

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS MURRAY  
COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA  
August 15, 2023 8:30 a.m.

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present; Molly Malone, Lori Gunnink, Jackie Meier, Dennis Welgraven, and David Thiner. Also present: 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, none were added.

It was moved by Gunnink, seconded by Welgraven to approve the agenda without additions.  
Motion Passed.

No Conflicts of interest were identified.

Consent Agenda:

1. Approve August 1, 2023 Meeting Minutes
2. Commissioner Warrants dated 8/15/2023 for the amount of \$89,713.15 numbered 171878 through 171939.

It was moved by Welgraven, seconded by Meier to approve consent agenda. Motion Passed.

#### CONTRACT FOR LAMAR FOR 2 AIS BILLBOARDS

Murray County has contracted with Lamar for two billboards for Aquatic Invasive Species (AIS) advertisement. The two billboards are located adjacent to US Highway 59: one in Garvin - viewable by southbound traffic, and one south of Slayton - viewable by northbound traffic.

Costs:

- One-year contract – 09/25/2023 thru 09/22/2024 - 90195 623332 (Garvin)
- One-year contract – 10/23/2023 thru 10/20/2024 - 91315 30637140 (Slayton)

\$360.00 per billboard every four weeks

\$ 360.00 \* 13 weeks = \$4,680.00

\$4,680.00 \* 2 billboards = \$9,360.00

It was moved by Thiner, seconded by Welgraven to approve contract with Lamar for \$9,360.00 for Aquatic Invasive Species (AIS) advertising on both the north and south billboards adjacent to US Highway 59, viewable by southbound traffic and northbound traffic, respectively and to authorize the County Administrator Carolyn McDonald to sign the contract on behalf of the County. Motion Passed.

#### DITCH BILLS

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

**Prairie View Farms, LLC**

21-711-6290	CD43A	9,354.78	#2022-047	Ok'd by T. Radke or 7/31/2023
21-711-6290	CD43A	<u>2,332.72</u>	#2023-021	Ok'd by T. Radke or 7/31/2023
	<b>Subtotal</b>	<b><u>11,687.50</u></b>		

**Total Ditch Bills 11,687.50**

**SUBORNIATION REQUEST**

Murray County has a septic loan program to improve and upgrade failing septic systems. These loans are paid back as special assessments on the property taxes. A lien is also filed on the property. From time to time a lender will request that the county subordinate and let their mortgage go ahead of the county lien, typically with a refinance.

Approval of a subordination agreements for septic lien and authorization for Auditor-Treasurer and Board Chair to sign subordination agreement on behalf of the county.

It was moved by Gunnink, seconded by Welgraven To approve a subordination agreement for Murray County Tax Parcel ID# 12-026-0010 for a Murray County Septic Lien (Recorded Document #266333), further moving to authorize the Auditor-Treasurer and Board Chair to sign the agreement on behalf of the County. Motion Passed.

**ARPA COMMITTEE REPORT**

The ARPA committee met on August 1, 2023 and recommends the following project(s) for approval today:

<b>Projects recommended for approval</b>					
<b>Project #</b>	<b>Category</b>	<b>Project Name</b>	<b>Amount Requested</b>	<b>Date Presented</b>	<b>Approved</b>
19	Public Safety	IT hardware and software licensing for Sheriff's Office	\$ 24,000.00	8/15/2023	
During a recent BCA audit, items were identified that were needed in the Sheriff's Office including an additional server, virtual license updates, centralized logging capabilities, centralized device monitoring and network management capabilities and air-gapped back ups.					

It was moved by Gunnink, seconded by Malone to approve expenditures to be paid from the Murray County American Rescue Plan Act (ARPA) funds as follows \$24,000.00 to be used for IT hardware and software licensing for Sheriff's Office. Motion Passed.

**RESOLUTION FOR SMALL MONETARY DONATIONS**

The County Board typically accepts donations on an individual basis. This can also be done on a periodic basis throughout the year with a list brought to the Board.

