

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
May 7, 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, James Kluis, David Thiner, and Dennis Welgraven. Also present were County Attorney Travis Smith and Economic Development Director Amy Rucker.

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

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

No conflicts of interest were identified.

It was moved by Jens, seconded by Kluis, and passed to approve the minutes from the April 23, 2019 meeting with corrections.

COMMISSIONER WARRANTS

A motion was duly made by Welgraven, seconded by Jens and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated May 7, 2019 with fund totals as follows and warrants numbered 158933 through 159002 and ET 60403 (MCIT):

County Revenue Fund	\$28,697.24
County Road & Bridge Fund	\$3,546.86
EDA	\$258.52
Ditch	\$135.20
Self Insurance	<u>\$786.39</u>
Total	<u>\$33,424.21</u>

AUDITOR WARRANTS

Auditor Warrants were reviewed.

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>Michael Surprenant</u>	CD 67	1,290.00	#2018-108	ok'd by Travis Radke 4-19-2019 3-Welgraven
	Subtotal	<u>1,290.00</u>		

Total for Ditch Bills 1,290.00

DONATION – FRIENDS OF MURRAY COUNTY PARKS / PARKS AND TRAILS COUNCIL OF MN

It was moved by Jens, seconded by Gunnink, and passed to accept a donation of \$398.78 from the Friends of the Murray County Parks (through the Parks and Trails Council of Minnesota), restricted for the purpose of purchasing trees for Sundquist County Park at West Lake Sarah (receipt code: 01-521-523-5760).

PROPOSALS TO FIX DAMAGE AT ACE / FOOD SHELF BUILDING

No proposals were received to fix damage at the ACE / Food Shelf building.

PROPOSAL FOR DINEHART-HOLT HOUSE GARAGE SIDING, ROOF, AND WINDOWS

It was moved by Jens, seconded by Gunnink, and passed to accept the proposal from Jerome Schreier Construction for \$22,200 to replace the siding, shingles, and windows on the Dinehart-Holt House garage.

REQUEST TO PURCHASE TAX-FORFEITED LAND FROM THE COUNTY

A constituent contacted Commissioner Welgraven regarding purchasing a parcel of tax-forfeited land from the County. Welgraven will follow-up with Heidi Winter.

DITCH INSPECTION REPORT

A motion was made by Gunnink, 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

- Petition 2019-015 (CD 14, Ellsborough Twp. Sec. 1, District 2 – Gunnink)
- Petition 2019-016 (CD 65, Holly Twp. Sec. 28, District 1 – Jens)
- Petition 2019-017 (CD 53, Skandia Twp. Sec. 26, District 2 – Gunnink)
- Petition 2019-019 (JD 10, Lime Lake Twp. Sec. 7, District 3 – Welgraven)
- Petition 2019-020 (CD 44, Des Moines Twp. Sec. 10, District 1 – Jens)
- Petition 2019-021 (JD 10, Slayton Twp. Sec. 13, District 3 – Welgraven)
- Petition 2019-022 (CD 43A, Belfast Twp. Sec. 16, District 1 – Jens)

ORDER FOR REDETERMINATION OF COUNTY DITCH 57

Commissioner Gunnink introduced the following order and moved for its adoption:

**BEFORE THE MURRAY COUNTY BOARD OF
COMMISSIONERS ACTING AS DRAINAGE AUTHORITY
FOR COUNTY DITCH #57**

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

WHEREAS, the original benefits for County Ditch #57, 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 #57, hereby orders the Redetermination of Benefits for County Ditch #57 and appoints Jim Weidman, Steve Johnson, Duane Bendixen, and Gary Ewert (alternate) as viewers.

Dated this 7th day of May, 2019.

MURRAY COUNTY BOARD OF
COMMISSIONERS ACTING AS DRAINAGE
AUTHORITY FOR MURRAY COUNTY
DITCH #57

By _____
Its Chairperson

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

COUNTY DITCH 11 / STATE HIGHWAY 30 UPDATE

Commissioner Thiner asked County Attorney Travis Smith about the status of the outstanding issues regarding County Ditch 11 which runs under State Highway 30. Smith said that the County's ditch attorney, Kurt Deter, has been sending letters to the State. Commissioner Thiner stressed the urgency in getting this issue resolved.

HOSPITAL UPDATE

Michael Ladevich, Interim Chief Executive Officer of Murray County Medical Center, gave an update on the hospital's financial status.

REAPPOINTMENT OF COUNTY ENGINEER

It was moved by Welgraven, seconded by Jens, and passed to approve the four-year reappointment of the County Engineer, further authorizing the Board Chair and Vice-Chair to sign the employment agreement.

