

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA  
February 19, 2019, 8:30 a.m.

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present: Commissioners Lori Gunnink, James Jens, David Thiner, and Dennis Welgraven. Also present was Community Relations Coordinator Christy Riley. County Attorney Travis Smith joined the meeting at 9:35 a.m.

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

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

No conflicts of interest were identified.

CONSENT AGENDA

1. Approve minutes from February 5, 2019

It was moved by Jens, seconded by Gunnink, and passed to approve consent agenda item number 1.

COMMISSIONER WARRANTS

A motion was duly made by Welgraven, seconded by Gunnink and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated February 19, 2019 with fund totals as follows and warrants numbered 158326 through 158397:

County Revenue Fund	60,992.32
County Road & Bridge Fund	18,305.57
EDA	8.11
Ditch	228.00
Self Insurance	60.00
Sunrise Terrace	1,803.06
SAWS	154.00
Lime Creek Service District	<u>935.00</u>
Total	<u>82,486.06</u>

AUDITOR WARRANTS

Auditor Warrants were reviewed.

JUDICIAL DITCH 3 APPEAL/REMAND HEARING;

A motion was made by Jens and seconded by Welgraven to approve the report of the Ditch Committee of the Judicial Ditch 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 cost 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. The motion passed with a roll call vote as follows:

- David Thiner: Yes
- Lori Gunnink: Abstain
- James Jens: Yes
- Dennis Welgraven: Yes
- James Kluis: Absent

**Rinke Noonan**

JD 3 \$ 1,131.00	JD 3 Appeal - Legal
<b>Subtotal \$ <u>1,131.00</u></b>	

**Total JD 3 Ditch Bills 1,131.00**

**ALL OTHER DITCH BILLS**

A motion was made by Jens, seconded by Gunnink, 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>Vendor</u>	<u>Ditch #</u>	<u>Amount</u>	<u>Petition #</u>	<u>Inspector</u>	<u>Commissioner District</u>
<b><u>Cottonwood County Auditor-Treasurer</u></b>					
	JD 3	2,057.63	Shared Ditch Expense		65.40%
	JD 18	3.99	Shared Ditch Expense		5.00%
	JD 23	371.06	Shared Ditch Expense		85.30%
	JD 38	249.36	Shared Ditch Expense		16.00%
	<b>Subtotal</b>	<b><u>2,682.04</u></b>			

**Rinke Noonan**

	Admin	200.00	Monthly Retainer Agreement
	<b>Subtotal</b>	<b><u>200.00</u></b>	

**Total for Other Ditch Bills 2,882.04**

**Total for ALL Ditch Bills 4,013.04 (Judicial Ditch No. 3 and other bills)**

**COUNTY DITCH 22 PUBLIC HEARING**

Pursuant to notice given, the Drainage Authority Board for Murray County Ditch No. 22 met for a final improvement hearing with the following members present: Murray County

Commissioners – David Thiner, James Jens, Dennis Welgraven and Lori Gunnink. Also present were Heidi E. Winter, Murray County Auditor-Treasurer; Howard Konkol, Murray County Drainage Inspector; Travis Smith, Murray County Attorney; Kurt Deter, Drainage Authority Attorney; Bill Helget – Bolton & Menk, Drainage Authority Engineer; Jim Weideman and Duane Bendixen, Ditch Viewers; Jeff Braegelman, Petitioner Attorney; Bruce Sellers, Landowner Attorney; Chuck Brandel, Landowner Engineer; Community Relations Coordinator Christy Riley; 13 Landowners.

The public hearing was opened at 9:00 a.m. by Chair David Thiner.

Ditch Authority Attorney Kurt Deter reviewed the purpose of the hearing.

Auditor-Treasurer Heidi Winter reported that the notice requirements were met.

Engineer Bill Helget gave the Engineer's Final Report.

The Public Hearing recessed at 9:32 to open bids on Sundquist Park Projects.

#### BID OPENING FOR SUNDQUIST PARK BATHROOM PROJECT

One bid was opened and reviewed.

#### BID OPENING FOR SUNDQUIST PARK ELECTRICAL PROJECT

Several bids were opened and reviewed.

#### COUNTY DITCH 22 PUBLIC HEARING


The Board reconvened the public hearing at 9:43 a.m. to continue discussion about the Final Engineer's Report and Viewer's Reports on a petition for the improvement to County Ditch 22. Helget continued with the Final Engineer's Report.

