

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
February 2, 2016 8:30 a.m.

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present: Commissioners Robert Moline, James Jens, David Thiner, and Glenn Kluis. Also present Aurora Heard, County Coordinator, Heidi Winter, Auditor/Treasurer, and Travis Smith, County Attorney. Excused Absence: Commissioner Gerald Magnus

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

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

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

No conflict of interest identified.

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

Consent Agenda

1. Approval of the Minutes from January 26, 2016

A motion was duly made by Jens, seconded by Kluis and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated February 2, 2016 with fund totals as follows and warrants numbered 148664 – 148716:

County Revenue Fund	52,208.66
County Road & Bridge Fund	9,285.00
EDA	403.70
Debt Service	435.00
Total	62,332.36

End O Line Donation

It was moved by Moline, 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).

Park Board Appointment

It was moved by Moline, seconded by Kluis and passed to approve appointing Tom Kappes to the Parks Board.

Board of Appeal and Equalization

It was moved by Moline, seconded by Thiner and passed to approve setting the Board of Appeal and Equalization Date for June 14, 2016 at 6:00 p.m.

4-H Building Rental

It was moved by Jens, seconded by Kluis and passed to approve the Southwest Trail Riders Association rent the 4-H building on April 2, 2016 to have a tac swap.

Southwest Regional Development Commission Contract – Comprehensive Plan

It was moved by Moline, seconded by Jens and passed to approve and authorize the Board Chair sign a Southwest Regional Development Commission contract for professional services for an updated comprehensive plan ending December 31, 2016.

There were no ditch inspection reports for the February 2, 2016 meeting.

A motion was made by Kluis, seconded by Moline 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>Commissioner</u>
<u>Redwood County</u>				
	JD 28	115.02	Cross County Ditch Expense	
	Subtotal	115.02		
<u>Stoneberg, Giles & Stroup, P.A.</u>				
	JD 8	1,186.31	2014-085	JD 8 Improvement
	Subtotal	1,186.31		
<u>Steven Johnson, Viewer</u>				
	CD 61	1,548.85	2014-070	CD 61 Improvement
	Subtotal	1,548.85		
Total for All Ditch Bills		2,850.18		

It was moved by Moline, seconded by Jens and passed to approve purchasing a Skyjack SJIII 3219, scissor lift, from Duke Aerial Equipment in the amount of \$7,500 from account code: 10-340-6650.

It was moved by Moline, seconded by Kluis and passed to approve purchasing a trash water pump from Northern Tool and Equipment in the amount of \$1,339.00 from account code: 10-340-6650.

It was moved by Jens, seconded by Kluis and passed to approve purchasing an electro hydraulic lifting system from Pump and Meter Service, Inc. in the amount of \$37,665.96 from account code 10-340-6650.

It was moved by Kluis, seconded by Moline and passed to approve purchasing two disc mowers in the amount of \$12,620 each (\$25,240 less trade in), with one mower trade in value of \$5,095 and the other mower trade in value of \$4,595, for a total cost of \$15,550, from Miller Sellner from account code: 10-320-6660.

It was moved by Moline, seconded by Kluis and passed to approve purchasing a GMC Yukon in the amount of \$42,560.20 from Nelson Auto Center from account code: 10-330-6660.

It was moved by Jens, seconded by Thiner and passed to approve purchasing a GMC Sierra Maintenance pick up in the amount of \$30,865.61, less \$7,500 trade in, totaling \$23,365.61 from Ranger Chevrolet from account code: 10-320-6660.

It was moved by Kluis, seconded by Jens and passed to approve purchasing a motor grader, CAP 140M3, from Ziegler Caterpillar, in the amount of \$333,980 less trade in of \$70,000, totaling \$263,980 from account codes: 10-320-6671 and 10-320-6674.

Commissioner Kluis introduced the following resolution and moved its adoption:

RESOLUTION 2016-02-02-01
A RESOLUTION ACCEPTING A DONATION UNDER MINN. STAT. § 465.03
FOR THE PURPOSE OF OVERLAYING 1 ½ MILES OF
COUNTY ROAD 86 IN SECTION 2 OF LEEDS TOWNSHIP

WHEREAS, a 1 ½ mile portion of Murray County Road 86 near Hadley, MN along the west and south section lines of Section 2, T106N, R42W (2-Leeds Township) is currently a paved road that is scheduled to be turned back to gravel during the summer of 2016; and

WHEREAS, Gordon Swan and Richard Swan live on this portion of County Road 86 and have offered to make a donation to Murray County to offset the cost of an overlay to keep that portion of County Road 86 paved; and

WHEREAS, the cost to overlay & cover future bituminous maintenance of this portion of the road is estimated at \$93,778.00; and

WHEREAS, Murray County has made an analysis of the proposal and determined that it meets the requirements of the public purpose doctrine; and

WHEREAS, Minn. Stat. § 465.03 authorizes the County to accept donations of real and personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor.

NOW THEREFORE BE IT RESOLVED, that, pursuant to the authority granted by Minn. Stat. § 465.03 the Murray County Board of Commissioners hereby accepts a donation of \$93,778.00 from Gordon Swan and Richard Swan, the use of which shall be restricted for the purpose of offsetting costs to overlay & cover future bituminous maintenance of a 1 ½ mile portion of County Road 86 near Hadley, MN along the west and south section lines of Section 2, T106N, R42W (2-Leeds Township).

BE IT FURTHER RESOLVED, that if the project costs exceed the aforementioned donation amount, Gordon Swan and Richard Swan agree to make additional donations to cover the cost of the project.

BE IT FURTHER RESOLVED, that if the projects costs are less than the aforementioned donation amount, Murray County will return to Gordon Swan and Richard Swan the amount of said donation left after all project costs are paid.

