

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
March 5, 2013 8:30 a.m.

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present: Commissioners Gerald Magnus, John Giese, Robert Moline, James Jens and David Thiner. Also present Aurora Heard, County Coordinator, Heidi Winter, Auditor-Treasurer, Gene Mailander, Assistant County Attorney, Excused Absence: Paul Malone, County Attorney.

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

No conflict of interest identified.

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

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

It was moved by Giese, seconded by Jens and passed to approve the February 26, 2013 minutes.

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

RESOLUTION 2013-03-05-01
A Resolution on Recognition and Support of the
American Cancer Society Daffodil Days

WHEREAS, Cancer will strike 28,060 people from Minnesota this year; and

WHEREAS, the American Cancer Society provides valuable services to patients and their families in Murray County to help them get well after a cancer diagnosis, including transportation, lodging, information and support; and

WHEREAS, the daffodil is the first flower of spring, and has been chosen as the American Cancer Society's symbol of hope for a world with less cancer and more birthdays.

NOW THEREFORE BE IT RESOLVED, that the Murray County Board of Commissioners, do hereby proclaim March 11-15, 2013, as Daffodil Days Week, and urge all citizens of Murray County to join with American Cancer Society volunteers to support this event by ordering daffodils to support the American Cancer Society's lifesaving mission to eliminate cancer as a major health problem by fighting for every birthday, threatened by every cancer in every community.

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

Warrants

A motion was duly made by Thiner, seconded by Moline and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated March 5, 2013 with fund totals as follows and warrants numbered 138732-138780

County Revenue Fund	74,833.14
County Road & Bridge Fund	4,962.94
Economic Development	85.00
Total	79,881.08

Ditch Petitions- No petitions were filed.

Heath & Angela Landsman Subordination Agreement

It was moved by Moline, seconded by Magnus and passed to authorize the Board Chair and Auditor-Treasurer to sign a subordination agreement for parcel number 15-021-0020 (Heath & Angela Landsman) for a Murray County Septic Lien Program Loan.

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

Resolution 2013-03-05-02
A Resolution Approving a Subordination Agreement for
A Small Cities Development Program Loan in Cottonwood County

WHEREAS, on December 18, 2007 the Murray County Board of Commissioners adopted Resolution 2007-12-18-01 resolving to be the legal sponsor for the Regional Healthy Homes Housing Rehabilitation Project through the Small Cities Development Program for Murray, Cottonwood, Jackson, Lincoln, Lyon, Nobles, Redwood, Rock, Chippewa and Yellow Medicine Counties, and

WHEREAS, Murray County was successful with the application and on April 22, 2008 the Murray County Board of Commissioners approved Small Cities Development Program Grant Agreement (CDAP-07-0049-O-FY08) for the project, and

WHEREAS, on June 13, 2011 a loan was made to Lee A. Schaffran and Elizabeth M. Schaffran, husband and wife, for property in Cottonwood County as indicated by the COMBINATION SECURITY AGREEMENT, NOTE, REPAYMENT AGREEMENT AND LIEN recorded as Document Number 265706 in the Cottonwood County Recorder's Office, and

WHEREAS, on March 5, 2013 a Subordination Agreement was requested from Murray County for the above mentioned loan.

NOW THEREFORE BE IT RESOLVED, that the Murray County Board of Commissioners approve a Subordination Agreement for real property located in Cottonwood County, evidenced by a COMBINATION SECURITY AGREEMENT, NOTE, REPAYMENT AGREEMENT AND LIEN, dated June 13, 2011, recorded on October 19, 2011 as Document Number 265706 in the Cottonwood County Recorder's Office, legally described as:

All that part of the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section Thirty-Six (36, in Township One Hundred Eight (108) North, of Range Thirty-Sever (37) West of the 5th P.M., in Cottonwood County, Minnesota, described as follows:

Starting at a point on the East line of said Section Thirty-six (36), Eight Hundred Fifty-nine (859) feet North of the Southeast (SE) corner of said Section Thirty-Six (36) for poing of beginning; thence North along the East line of said Section Thirty-six (36), Four Hundred Sixty-one (461) feet to the North line of the said Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼); thence West along the North line of the said Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼), Five Hundred Forty-five (545) feet; thence South and parallel with the East line of said Section Thirty-six (36), Four Hundred Sixty-one (461) feet; thence East and parallel with the South line of said Section Thirty-six (36) Five Hundred Forty-five (545) feet to the point of beginning.

BE IT FURTHER RESOLVED, that the Board Chair and Auditor-Treasurer are authorized to sign the agreement on behalf of the County

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

Jean Christoffels, Zoning Administrator met with the County Board and resulted in the following action:

Jean Christoffels presented Conditional Use Permit No. 1286 for Todd Neilson (Mr. Neilson was also present). This permit is to construct and operate a new feedlot over 300 animal units in the Agriculture District in W1/2 SW1/4, Section 17, Lime Lake Township. The Board received the minutes from the February 21, 2013 public hearing on this permit, which included the findings of the Planning Commission.