**465.03 GIFTS TO MUNICIPALITIES.**

Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full.

**History:** [\*\(1830\) RL s 767\*](#); [\*1913 c 319 s 1\*](#); [\*1949 c 294 s 1\*](#); [\*1973 c 123 art 5 s 7\*](#)

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

Resolution No. 2023-08-15-01  
A Resolution for Gifts and Donations

**WHEREAS**, M.S. § 465.03 requires acceptance of a grant or devise of real or personal property on terms prescribed by the donor made by resolution of the County Board adopted by a two-thirds majority of its members and expressing such terms in full gifts to be accepted by the County Board.

**NOW THEREFORE, BE IT RESOLVED**, that all gifts/donations can be brought to the Board and accepted on a Quarterly basis, and with any time sensitive donations being brought to the Board for immediate approval.

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

**DITCH INSPECTION REPORT**

A motion was made by Gunnink, seconded by Malone 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 2023-031 (JD28, Holly Twp. Sec.7, District 1–Malone)
- Petition 2023-032 (JD19, Lowville Twp. Sec.20, District 2 –Gunnink)
- CD 11 – Township Culvert Update

**IT TECHNICIAN**

Approve hiring Kele Moudry as a regular 29 hours per week part-time IT Technician effective August 16, 2023, at a labor grade 5, step 1 (\$18.94).

It was moved by Welgraven, seconded by Meier to approve hiring Kele Moudry as a regular 29 hours per week part-time IT Technician effective August 16, 2023, Per the recommendation of the Personnel Committee. Motion Passed.

## MURRAY COUNTY ORDINANCE REGULATING THE USE OF CANNABIS

The Board set the public hearing date on July 25, 2023.

The Minnesota Legislature passed the adult-use cannabis bill this session, legalizing the use, possession, and sale of cannabis in Minnesota. The possession and personal growing of cannabis will become legal August 1, 2023, and retail, agricultural, and manufacturing cannabis businesses will likely become licensed in early 2025.

The proposed ordinance prohibits the use of cannabis in public places and places of public accommodation. Public places and places of accommodation are defined below:

**Public place.** A “public place” means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.

**Place of public accommodation.** “Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

The public hearing was opened at 9:00 a.m. for public comment, no one was present.

The public hearing was closed at 9:04 a.m. for public comment.

It was moved by Gunnink, seconded by Meier to adopt Murray County Ordinance 2023-01 Ordinance Regulating the Use of Cannabis and Cannabis Derived Products in Public Places. Motion Passed.

### 2024 STAFFING LEVELS

Approve the employment Staffing levels to determine the 2024 salary budgets.

It was moved by Gunnink, seconded by Meier to approve the proposed staffing levels to determine the 2024 salary budgets. Motion Passed.

### EXTENSION COPIER REPLACEMENT

Existing device is due for replacement and is approaching 8 years of use.

It was moved by Gunnink, seconded by Welgraven to purchase the Canon MFP device from Loffler utilizing the Machines Room Budget for the purchase. Motion Passed.

### BID OPENING FOR DOOM HOUSE

Fluit Farms	1955 190 <sup>th</sup> Ave Kenneth, MN 56147	\$8,500.00
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Slayton Plumbing & Heating	2239 Maple Ave, Slayton, MN 56172	\$14,995.00
D&G Excavating	2324 Co Rd 30, Marshall, MN 56258	\$24,040.00

Auditor Treasurer Heidi Winter and County Administrator Carolyn McDonald tabulated the bids for accuracy.

**7 MILE PARK ELECTRICAL UPGRADES BID OPENING**

There are 8 campsites at 7 Mile Park where we would like to update campsite pedestals to have 20- 30- and 50-amp hookups. The other 6 campsites were updated back in 2015. Justin is requesting approval to go out for bids for this project.

It was discussed to get quotes instead of bids for this project with an explanation of what work will be getting performed.

