

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
July 15, 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, David Thiner and James Jens. Also present Aurora Heard, County Coordinator, Heidi Winter, Auditor-Treasurer, and Paul Malone County Attorney. Excused Absence: Commissioner John Giese

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

No conflict of interest identified.

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

Consent Agenda

1. Approval of the minutes from July 1, 2014
2. Approval of the minutes from July 8th, 9th, and 10th 2014

It was moved by Thiner, seconded by Magnus and passed to approve the agenda as modified and consent agenda item one and two.

Warrants

A motion was duly made by Moline, seconded by Magnus and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated July 15, 2014 with fund totals as follows and warrants numbered 143,355 – 143,434:

County Revenue Fund	61,872.56
County Road & Bridge Fund	15,554.11
County Ditch Fund	44.00
Sunrise Terrace	931.47
SAWSD	148.00
Total	78,550.14

Heidi Winter presented the following petitions for repair:

- *#2014-047 (JD 13, 9-Bondin Township, Thiner)*
- *#2014-048 (CD 43A, 16-Belfast Township, Jens)*
- *#2014-049 (CD 54, 18-Bondin Township, Thiner)*
- *#2014-050 (JD 14, 24-Chanarambie Township, Moline)*
- *#2014-051 (JD 14, 13-Chanarambie Township, Moline)*
- *#2014-052 (JD 12, 32-Bondin Township, Thiner)*
- *#2014-053 (CD 40, 30-Belfast Township, Jens)*
- *#2014-054 (CD 30, 26-Belfast Township, Jens)*

- #2014-055 (CD 61, 11-Bondin Township, Thiner)

A motion was made by Moline, seconded by Magnus and carried that the Commissioners appointed as Inspectors in and for the County of Murray, are hereby instructed to examine and inspect 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 if deemed necessary, to prepare either a cost estimate of said repair, or order said repairs to be made, with a report to be given thereon at a Murray County Board of Commissioner’s meeting, held in the Commissioners Room of the Murray County Government Center, Slayton, Minnesota.

Ditch Bills

A motion was made by Magnus, seconded by Thiner 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>
<u>Rinke Noonan</u>				
	JD 3	245.00	2012-018	Improvement
	Subtotal	245.00		
	Total for All Ditch Bills	245.00		

File Cabinets

It was moved by Moline, seconded by Thiner and passed to authorize an expenditure of \$912.62 to Davis Typewriter for the purchase of two file cabinets for the Assessor’s Office, to be paid from account code: 01-103-6480.

Cattle Barn Donation

It was moved by Thiner, seconded by Moline and passed to accept a \$200.00 donation from the Murray County 4-H Clubs, Inc. (Prairie Hustlers and Slayton Shooting Stars)restricted for the purpose of offsetting expenditures for the Cattle Barn Restoration on the Fairgrounds (receipt code: 01-110-115-5760).

Overlay at Marsh’s Landing

It was moved by Magnus, seconded by Thiner and passed to authorize an expenditure of \$9,820.00 to McLaughlin & Schulz for a 2” overlay at Marsh’s Landing, to be paid from account code: 01-521-532-6610 and to authorize the Vice-Chair to sign the quote form.

4-H Building Rental

It was moved by Moline, seconded by Magnus and passed to approve to allow Heather Meyer to rent the 4-H building for a high school graduation on Sunday May 29th 2016. Voting in favor: Moline, Magnus, and Jens. Opposed: Thiner. Motion carried 3 to 1.

Ambulance Taxing District

Josh Malchow discussed the ambulance taxing district. Josh Malchow and Jennifer Kirchner will draft a letter and send to township officials explaining the intent and work on setting a date in September for a special meeting with township officials.

10:00 a.m. OPEN FORUM/PUBLIC COMMENT – No members of the public were present.

Museum Assistant Resignation

It was moved by Moline, seconded by Thiner and passed to approve accepting Crystal VanIperen, seasonal Museum Assistant resignation effective July 5, 2014.

Minnesota Public Sector Collaborative Meeting

It was moved by Magnus, seconded by Moline and passed to approve any Commissioner attend the Minnesota Public Sector Collaborative meeting on July 23, 2014 at Jackpot Junction.