SEASONAL EMPLOYEES

It was moved by Jens, seconded by Gunnink, and passed to hire the following seasonal employees at the Seasonal Grade Rate:

- Linda Wessels – Seasonal Museum Assistant with a start date of May 25, 2019 at grade 1, step 2.
- Kolby Frisk – Seasonal Parks Maintenance Worker with a start date of June 3, 2019 at grade 1, step 1.

EMERGENCY MANAGEMENT SERVICES / SAFETY DIRECTOR

It was moved by Jens, seconded by Kluis, and passed to approve the Emergency Management Services / Safety Director position description at a labor grade 11.

It was moved by Welgraven, seconded by Kluis and passed to authorize beginning the recruitment process for an Emergency Management Services / Safety Director.

Heidi Winter advised that the salary for this new position will come from account 01-281.

MINNESOTA ALLIANCE OF LOCAL HISTORY MUSEUMS CONFERENCE

Janet Timmerman gave an update on the Minnesota Alliance of Local History Museums Annual Conference where she received a Lifetime Achievement Award by the Alliance.

T1 LINE FOR LAW ENFORCEMENT RADIO SYSTEM

Chief Deputy Heath Landsman reported that the radio system is down due to the realigning of a microwave dish in LaSalle. The solution to prevent this issue in the future will be to contract with Frontier for a T1 line to the Tracy tower. The cost will be approximately \$940 per month. \$500 will be paid monthly from the 911 fund, so net costs will be approximately \$440/month.

OPEN FORUM / PUBLIC COMMENT

Kevin Nelson was present for Open Forum. He asked that location and convenience be considered when discussing the purchase of land for the Highway Department building.

ENVIRONMENTAL SERVICES SPECIALIST

Jean Christoffels introduced to the Board the new Environmental Services Specialist, Karla Ray.

CONDITIONAL USE PERMITS

Jean Christoffels met with the County Board regarding Conditional Use Permit #1361 for S K & D Farms, LLC. The Board reviewed the Murray County Planning Commission public hearing minutes from April 15, 2019, which included the findings and special conditions for the permit request.

It was moved by Welgraven, seconded by Gunnink, and passed to approve Conditional Use Permit #1361 for S K & D Farms, LLC to construct and operate a new feedlot over 300 animal units in the Agricultural District, in the SW1/4, Section 6, Cameron Township, with the five special conditions recommended by the Planning Commission.

NATIVE SHORELINE VEGETATION INCENTIVE PROGRAM

It was moved by Gunnink, seconded by Welgraven, and passed to approve the Native Shoreline Vegetation Incentive Program using Water Quality Funds.

DUCKS UNLIMITED LAND PURCHASE

Commissioner Welgraven advised the Board that Ducks Unlimited is going to purchase land in Fenton Township.

CHANDLER DAM

Commissioner Welgraven reminded the Board of the meeting with the Parks & Recreation Advisory Commission at the Chandler Dam on May 8.

COMMITTEE REPORTS

The Commissioners gave their committee reports for the period of April 21, 2019 to May 4, 2019.

James Jens reported on Western Mental Health (no per diem claimed) – April 22, Commissioner Board Meeting (partial per diem claimed) – April 23, Hospital Board Meeting/Hospital Foundation (partial per diem claimed) – April 24, Hospital Strategic Planning (partial per diem claimed) – April 25, EDA (no per diem claimed) – May 1.

Lori Gunnink reported on Commissioner Board Meeting (partial per diem claimed) – April 23, Plum Creek Library Search Committee (partial per diem claimed) – April 30, RCRCA (partial per diem claimed) – May 2, Plum Creek Library Interviews – May 3.

Dennis Welgraven reported on Commissioner Board Meeting/Personnel Committee – April 23, EDA (partial per diem claimed) – May 1.

Jim Kluis reported on Commissioner Board Meeting (partial per diem claimed) – April 23, Hospital Board Meeting (partial per diem claimed) – April 24, Hospital-Sanford/ACE Annual – April 25,

David Thiner reported on Commissioner Board Meeting (partial per diem claimed) – April 23, Planning and Zoning-Land Use/Fulda City Police – May 2.

It was moved by Jens, seconded by Kluis, and passed to approve the Commissioner Vouchers for the period of April 21, 2019 to May 4, 2019.

CONSTRUCTION CONTRACT WITH DUININCK, INC.

It was moved by Welgraven, seconded by Kluis, and passed to approve the construction contract with Duininck, Inc. for SAP's 51-608-015, 51-608-016, 51-625-012, 51-627-005, 51-652-002,

further authorizing the Board Chair, Auditor / Treasurer, and County Attorney to sign the contract.