**HORSE BARN CONCRETE**

We would like to pour concrete in the horse barn to create a smooth surface for setting up horse stalls in the building. We poured 15x120 along the north wall this spring. After the fair Justin would like to pour 15x120 along the south wall. That would leave 30' throughout the middle of the building to do next year. After the fair is done, we can stack the horse panels along the north wall giving us room to work on this project before winter. Justin has gotten estimates for labor and concrete to help with the first section along the north wall. The parks department staff will form up the area but will need to hire someone to help pour, broom, and cut the concrete. Justin has estimated \$1,300.00 will cover the cost for rebar, gravel and supplies to prepare the rebar. Justin has received 3 labor estimates this spring and Matt Beek was the low bidder. He said he will do this project for the same price of \$2,050. Buffalo Ridge Concrete's estimate for concrete is \$5,542. Total Project cost is estimated at \$8,892.

**Budget Summary for:** 01-110-115-6640 (originally budgeted in 6622, moved to 6640)

<b>Budgeted in 2023:</b>	20,000.00
<b>Cost to pour 1st half</b>	9,634.00
<b>Balance Available:</b>	10,366.00
<i>Quoted Price</i>	<b>2,050.00</b>
<i>Rebar, gravel, misc mat'l</i>	<b>1,300.00</b>
<i>Concrete</i>	<b>5,542.00</b>
<b>Balance if Approved</b>	<b>1,474.00</b>

It was moved by Thiner, seconded by Gunnink to award the Horse Barn Concrete pouring labor to Matt Beek at a cost of \$2,050.00. Motion Passed.

FINAL PAY REQUEST FOR BRIDGE PROJECT SP 051-638-026

It was moved by Malone, seconded by Meier to approve the final pay request for bridge project SP 051-638-026 to Prahm Construction, Inc. Motion Passed.

FINAL PAY REQUEST FOR SIDEWALK PROJECT SAP 051-638-032

It was moved by Welgraven, seconded by Thiner to approve the final pay request for sidewalk project SAP 051-638-032 to Prahm Construction, Inc. Motion Passed.

The meeting recessed at 9:30 a.m.

The meeting came back into session at 9:42 a.m.

RESOLUTION RECOMMENDING THAT MITCH KLING & BILL UFKIN BE APPOINTED TO THE LINCOLN PIPESTONE RURAL WATER BOARD

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

Resolution No. 2023-08-15-02

A Resolution Recommending the appointment of Mitch Kling and Bill Ufkin to the Lincoln Pipestone Rural Water System Board of Commissioners

**WHEREAS**, Mitch Kling'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, 2023; and

**WHEREAS**, Bill Ufkin's 4-year term as a Commissioner on the LPRW Board of Commissioners is scheduled to expire at midnight on December 31, 2023; and

**WHEREAS**, on June 26, 2023, the LPRW Board of Commissioner unanimously passed a Motion which recommends that Mitch Kling and Bill Ufkin be re-appointed to another 4-year term on the LPRW Board of Commissioners; and

**WHEREAS**, the County Board of Commissioners believes that Mitch Kling and Bill Ufkin are qualified to act as Commissioners on the Lincoln Pipestone Rural Water Board of Commissioners and are worthy of appointment.

**NOW BE IT NOW RESOLVED**, that the Murray County Board of Commissioners hereby recommends that Mitch Kling and Bill Ufkin 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, 2024 and shall expire at midnight on December 31, 2027.

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

## POLICY APPROVALS

The state of Minnesota has legalized recreational cannabis, but there are still important employment related facts that still need to be spelled out in policy. This includes:

- Employees shall not use, possess, transfer, transport, manufacture, distribute, sell, purchase, solicit to sell or purchase, or dispense drugs or drug paraphernalia while on duty; on County premises; while operating any County vehicle, machinery, or equipment; or when performing any County business.
- While recreational cannabis has become legal in the state of Minnesota, it is still considered a prohibited drug under federal law.
- Employees who hold a Commercial Driver's License (CDL) are subject to Federal Motor Carrier Safety Administration drug and alcohol testing which requires random testing. Tetrahydrocannabinol (THC) is tested for in random testing and no level of THC is permissible for CDL holders.
- Murray County Sheriff's Office post licensed staff and dispatchers are subject to federal law and are also unable to use or possess cannabis both on and off-duty.

