

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA  
April 19, 2016 8:30 a.m.

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present: Commissioners Robert Moline, James Jens, Glenn Kluis, Gerald Magnus and David Thiner. Also present Aurora Heard, County Coordinator, and Travis Smith, County Attorney.

The meeting opened by reciting the Pledge of Allegiance to the Flag.

The Chairman asked if there were any additions to the agenda. Several items were added.

It was moved by Moline, seconded by Jens and passed to approve the agenda as modified.

No conflicts of interest were identified.

It was moved by Magnus, seconded by Kluis and passed to approve consent agenda item 1.

Consent Agenda

1. Approval of the Minutes from April 5, 2016

Warrants

A motion was duly made by Kluis, seconded by Magnus and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated April 19, 2016 with fund totals as follows and warrants numbered 149307 – 149373:

County Revenue Fund	50451.12
County Road & Bridge Fund	19666.95
EDA	15.33
Ditch	370.00
Self Insurance	537.00
Sunrise Terrace	668.27
SAWSD	148.00
Total	71,856.67

Liquor License Renewals

It was moved by Jens, seconded by Moline and passed to approve the following county Liquor License Renewals for 2016, contingent upon receipt of all paperwork received in the Office of the Auditor-Treasurer:

- “On and Off Sale & Sunday Liquor” License No. 1 to Brian’s Supper Club & Tavern
- “On and Off Sale & Sunday Liquor” License No. 2 to Key Largo LLC (including 2:00 a.m.)
- “On and Off Sale & Sunday Liquor” License No. 4 to Breezy Point Tavern, LLC d/b/a Breezy Point Tavern

Commissioner Jens introduced the following resolution and moved its adoption:

RESOLUTION 2016-04-19-01

A Resolution to Participate in the 2016 Performance Measures Program

WHEREAS, the 2010 Legislature created the Minnesota Council on Local Results and Innovation, and

WHEREAS, in February 2011 the council released a standard set of ten performance measures for counties that will aid residents, taxpayers and state and local elected officials in determining the efficacy of counties in providing services, and

WHEREAS, counties that elect to participate in the Performance Measures Program for 2016 are eligible for a reimbursement of \$0.14 per capita in local government aid, and are also exempt from levy limits under section 275.70 to 275.74 for taxes payable in the following calendar year, if levy limits are in effect, and

WHEREAS, Murray County was certified for the program in 2011, 2012, 2013, 2014 and 2015. NOW THEREFORE BE IT RESOLVED, by the Murray County Board of Commissioners that Murray County hereby elects to participate in the 2015 Performance Measures Program.

BE IT FURTHER RESOLVED, that the following performance benchmarks are adopted by the Murray County Board of Commissioners:

- **Public Safety:** Part I and II Crime Rates, as Reported by the Minnesota Bureau of Criminal Apprehension; Deputy Response Time; total number of accidents that occur on County State Aid Highways, County Roads and Un-Organized Township Roads that involve fatalities and injury.
- **Probation/Corrections:** Percent of adult offenders with a newly felony conviction within three (3) years of discharge.
- **Public Works:** Hours to plow complete system during a snow event – and - Average County Pavement Condition Rating, Based on County Engineer’s Evaluation.
- **Public Health:** Life Expectancy Generally and by Sex and Race.
- **Social Services:** Workforce Participation Rate Among MFIP and DWP Recipients – and – Percentage of Children Where There is a Recurrence of Maltreatment Within 12 Months Following an Intervention.
- **Taxation:** Level of Assessment Ratio.
- **Elections:** Accuracy of Post-Election Audit.
- **Veterans’ Service:** Percentage of Veterans Surveyed Who Said His/Her Questions Were Answered When Seeking Benefit Information from the County Veterans’ Office.
- **Parks:** Citizens’ Rating of the Quality of County Parks, Recreational Programs, and/or Facilities.
- **Libraries:** Number of Annual Visits per 1,000 Residents.

