

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA  
May 15, 2018, 8:30 a.m.

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

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

No conflicts of interest were identified.

It was moved by Magnus, seconded by Gunnink and passed to approve the agenda as modified.

Consent Agenda

1. Approve minutes from May 1, 2018

A motion was duly made by Thiner, seconded by Magnus and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated 5-15-2018 with fund totals as follows and warrants numbered: 155842 – 155927, EFT 56656.

The County Board discussed the auditor warrants.

A motion was made by Gunnink, seconded by Kluis 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.

<u>Contractor</u>	<u>Ditch #</u>	<u>Amount</u>	<u>Petition #</u>	<u>Inspector</u>
<b><u>Rinke Noonan, Attorneys at Law</u></b>				
	Admin	200.00		Monthly Retainer
	CD 11	486.00	Legal - St. Hwy 30	Emergency Repair
	<b>Subtotal</b>	<b><u>686.00</u></b>		
<b>Total for All Ditch Bills</b>		<b><u>686.00</u></b>		

Auditor/Treasurer Winter gave an update on the State 2018 Auditor Election Training Conference Update.

9:00 a.m. Open Forum/Public Comment – No members of the public were present.

It was moved by Magnus, seconded by Gunnink and passed to approve and authorize the Chairman sign the gambling permit for Garvin Fire Department.

The Commissioners gave their committee reports for the period of April 22, 2018 to May 5, 2018.

James Jens reported on Hospital Finance Committee (partial per diem claimed) /Western Mental Health (no per diem claimed) – April 23, Commissioner Board Meeting/Personnel for Interviews – April 24, Hospital Board Meeting (partial per diem claimed)/Health and Human Services (no per diem claimed) – April 25, EDA Bid JD Dinner (no per diem claimed) – April 26, Ditch #3 (partial per diem claimed) – April 30.

Gerald Magnus reported on Hospital Finance Committee (partial per diem claimed) – April 23, Commissioner Board Meeting (partial per diem claimed) – April 24, Hospital Board Meeting (partial per diem claimed) – April 25, Southwest Regional Development Commission Leg (no per diem claimed) – April 26, Southern Prairie Community Care (partial per diem claimed) – April 27, JD #3 Meeting (partial per diem claimed) – April 30, Commissioner Board Meeting (per diem claimed) – May 1, EDA (no per diem claimed) – May 2, PACE (partial per diem claimed) – May 3.

Lori Gunnink reported on Commissioner Board Meeting (partial per diem claimed) – April 24, Plum Creek Library Board Meeting (partial per diem claimed) – April 25, Commissioner Board Meeting (partial per diem claimed) – May 1, RCRC (partial per diem claimed) – May 3.

David Thiner reported on Commissioner Board Meeting (partial per diem claimed) – April 24, United Transit (partial per diem claimed) – April 25, JD #3 Ditch Meeting/Planning and Zoning Meeting – April 30, Commissioner Board Meeting (partial per diem claimed) – May 1.

Glenn Kluis reported on Commissioner Board Meeting (partial per diem claimed) – April 24, ACE Meeting (partial per diem claimed) – April 26, Commissioner Board Meeting (partial per diem claimed) – May 1.

It was moved by Gunnink, seconded by Thiner and passed to approve the Commissioner Vouchers for the period of April 22, 2018 to May 5, 2018.

9:12 a.m. It was moved by Gunnink, seconded by Magnus and passed to approve closing a portion of the meeting pursuant to Minn. Stat. 13.D.05, subdivision 3(b), to communicate regarding a matter that is protected by the attorney-client privilege to receive advice regarding a hostile work environment harassment issue. The subject to be discussed is privileged. The County's employment counsel, Laurel Pugh, is present to discuss the matter with the Board.

10:43 a.m. It was moved by Jens, seconded by Thiner and passed to come out of closed session.

