session. The AMC Board passed a motion to encourage all 87 county boards to adopt a resolution in support of the formula change and a significant increase in appropriations from the legislature.

AMC is asking for the support of all 87 counties to support the efforts of the Community Supervision Workgroup to create a more effective probation system in Minnesota. A resolution by all 87 counties is a message to legislators that they can no longer ignore this critical aspect of Minnesota's public safety system and must do their job in 2023 by passing a new formula and accompanying funding.

Commissioner Malone presented the following resolution and moved for its adoption.

Resolution Supporting Community Supervision Workgroup, New Funding Formula for Probation.

RESOLUTION NO. 2022-12-20-01

Resolution Supporting Community Supervision Workgroup, New Funding Formula for Endorsing the efforts of the Community Supervision Work Group and urging the legislature to pass a new funding formula and significant appropriation during the 2023 legislative session.

WHEREAS, community supervision is a fundamental part of the criminal justice system in Minnesota and funding sufficient to ensure effective services is vital to public safety in all communities across the state; and

WHEREAS, community supervision includes services such as probation, supervised release, and intensive supervised release; and

WHEREAS, Minnesota's counties provide essential community supervision services both as mandated by M.S. Chapter 244.19 and also as delegated by the Department of Corrections under M.S. Chapter 401; and

WHEREAS, when the Legislature decided that community supervision was best delivered through a state-county partnership, it stated a clear intent that the state would provide significant funding to the counties for the operation of local programs; and

WHEREAS, over the past 20 years, Minnesota has become the state with the lowest level of corrections funding in the nation because the Legislature has not upheld its promise to provide adequate state resources to support community supervision; and

WHEREAS, the Legislature's failure to adequately fund community supervision has increased local property taxes on residents and businesses; and,

WHEREAS, a revised community supervision funding formula is necessary to ensure that all communities in Minnesota have enough state funding to provide a consistent standard for effective, evidence-based community supervision services, regardless of local capacity to pay; and

WHEREAS, the Association of Minnesota Counties assembled the Community Supervision Work Group including county leaders and experts in community supervision from all three supervision delivery systems to study the needs of community supervision departments statewide and develop a single funding formula that is transparent, needs based, and equitable among county and state supervision providers; and,

WHEREAS, the Community Supervision Workgroup has taken up its charge to convene stakeholders across the three probation delivery systems to oversee a study to create a unified recommendation for an equitable and adequate funding formula and appropriation; and,

WHEREAS, the Board of Directors of the Association of Minnesota Counties that represents the diverse interests of Minnesota's 87 counties, voted to support a new funding formula that provides counties with the resources needed to keep communities safe; now, therefore,

BE IT RESOLVED, the Murray County Board of Commissioners endorses the efforts of the Community Supervision Work Group and urges the Legislature to pass a new funding formula and significant appropriation during the 2023 legislative session.

The foregoing resolution was duly seconded by Welgraven and thereupon being put to a vote was passed.

OPIOID FUNDS USE RECOMMENDATION

Murray County has received \$58,565.61 so in opioid settlement dollars thus far in 2022. The county expects to receive \$299,445.53 to be paid over the next 18 years.

Public health departments, such as SWHHS are chief strategists in the spending of the Opioid settlement dollars. For Participating Local Governments, such as Murray County, that have public health departments, the public health departments shall serve as the lead agency and Chief Strategist to identify, collaborate, and respond to local issues as Local Governments decide how to leverage and disburse Opioid Settlement Funds. In their role as Chief Strategist, public health departments will convene multi-sector meetings and lead efforts that build upon local efforts like Community Health Assessments and Community Health Improvement Plans, while fostering community focused and collaborative evidence-informed approaches that prevent and address addiction across the areas of public health, human services, and public safety. Chief Strategists should consult with municipalities located within their county in the development of any Community Health Assessment and are encouraged to collaborate with law enforcement agencies in the county where appropriate.

It was moved by Welgraven, seconded by Gunnink, to allocate opioid settlement money received by Murray County to SWHHS for program use. Motion Passed.

CAPITAL IMPROVEMENT PLAN

It was discussed to have each department come in on the 3rd meeting of the month to discuss the needs by each department. No motion was made.

JON BOAT MOTOR

The Parks Department and the Sheriff's Office share a Jon boat. The Parks Department uses the boat to pick up aerators/ thin ice signs in the Spring. The Sheriff's Office uses the boat to install buoys and for water rescues as needed. The motor was found to have a serious mechanical issue during a fall check-up. Shetek Marine recommends we remove the old motor and replace it.