BE IT FURTHER RESOLVED, that the results of the adopted performance measures will be published on the Murray County Website by December 31, 2016.

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

**Government Center Roof**

The Board reviewed a proposed project schedule and roof system comparison chart.

It was moved by Magnus, seconded by Moline to have the building committee review the government center roof project and bring a recommendation to the Board.

Voting in Favor: Magnus, Moline, Jens

Opposed: Kluis and Thiner

Motion carried 3 to 2.

A motion was made by Moline, seconded by Jens with all members of the Board voting their approval to accept the report of the Ditch Committee of the County and Judicial Ditches lying within the County of Murray on those petitions for repair that have been inspected for determining what repairs, if any, are necessary, the extent and nature of such repairs, an estimated costs of such repairs or a list of bills presented for payment that will enable said ditches to answer their purposes and to pay all bills contained within the report.

<b><u>Steve Johnson (Ditch Viewer)</u></b>			
	JD 19	542.50	Redetermination of Benefits
	JD 8	560.00	Improvement
	<b>Subtotal</b>	<b>1,102.50</b>	
<b><u>Bolton &amp; Menk, Inc.</u></b>			
	CD 61	1,696.00	Improvement
	JD20A	313.00	Improvement
	JD6	294.00	Improvement
	<b>Subtotal</b>	<b>2,303.00</b>	
<b><u>Rinke Noonan</u></b>			
	Admin	200.00	Monthly Retainer
	<b>Subtotal</b>	<b>200.00</b>	
	<b>Total for All Ditch Bills</b>	<b>3,605.50</b>	

It was moved by Jens, seconded by Thiner and passed to approve requesting ditch contractors submit verification of insurance, liability and current rates.

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

**RESOLUTION 2016-04-19-02**

**A RESOLUTION TO AUTHORIZE THE USE OF PROGRAM INCOME  
AS LOCAL MATCH FOR 2016-2017 SMALL CITIES DEVELOPMENT PROGRAM PROJECT**

WHEREAS, Resolution 2015-11-17-02 made Murray County the legal sponsor for a Minnesota Department of Employment and Economic Development Small Cities Development Program (“SCDP”) Single Family Housing Repair Loan Project , and

WHEREAS, Murray County committed \$1,873.45 of SCDP Program Income to foster rehabilitation of housing for low and moderate income residents in support of this Project, and

WHEREAS, Murray County committed \$427,983.42 from Murray County's Federally-funded Minnesota Investment Fund account in support of this Project.

NOW THEREFORE BE IT RESOLVED THAT MURRAY COUNTY approves the commitment of \$22,635.40 of SCDP Program Income as "Local Match" on this Project.

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

At 9:30 a.m. The Board Chair called for the bid opening of the following overlay projects: SAP 51-608-014, SAP 51-629-031, SAP 51-638-024, CP 86-16 AND CP 02-16

Company	Bid Amount
Knife River	\$1,478,886.55
Central Specialties	\$1,766,920.51
Duininck Inc.	\$1,595,253.82

The Board Chair called for the bid opening for the following seal coat projects: SAP 51-602-019, SAP 51-603-023, SAP 51-634-015, SAP 51-642-015

Company	Bid Amount
Astech Corp.	\$378,843.18
Morris Sealcoat & Trucking, Inc.	\$380,860.83

#### Ditch Inspection Reports

A motion was made by Magnus, seconded by Jens 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

- #2016-003 (CD 20, 3 & 4 – Lowville Township, Robert Moline)
- #2016-005 (CD 46, 21 –Leeds Township, Robert Moline)
- #2016-006 (CD 34, 24 - Ellsborough Township, Robert Moline)
- #2016-007 (CD 43B, 08-Belfast Township, James Jens)
- #2016-008 (JD 19, 10- Lowville Township, Robert Moline)
- #2016-009 (CD 65, 12- Murray, James Jens)
- #2016-010 (JD 10, 18- Lime Lake, Gerald Magnus)
- #2016-011 (CD 34, 23 – Ellsborough, Robert Moline)
- #2016-004 (CD 65, 9-Doray Township, James Jens)
- #2016-012 (CD 58, 22-Skandia Township, Robert Moline)

- #2016-013 (CD 22, 13-Shetek Township, James Jens)

It was moved by Moline, seconded by Kluis and passed to approve purchasing a cell phone for the Ditch Inspector.