*The following statement was read:*

*In March, the Board asked the County's labor attorney, Laurel Pugh, to retain the services of an independent investigator to investigate workplace concerns regarding Sheriff Steve Telkamp.*

*Independent Investigator Michelle Soldo was retained to conduct the independent investigation.*

*The Board does not have authority to terminate the employment of publicly elected officials. However, the Board takes concerns of workplace harassment and retaliation seriously and must do everything it can to see that employees are able to work in a civil and respectful workplace.*

*Because the Sheriff is an elected official, this meeting does not operate in the same way as with an employee. The Sheriff has received multiple notices of the investigation and an opportunity to participate and has not done so.*

*I, and the other Board members, have read the investigator's report. We have had sufficient time to review the report and consult with our labor attorney about the findings.*

*The independent investigator's report speaks for itself. In sum, it contains deeply troubling findings about Sheriff Telkamp's conduct in the workplace with respect to a number of employees, which QUOTE "does not depict an isolated event, but reflect a continuing pattern of aggressive, defiant, disrespectful, abusive and threatening behavior that adversely impacts the work environment." END QUOTE.*

*Due to the independent investigator's concerns about the Sheriff retaliating against the multiple individuals who participated in the investigation, the report focuses on the Sheriff's conduct in video footage, as that footage does not single out any one person for retaliation.*

*Based on the information in the independent investigator's report, and in the interest of protecting County employees and the public, Commissioner Thiner moved, seconded by Commissioner Magnus and passed to approve that the Board call for Sheriff Telkamp's immediate resignation, and that if he resigns, he would be paid and receive benefits through the end of his current term. All members voted in favor.*

*Meanwhile, the Personnel Committee will be implementing and employing operational measures to protect employees against retaliation. The Sheriff's position is the only position that will have changes associated with it as a result of this investigation. All other positions remain unchanged.*

*To that end, the Board plans to discuss and vote on the retention of an operational director for the Sheriff's Department. If approved, this person would be the point of contact on all personnel and operational matters in the Sheriff's Department, including the oversight of dispatch operations.*

*The Board reassures our great County employees that we appreciate their willingness to come forward and share their concerns so that everyone may work in a safe and respectful environment.*

*Commissioner Kluis moved, seconded by Thiner and passed to approve that the Board Chair be authorized to sign a contract with Municipal Solutions and for the Personnel Committee to work with the labor attorney to recommend a candidate to the Board. All voted in favor.*

*Commissioner Jens moved, seconded by Gunnink and passed to approve that arrangements be made to provide for 24/7 security coverage at the Sheriff's Department for as long as necessary. All voted in favor.*

*This will conclude our discussion of this matter. We will not be taking questions. The report should answer questions the public or press may have on this matter.*

It was moved by Magnus, seconded by Gunnink and passed to approve hiring the following seasonal employees:

- Nicholas Demuth, Seasonal Museum Assistant with a start date of May 16, 2018 at an hourly rate of \$10.44
- Linda Wessels, Seasonal Museum Assistant with a start date of May 23, 2018 at an hourly rate of \$10.10
- Samantha Cote, Seasonal Recycling Center Worker with a start date of May 16, 2018 at an hourly rate of \$10.10

It was moved by Gunnink, seconded by Kluis and passed to approve and authorize Coordinator Heard sign the Preferred One Summary Plan Description amendments.

It was moved by Magnus, seconded by Gunnink and passed to approve a taste testing by Brau Brothers at the 4-H building at the next fair board meeting on May 24, 2018.

The County reviewed the letter from the DNR regarding Minnesota Native Prairie Bank on Parcel Number 16-008-0050.

It was moved by Gunnink, seconded by Thiner and passed to approve updating Policy 508, Prescription Safety Glasses and Department Safety Apparel.

It was moved by Thiner, seconded by Magnus and passed to approve Policy #301, Employment processing

At 11:00 a.m. Chairman Jens called the Public Hearing to Order for JD 8

James Jens, Board Chair conducted the Welcome and Introductions

Auditor-Treasurer Heidi Winter, reviewed the notices given pursuant to M.S. § 103E.555 –

Bill Helget gave the engineers report on construction

11:05 a.m. Public Comment – No members of the public were present.

