

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
May 24, 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, Glenn Kluis, Gerald Magnus and David Thiner. Also present Aurora Heard, County Coordinator, and Travis Smith, County Attorney.

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 Kluis and passed to approve the agenda as modified.

No conflicts of interest were identified.

It was moved by Magnus, seconded by Moline and passed to approve consent agenda items 1 and 2.

Consent Agenda

1. Approval of the Minutes from May 17, 2016

A motion was made by Jens, seconded by Kluis 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>Larson Backhoe Service</u>				
	County Ditch 19	355.68	**2015-078	Jens (**2015 petition)
	Subtotal	355.68		
<u>Rinke Noonan</u>				
	JD 3	1,278.00	#2012-018	Improvement
	Subtotal	1,278.00		
	Total for All Ditch Bills	1,633.68		

Information on County Ditch 6

- Located in Cameron Township (Sections 11, 12, 13, 14 & 24) and Ellsborough Township (Sections 7 & 18)
- Petitioned as new drainage system on July 5, 1904
- Constructed in 1905-1906 (for \$1,830)
- Entirely underground tile.
- Original Benefitted Acres: 352.5 acres (Currently 1,600 acres in the watershed using the drainage)

- Original Benefit Amount: \$22,000
- Benefits on 22 parcels; 37 - 40 acre tracts or road crossings
- Approximate current *per acre* value \$5,962

Commissioner Moline introduced the following order and moved its adoption:

BEFORE THE MURRAY COUNTY BOARD OF
COMMISSIONERS ACTING AS DRAINAGE AUTHORITY
FOR COUNTY DITCH #6

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

WHEREAS, the original benefits for County Ditch #6, 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 Murray County Ditch #6, hereby orders the Redetermination of Benefits for County Ditch #6 and appoints Jim Weideman, Duane Bendixen and Steven Johnson as viewers.

Dated this 24th day of May, 2016.

MURRAY COUNTY BOARD OF
COMMISSIONERS ACTING AS DRAINAGE
AUTHORITY FOR MURRAY COUNTY
DITCH #6

By _____
Its Chairperson

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

It was moved by Kluis, seconded by Jens and passed to approve two joint powers agreements with the State of Minnesota, acting through its Office of the Secretary of State allowing the Auditor-Treasurer to act as a Deputy Recount Official for automatic recounts for the 2016 State Primary Election (SWIFT Contract No 53492) and the 2016 State General Election (SWIFT Contract No 53492), further moving to authorize the Auditor-Treasurer and Board Chair to sign the agreement on behalf of the county.

A motion was made by Jens, seconded by Magnus 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.

- #2016-031 (JD67-Br. U, 16-Leeds Twp., District 2-Moline)
- #2016-032 (CD46-Br. A, 16-Leeds Twp., District 2-Moline)
- #2016-033 (CD43-Lat., 16-Belfast Twp., District 1-Jens)

It was moved by Jens, seconded by Magnus and passed to approve authorizing Coordinator Heard draft a letter to the City of Slayton terminating the lease agreement for office space with the City of Slayton effective December 31, 2016.

At 9:30 a.m. the Chairman called the public hearing to order for licensing and sale of tobacco and related products and devices.

City Administrator Josh Malchow spoke in favor of the tobacco ordinance. Coordinator Heard advised that the letters received in favor of the clean indoor air ordinance from Dr. Tarbet and CEO Dennis Goebel from the Murray County Medical Center were in favor of the updated tobacco ordinance. Chairman Thiner asked if there were additional comments. Upon hearing none the public hearing was closed at 9:32 a.m.

It was moved Moline, seconded by Jens and passed to approve the revised tobacco ordinance, Ordinance #2016-05-24-01, repealing the previous tobacco ordinance #98-10-6-1.

Because the County of Murray recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco related devices, electronic delivery devices, and nicotine or lobelia delivery products, and such sales, possession, and use are violations of both state and federal laws; and because studies, which the County hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and because tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco related devices, electronic delivery devices, and nicotine or lobelia delivery products, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn. Stat. § 144.391.

It was moved by Moline, seconded by Jens and passed to approve a letter regarding the payment process for past ditch petitions.