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

"EXHIBIT A"

**m** DEPARTMENT OF  
NATURAL RESOURCES

Division of Ecological & Water Resources  
21371 Highway 15 South  
New Ulm, MN 56073

Filed this 17<sup>th</sup> day of September 20 18  
  
Murray County Auditor/Treasurer

September 24, 2018

Heidi Winter  
Murray County Auditor  
2500 28th Street  
P.O. Box 57  
Slayton, MN 561721

Subject: Final Engineer's Report  
Improvement of Main Ditch of Murray County Ditch No. 22  
Murray County, MN

Dear Ms. Winter:

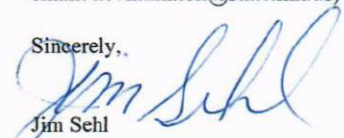
On behalf of the Director of the Division of Ecological and Water Resources of the Department of Natural Resources (MNDNR), I offer the following comments on the Final Engineer's Report (FER) for the project referenced above, in accordance with Minnesota Statutes Section 103E.301.

As required under Minnesota Statutes Section 103E.301 the MNDNR finds:

1. The detailed survey report is complete and in accordance with this chapter.
2. The detailed report is an acceptable plan to drain the affected property provided the Board directs the engineer to move forward with Alternative D. According to the modeling results in Table 5, Alternative D reduces peak flow and peak elevation for all flow events. This will reduce the transport of excess nutrients, erosion, and flooding downstream in Plum Creek.
3. The commissioner does not approve or disapprove the plan. We do recommend the Drainage Authority ensures the project is consistent with the Murray County Local Water Management Plan.
4. The proposed drainage project appears to be of public benefit or utility under the environmental and land use criteria in section 103E.015.
5. The commissioner determines that a soil survey is not required for the project.

Please contact Kevin Mixon, Regional Environmental Assessment Ecologist, at (507-359-6073; email: kevin.mixon@state.mn.us) if you have any questions about this letter.

Sincerely,

  
Jim Sehl  
EWR Assistant Regional Manager

Ms. Heidi Winter  
September 24, 2018  
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Ec: Kevin Mixon, EWR  
Bill Helget, Bolton & Menk  
Lucas Youngsma, Area Hydrologist  
Bill Schuna, Wildlife  
Ryan Doorenbos, Fisheries  
Todd Kolander, EWR  
ERDB#20180300

The floor was opened to public comment:

- Comments were made by Bruce Sellers, Chuck Brandel, Jeff Braegelman, Swede Campbell, Gary Kass, Mike Erbs, Clayton Campbell, Pamela Cooreman and Jeff Meyer.
- Engineer Chuck Brandel presented for consideration an alternative repair option that included open ditch cleaning, slough repair, tile outlets, soft armoring and buffer strip seeding all in Section 13-Shetek. The proposed estimate for the repair option is \$110,857.

Jim Weideman presented the Viewer's Report for the Redetermination of Benefits Report showing net benefits of \$3,315,419.45.

The floor was opened to public comment on the Viewer's Report for the **Redetermination of Benefits**. No comments were made.

It was moved by Jens and seconded by Gunnink and passed to accept the Ditch Viewers Report for the Redetermination of Benefits for County Ditch 22 because the following items have been met:

1. The Viewers' Report has been made and other proceeding shave been completed under Minnesota Statute 103E.
2. The Viewers' Report as amended is complete and correct.
3. The damages and benefits for the Redetermination of benefits have been properly determined.

Further moving that the new list shall be used in place of the original benefits and damages in all subsequent proceedings related to Murray County Ditch No. 22.

Jim Weideman presented the Viewer's Report for the **Improvement** to County Ditch No. 22 showing Benefits/Recaptured Cost of \$113,410 and Improvement Cost of \$107,714. Part of the Benefits/Recaptured Cost includes a \$60,000 recaptured severance for 120 acres at \$500/acre.

The floor was opened to public comment on the Viewer's Report for the Improvement to County Ditch No. 22.

- Kurt Deter commented that 40 of the 120 acres do not appear to meet the statutory definition of severed acres. Taking these 40 acres out of the calculation would bring the project short of the benefits needed to move forward.
- Jeff Braegelman commented that the Engineer's Report shows the project is feasible and separable maintenance should apply. He also feels that all 120 acres meet the definition of severed acres.
- Bruce Sellers commented that the issues on the ditch could be remedied with a repair and different farming practices in the improvement area. He encouraged the Board to consider a different repair option before approving the improvement. He also commented that 40 of the 120 acres do not appear to meet the statutory definition of severed acres and ask the Board not include it in the severance calculation.