10:00 a.m. Open Forum/Public Comment – Bridget Huber spoke during open forum.

It was moved by Jens, seconded by Magnus and passed to approve and authorize James Reinert to send a letter of intent with Southwest Minnesota State University to commit to 200 hours of GIS support at a rate of \$50.00 per hour.

It was moved by Magnus, seconded by Kluis and passed to approve a wireless connection to the museum, 4-H building and parks maintenance building in an amount not to exceed \$4,500.

At 10:15 a.m. the Board Chair called the public hearing for the SAWS public hearing for proposed assessment to connect real estate to the sewer district to order.

Chris Hansen, Water Resources Administrator, reviewed the sewer expansion. The project was approved in 2013. Ron Schramel, SAWS Attorney discussed the assessment procedure.

Jeff Carlson and Dan Schak spoke regarding the proposed SAWS assessment.

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

RESOLUTION 2016-04-19-03  
Resolution Adopting Assessment against Real Property  
Connected to Shetek Area Water and Sewer District (“SAWS”)

WHEREAS, pursuant to proper notice duly given as required by law, the Murray County Board has met and heard and passed upon all objections to the proposed assessment for the Shetek Area Water and Sewer District (“SAWS”) sewer system;

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF MURRAY COUNTY, MINNESOTA:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 13 years, the first of the installments to be payable with the first half of the real estate taxes due and payable in 2017, and shall bear interest at the rate of 3.100 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2016. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.

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

10:58 a.m. The public hearing was closed.

It was moved by Moline, seconded by Kluis and passed to approve waiving the \$1.00 fee for salute to agriculture night on July 29, 2016 at the Murray County Speedway.

It was moved by Jens, seconded by Kluis and passed to approve and authorize the Board Chair sign an LG230 application to conduct off-site gambling permit for the Murray County Race Association.

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

RESOLUTION 2016-04-19-04  
RESOLUTION RELATING TO  
BUFFALO RIDGE DRUG TASK FORCE  
PER CAPITA FUNDING

WHEREAS, the Counties of Murray, Nobles, and Pipestone, by and through their Sheriff's Departments, and the Cities of Adrian, Fulda, Slayton, and Worthington, by and through their police departments (sometimes referred to herein as the 'parties'), have formed and operate a task force for the purpose of coordinating regional drug enforcement efforts; and

WHEREAS, the parties have determined that the task force should be called the 'Buffalo Ridge Drug Task Force; and

WHEREAS, the parties have determined that, pursuant to Minn. Stat. §471.59, they should form a Joint Powers Agreement for the purposes of coordinating and administrating Buffalo Ridge Drug Task Force efforts, and to receive law enforcement funds available for regional narcotics task forces through the State and Federal Government;

WHEREAS, the Counties of Murray, Nobles and Pipestone, have annually supplemented state and federal funds with a \$3.00 per capita fund and have determined the need to incrementally increase the per capita to support the task force effort;

NOW THEREFORE BE IT RESOLVED, Murray County shall increase its respective per capita fund (if approved by the other member entities) to not less than \$3.50 in 2017, \$3.70 in 2018, \$3.90 in 2019, \$4.10 in 2020, \$4.30 in 2021, \$4.50 in 2022, and the per capita fund shall be reviewed annually thereafter.

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

Carol Veldhuisen gave an update on Sunrise Terrace.