11:06 a.m. The public hearing was closed

It was moved by Gunnink, seconded by Thiner and passed to approve the following regarding JD 8:

- a. That notice of the Hearing had been given properly pursuant to M.S. § 103E.555.
- b. That the contract price, the amount paid on the contract and the unpaid balance were consistent with the contract and various statutes and regulations relative to county ditch construction.
- c. That the work performed under the contract was completed consistent with the contract.
- d. That the unpaid balance of the construction contract shall be paid by the County Auditor, upon receipt of Form IC-134 from the Contractor.
- e. That the Board intends to reimburse the Judicial Ditch #8 Improvement fund with future bond proceeds.

11:08 a.m. The JD 8 public hearing was closed.

A motion was made by Jens, seconded by Kluis 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 #2018-010 (CD 65, Holly Twp. Sec. 29, District 1 – Jens)
- Petition #2018-011 (CD 65, Holly Twp. Sec. 29, District 1 – Jens)
- Petition #2018-012 (JD 26, Belfast Twp. Sec. 34, District 1 – Jens)
- Petition #2018-013 (CD 57, Chanarambie Twp. Sec. 12, District 2 – Gunnink)
- Petition #2018-014 (CD 22, Holly Twp. Sec. 19, District 1 – Jens)
- Petition #2018-015 (CD 43M, Belfast Twp. Sec. 16, District 1 – Jens)
- Petition #2018-016 (CD 65, Holly Twp. Sec. 33, District 1 – Jens)
- Petition #2018-022 (CD 43M, Belfast Twp. Sec. 21, District 1 – Jens)
- Petition #2018-023 (JD 20, Bondin Twp. Sec. 29/32, District 5 – Thiner)
- Petition #2018-024 (CD 43B, Belfast Twp. Sec. 9, District 1 – Jens)

The County Board discussed the PACE program and funding.

It was moved by Thiner, seconded by Kluis and passed to approve Policy #303, Hours of Work.

It was moved by Kluis, seconded by Gunnink and passed to approve disbursing funds from the Murray County Economic Development Revolving Loan Fund (#880), for a loan in the amount of \$122,000 at 4% interest for 10 years, to Painted Prairie Vineyard for construction of a new production area and tasting room.

It was moved by Thiner, seconded by Kluis to authorize the Board Chair sign a request for a one time exception allowing the county to transfer funds out of the State of Minnesota investment fund (MIF) revolving loan fund to be used to make grants to new and existing child care providers.

It was moved by Thiner, seconded by Kluis and passed to approve purchasing a 2016 72" ditching bucket in the amount of \$3,500 from account code: 10-320-6674.

12:12 p.m. Commissioner Magnus left the meeting.

12:15 p.m. Commissioner Magnus returned to the meeting.

Michelle Baumhoefner, ACE Executive Director and Joyce Wiekeraad, Aging & Volunteer Services Coordinator, gave an update on ACE.

It was moved by Thiner, seconded by Magnus and passed to approve setting a public hearing for the revised parks ordinances on June 5, 2018 at 10:15 a.m. with a penalty provision of a petty misdemeanor of a fine up to \$300.00. Notice will be posted in the Wheel Herald on May 21<sup>st</sup> and 28<sup>th</sup> and in the Murray County News May 23<sup>rd</sup> and May 30<sup>th</sup>.

It was moved by Thiner, seconded by Jens and passed to approve Parks Director Hoffman obtain quotes for an 1.5 inch overlay at Marsh's landing park road.

Lucas Isder met with the County Board regarding a Seven Mile Park Restoration project.

It was moved by Thiner, seconded by Jens and passed to approve the 7 mile Park restoration project with the Parks Director approving the project as long as it is approved by the DNR, Heron Lake Watershed is informed and volunteer liability waiver forms are completed and the Parks Director will apply for the permits and the finances are in place prior to the project starting.

It was moved by Gunnink, seconded by Magnus and passed to approve accepting a grant in the amount of \$15,000 from the Schmidt Foundation to repaint the round barn to cover the cost of labor.

1:08 p.m. The meeting was adjourned.

ATTEST:

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Aurora Heard, County Coordinator

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James Jens, Chairman of the Board