

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA  
January 21, 2014 8:30 a.m.

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

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.

Consent Agenda

1. Approval of the minutes from January 7, 2014

Consensus to add additional End O Line account codes to the January 7, 2014 meeting minutes.

It was moved by Moline, seconded by Magnus and passed to approve the agenda as modified and consent agenda item 1.

Warrants

A motion was duly made by Magnus, seconded by Jens and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated January 21, 2014 with fund totals as follows and warrants numbered 141743 – 141801:

County Revenue Fund	\$171,897.51
County Road & Bridge Fund	\$43,508.38
County Ditch Fund	0
Sunrise Terrace	\$331.84
SAWSD	0
Lime Creek Sewer	0
Hospital Maintenance	0
Total	\$215,737.73

Doug Stewart was presented a Certificate of Appreciation for his years of service on the Zoning Board.

Zoning Department Professional Services Retainer Agreement

It was moved by Moline, seconded by Jens and passed to approve and authorize the Board Chair to sign an agreement for 2014 for professional services for the Zoning Department from Rupp, Anderson, Squires & Waldspurger, P.A.

## Ditch Bills

A motion was made by Jens, seconded by Magnus 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>Bolton &amp; Menk, Inc.</u></b>				
	JD 6	10,680.00	2013-036	Improvement
	JD20A	1,732.50	2013-037	Improvement
	CD35	382.50	2013-006	Improvement
	CD73	1,483.50	2013-042	Improvement
	CD 82	335.00	2012-017	Improvement
	<b>Subtotal</b>	<b>14,613.50</b>		
<b><u>Finance &amp; Commerce, Inc.</u></b>				
	County Ditch 82	228.61	2012-017	Improvement
	<b>Subtotal</b>	<b>228.61</b>		(for Bid Advertisement)
<b><u>Jim Weidemann (Ditch Viewer)</u></b>				
	County Ditch 82	130.00	2012-017	Improvement
	County Ditch 35	2,362.77	2013-006	Improvement
	<b>Subtotal</b>	<b>2,492.77</b>		
	<b>Total for All Ditch Bills</b>	<b>17,334.88</b>		

Ditch Petitions – There were no ditch petitions for the January 21, 2014 meeting.

## Carpet

It was moved by Moline, seconded by Jens and passed to approve payment for the carpet installation to Randy's Floor Covering \$4,836.20 (\$2,472.47 Highway Department; \$2,363.73 Extension Office) and Doug Rehnelt \$1,292.00 (Highway Department) excluding labor for the Extension office area.

## End O Line Donation

It was moved by Magnus, seconded by Jens and passed to accept a \$300 donation from First Presbyterian Church (Currie) restricted for the purpose of offsetting expenditures for the Presbyterian Church at End O Line Railroad Museum (receipt code: 01-503-584-5760).

## Computers

It was moved by Moline, seconded by Giese and passed to approve purchasing eleven (11) computers from: Parks: 01-521-521 (1), Auditor: 01-041 (3), Law Enforcement: 01-201 (3), 911: 283-283, Recorder 01-101-102 (3).

It was moved by Jens, seconded by Magnus and passed to approve purchasing a server for \$5544.50 from account code 01-061-061.

It was moved by Magnus, seconded by Jens and passed to approve and authorize the Emergency Management Director to sign a Memorandum of Understanding between the Southwest Minnesota Chapter of the American Red Cross and Murray County Emergency Management.

#### Land Use Copier

It was moved by Moline, seconded by Magnus and passed to approve purchasing a copier/printer/scanner from the Records Technology Fund 01-101-102 in the amount of \$8,264.00 from Marco Inc. and a service contract of \$59.54 per month.

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

Resolution 2014-01-21-01  
A Resolution Awarding the County Ditch 82 Improvement Project

WHEREAS, on February 7, 2012 the Murray County Drainage Authority accepted a petition for Improvement to portions of County Ditch 82 and appointed a qualified engineer (Resolution 2012-02-07-01), and

WHEREAS, A Preliminary Hearing was held on July 24, 2012 at 9:30 where the Preliminary Engineering Report was given and viewers were appointed, and

WHEREAS, A Final Hearing was held on July 23, 2013 where the Final Engineering Report, the Viewer's Report was given and the project authorized to bid, and

WHEREAS, On September 5, 2013 one bid was received and opened from Quam Construction, Inc for \$396,965 (Engineer's Estimate: \$249,105), and

WHEREAS, On September 10, 2013 that bid was rejected because it exceeded the 30% variance from the Engineer Estimated allowed by M.S. §103E.505, subd 6, and

WHEREAS, on December 3, 2013 the Ditch Authority set a letting date to re-bid the project on January 17, 2014 at 10:00 a.m., and

WHEREAS, Twelve (12) qualified bids were received and opened on January 17, 2014 at 10:00 a.m. NOW THEREFORE BE IT RESOLVED, that the County Ditch 82 Improvement Project is here by awarded to Dave Hulstein Excavating, Inc. for the bid price of \$249,379.75.

The foregoing resolution was duly seconded by Commissioner Jens thereupon being put to a roll call vote the following members voted in favor: Magnus, Moline, Jens, Giese. Opposed: None. Motion carried 4 to 0.

#### Project Timeline and History:

January 30, 2012 – Petition received

February 7, 2012 – Petition accepted and engineer appointed

July 24, 2012 – Preliminary hearing held; Viewers appointed

July 23, 2013 - Final hearing and viewer's report approved

September 5, 2013 – First bid letting date. One bid was received from Quam Construction Company, Inc for \$396,965.