Board of Adjustment Appointment

It was moved by Moline, seconded by Jens and passed to approve appointing Carolyn McDonald to the Board of Adjustment.

Assessor Technician

It was moved by Kluis, seconded by Magnus and passed to approve hiring Stephanie Marble as a full time Assessor Technician at a labor grade 6, step 1 effective April 25, 2016.

It was moved by Jens, seconded by Thiner and passed to approve hiring the following seasonal positions:

Cheyenne Hill as a Museum Assistant at \$9.70 per hour with a start date of May 8, 2016; Nicholas Dahlhoff as a Museum Assistant at \$9.70 per hour with a start date of May 9, 2016; Trent Carlson as a Seasonal Parks Maintenance Worker at \$10.10 per hour with a start date of May 9, 2016; Michael Christoffels at \$9.70 per hours with a start date of May 16, 2016, David Kanten as a Weed sprayer at \$15.30 per hour with a start date of May 31, 2016; and Adam Christensen as a Weed Sprayer at \$15.30 per hour with a start date of May 31, 2016.

It was moved by Thiner, seconded by Moline and passed to approve changing Soil and Water District Manger Kenneth Bickner's start date to May 3, 2016.

Commissioner Thiner introduced the following order and moved its adoption

BEFORE THE MURRAY COUNTY BOARD OF  
COMMISSIONERS ACTING AS DRAINAGE AUTHORITY  
FOR COUNTY DITCH #43 A, B & M

Findings of Fact and Order Concerning  
Redetermination of Benefits, Pursuant to  
Minnesota Statutes 103E.351

WHEREAS, the original benefits for County Ditch #43 A, B & M, as determined in the original drainage proceedings, do not reflect reasonable present day values and the benefitted or damaged areas may have been changed.

NOW, THEREFORE, the Murray County Board of Commissioners, acting as Drainage Authority for County Ditch #43 A, B & M, hereby orders the Redetermination of Benefits for Murray Ditch #43 A, B & M and appoints Jim Weideman, Steve Johnson and Duane Bendixen as viewers.

Dated this 19<sup>th</sup> day of April, 2016.

MURRAY COUNTY BOARD OF COMMISSIONERS ACTING AS DRAINAGE AUTHORITY  
FOR COUNTY DITCH #43 A, B & M

By \_\_\_\_\_  
Its Chairperson

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

It was moved by Moline, seconded by Kluis and passed to appoint Commissioners Jens and Magnus to serve on the Nobles/Murray Judicial Ditch Joint Drainage Board.

It was moved by Kluis, seconded by Thiner and passed to approve an April 19, 2016 letter to a landowner citing damages to Judicial Ditch 12 caused by livestock accessing the open ditch.

It was moved by Thiner, seconded by Jens and passed to set a Public Hearing of the Nobles/Murray Joint Drainage Authority for Judicial Ditch No. 12 for May 24, 2016 at 12:30 p.m. in the Nobles County Commissioner Room for the purpose of holding an Obstruction Hearing pursuant to M.S. §103E.075, further moving that landowner notices be mailed and posted.)

It was moved by Moline, seconded by Kluis and passed to approve and authorize Coordinator Heard sign amendment #4 to the Murray County Health Plan, the ASA Optum Health Transplant Network Amendment and Administration Agreement for Murray County.

Coordinator Heard gave an update on the spring MCHRMA conference she attended.

The County Board discussed the outreach service at Plum Creek.

County Engineer Groves emailed that the low bid for the overlay had an error. Knife River Corporation bid should be \$1,478,856.95. They remain low bid.

It was moved by Kluis, seconded by Moline and passed to approve the low bid for the 2016 bituminous overlay projects in the amount of \$1,478,856.95 and award the project to Knife River Corporation.

It was moved by Jens, seconded by Magnus and passed to approve the low bid in the amount of \$378,843.18 for the 2016 seal coat project and award the project to Astech Corp.