CONSTRUCTION CONTRACT WITH R & G CONSTRUCTION

It was moved by Jens, seconded by Kluis, and passed to approve the construction contract with R & G Construction Co. for SAP 51-626-006, further authorizing the Board Chair, Auditor / Treasurer, and County Attorney to sign the contract.

RESOLUTION TO CONCUR WITH BID AWARD TO R & G CONSTRUCTION

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

RESOLUTION 2019-05-07-01

A RESOLUTION TO CONCUR WITH BID AWARD TO R & G CONSTRUCTION FOR SAP 51-638-025

WHEREAS, the City of Currie and County of Murray have a joint construction project in the City of Currie beginning in 2019; and

WHEREAS, the City of Currie project is primarily water and sewer improvements with street improvements through Currie that will also affect County State Aid Highway 38 (CSAH 38); and

WHEREAS, the County of Murray project SAP 51-638-025 is for a portion of the street work along with ADA sidewalk improvements along CSAH 38; and

WHEREAS, because of similar type work that coincides with both projects, one large construction plan was developed with each governmental entity paying for their responsibilities, based on quantities identified in the plan; and

WHEREAS, the City of Currie is the lead for the project and opened bids on April 25, 2019. The City of Currie has reviewed and approved their portion of the bid and will award the construction project on May 6, 2019 to R & G Construction Inc. of Marshall, MN; and

WHEREAS, the County of Murray has reviewed and approved their portion of the bid for project SAP 51-638-025, along with local county costs associated with sewer to End-O-Line park.

NOW, THEREFORE, BE IT RESOLVED, the County of Murray does hereby agree and concurs with the City of Currie to award the project to R & G Construction for the work associated with SAP 51-638-025.

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.

TRANSPORTATION FUNDING PROPOSAL

The most recent State transportation funding proposal was discussed.

FLOOR SCRUBBER PURCHASE

It was moved by Gunnink, seconded by Welgraven, and passed to approve the purchase of a floor scrubber for the 4-H Building from Hillyard for \$4,037 from funds from surplus items sold.

ZONING CERTIFICATE AND SEPTIC PERMIT ISSUANCE

It was moved by Jens, seconded by Gunnink, and passed to authorize the Board Chair to sign the Zoning Application, Zoning Certificate #12268, and Septic Permit #2381 for the new bathroom/shower facility at Sundquist County Park at West Lake Sarah and further authorizing waiving of the Zoning Certificate and Septic Permit fees (\$125 and \$200).

LAW ENFORCEMENT CONTRACTS

It was moved by Jens, seconded by Gunnink, and approved to authorize the Board Chair to sign law enforcement contracts with the cities of Lake Wilson, Avoca, Chandler, Currie, and Hadley.

HEARING FOR COUNTY DITCH 76A IMPOUNDING, REROUTING AND DIVERTING WATERS AND PARTIAL ABANDONMENT

The public hearing was opened at 11:00 a.m. by Chair David Thiner.

County Attorney Travis Smith reviewed the purpose of the hearing.

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

Petitioner Todd Luke, District Manager for the Windom Wetland Management District of the U.S. Fish & Wildlife Service, spoke regarding the purpose of the petition.

11:15 a.m. The public hearing was opened for comment.

Jon Hoyme, Mason Township Board and Lake Shetek Lake Association member, asked if this project will retain water and slow the flow. Luke said that yes, that is the intent.

11:17 a.m. The public comment portion of the County Ditch 76A hearing was closed.

ACTION BY DRAINAGE AUTHORITY RELATING OT THE IMPOUNDMENT, REROUTE AND DIVERTING OF COUNTY DITCH NO. 76A:

It was moved by James Jens, seconded by Jim Kluis and passed that relating to the portion of the petition for to the impounding, rerouting and diverting of County Ditch 76A the Board finds that it will be of public or private benefits; will not impair the utility of the drainage system; and will not deprive affected landowners of their benefits.

ACTION BY DRAINAGE AUTHORITY RELATING OT THE PARTIAL ABANDONMENT OF COUNTY DITCH NO. 76A:

It was moved by David Thiner, seconded by James Jens and passed that relating to the portion of the petition for the partial abandonment of County Ditch 76A the Board finds that it does not serve any useful purpose to any affected property and is not of any public benefit and utility.