September 10, 2013 – Bid from Quam Construction was rejected (Bid was 59% above Engineer's Estimate of \$249,105; well above 30% variance allowed by M.S. §103E.505, subd 6). Instructed to re-bid in January 2014.

December 3, 2014 – authorized to rebid (Open bids on January 17, 2014 at 10:00 a.m. / Consider to award bid on January 21, 2014 at 9:30).

Policy Number 857 – Virus Protection

It was moved by Jens, seconded by Moline and passed to approve policy number 857.

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

Resolution 2014-01-21-02  
Resolution Opposing Revised Renewable Fuel Standards by the  
Environmental Protection Agency

We, the County Commissioners of Murray County, Minnesota stand in strong support of the single most effective energy policy in the United States has known- the Renewable Fuel Standard (RFS).

WHEREAS, the RFS is a proven success nationally and here in Murray County. We resolve to express our concern regarding the Environmental Protection Agency's (EPA) proposed rule for the 2014 renewable volume obligations (RVOs) under the Renewable Fuel Standard (RFS) program; and

WHEREAS, the proposed reduction in the amount of renewable fuel blended into gasoline at levels lower than in 2013 could hurt rural economies, jeopardize American jobs, raise prices at the pump and deter investment in biofuels and biofuel infrastructure; and

WHEREAS, we are further concerned that the rationale used by the EPA is inconsistent with the current statute that could jeopardize the future of the renewable fuel industry; and

WHEREAS, Congress first approved the Renewable Fuel Standard in the Energy Policy Act of 2005 and then significantly expanded it in 2007 through the Energy Independence and Security Act. From 2005 through 2012, as ethanol increased from 1% to 10% of gasoline supply, our dependence on imported petroleum products has declined from 60% to 41%; and

WHEREAS, reducing our dependence on foreign oil is in the best interest of our country's national security, and

WHEREAS, in addition to national security, the RFS strengthens the economic security of this nation by supporting almost 400,000 American jobs and has encouraged billions of dollars of investment in research and development in biofuel-related technologies; and

WHEREAS, the significant reduction in renewable volume obligations under the proposed rule could destabilize the renewable fuel industry and send the wrong message to investors, thus risking jobs and threatening the development of advanced and cellulosic biofuels that bring higher level ethanol and biodiesel blends to consumers; and

WHEREAS, in creating the RFS, the U.S. congress provided the flexibility to the EPA to adjust required volumes based on anticipated production for advanced biofuels and this year is one of the biggest corn harvests on record, it is counter intuitive for the EPA to reduce the RVO's significantly; and

WHEREAS, instead of using higher volume of available corn to produce renewable ethanol for blending, gasoline would need to be refined from more foreign oil, sending more of our dollars overseas and driving up gas prices for all consumers;

NOW THEREFORE, BE IT RESOLVED, that the County Commissioners of Murray County, Minnesota, respectfully request that the EPA revise their proposal, ensuring that it is consistent.

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

10:00 a.m. Open Forum/Public Comment – No members of the public were present.

Jim Johnson gave an update on the MACO conference he attended.

Bobcat Skid Loader & Trailer

It was moved by Moline, seconded by Magnus and passed to approve purchasing a \$590 Bobcat skid loader from Miller Sellner (State Bid) at a cost of \$34,893.98 and a 22 foot long trailer from Dierks Trailer sales at a cost of \$4,300 both from account code 01-110-115-0000-6650.

Connie Wieneke gave a 2013 update on the license center.

The Commissioners gave their committee reports for the period of January 5, 2014 to January 18, 2014.

John Giese reported on Buildings & Grounds Meeting (Partial Per Diem Claimed) and Legends Building (No Per Diem Claimed) – January 6, Commissioner Board Meeting – January 7, Personnel Meeting – January 10.

Gerald Magnus reported on Commissioner Board Meeting – January 7, EDA Meeting (No Per Diem Claimed) – January 8, SWRDC Meeting (No Per Diem Claimed) – January 9, Personnel Meeting (Partial Per Diem Claimed) – January 10, Southwest Health & Human Services (No Per Diem Claimed) – January 15.

Robert Moline reported on Commissioner Board Meeting – January 7, District 8 Land Use Meeting – January 8, SAWS Meeting – January 13, Southwest Health & Human Services (No Per Diem Claimed) – January 15, AMC Meeting (No Per Diem Claimed) – January 17.

Commissioner Giese reported on behalf of David Thiner on Commissioner Board Meeting – January 7, Regional EMS – January 15.

James Jens reported on Commissioner Board Meeting – January 7, EDA Meeting (No Per Diem Claimed) – January 8, Casey Jones Trail Meeting and Murray County Soil & Water Meeting – January

9, Historical Meeting – January 13, SAWS Meeting (No Per Diem Claimed) – January 13, Bid Opening for Ditch #82 – January 17.

It was moved by Moline, seconded by Magnus and passed to approve the Commissioner Vouchers for the period of January 5, 2014 to January 18, 2014.

The County Board reviewed their upcoming calendars.

Karen Tommeraasen and Linda Wing gave an update on the food shelf.

The meeting adjourned at 11:21 a.m.

ATTEST:

---

Aurora Heard, Murray County Coordinator

---

John Giese, Chairman of the Board