RESOLUTION 2014-07-15-01

Member Moline introduced the following Resolution and moved its adoption:

RESOLUTION DENYING REQUEST FOR DEFENSE AND INDEMNIFICATION

WHEREAS, Murray County has not provided its residents with human services or social services, such as those provided by a child support officer, since 1974;

WHEREAS, in July of 1974, Lincoln County, Lyon County, and Murray County transferred all powers and authority of the previously existing welfare board of each County to a joint powers entity under Minnesota Statutes chapter 393, which at that time was called the Region 8 North Welfare Board;

WHEREAS, in 1999, the Region 8 North Welfare Board's name changed to LLMHS;

WHEREAS, pursuant to the 1974 joint powers agreement, all individuals employed by the member Counties whose functions were assumed by the joint powers entity became employees of the joint powers entity;

WHEREAS, the joint powers entity had statutory authority under Minnesota Statutes section 393.04 to subsequently hire its own employees and fix their salary;

WHEREAS, since July of 1974, Murray County has not employed any human services or social services employees;

WHEREAS, since July of 1974, Murray County has not engaged in negotiations with the exclusive representative of any human services employees;

WHEREAS, Ms. Patten was not on Murray County's payroll nor was she covered by a collective bargaining agreement that was negotiated by the County;

WHEREAS, Murray County never employed Ms. Patten;

WHEREAS, Murray County sought legal advice from counsel regarding Mr. White's request to defend and indemnify Ms. Patten;

WHEREAS, under Minnesota Statutes section 466.07, Murray County only has a duty to defend and indemnify individuals who are or were their employees; and

WHEREAS, counsel advised that given the lack of employment relationship, Murray County has no duty to provide a defense or indemnification to Ms. Patten under Minnesota Statutes section 466.07.

NOW, THEREFORE, BE IT RESOLVED by the Murray County Board of Commissioners as follows:

1. The request of Mr. White on behalf of Ms. Patten for defense and indemnification on the claims Plaintiff Jessica Weitgenant asserted against Ms. Patten in *Weitgenant v. Patten, et. al.*, Case No. 14-CV-255, is denied.
2. The basis for this denial is that Ms. Patten was never an employee of Murray County as required by Minnesota Statutes section 466.07.
3. Because the request is denied on the basis that Ms. Patten was never an employee of Murray County, the County is not required to and has not determined whether Ms. Patten, in regard to the claims asserted against her, (1) was acting in the performance of the duties of the position or (2) was guilty of malfeasance in office, willful neglect of duty, or bad faith under Minnesota Statutes section 466.07.
4. If Ms. Patten was deemed an employee of Murray County, the County would have performed additional inquiries to determine whether Ms. Patten, in regard to the claims asserted against her, (1) was acting in the performance of the duties of the position or (2) was guilty of malfeasance in office, willful neglect of duty, or bad faith under Minnesota Statutes section 466.07.

The motion for the adoption of the foregoing Resolution was duly seconded by Magnus and upon a vote being taken, the following voted in favor of: Jens, Moline, Magnus, and Thiner

and the following voted against the same: None.

Retirement

It was moved by Moline, seconded by Magnus and passed to approve accepting the retirement of Dean Gertsema effective August 2, 2014.

The Commissioners gave their committee reports for the period of June 22, 2014 to July 5, 2014.

John Giese – No Report

Gerald Magnus reported on Commissioner Board Meeting/Hospital Board Meeting – June 24, Hospital Ambulance Meeting – June 25, Ditch Inspection (CD#54) (Partial Per Diem Claimed) – June 26, Ditch Inspection (CD#68) (Partial Per Diem Claimed) – June 27, Commissioner Board Meeting - July 1, EDA Meeting (No Per Diem Claimed) – July 2.

Robert Moline reported on Hospital Meeting – June 23, Commissioner Board Meeting/Hospital Board Meeting/ Ditch Inspection (#20) – June 24, Hospital Board Meeting Continued and Ditch Inspection (CD#14) – June 25, Southwest Health & Human Services Picnic (No Per Diem Claimed) – June 26, Southern Prairie Health Purchasing Alliance – June 27, Hospital Meeting (Partial Per Diem Claimed) – June 30, Commissioner Board Meeting – July 1, Area II and RCRC Meeting – July 3.

David Thiner reported on SMOC Meeting – June 23, Commissioner Board Meeting/Hospital Board Meeting – June 24, Hospital Board Meeting continued – June 25, Hospital Building & Grounds Meeting – June 26, Commissioner Board Meeting – July 1, Sunrise Terrace Advisory Meeting – July 3.