STATE OF MINNESOTA
Before the
MURRAY COUNTY BOARD OF COMMISSIONERS
SITTING AS THE DRAINAGE AUTHORITY FOR
COUNTY DITCH 76A

In the Matter of:

**the Petition to Impound, Reroute, and
Divert (M.S. §103E.227) and Partially
Abandon (M.S. §103E.806) County Ditch
No. 76A**

**FINDINGS AND ORDER GRANTING
PETITION TO IMPOUND, REROUTE, &
DIVERT and PARTIALLY ABANDON
DRAINAGE SYSTEM WATERS**

The Murray County Board of Commissioners, sitting as the drainage authority for County Ditch No. 76A, having received a Petition to impound, reroute, & divert and partially abandon drainage system waters pursuant to Minnesota Statutes, section 103E.227 and 103E.806 by Eran Sandquist (Minnesota State coordinator Pheasants Forever, Inc), Todd Luke (U.S. Fish & Wildlife Service) and Gary Johnson, having noticed and conducted a public hearing on the engineer's report of findings, and based on the record and proceedings:

- Commissioner James Jens moved, seconded by Commissioner Jim Kluis to adopt the following Findings and Order relating to Impounding, Rerouting and Diverting – and –
- Commissioner David Thiner moved, seconded by Commissioner James Jens to adopt the following Findings and Order relating to the Partial Abandonment:

Findings:

1. A Petition dated May 23, 2018 was received by the Auditor of the drainage authority requesting to impound, reroute, & divert and partially abandon a portion of drainage system waters on County Ditch No. 76A, located in Section 9, Township 107, Range 41, Mason Township, Murray County, Minnesota pursuant to Minn. Stat. § 103E.227 and § 103E.806.
2. Petitioners are the owner of benefited property on County Ditch No. 76A.
3. The Petition asserts that the part of the drainage system proposed to be abandoned does not serve a substantial useful purpose as part of the drainage system to any property remaining in the system and is not of substantial public benefit and utility.
4. The Petition is in proper form and is legally sufficient and adequate for the purposes of these proceedings.
5. The drainage authority met on June 5, 2018 and accepted the Petition. The drainage authority also appointed Bill Helget of Bolton & Menk as the engineer to investigate the

effect of the proposed installation pursuant to Minn. Stat. § 103E.227, subd. 3(a) and §103E.806.

6. The Petition requests to impound, reroute and divert and abandon portions of County Ditch No. 76A located in Section 9, Township 107, Range 41, Mason Township, Murray County, Minnesota as part of the system reroute.
7. Engineer Bill Helget, Bolton & Menk filed a report of findings with the drainage authority on July 2, 2019.
8. The drainage authority, by order, set a public hearing for review of the engineer's report of findings on May 7, 2019 at 11:00 a.m. and directed the Auditor to provide at least 10 days advance notice, by mail, of the time and location of the hearing to the Petitioners, political subdivisions, and owners of property likely to be affected by the proposed project.
9. Notice of the public hearing was properly provided as required by law. Evidence of all notice provided for the hearing is on file with the drainage authority
10. Engineer Bill Helget, Bolton & Menk determined that the proposed impounding, rerouting, and diversion and partial abandonment of drainage system waters will be of public or private benefit; will not impair the utility of the drainage system; and will not deprive affected landowners of their benefits.
11. A presentation was made at the public hearing by petitioners.
12. The proposed project will be of public or private benefit.
13. The proposed project will not impair the utility of the drainage system.
14. The proposed project will not deprive affected land owners of its benefit.

Order:

Based on the foregoing Findings and the entire record of proceedings before the Board, the Board, acting as the drainage authority for County Ditch No. 76A, hereby orders as follows:

- A. That the Petition of Eran Sandquist (Minnesota State coordinator Pheasants Forever, Inc), Todd Luke (U.S. Fish & Wildlife Service) and Gary Johnson to impound, reroute, and divert and partially abandon drainage system waters is hereby granted
- B. No further repair petition for the abandoned portion of the drainage system may be accepted and the drainage authority's responsibility to maintain the abandoned portion of drainage system is terminated by this order. This order shall not release any property from a drainage lien field on account of the drainage system before the date of this order, nor shall this order release any property from any assessment or a drainage lien filed on or after the date

of this order for costs incurred on account of the drainage system before the date of the order.

- C. Petitioners shall be responsible for all costs associated with the design and construction of the proposed project.
- D. Petitioners shall record all easements obtained for the purpose of the proposed project.
- E. The original drainage system records shall be modified to reflect the abandonment of the portion of the drainage system running through the respective impoundment, reroute, and diversion locations as described in the project concept plans and engineer's report of findings.
- F. The drainage authority shall have jurisdiction over and be responsible for repairs of the rerouted portion of the drainage system. Petitioners shall be solely responsible for the maintenance of the proposed project.

After discussion, the Board Chair called the question. Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

David Thiner, Chairperson

Dated: _____

The hearing was adjourned at 11:25 a.m.

Board members reviewed their upcoming meeting schedules.

The meeting was adjourned at 11:31 a.m.

ATTEST:

Amy Rucker, Economic Development Director

David Thiner, Chairman of the Board