It was moved by Welgraven, seconded by Gunnink to approve the purchase of a 2023 Mercury 60hp ELT CT 4-stroke motor from Shetek Marine. The funds for the purchase will be split between the Sheriff and Parks Department budgets. Motion Passed.

DONATION ACCEPTANCE

The Bjorge family contacted our office and indicated they would like to make a donation in memory of their son William Bjorge. William passed away from the result of a tragic accident at the Murray County Fair in 2002. The family decided to make the donation in 2022 in honor of the 20-year anniversary of the accident.

It was moved by Welgraven, seconded by Gunnink to accept an \$800.00 donation from Barak and Katie Bjorge to be used for a future equipment purchase (receipt code 01-201-000-5760). Motion Passed.

2023 VEHICLE PURCHASE

Purchase 2023 Chevrolet Silverado 1500 PPV to be used as a squad car. Unit will replace a 2016 Ford Interceptor. Purchase price per state bid is \$44,990.00. This is a budgeted item for 2023 and will not be paid until the vehicle arrives.

Moved by Kluis, seconded by Welgraven to approve the purchase of a 2023 Chevrolet Silverado 1500 PPV pickup from UpNorth GM for a total purchase price of \$44,990.00 to paid from account # 01-201-000-0000-6660 in 2023. Motion Passed.

SURPLUS PROPERTY

It was moved by Thiner, seconded by Welgraven to declare unit #135 as surplus property and authorize its sale on GovDeals.com. Motion Passed.

APPROVE AGENCY AGREEMENT #1052200

It was moved by Thiner, seconded by Kluis to approve Agency Agreement #1052200 for Federal Participation in Construction and Resolution. Motion Passed.

APPROVE AGENCY AGREEMENT #1052314

It was moved by Thiner, seconded by Malone to approve Agency Agreement #1052314 for Federal Participation in in force and resolution. Motion Passed.

APPROVE AGENCY AGREEMENT #1052403

It was moved by Kluis, seconded by Malone to approve Agency Agreement #1052403 for Federal Participation in in force and resolution. Motion Passed.

SET BID OPENING FOR BRIDGE REPLACEMENT PROJECT SAP 051-599-104

It was moved by Thiner, seconded by Welgraven to set the bid opening for Bridge Project SAP 051-599-104 on January 24, 2023 at 9:00 a.m. Motion Passed.

COMMITTEE REPORTS FOR THE PERIOD OF NOVEMBER 27 – DECEMBER 10, 2022

Commissioner Malone: 11/28 MN Rural Energy Board, 11/29 Regular Commissioner Meeting & Pre construction & TNT Meeting, 11/30 Hospital Board & Watershed 101 Training in Lamberton, 12/4-12/7 AMC Conference, 12/8 Special Commissioner Meeting & Highway Building Bid Opening.

Commissioner Gunnink: 12/1 RCRCA Area 2 Meeting, 12/4-12/7 AMC Conference, 12/8 Special Commissioner Meeting.

Commissioner Kluis: 11/29 Regular Commissioner Meeting & TNT Meeting, 11/30 Hospital Board, 12/8 Special Commissioner Meeting.

Commissioner Welgraven: 11/28 Solid Waste & MN Rural Energy Board, 11/29 Regular Commissioner Meeting & Pre construction & TNT Meeting, 12/1 SRDC Budget & Personnel, 12/4-12/7 AMC Conference, 12/8 Special Commissioner Meeting & ARPA & SRDC Board of Directors & Highway Building Bid Opening.

Commissioner Thiner: 11/28 Zoom AMC, 11/29 Regular Commissioner Meeting & Pre construction & TNT Meeting, 12/4-12/7 AMC Conference, 12/8 Special Commissioner Meeting.

SET FINAL 2023 LEVY

Counties must certify the final levy on or before five working days after December 20th of each year. M.S. §275.07

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

RESOLUTION 2022-12-20-02
A RESOLUTION SETTING THE 2023 FINAL LEVY

NOW THEREFORE BE IT RESOLVED that the Murray County Board of Commissioners set the 2023 Final Levy with a 4.16% increase as follows:

	Gross Levy For 2023	County Program Aid for 2023	Net Levy for 2023
County Revenue	6,041,956	(362,363)	5,679,593
Road & Bridge	1,674,726	(100,441)	1,574,285
Human Services	1,490,841	(89,412)	1,401,429
TOTAL LEVY	9,207,524	(552,216)	8,655,308

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

The meeting adjourned at 10:45 a.m.

ATTEST:

Carolyn McDonald, County Administrator

Molly Malone, Board Chair