Upon approval by the County Board, all employees will be sent the policies and will be required to review and acknowledge them.

The County has already provided supervisors and Department Heads reasonable suspicion training.

It was moved by Gunnink, seconded by Meier to approve the Murray County Policy Manual; Section XIII Drug and Alcohol Policy. Motion Passed,

It was moved by Meier, seconded by Gunnink to approve the Murray County Policy Manual; Section XIV Mandatory Driving Employee. Motion Passed.

It was moved by Welgraven, seconded by Gunnink to approve the Murray County Policy Manual; Section VIII 8.4 Cannabis, Tobacco, and Vaping policy. Motion Passed.

## COUNTY DITCH 41 IMPROVEMENT HEARING

A petition to improve County Ditch 41 was filed in 2020. County Ditch 41 is in Lowville Township (Commissioner District 2).

### CD 41 Improvement project timeline

- 6/4/2020 – Petition for improvement filed with County Auditor
- 6/15/2020 – Received letter from Kurt Deter that project meets requirements under M.S. §103E.215, sub 4
- 6/16/2020 – Petition taken to County Board as Drainage Authority to accept and appoint engineer (Resolution 2020-06-16-01)
- 6/19/2020 – Engineer's Oath and Bond filed with County Auditor

- 6/30/2023 – Preliminary Engineer’s Report received
- 7/18/2023 – Board filed order setting preliminary hearing for 8/15/2023
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PROCEEDINGS OF THE DRAINAGE AUTHORITY  
COUNTY DITCH NO. 41 - MURRAY COUNTY  
MURRAY COUNTY GOVERNMENT CENTER - SLAYTON, MN 56172  
August 15, 2023 – 10:00 a.m.

Pursuant to notice given, the Drainage Authority Board for Murray County Ditch No. 41 met with the following members present: Murray County Commissioners – Molly Malone, Lori Gunnink, Dennis Welgraven, Jackie Meyer and David Thiner. Also present were Heidi E. Winter, Murray County Auditor-Treasurer; Travis Radke, Murray County Drainage Inspector; Carolyn McDonald, County Administrator and John Kolb, Drainage Authority (Rinke Noonan).

The public was called to order at 10:00 a.m. by Chair Molly Malone.

PETITIONER BOND: Drainage Authority Attorney John Kolb reported that the petitioners are making arrangements to increase the petitioner bond to \$125,000, but the bond is not in place at the time of the hearing. On the recommendation of Kolb, the board moved ahead with the hearing, but will not move forward with a project until the bond is brought current. Kolb continued with a review of the purpose of the hearing and examination of petition.

Auditor-Treasurer Heidi Winter reported that the notice requirements for the hearing are met.

The DNR Advisory Report was read into record and is attached to these minutes as “Exhibit A”.

Engineer Shaun Luker gave the Engineer’s Preliminary Report.

The floor was opened to public comment:

- Dale Vos – concern with damage to roads and surrounding crop loss if project does not go through
- Steve Fresk – concern with damages to roads if project does not go through. Asked if DNR Advisory Report holds the Drainage Authority to anything.
- Petitioner Attorney Dean Zimmerly made comments on behalf of the petitioners stating he felt the 4 criteria in M.S. §103e.261 were met to move ahead and order the final engineer’s report and appoint viewers to determine benefits for the improvement.
- Renee Swanjord – expressed concern about the cost of the project
- Scott Swanjord – expressed concern about the cost of the project
- Steve Fresk – asked about the process landowners follow to pay for the project.

The floor was closed to public comment.