Commissioner Jens introduced the following resolution and moved its adoption:

RESOLUTION NO. 2016-05-24-01

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE COUNTY OF Murray ON BEHALF OF ITS COUNTY ATTORNEY AND SHERIFF

WHEREAS, the County of Murray on behalf of its County Attorney and Sheriff desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the County is eligible. The Joint Powers Agreements further provide the County with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the County to pay the costs for the network connection.

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Murray on behalf of its County Attorney and Sheriff are hereby approved. Copies of the two Joint Powers Agreements are attached to this Resolution and made a part of it.
2. That the County Sheriff Steve Telkamp or his or her successor, is designated the Authorized Representative for the Sheriff. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.
3. That the Attorney Travis Smith, or his or her successor, is designated the Authorized Representative for the County Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Kayla Johnson, Assistant County Attorney name or position name is appointed as the Authorized Representative's designee.

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

Commissioner Kluis introduced the following resolution and moved its adoption:

RESOLUTION 2016-05-24-02
THE BOARD APPROVED THE RESOLUTION AUTHORIZING THE SHERIFF'S OFFICE
ACCESS TO THE MN GOVERNMENT ACCESS SYSTEM

WHEREAS, the new Minnesota Government Access Accounts, allowing government agencies to view appropriate electronic court records and documents stored in the Minnesota Court Information System for cases in Minnesota District Courts, require authorization from the governing body.

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

1. Approves and authorizes Steve Telkamp, Murray County Sheriff, to sign the Master Subscriber Agreement for Minnesota Court Data Services for Murray County Sheriff's Office.
2. The Murray County Sheriff, Steve Telkamp is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the Murray County Sheriff's Office connection to the systems and tools offered by the State.
3. That the Murray County Sheriff, Steve Telkamp is the designated Authorized Representative for the Murray County Sheriff's Office.

The foregoing resolution was duly seconded by Commissioner Magnus and thereupon being put to a vote all members voted for its adoption.

Commissioner Kluis introduced the following resolution and moved its adoption

Resolution No. 2016-05-24-03
Murray County Termination
Buffalo Ridge Regional Transit Joint Powers Board Agreement

THIS resolution terminates Murray County's participation in the Joint Powers Agreement, made and entered in 2013 by and between the County of Nobles, a political subdivision of the State of Minnesota; the County of Murray, a political subdivision of the State of Minnesota; the County of Pipestone, a political subdivision of the State of Minnesota; and the City of Worthington-Nobles County Public Transportation Partnership Joint Powers Agreement, a joint powers entity created pursuant of Minnesota Statutes 471.59 and hereinafter collectively referred to as "Parties";

WHEREAS, the Parties entered into an agreement to provide for the establishment of Buffalo Ridge Regional Transit (BRRT), a public transportation program for the purpose of providing public transportation services between the counties, coordinated service delivery model and to provide a funding source for public transportation between the Parties; and,

WHEREAS, Murray County has determined that the BRRT no longer serves the best interests of the citizens of each county to provide centralized planning and implementation of needed transit services in this portion of rural Minnesota and it does not increase the efficiency nor maximize the use of available funds for the purpose of the transportation;

THEREOFRE BE IT RESOLVED, that Murray County does hereby give written notice terminating its involvement in the Buffalo Ridge Regional Transit Joint Powers Board effective immediately, since the loss or discontinuation of grant funding from the State of Minnesota automatically terminated this agreement at the end of 2014 (the calendar year in which it was last provided) and the agreement was not formally continued by two or more of the Parties.

The foregoing resolution was duly seconded by Commissioner Magnus and thereupon being put to a vote all members voted for its adoption.

Commissioner Moline introduced the following resolution and moved its adoption:

RESOLUTION NO. 2016-05-24-04

RESOLUTION APPROVING JOINT POWERS AGREEMENT

WHEREAS, LPRW provides potable water to individuals, farms, cities, and commercial customers located in the following ten counties in southwest Minnesota:

1. Jackson County,
2. Lac Qui Parle County,
3. Lincoln County,
4. Lyon County,
5. Murray County,
6. Nobles County,
7. Pipestone County,
8. Redwood County,
9. Rock County,
10. Yellow Medicine County; and

WHEREAS, LPRW needs to make improvements and upgrades to its existing water distribution system, which LPRW refers to as the “Priority 2 Improvements Project”; and