It was moved by Moline, seconded by Thiner and passed to approve Conditional Use Permit No. 1286 to construct and operate a new feedlot over 300 animal units in the Agriculture District in W1/2 SW1/4, Section 17, Lime Lake Township based on the recommendation of the Planning Commission,

with an amendment to special condition number 5; require a 70 foot setback from the road right of way instead of 50 feet.

Jean Christoffels presented Conditional Use Permit No. 1285 for Aaron Miller (Mr. Miller was not present). This permit is to expand an existing feedlot to a site total of 1,095 animal units in the Agriculture District in the W1/2 NE1/4, Section 5, Lowville Township. The Board received the minutes from the February 21, 2013 public hearing on this permit, which included the findings of the Planning Commission.

It was moved by Thiner, seconded by Moline and passed to approve Conditional Use Permit No. 1285 to expand an existing feedlot to a site total of 1,095 animal units in the Agriculture District in the W1/2 NE1/4, Section 5, Lowville Township based on the recommendation of the Planning Commission.

Jean Christoffels presented Conditional Use Permit No. 1283 for Gary & Dana Hogan (Mr. & Mrs. Hogan were present) to construct and operate a cardtrol fueling station in the Shoreland General Use District in the SE1/4, Section 25, Bondin Tonwship. The Board received the minutes from the February 21, 2013 public hearing on this permit, which included the findings of the Planning Commission.

It was moved by Thiner, seconded by Jens and passed to approve Conditional Use Permit No. 1283 to construct and operate a cardtrol fueling station in the Shoreland General Use District in the SE1/4, Section 25, Bondin Tonwship based on the recommendation of the Planning Commission.

Jean Christoffels presented Conditional Use Permit No. 1287 for Jim & Kathy Veenhuis (Mr. Veenhuis was present) to construct a single residential home in the Shoreland Special Protection District adjacent to a Tributary Stream/River – Beaver Creek. The Board received the minutes from the February 21, 2013 public hearing on this permit, which included the findings of the Planning Commission.

It was moved by Moline, seconded by Jens and passed to approve Conditional Use Permit No. 1287 to construct a single residential home in the Shoreland Special Protection District adjacent to a Tributary Stream/River – Beaver Creek based on the recommendation of the Planning Commission.

Christy Riley gave an update on the National Pheasant Fest 2013 and Explore Minnesota Conference.

Doug Mead from the Southwestern Minnesota Opportunity Council presented information on the Minnesota Housing and Finance Agency Family Homelessness Prevention and Assistance Program.

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

Resolution 2013-03-05-03
Resolution Authorizing Application for
Minnesota Housing and Finance Agency
Family Homelessness Prevention and Assistance Program

WHEREAS, the Minnesota Housing Finance Agency, State of Minnesota, has been authorized to undertake a program to provide funds for Family Homeless Prevention & Assistance Projects; and,

WHEREAS, Western Community Action in collaboration with Southwestern Minnesota Opportunity Council, Inc. has developed an application for the Minnesota Housing Finance Agency Family Homelessness Prevention and Assistance Program; and

WHEREAS, Western Community Action in collaboration with Southwestern Minnesota Opportunity Council, Inc. has demonstrated the ability to perform the required activities of the Minnesota Housing Finance Agency Family Homelessness Prevention and Assistance Program;

NOW, THEREFORE, be it resolved that Western Community Action in collaboration with Southwestern Minnesota Opportunity Council, Inc. is hereby authorized as an entity to be charged with the administration of funds made available through the Minnesota Housing Finance Agency Family Homelessness Prevention and Assistance Program in the county of Murray, in Minnesota.

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

AMC Making Solid Land Use Decisions Training

It was moved by Moline, seconded by Magnus and passed to approve any Commissioner attend the AMC Making Solid Land Use Decisions Training on April 3, 2013 in Mankato.

RJF, Marsh & McLennan Agency LLC Company Business Associate Agreement

It was moved by Giese, seconded by Moline and passed to approve a business associate agreement between Murray County and RJF, a Marsh & McLennan Agency LLC Company.

It was moved by Giese, seconded by Jens and passed to approve the monthly reimbursement to Lyon County in the amount of \$673.91 for the cost of the insurance project with RJF and the cost shall be divided by fund based on the number of benefit eligible employees in the revenue, hospital, and highway fund.

Unpaid Leave of Absence

It was moved by Giese, seconded by Magnus and passed to approve an unpaid leave of absence pursuant to policy # 721 for Kent Shea from March 1, 2013 – May 31, 2013.

Member Giese introduced the following Resolution and moved its adoption:

Resolution 2013-03-05-04
RESOLUTION TERMINATING PROBATIONARY 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 a Probationary Employee, Marsha Hansen 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 motion for the adoption of the foregoing Resolution was duly seconded by Moline and upon a vote being taken thereon, the following voted in favor of the motion: Thiner, Magnus, Giese, and Moline

and the following voted against the motion: None.