STATE OF MINNESOTA  
MURRAY COUNTY BOARD OF COMMISSIONERS  
DRAINAGE AUTHORITY FOR THE IMPROVEMENT OF MURRAY COUNTY DITCH 41



The Board of Commissioners of Murray County, seated as the Drainage Authority for Murray County Ditch (CD) 41, met at 10:00 a.m. on August 15, 2023, at 2500 28<sup>th</sup> Street, Slayton, Minnesota. The hearing was held according to Minnesota Statutes Section 103E.261. Having considered the preliminary engineer's report and the comments and testimony received at hearing, Commissioner Gunnink moved, seconded by Commissioner Welgraven for adoption of the following:

Findings:

1. The Drainage Authority met at 10:00 a.m. on August 15, 2023, for the preliminary hearing on the engineer's preliminary survey report related to the petition for the improvement of Murray County Ditch 41.
2. The hearing was held according to Minnesota Statutes Section 103E.261.
3. The hearing was noticed according to statute after filing of the preliminary engineer's report.
4. The Drainage Authority's attorney presented an examination of the petition to determine its sufficiency.
5. The Drainage Authority finds the following regarding the sufficiency of the petition:
  - a. The Board's attorney verified the signatures and ownership interests of the petitioners and finds that the petitioners are the owners of 29 of the 44 – 40-acre parcels that the proposed improvement passes over. As such, petitioners are at least 26 percent of the owners of the property affected by the proposed improvement; or the owners of at least 26 percent of the property area that the proposed improvement passes over. (103E.215)
  - b. The petition was filed with the Murray County Auditor. The petition was properly filed to initiate improvement proceedings.
  - c. The petition properly designated the drainage system proposed to be improved by number and map description that identifies the drainage system.
  - d. The petition alleges that the drainage system has insufficient capacity or needs enlarging to furnish sufficient capacity.
  - e. The petition describes the improvement, including the names and addresses of owners of the 40-acre tracts or government lots and property that the improvement passes over.
  - f. The petition alleges that the proposed improvement is necessary and will be of public utility and promote the public health.
  - g. The petition contains an agreement by the petitioners that they will pay all costs and expenses that may be incurred if the improvement proceedings are dismissed.

- h. The petition alleges that the existing drainage system needs repair and further petitions the Board to consider separable maintenance when determining the allocation of costs of the improvement.
  - i. The petition was accompanied by a cash bond from the petitioners of \$10,000, subject to increase as required by statute. The bond is adequate surety and has been reviewed by the Board's attorney. The bond is conditioned to pay the costs incurred if the proceedings are dismissed or a contract is not awarded to construct the drainage system proposed in the petition. (103E.215)
  - j. The Board's attorney has reviewed the petition and bond and determined they meet the requirement to initiate the proceedings but that an increase of the bond is necessary to move the proceedings forward beyond the preliminary hearing..
6. The preliminary engineer's report was read and reviewed by the drainage engineer.
  7. CD 41 provides drainage to land from portions of Sections 14, 15, 21, 22, 23, 26, 27, 28 and 34 of Lowville Township in Le Sueur County, Minnesota.
  8. CD 41, proposed to be improved, is in need of repair. CD 41 has remained in service since its original construction. Previous repairs on the tile, site visits, and televising along CD 41 have shown that the existing tile is badly deteriorated and sediment has accumulated in the open ditch and years of use and settlement of sections of the tile have reduced the hydraulic capacity of the tile. In addition, the tiles are not functioning to their as-built capacities as there is significant flooding and loss of productive cropland in the CD 41 watershed. Even if CD 41 had not been petitioned for improvement, a repair is warranted.
  9. CD 41 is in need of improvement. Even in a repaired state, most of CD 41 is inadequate to support beneficial drainage for current farming and drainage practices. CD 41 proposed to be improved has insufficient capacity and needs enlarging to furnish sufficient capacity.
  10. The proposed improvement and alternative solutions.