Commissioner Magnus introduced the following resolution and moved its adoption:

RESOLUTION 2016-04-19-05  
Authorizing for the Consolidation  
of Transit Services

WHEREAS, the County of Murray has for several years provided transit services to the citizens of Murray County through the Murray County Transit System;

WHEREAS, the County of Murray has recently considered further options of consolidation, coordinator and cooperation with Western Community Action as a result of Minnesota Department of



Transportation's recommendation to partner in some way with neighboring systems as future funding amounts of individual transit systems could be jeopardized;

WHEREAS, after further review of the benefits that could result from partnering with Western Community Action, the County of Murray wishes to consolidate the Murray County Transit system with transit services of Western Community Action at the same high quality of service that currently exists;

WHEREAS, the County of Murray will provide to Western Community Action financial support and involvement in the operation of public transportation within the Murray County service area;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY OF MURRAY, MINNESOTA, that Western Community Action will move forward with entering into a service agreement that will begin August 1, 2016.

The foregoing order was duly seconded by Commissioner Thiner and thereupon being put to a vote the following members voted in favor: Magnus, Moline, Jens and Thiner

Opposed: Kluis

Motion carried 4 to 1.

The Commissioners gave their committee reports for the period of March 27, 2016 to April 9, 2016.

James Jens reported on Solid Waste Meeting – March 28, Hospital Board Meeting – March 29, Western Community Action Meeting – March 30, Met with Dennis Goebel – March 31, Commissioner Board Meeting – April 5, EDA and Buffer Meeting – April 6, Western Community Action Meeting – April 8.

Gerald Magnus reported on PACE Meeting and Energy Board Meeting – March 28, Hospital Board Meeting – March 29, Fair Board Meeting – March 30, SRDC Legislation Committee – March 31, ATP 8 Meeting – April 1, Commissioner Board Meeting – April 5, EDA and Buffer Meeting – April 6, MN Viewers – April 7.

Robert Moline reported on Transit Meeting – March 30, Planning and Zoning/SAWS Meeting – March 31, Commissioner Board Meeting – April 5, Buffer Meeting – April 6, Area II and RCRC Meeting – April 7, Mental Health Meeting – April 8.

David Thiner reported on SMOC Meeting – March 28, Radio Board Meeting – March 30, SAWS Personnel Meeting – March 31, Commissioner Board Meeting – April 5.

Glenn Kluis reported on Ag Society Board Meeting (No Per Diem) – March 31, Commissioner Board Meeting – April 5, Buffer Meeting – April 6.

It was moved by Magnus, seconded by Kluis and passed to approve the Commissioner Vouchers for the period of March 27, 2016 to April 9, 2016.

1:10 p.m. It was moved by Moline, seconded by Magnus and passed to approve going into closed session pursuant to Minnesota Statute 13d.05, Subd.2(b).

1:21 p.m. It was moved by Jens, seconded by Moline and passed to approve coming out of closed session.

Commissioner Kluis introduced the following resolution and moved its adoption:

Resolution 2016-04-19-06  
RESOLUTION TERMINATING EMPLOYEE

BE IT RESOLVED by the Murray County Board of Commissioners as follows:

1. The Board has reviewed and hereby approves the Notice of Termination of, Dean Kalas setting forth the specific factual grounds for termination.
2. The Board Chair is hereby authorized to sign the Notice of Termination on behalf of the County.
3. The County Coordinator is hereby directed to have a copy of this Resolution and the Notice of Termination served on the employee and to place a copy of these documents in the employee's personnel file.

The foregoing resolution was duly seconded by Commissioner Jens and thereupon being put to a vote all members voted in favor.

Whereupon said Resolution was declared duly passed and adopted.

1:23 p.m. The meeting was adjourned.

ATTEST:

\_\_\_\_\_  
Aurora Heard, County Coordinator

\_\_\_\_\_  
David Thiner, Chairman of the Board