ALSO BE IT FURTHER RESOLVED, that the Chairman of the County Board, Auditor-Treasurer, and County Engineer are hereby authorized to sign the "Agreement" attached hereto as Exhibit A, whose terms are incorporated herein by reference.

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

Special Agricultural Products Permit

It was moved by Moline, seconded by Jens and passed to approve a Special Agricultural Products Permit as authorized under Minnesota Statute 169.865.

2015 Feedlot Report

It was moved by Moline, seconded by Jens and passed to approve and authorize the Board Chair sign the 2015 feedlot report.

Transportation

It was moved by Jens, seconded by Moline and passed to approve discussing transportation services with Western Community Action.

Commissioner Moline and Commissioner Kluis were appointed to the Transportation Committee to discuss transit services with Western Community Action.

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

It was moved by Thiner, seconded by Moline and passed to approve meeting with the Soil and Water Board at the regular meeting on March 1, 2016 at 3:00 p.m.

It was moved by Moline, seconded by Thiner and passed to approve advertising externally for the Soil and Water Administrator position with the position open until filled.

It was moved by Jens, seconded by Thiner and passed to approve the updated Soil and Water Administrator position description.

It was moved by Moline, seconded by Jens and passed to approve appointing Jim Reinert as the Deputy Emergency Management Director.

Commissioner Jens introduced the following resolution and moved its adoption:

2016-02-03-01
PERA Transfer Resolution

WHEREAS, Minnesota Statutes Section 353.64, Subdivision 5a permits the governing body of a governmental subdivision to continue membership in the Public Employees Police and Fire plan of a Police and Fire member who is transferred to a different position with associated police or fire department functions in the same department or a related department within the same governmental subdivision.

BE IT RESOLVED that the Murray County Board of Commissioners, of Murray County hereby declares that the position titled Emergency Management Director/Deputy Sheriff , currently held by Heath Landsman, meets all of the following Police and Fire membership requirements:

1. The position to which this employee is being transferred has associated police (or fire) department functions in the same department or a related department within this same governmental subdivision, and
2. Said position is not that of an elected or appointed position of the city council, city manager, or finance director.

BE IT FURTHER RESOLVED that this governing body hereby requests that the above-named employee be allowed to continue as a member of the Public Employees Police and Fire Plan until date of termination for this position.

The foregoing resolution was duly seconded by Commissioner Thiner and thereupon being put to a vote all members voted in favor.

Commissioner Moline introduced the following resolution and moved its adoption:

2016-02-02-03
PERA Dual Position Resolution

WHEREAS, the policy of the State of Minnesota as declared in Minn. Stat. Section 353.63 is to give special consideration to police officers who are required to perform hazardous work and who devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Chapter 353 permits the governing body of a governmental subdivision to request coverage in the Public Employees Police and Fire Plan for all services rendered by an employee holding a public safety position in a police or sheriff's department that requires the enforcement of the general criminal laws of the state on a primary basis by a licensed peace officer and that periodically includes related non-police officer duties on a secondary basis.

WHEREAS, for the governing body to declare to the Public Employees Retirement Association that a police or sheriff's department position with dual roles is that of a police officer who is eligible to participate in the Police and Fire Plan, the duties and training qualifications of the position and employee must meet the following minimum requirements:

1. licensed by the Minnesota peace officer standards and training (POST) board,

2. possesses full power of arrest,
3. charged with the prevention and detection of crimes, **and**
4. has the primary duty (over 50%) to enforce the general criminal laws of the state.

BE IT RESOLVED that the Murray County Board of Commissioners of the Murray County hereby declares that the position titled Emergency Management Director/Deputy Sheriff currently held by Heath Landsman is for primary services that of a police officer who qualifies for membership in the Police and Fire Plan.

BE IT FURTHER RESOLVED that this governing body hereby requests that the employee holding this position be accepted as a member of the Police and Fire Plan effective the date of this employee's initial Police and Fire Plan salary deduction by the governmental subdivision.

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

The Commissioners gave their committee reports for the period of January 17, 2016 to January 30, 2016.

James Jens reported on Commissioner Board Meeting and Hospital Board Meeting – January 26, EDA Meeting – January 29.

David Thiner reported the following on behalf of Gerald Magnus Hospital Finance Meeting, Hospital Personnel Meeting, Energy Board Meeting and PACE – January 25, Commissioner Board Meeting and Hospital Board Meeting – January 26.

Robert Moline reported on Commissioner Board Meeting – January 19, Southwest Health and Human Services Meeting (no per diem claimed) – January 20, Southern Prairie Health Alliance Purchasing Meeting – January 22, Commissioner Board Meeting – January 26, Fair Board Meeting (no per diem claimed) January 29.

David Thiner reported on Commissioner Board Meeting – January 19, State Auditor Meeting and Emergency Management Services Meeting – January 20, Commissioner Board Meeting and Heron Lake Watershed Meeting – January 26, Radio Board Meeting – January 27, SMOC Meeting – January 28, Personnel (Interview) Meeting and Ag Society Board Meeting – January 29.

Glenn Kluis reported on Health Alliance Meeting – January 18, Commissioner Board Meeting – January 19, Plum Creek Board Meeting – January 20, Commissioner Board Meeting and ECFI Meeting – January 26, ACE Meeting – January 28, Meeting with Soil and Water Commission District Representative and Ag Society Meeting (no per diem claimed) – January 29.

It was moved by Moline, seconded by Jens and passed to approve the Commissioner Vouchers for the period of January 17, 2016 to January 30, 2016.

10:42 a.m. The meeting was adjourned.

ATTEST:

Aurora Heard, County Coordinator

David Thiner, Chairman of the Board