Proposed Improvement: The proposed improvement consists of 6-inch to 42-inch diameter tile to replace the function of the existing CD 41 Main tile from the outlet to the upper end. The township road crossings would be made by open trench methods, and the road surface restored with class 5 gravel. The new tile will be constructed at a lower elevation than the existing tile in order to allow all existing tiles to be connected to the new tile to accommodate adequate drainage, to accommodate current farming practices, and to provide more ground cover over the new tile to reduce probability of crushing. The proposed system diverges from the original system by creating a third outlet for this improvement. This outlet would drain out into JD 11 (downstream of CD 41) and follow the assignment of 141<sup>st</sup> street. The reason for doing this instead of following the original tile path is due to overall construction cost reductions. The part of Branch E that was North of 141<sup>st</sup> street has been temporarily named Branch I for construction and design purposes. Also included as part of the project will be provisions to strip and replace

the topsoil on the trench area, to provide rip rap as erosion protection at the outlet, and to construction several intakes on the system.

Alternate Solution: Restore typically flooded areas of the watershed to wetland use. About 317 acres of land would be needed to accomplish this alternative. The acquisition of the land would likely involve multiple properties who would voluntarily need to agree to the reversion. The estimated cost of the acquisition plus reconstructing tile lines would probably result in total cost of about \$3,487,000 or \$400,000 more than the estimated improvement cost. Wetland restoration remains a viable option for providing some improvement in the functioning of the tile drainage system. If sufficient acres of wetlands could be restored, particularly in the upper part of the watershed, it could reduce the need for as large an outlet tile as is proposed. Finding willing landowners to participate in a restoration project and locating sufficient funding would be critical in order to make this option viable. Copies of the preliminary engineer's report have been provided to the SWCD and NRCS so that early coordination can occur for potential funding and technical assistance toward this option.

11. The preliminary engineer's report indicates that the capacity of the portions of CD 41 proposed to be improved is inadequate to convey the drainage demand being placed on the drainage system.
12. The proposed improvement includes a separable maintenance portion of cost.
13. A copy of the preliminary engineer's report was mailed to the commissioner of natural resources as required by Minnesota Statutes Section 103E.255. By letter dated August 15, 2023 (29 minutes before the initiation of the preliminary hearing), the commissioner provided comments (preliminary advisory report) on the preliminary engineer's report. There being no representative of the DNR present, the comments were read into the record by the Board's attorney.
14. A copy of the preliminary engineer's report was also provided to the Murray County SWCD and Murray County NRCS office to initiate coordination and investigation of potential external sources of funding to facilitate incorporation of environmental, land use, and multipurpose water management features or alternatives into the project as required by Minnesota Statutes Section 103E.015.
15. The Board invited comment from landowners present at the hearing and appearing by remote means.
16. Comments were received regarding the condition of the ditch and the need for the improvement; costs involved and engineer's opinion of costs; efficiency of drainage and current land enrollment in conservation reserve and other, similar programs; and impacts to downstream waters.
17. All comments were addressed to the satisfaction of the Board.

18. The proposed improvement of CD 41, as petitioned and as addressed in the engineer's preliminary report, is feasible and necessary.
19. The proposed improvement will be of public utility and benefit, and will promote the public health and welfare. Public utility and benefit is achieved by providing more efficient drainage to agricultural properties and public roads within the drainage area. The improvement will protect property values and improve the economy of agricultural production. Public health and welfare is achieved by reducing the frequency of wet and overflowed land which will improve the general sanitary condition of the community, relieve low wet or stagnant and unhealthful conditions, and protect the overflowed property – just as was sought to be achieved in the original proceedings to establish CD 41.
20. The environmental and land use criteria in drainage code have been adequately considered by the engineer and, as directed herein, will be further investigated in considering the final scope of improvement.
21. With implementation of water storage options, as proposed by the engineer, and based on the engineer's evaluation of the receiving watercourse, the outlet for the proposed improvement is adequate.

