

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA  
October 18, 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, Gerald Magnus, Glenn Kluis and David Thiner. Also present Aurora Heard, County Coordinator, 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 Jens and passed to approve the agenda as modified.

No conflicts of interest were identified.

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

Consent Agenda

1. Approval of the Minutes from October 4, 2016.

A motion was duly made by Moline, seconded by Jens and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated October 18, 2016 with fund totals as follows and warrants numbered 150904 – 150990:

Revenue	\$ 92,174.74
R & Br	\$ 17,664.07
EDA	\$ 188.61
Self Ins	\$ 680.00
Sunrise	\$ 800.31
SAWS	\$ 148.00
TOTAL:	\$ 111,655.73

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>	<u>Commissioner District</u>
<b><u>Gass Trenching</u></b>					
	JD 10	533.75	2016-060	Konkol ok'd 10-11-16	Magnus
	<b>Subtotal</b>	<b><u>533.75</u></b>			
<b><u>LJG Backhoe, LLC</u></b>					
	CD 59	3,534.25	2016-03	Konkol ok'd 10-11-16	Jens
	JD 2	3,107.60	2016-017	Konkol ok'd 10-11-16	Thiner
	<b>Subtotal</b>	<b><u>6,641.85</u></b>			
<b><u>Johnson Ditching</u></b>					
	CD 7	695.00	2016-054	Konkol ok'd 10-11-16	Moline
	<b>Subtotal</b>	<b><u>695.00</u></b>			
<b><u>Riley Land Improvement, LLC</u></b>					
	CD 87	1,601.00	2016-044	Konkol ok'd 10-11-16	Moline
	<b>Subtotal</b>	<b><u>1,601.00</u></b>	*Bills also pending from Muecke Sand and Gravel and Murray County Highway Department		
<b><u>Bolton &amp; Menk, Inc.</u></b>					
	CD 61	4,238.00	2014-070	Improvement	
	JD 8	4,042.00	2014-085	Improvement	
	JD 3	432.50	2012-018	Appeal on Improvement Project	
	<b>Subtotal</b>	<b><u>8,712.50</u></b>			
<b><u>Rinke Noonan</u></b>					
	Admin	200.00	Monthly Retainer		
	JD 8	380.00	2014-085	Improvement	
	JD 3	2,350.50	2012-018	Appeal on Improvement Project	
	<b>Subtotal</b>	<b><u>2,930.50</u></b>			
<b>Total for All Ditch Bills</b>		<b><u>21,114.60</u></b>			

Approval of Pay Application 4 for the County Ditch 61 Improvement Project

It was moved by Jens, seconded by Magnus and passed to approve Pay Application No. 4 to Dave Hulstein Excavating, Inc. for the County Ditch 61 Improvement Project in the amount \$10,823.44.

Approval of Pay Application 1 for the Government Center Roof Project

It was moved by Moline, seconded by Jens and passed to approve Pay Application No. 1 to Granite City Roofing, Inc. for the Government Center Roof Project in the amount \$133,898.70.

- Petition #2016-061 (JD 14, 18 Leeds Twp., District 2-Moline)
- Petition #2016-062 (JD 14, 20 Leeds Twp., District 2-Moline)

A motion was made by Moline, 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.

9:15 a.m. The County Ditch 30 Partial Abandonment Hearing was called to order

Present: Attorney Kurt Deter, Dorothy Bloemendaal (Murray County News), Katie Beers (Wheel Herald), Tom Wenzel, Commissioner Jens, Commissioner Magnus, Commissioner Kluis, Commissioner Moline, Commissioner Thiner, Auditor Treasurer Winter, County Attorney Smith, Coordinator Heard, Approximately Six landowners.

- I. Opening of Public Hearing and Introductions – *Board Chair, David Thiner*
- II. Purpose of Hearing – *County Attorney, Travis Smith*
- III. Record of Notice Requirements – *Auditor-Treasurer, Heidi Winter*
- IV. Presentation by Petitioners – *Tom Wenzel, P.E. (Mn Board of Water and Soil Resources)*
- V. Public Comment and Questions – Doug Stewart inquired regarding water in the township road right of way.
- VI. Possible Action by Murray County Board of Commissioners, as Drainage Authority for Murray County Ditch #30

Commissioner Jens introduced the following findings of fact and order and moved its adoption:

**BEFORE THE MURRAY COUNTY BOARD OF  
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY  
FOR MURRAY COUNTY DITCH #30**

**Findings of Fact and Order for Partial Abandonment  
of Murray County Ditch #30, Pursuant to Minnesota  
Statutes 103E.806**

**WHEREAS**, a Petition was received from John Stenke, Don Paplow, Jackie’s Farms, and Mark Lorang, as owners of benefited property, for the abandonment of the upper part of the Main Tile and all of Lateral No. 1 of Murray County Ditch #30 on Petitioners’ properties in Sections 34 and 35 of Belfast Township, Murray County.

**WHEREAS**, a public hearing was held on Tuesday, October 18, 2016, at 9:15 a.m. in the Commissioners Room of the Murray County Courthouse; and

**WHEREAS**, public notice was given pursuant to Minn. Stat. § 103E.806, subd. 3; and

**WHEREAS**, the hearing was open to public comment and there were questions raised by the Township and others attending the meeting.