It was moved by Jens, seconded by Gunnink and passed to direct Bolton & Menk to consider repair alternatives by partially filling in the east and west portions of the open ditch north of 211<sup>th</sup> Street all based on discussion during the public hearing on February 19<sup>th</sup>, further moving to continue the hearing to March 21, 2019 at 1:00 p.m.

The Public Hearing was recessed at 11:41 p.m. to be continued on March 21, 2019 at 1:00 p.m.

#### OPEN FORUM / PUBLIC COMMENT

There was no one present for Open Forum.

#### CITY OF CURRIE SEWER TO END-O-LINE PARK

It was moved by Welgraven, seconded by Jens and passed to approve connecting the End-O-Line Railroad Park and Museum to the City of Currie sewer project. Considering assistance from the USDA participating grant the estimated project cost to Murray County is \$14,363.00.

#### RIGHT OF ENTRY PERMIT AND TEMPORARY CONSTRUCTION EASEMENT

It was moved by Gunnink, seconded by Jens and passed to sign an agreement with the City of Currie regarding a temporary right of entry permit and construction easement for a sewer line construction project. The agreement is to be signed by the Board Chair and the Auditor-Treasurer.

#### SNOW FENCE AGREEMENT

Highway Engineer Randy Groves presented a draft snow fence agreement for participating landowners to construct snow fences parallel to county roads. The estimated costs for this project will be brought back to a future meeting for consideration.

#### BUILDING PROJECTS

It was moved by Jens, seconded by Gunnink and passed to approve the proposal by Safe-N-Secure in the amount of \$36,897.96 for the installation of security hardware and software for the Courts Building. A training session will be set up for staff at a future date on how to use the system.

It was moved by Jens, seconded by Welgraven and passed to approve the proposal by Southwest Glass Center, Inc. and Safe-N-Secure for the total amount \$11,761.40 for the installation of new doors and hardware on the main doors of the Government Center.

It was moved by Gunnink, seconded by Jens and passed to approve the proposal WW Communications and Security Specialists in the amount of \$16,895.00 for the installation of updated CAT6 network cabling throughout the Courts Building.

It was moved by Jens, seconded by Welgraven and passed to approve the proposal (PR#4) by Sussner Construction in the amount of \$8,360.00. The work approved will be new cabinets in the Court Administration space, shelving for closets and various electrical changes. A deduct from the proposal of \$1,400.00 for the patching of walls in room 114 and 106 is reflected in this motion for a total of \$8,360.00.

#### INTRODUCTION OF NEW DEPUTY

Deputy Sheriff Eian Denton was introduced to the board.

#### FEMA UPDATE

Emergency Management Director Heath Landsman provide a FEMA update in regard to the 2018 flood.

#### MACO CONFERENCE UPDATE

County Recorder Evey Larson updated the board on the 2019 annual meeting of MACO.

#### WELLNESS COMMITTEE

It was moved by Gunnink, seconded by Jens and passed to approve the 2019 activities as proposed by the Wellness Committee.

#### LICENSE CENTER CLERK

It was moved by Gunnink, seconded by Welgraven and passed to hire Dawn Butler as a regular full-time License Center Clerk at her currently hourly wage effective March 11, 2019 and under terms as determined in the employment letter dated February 13, 2019.

#### JOB DESCRIPTION UPDATE - ENVIROMENTAL SERVICE SPECIALIST

It was moved by Jens, seconded by Gunnink and passed to update the job description from Environmental/License Center Clerk to Environmental Service Specialist.

#### ENVIRONMENTAL SERVICE SPECIALIST RECRUTIMENT

It was moved by Jens, seconded by Gunnink and passed to approve the recruitment process for a part-time 28 hours per week Environmental Services Specialist.

#### AETNA PPO MANAGED CARE SERVICES AGREEMENT

It was moved by Welgraven, seconded by Gunnink and passed to approved to have Human Resources Generalist Ronda Radke sign the Aetna PPO Managed Care Services agreement.

#### AWARD BID FOR SUNDQUIST PARK BATHROOM PROJECT

It was moved by Jens, seconded by Welgraven and passed to award the primary bid for the Sundquist Park Bathroom Project to Doom and Cuypers Construction, Inc. for \$167,224.00.