Based on the foregoing findings, the Drainage Authority adopts the following:

Order:

- a. The Board accepts and adopts the preliminary engineer's report for the petitioned improvements.
- b. The Board, upon filing this preliminary hearing order with the Murray County Auditor, and upon filing of a compliant bond in the proceedings, orders the engineer to make a detailed survey with plans and specifications for the proposed drainage project and submit a detailed survey report to the Drainage Authority as soon as possible.
- c. The Board directs the engineer to address comments of the DNR commissioner both by letter and by a revised preliminary report correcting obvious errors in reference to the Buffalo Creek Watershed District and Judicial Ditch 11 vs. County Ditch 20.
- d. The Board directs the engineer to initiate direct coordination with the DNR, soil and water conservation district, BWSR and the implementing authority for the Des Moines River Comprehensive Watershed Management Plan to evaluate whether changes to the proposed project are feasible to address concerns raised by the commissioner. If feasible, the engineer should include changes in the final project plans.
- e. The Board directs the engineer to continue to work through the processes contained in statutes section 103E.015 to ensure that environmental, land use, and multipurpose water management criteria are considered for inclusion in final project plans.

- f. The Board directs the engineer to continue to coordinate, in addition to the coordination which occurred in advance of this order, with soil and water conservation district, county, the implementing authority for the Des Moines River Comprehensive Watershed Management Plan and USDA planning authorities about potential external sources of funding and technical assistance for environmental, land use, and multipurpose water management features or alternatives.
- g. The Board directs the engineer to request additional information about potential funding or technical assistance for environmental, land use, and multipurpose water management features or alternatives from the executive director of the Board of Water and Soil Resources.
- h. The Board appoints the following viewers from H2Over Viewers, Inc., to determine the benefits and damages to all property affected by the proposed drainage project and make a viewers' report:

Scott Henderson, Viewer  
 Larry Murphy, Viewer  
 Ken DeGier, Viewer  
 Robert Conely, Alternate Viewer

The Board authorizes the Board Chair or appropriate staff to enter into a contract for viewing services.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing Findings and Order, and there were 5 yeas and 0 nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
GUNNINK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MALONE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MEIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
THINER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WELGRAVEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the motion Passed.

There being no further business the hearing adjourned at 11:39 a.m.

**RECYCLING DISCUSSION**

The County wished to promote recycling in Murray County and considers single sort recycling an acceptable option for residents provided by Schaap Sanitation.

It was discussed that this would be a cost savings to the county and will reduce the volume of recycling brought to the recycling center.

Commissioner Gunnink asked how this would affect the contract with the cities within the county. Eric stated he still has a few active contracts with some of the cities and has not had a chance to talk to all of the cities yet, but if the cities choose to not go with the single sort recycling option, they can still utilize the recycling center or contract with another company for recycling. Households would not see a difference on their monthly bills for the single sort recycling program.

In the City of Slayton approximately 50% of the residents are utilizing the single sort recycling program.

It was discussed that some of the residents in some of the cities already have the charge for the single sort recycling program on their monthly bill.

#### COMMITTEE REPORTS FOR THE PERIOD OF JULY 23 – AUGUST 5, 2023

##### **Malone:**

- 7/24 MCMC Personnel/Finance Committee
- 7/25 Commissioner Meeting
- 7/26 Hospital Board
- 7/27 EDA
- 8/1 Commissioner Meeting

##### **Gunnink:**

- 7/25 Commissioner Meeting
- 7/27 Fairboard Meeting
- 8/3 RCRCA

##### **Meier**

- 7/25 Commissioner Meeting & ACE
- 7/26 Hospital Board Meeting.  
Southwest Health and Human Services Opioid Meetin & Fairbaord
- 7/27 Meeting
- 8/1 Commissioner Meeting
- 8/3 AMC Government 201 conference.

##### **Welgraven**

- 7/25 Commissioner Meeting & Missouri River
- 7/27 EDA
- 8/1 Commissioner Meeting
- 8/2 Exetension Committee
- 8/3 Building Committee

##### **Thiner:**

**7/25** Commissioner Meeting  
**8/1** Commissioner Meeting

The Meeting Adjourned at 11:56 a.m.

ATTEST:

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Carolyn McDonald, County Administrator

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Molly Malone, Board Chair