**NOW, THEREFORE**, based on the testimony and written documentation, the Murray County Board of Commissioners, acting as Drainage Authority for Murray County Ditch #30, makes the following Findings of Fact and Order:

#### **FINDINGS OF FACT**

1. That Petitioners are the owners of property situated in the East ½ of Section 34 and in Section 35 of Belfast Township, Murray County, Minnesota, that is benefited by Murray County Ditch #30.
2. That the State of Minnesota is in the process of securing as many as six perpetual conservation easements on portions of Petitioners' properties in Sections 34 and 35 of Belfast Township. The purpose of said easements is to restore drained and altered wetlands and associated upland habitat.
3. That the portions petitioned to be abandoned on Murray County Ditch #30, do not serve a substantial useful purpose to any property remaining in the system and are not of substantial public benefit and utility, subject to the following conditions:
  - a. That all remaining conservation easements, as outlined in the Engineer's Report dated October 10, 2016, and attached as **Exhibit A**, be obtained.
  - b. That acceptance from the Township of the final construction plans be obtained.
  - c. That the structure and the 100 foot reach of non-perforated conduit from Stations 25+40 to 26+40 will become part of the Murray County Ditch #30 system. That it is contemplated that if some time in the future repairs are necessary, that there will be cooperation between the landowners, the State of Minnesota, and the drainage system.
  - d. That the partial abandonment, under Minnesota Statutes 103E.806, does not in any way change the benefits for Petitioners' properties.
  - e. That all costs of the implementation of the RIM Wetland Restoration, as outlined in the Engineer's Report dated October 10, 2016, and attached as **Exhibit A**, shall be

borne by Petitioners and no cost shall be incurred by other landowners within the Murray County Ditch #30 system.

- f. That final construction plans and as-builts shall be submitted to the Murray County Auditor and included in the Murray County Ditch #30 file.

**ORDER**

**NOW, THEREFORE,** it is hereby ordered that the upper 2,640 feet of the Main Tile, from Station 0+00 to Station 26+40, and the entire 4,200 feet of Lateral No. 1, from Station 0+00 to Station 42+00, of Murray County Ditch #30 and located on Petitioners' properties shall be abandoned subject to the completion of the above conditions. This order does not release Petitioners' properties from any benefits under the current Benefits and Damages Viewers' Report. It is further ordered that those portions of Murray County Ditch #30 that are not abandoned, including the water control structure and the 100 feet of non-perforated conduit shall be determined to be part of the Murray County Ditch #30 system.

Dated this 18<sup>th</sup> day of October, 2016.

MURRAY COUNTY BOARD OF  
COMMISSIONERS, ACTING AS DRAINAGE  
AUTHORITY FOR MURRAY COUNTY DITCH  
#30

By \_\_\_\_\_  
Its Chairperson

The foregoing order and findings of fact was duly seconded by Commissioner Magnus with all members voting in favor.

9:57 a.m. The County Ditch 30 Partial Abandonment Hearing was adjourned.

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

Jean Christoffels gave an update on the MACPZA Conference she attended.

It was moved by Magnus, seconded by Jens and passed to approve and authorize the Board Chair, Sheriff and Emergency Management Director sign the updated Emergency Operations Plan.

10:21 a.m. The County Board meeting was recessed for Judicial Ditch 12, joint meeting with Nobles County via teleconference.

10:41 a.m. The County Board meeting was reconvened.

It was moved by Moline, seconded by Kluis and passed to approve the updated lead mechanic position description.

It was moved by Magnus, seconded by Jens and passed to approve beginning the recruitment process for the Lead Mechanic position.

Coordinator Heard gave an update on the MACA/MCHRMA conference she attended.

It was moved by Thiner, seconded by Kluis and passed to approve any Commissioner attend the all staff training on November 29, 2016.

The Commissioners gave their committee reports for the period of September 25, 2016 to October 8, 2016.

James Jens reported on Building Committee - September 26, Commissioner Board Meeting and SAWS – September 27, Hospital Board – September 28, Casey Jones Trail Meeting – September 29, John Giese Dedication – October 1, Commissioner Board Meeting – October 4, EDA Meeting (No Per Diem Claimed) – October 5, Building Committee – October 6.

Gerald Magnus reported on Hospital Finance Committee – September 26, Commissioner Board Meeting and SAWS – September 27, Hospital Board Meeting – September 28, Commissioner Board Meeting – October 4, EDA Meeting (No Per Diem Claimed) – October 5.

Robert Moline reported on Commissioner Board Meeting and SAWS – September 27, John Giese Dedication – October 1, AMC Conference Call (No Per Diem Claimed) – October 3, Commissioner Board Meeting – October 4, County Ditch #87 (Partial Per Diem Claimed) - October 6, Area II and RCRCA – October 7.

David Thiner reported on SMOC – September 26, Commissioner Board Meeting and SAWS – September 27, Radio Board – September 28, Personnel Meeting – September 30, John Giese Dedication (No Per Diem Claimed) – October 1, Commissioner Board Meeting – October 4.

Glenn Kluis reported Building Committee Meeting – September 26, Commissioner Board Meeting and SAWS Meeting – September 27, Personnel Meeting – September 30, Commissioner Board Meeting – October 4, Building Committee – October 6.

It was moved by Moline, seconded by Magnus and passed to approve the Commissioner Vouchers for the period of September 25, 2016 to October 8, 2016.

It was moved by Moline, seconded by Jens and passed to authorize issuing a liquor license for the period 1/1/2016 to 5/6/2017 as follows:

- “On and Off Sale Sunday Liquor” License No. 2 (including 2 AM) to DeVries Key Largo, LLC dba Key Largo Restaurant & Bar (formerly Key Largo LLC), further moving to waive additional liquor license fees for 2016.

11:10 a.m. The meeting was adjourned.

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Attest: Aurora Heard, County Coordinator

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David Thiner, Chairman of the Board