Abstained: Jens

Whereupon said Resolution was declared duly passed and adopted.

Computer Purchase

It was moved by Thiner, seconded by Giese and passed to approve the purchase of (4) HP 8300 Computers from departments 041, 080, 601, 630 in the amount of \$615.99 each.

Commissioner Jens offered the following resolution and moved for its adoption:

RESOLUTION NO. 2013-03-05-05
Resolution on Deficient Bridges

WHEREAS, Murray County has determined that the following deficient bridges on the CSAH, County Road and Township systems are a high priority and require replacement or rehabilitation within the next five (5) years; and

Old Bridge	Road Number	Estimated Project Cost	Federal Funds	State Aid	Town Bridge	Local Tax	Bond Funds	Program Year	Road Jurisdiction
96295	CSAH 21	390,000		110,000			280,000	2013	County
51503	CSAH 28	350,000		50,000			300,000	2013	County
L1597	T-27	400,000			380,000	20,000		2014	Belfast
L4615	T-137	230,000			220,000	10,000		2015	Fenton

L5975	T-182	250,000			240,000	10,000		2016	Holly
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WHEREAS, local roads play an essential role in the overall state transportation network and local bridges are the critical component of the local road systems; and

WHEREAS, State support for the replacement or rehabilitation of local bridges continues to be crucial to maintaining the integrity of the local road systems and is necessary for the County and the townships to proceed with the replacement or rehabilitation of the high priority deficient bridges described above; and

WHEREAS, Murray County intends to proceed with replacement or rehabilitation of these bridges as soon as possible when State Transportation Bond Funds are available.

BE IT RESOLVED, that Murray County commits that it will proceed with the design and contract documents for these bridges immediately after being notified that funds are available in order to permit construction to take place within one year of notification.

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

CP 02-13 Bid Opening

It was moved by Moline, seconded by Jens and passed to approve to set a bid opening date of April 16, 2013 at 10:30 am for County road striping project CP 02-13.

10:00 a.m. Open Forum – Marsha Hansen was present.

The Commissioners gave their committee reports for the period of February 17, 2013 to March 2, 2013.

John Giese reported on Hospital Personnel Meeting – February 18, Commissioner Board Meeting – February 19, Personnel Meeting and Human Services Building Meeting – February 20, Building & Grounds Meeting – February 21, RDC Meeting – February 23, Hospital Finance Meeting and Area Agency on Aging Committee – February 25, ECI Meeting and Commissioner Board Meeting and Hospital Board Meeting and Chandler Fire Dept. Annual Meeting – February 26, RCRCA Meeting – February 27, Personnel Meeting – February 28, Personnel Meeting – March 1.

Gerald Magnus reported on Commissioner Board Meeting – February 19, Building Committee and Personnel Meeting – February 20, Recycling Meeting – February 21, Southwest Regional Development Commission Orientation – February 23, Hospital Finance Meeting and Hospital Personnel Meeting – February 25, Commissioner Board Meeting and Hospital Board Meeting and Chandler Fire Dept. Annual Meeting – February 26, Personnel Meeting – February 28, Personnel Interviews – March 1.

Robert Moline reported on Commissioner Board Meeting – February 19, Southwest Health & Human Services (No Per Diem Claimed) – February 20, Southern Prairie Conference Call (Partial Per Diem Claimed) – February 22, Hospital Finance Meeting and Hospital Personnel Meeting – February 25, Commissioner Board Meeting and Hospital Board Meeting and Extension Meeting – February 26, RCRCA Meeting and Extension Meeting – February 27.

David Thiner reported on Commissioner Board Meeting and Heron Lake Watershed District Meeting – February 19, Planning Commission Meeting – February 21, Southwest Regional Development Meeting – February 23, PEBC Meeting and SMOC Meeting – February 25, Commissioner Board Meeting and Hospital Board Meeting and Extension Meeting – February 26, RCRCA Meeting and Extension Meeting and Plum Creek Library Meeting – February 27.

James Jens reported on Commissioner Board Meeting – February 19, Mutual Aid Committee – February 20, Recycling Meeting and Ditch Inspection – February 21, Southwest Regional Workshop – February 23, Commissioner Board Meeting and Hospital Board Meeting and Hospital Foundation Meeting – February 26, Regional Advisory Committee and Regional Radio Board – February 27.

It was moved by Jens, seconded by Thiner, and passed to approve the Commissioner Vouchers for the period of February 17, 2013 to March 2, 2013.

Auditor/Treasurer Winter reviewed township meeting information.

There being no further business the meeting was adjourned at 10:40 a.m.

ATTEST: _____
Aurora Heard, Murray County Coordinator

Gerald Magnus, Chairman of the Board