WHEREAS, the Priority 2 Improvements Project is necessary to bring LPRW into compliance with MPCA regulations, because it will allow water received from the Lewis and Clark Regional Water System to replace most of the water which is currently being pumped from LPRW’s Holland Well, which will ultimately benefit most of the aforementioned ten counties; and

WHEREAS, the estimated costs of the Priority 2 Improvements Project is \$14,858,925.00; and

WHEREAS, \$1,969,000.00 of the costs of the Priority 2 Improvements Project will be paid for by a grant LPRW will receive from the United States Department of Agriculture/Rural Development; and;

WHEREAS, \$3,000,000.00 of the costs of the Priority 2 Improvements Project will be paid for by a Point Source Implementation Grant (“PSIG”); and

WHEREAS, the remaining \$9,890,000.00 of costs for the Priority 2 Improvements Project will be paid for by issuing general obligation bonds (“GO bonds”); and

WHEREAS, LPRW does not have the legal authority to issue GO bonds; and

WHEREAS, Pipestone County, Minnesota, has agreed to issue \$9,890,000.00 of GO bonds on behalf of LPRW to help finance the construction of the Improvements Project on the condition that the other nine aforementioned counties sign a Joint Powers Agreement, which guarantees the payment of both the interim and permanent GO bonds in the amount of \$9,890,000.00; and

WHEREAS, Minnesota Statute §571.59 allows the ten aforementioned counties to enter into a Joint Powers Agreement, which guarantees the payment of both the interim and permanent GO bonds in the amount of \$9,890,000.00.

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

That the Joint Powers Agreement between the aforementioned ten counties and Lincoln Pipestone Rural Water System, which is dated May 16, 2016, is hereby approved in its entirety.

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

It was moved by Moline, seconded by Kluis and passed to approve the effective date of the Clean Indoor Air Ordinance, Ordinance #2016-05-17-01, is ninety (90) days after publication in the official paper.

It was moved by Magnus, seconded by Jens and passed to approve hiring Suzanne Pagel as a Museum Assistant with a start date of May 25, 2016 at \$9.50 per hour.

It was moved by Moline, seconded by Kluis and passed to approve Coordinator Heard set up an account with First Lab.

10:03 a.m. Open Forum/Public Comment – No members of the public were present.

The Commissioners gave their committee reports for the period of May 8, 2016 to May 21, 2016.

James Jens reported on Ditch Inspection (#3) – May 10, Murray County Medical Center Foundation Meeting – May 11, Soil and Water Meeting – May 12, Commissioner Board Meeting and Zuercher Training/Sheriff – May 17, EDA Bid Meeting (No Per Diem Claimed) – May 19.

Gerald Magnus reported on Drainage Meeting – May 10, SRDC (No Per Diem Claimed) – May 12, Commissioner Board Meeting – May 17, Southwest Health and Human Services (No Per Diem Claimed) – May 18.

Robert Moline reported on AMC Conference Call and SAWS Meeting – May 9, Commissioner Board Meeting – May 10, County Road 25, Swenson Park and Sunquist Park (Partial Per Diem Claimed) – May 14, Commissioner Board Meeting – May 17, Southwest Health and Human Services (No Per Diem Claimed) – May 18.

David Thiner reported on Commissioner Board Meeting – May 10, Personnel Soil & Water and EOL – May 12, Commissioner Board Meeting, Zuercher Training/Sheriff and Heron Lake Water Shed Meeting – May 17, Planning and Zoning – May 19.

Glenn Kluis reported on Ditch Law Review – May 10, Personnel Meeting – May 12, Health Alliance – May 16, Commissioner Board Meeting – May 17, ECI at End O Line Park – May 21.

It was moved by Jens, seconded by Magnus and passed to approve the Commissioner Vouchers for the period of May 8, 2016 to May 21, 2016.

It was moved by Jens, seconded by Kluis and passed to accept the 2016-2017 Radio Marketing Proposal of \$199.48 per month for advertising on KJOE 106.1 and KISD 98.7 from May 24, 2016 to May 23, 2017, further moving to authorize the Board Chair to sign the agreement on behalf of the county.

10:13 a.m. The meeting was adjourned.

Aurora Heard, County Coordinator

David Thiner, Chairman of the Board