James Jens reported on Commissioner Board Meeting/Hospital Board Meeting – June 24, Ambulance Meeting – June 25, Extension Meeting – June 26, Meeting with John Osse (No Per Diem Claimed) – June 30, Commissioner Board Meeting – July 1, EDA Meeting (No Per Diem Claimed) – July 2.

It was moved by Moline, seconded by Magnus and passed to approve the Commissioner Vouchers for the period of June 22, 2014 to July 5, 2014.

Randy Groves presented the highway department fee schedule.

The County Board discussed the wheelage tax.

Commissioner Thiner introduced the following Resolution and moved its adoption:

2014-07-15-02

RESOLUTION AUTHORIZING IMPOSITION OF WHEELAGE TAX

WHEREAS, Murray County's transportation infrastructure forms the backbone of the county's economy and has a direct impact on future economic development; and

WHEREAS, too many motorists and pedestrians are being killed in traffic crashes on dangerous roadways, diminishing our citizens' quality of life; and

WHEREAS, funding for highway and transit systems in Minnesota has remained stagnant and is failing to keep pace with growing population and growing demands including increased freight shipments; and

WHEREAS, local governments throughout the state are struggling to maintain local transportation systems while state funding has not kept up with the needs on the State Aid system; and

WHEREAS, Minn. Stat. 163.051, Section 4, provides, in part, that the board of commissioners of each county is authorized to levy a wheelage tax on each motor vehicle which is kept in such county when not in operation and which is subject to annual registration and taxation under Chap. 168 at a rate of \$10 per vehicle through 2017 and up to \$20 per vehicle in 2018 and beyond; and

WHEREAS, Minn. Stat. 163.051 further provides that the board may provide by resolution for collection of the wheelage tax by county officials or it may request that the tax be collected by the state registrar of motor vehicles, and the state registrar of motor vehicles shall collect such tax on behalf of the county if requested; and

Whereas, Minn. Stat. 163.051, Section 4, Subd. 2, provides, in part, that the wheelage tax levied by any county, if made collectible by the state registrar of motor vehicles, shall be certified by the county auditor to the registrar not later than August 1 in the year before the calendar year or years for which the tax is levied, and the registrar shall collect such tax with the motor vehicle taxes on the affected vehicles for such year or years; and

WHEREAS, Minn. Stat. 163.051, Section 4, Subd. 4, provides that the treasurer of each county receiving proceeds from the wheelage tax is to deposit such proceeds in the county road and bridge fund, which moneys shall be used for purposes authorized by law which are highway purposes within the meaning of the Minnesota Constitution, article 14; and

WHEREAS, the Murray County Board of Commissioners desires to implement such a wheelage tax and have the state registrar of motor vehicles collect the same; and

WHEREAS, the proceeds of such a wheelage tax would be used to help improve the quality of the county road system;

NOW, THEREFORE, BE IT RESOLVED, THAT THE Murray County Board of Commissioners authorize and impose a wheelage tax as provided for in Minn. Stat. 163.051 of \$10.00 for the year 2015 and each subsequent year thereafter, subject to levy limits and other factors, on each motor vehicle which is kept in Murray County when not in operation and which is subject to taxation and registration under Chapter 168.

BE IT FURTHER RESOLVED that the county requests the state registrar of motor vehicles to collect the wheelage tax on behalf of the county.

The motion for the adoption of the foregoing resolution was duly seconded by Magnus and upon a vote being taken, the following voted in favor of: Magnus and Thiner

and the following voted against the same: Moline and Jens

Motion failed 2 to 2.

The County Board discussed a creek clean out in Section 17 of Skandia Township.

Commissioner Robert Moline presented Commissioner John Giese's per diem report: Hospital Meeting – June 23, Commissioner Board Meeting and Hospital Board Meeting– June 24, Ambulance Meeting – June 25, Building/Grounds Meeting, Wind & Solar Power Meeting – June 26, Commissioner Board Meeting and Shoreland violation meeting – July 1, Personnel Meeting – July 2 and Sunrise Terrace Meeting – July 3.

It was moved by Moline, seconded by Thiner and passed to approve Commissioner John Giese's Voucher for the period of June 22, 2014 to July 5, 2014.

Amy Rucker gave an update on the MAPCED meeting attended.

It was moved by Jens, seconded by Magnus and passed to approve adjourning at 11:25 a.m.

ATTEST: _____
Aurora Heard, County Coordinator

_____ James Jens, Vice-Chairman of the Board