It was moved by Jens, seconded by Gunnink and passed to award the Option A bid for upgrades to the Camp Host site at Sundquist Park to Doom and Cuypers Construction, Inc. for \$1,215.00.

#### AWARD BID FOR SUNDQUIST PARK ELECTRICAL PROJECT

It was moved by Gunnink, seconded by Welgraven and passed to award the Sundquist Park Electrical Project to Engelkes Electric for \$4,560.00.

#### 4-H BUILDING RENTAL REQUEST

It was moved by Gunnink, seconded by Welgraven and passed to allow Minnwest Bank the use of the 4-H Building on June 25, 2019 for their annual picnic.

#### COMMITTEE REPORTS

The Commissioners gave their committee reports for the period of January 27, 2019 to February 9, 2019.



James Jens reported on Hospital Interview (partial per diem claimed) – January 29, Commissioner Board Meeting (partial per diem claimed) – February 5, EDA (no per diem claimed) – February 6.

Lori Gunnink reported on Commissioner Board Meeting (partial per diem claimed) – February 5.

Dennis Welgraven reported on Personnel Committee (partial per diem claimed) – January 29, SW Newly Elected (partial per diem claimed) – February 2, Commissioner Board Meeting/Personnel Committee – February 5, EDA (no per diem claimed) – February 7.

Dave Thiner presented Jim Kluis’s report of Commissioner Board Meeting/Hospital Administration – February 5, Hospital Board Meeting (partial per diem claimed) – February 8.

David Thiner reported on Personnel Committee (partial per diem claimed) – January 29, Courts Security Meeting/City of Fulda (partial per diem claimed) – February 4, Commissioner Board Meeting/Personnel Committee – February 5.

It was moved by Jens, seconded by Gunnink, and passed to approve the Commissioner Vouchers for the period of January 27, 2019 to February 9, 2019.

#### DECLARE SURPLUS PROPERTY – CHAIRS AND VENDING MACHINES

It was moved by Gunnink, seconded by Welgraven and passed to declare the following items as surplus property, further moving to authorize them for sale on public auction via Ebay:

- Black chairs from Courts Meeting Room
- Pepsi Vending Machine
- Coke Vending Machine
- Five Wooden Benches

#### PURCHASE REQUEST – CHAIRS FOR COURTS BUILDING

It was moved by Jens, seconded by Gunnink and passed to authorize an expenditure of 4,700.63 to One Office Solution for the purchase of the following items (account code: 01-110-112-6480):

- |  |          |
|--|----------|
| • 68 Black Chairs - Courts Meeting Room  | 3,315.00 |
| • 16 Gallery Chairs – Court Room         | 1,365.64 |
| • 1 Pack of Stacking Chair Ganging Clips | 19.99    |

#### SPECIAL ASSESSMENTS FOR DRAINAGE BONDS

##### County Ditch 61

It was moved by Jens, seconded by Gunnink and passed to authorize special assessments for County Ditch 61 bonds as follows:

##### Improvement

- Principal: \$161,553
- Interest: 4.25%
- Term: 15 years
- Year Starting: 2019

##### Separable Maintenance

- Principal: \$573,447
- Interest: 4.25%
- Term: 15 years
- Year Starting: 2019

Judicial Ditch 8

It was moved by Gunnink, seconded by Welgraven and passed to authorize special assessments for Judicial Ditch 8 bonds as follows:

Improvement

- Principal: \$213,109
- Interest: 4.25%
- Term: 15 years
- Year Starting: 2019

Separable Maintenance

- Principal: \$271,891
- Interest: 4.25%
- Term: 15 years
- Year Starting: 2019

County Ditch 82

It was moved by Welgraven, seconded by Jens and passed to authorize special assessments for County Ditch 82 bonds (Separable Maintenance) as follows:

- Principal: \$10,156.12
- Interest: 2.8%
- Term: 13 years
- Year Starting: 2019

**MEET YOUR PUBLIC SERVANTS**

It was moved by Jens, seconded by Gunnink and passed to authorize the Commissioners to attend the ‘Meet your Public Servants’ event to be held on February 25, 2019 from 5:00 p.m. – 8:00 p.m. at Murray County Central High School Gymnasium.

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

ATTEST:

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Christy Riley, Community Relations Coordinator

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David Thiner, Chairman of the Board