

DRAFT PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
March 7, 2017, 8:30 a.m.

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

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 Thiner, seconded by Magnus and passed to approve the agenda as modified.

No conflicts of interest were identified.

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

1. Approve Minutes from February 28, 2017

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 March 7, 2017 with fund totals as follows and warrants numbered 152253 – 152335:

County Revenue Fund	69,430.38
County Road & Bridge Fund	8,174.23
EDA	176.00
Ditch	200.60
Self Insurance	86.05
Sunrise Terrace	2,260.28
SAWSD	154.00
 Total	 80,481.54

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>Commissioner District</u>
<u>Johnson Ditching, Inc.</u>	CD 34	1,340.00	2016-011	Konkol ok'd 3--17	2 Gunnink (Moline)
	Subtotal	<u>1,340.00</u>			
<u>Steve Johnson (Viewer)</u>	CD 43M	440.00		Redetermination of Benefits	
	CD 43A	280.00		Redetermination of Benefits	
	CD 43B	280.00		Redetermination of Benefits	
	CD 40	660.00		Redetermination of Benefits	
	Subtotal	<u>1,660.00</u>			
	Total for All Ditch Bills	<u>3,000.00</u>			

It was moved by Magnus, seconded by Thiner to set a hearing for a redetermination of benefits for CD 40 and CD 43 A, B and M for 11:00 a.m. on April 4, 2017.

Dennis Goebel, MCMC CEO gave a monthly update.

It was moved by Thiner, seconded by Jens and passed to approve beginning the recruitment process for the following seasonal positions:

- 1 Highway Surveying
- 4 Museum Assistants
- 4 Parks Maintenance positions

Jean Christoffels met with the County Board regarding Conditional Use Permit #1332 (Andrew Kopperud was also present), for Andrew and Krista Kopperud, to expand an existing vineyard/winery from a small farm winery to a large farm winery in the Shoreland Special Protection District on 16.27 acres in the E ½ NE ¼, Section 18 Dovray Township. The Board reviewed the Murray County Planning Commission public hearing minutes from the February 16, 2017, meeting, which included the findings.

It was moved by Jens, seconded by Thiner and passed to approve Conditional Use Permit #1332 for Andrew and Krista Kopperud to expand an existing vineyard/winery from a small farm winery to a large farm winery in the Shoreland Special Protection District on 16.27 acres in the E ½ NE ¼, Section 18 Dovray Township, with the three special conditions recommended by the Planning Commission.

Jean Christoffels met with the County Board regarding Conditional Use Permit #1331 (Jon Beeck was also present), for Beeck's Gravel & Excavating to open and operate a gravel pit in the Agriculture, Shoreland Special Protection and Floodplain Districts in SE ¼, Section 1, Belfast Township. The Board reviewed the Murray County Planning Commission public hearing minutes from the February 16, 2017, meeting, which included the findings.

It was moved by Magnus, seconded by Jens and passed to approve Conditional Use Permit #1331 (Jon Beeck was also present), for Beeck's Gravel & Excavating to open and operate a gravel pit

in the Agriculture, Shoreland Special Protection and Floodplain Districts in SE ¼, Section 1, Belfast Township, with the eight special conditions recommended by the Planning Commission.

Jean Christoffels met with the County Board regarding Conditional Use Permit #1330 (Jeremy Steinle was also present), for Jeremy Steinle to open and operate a dog kennel and training/boarded business in the Agriculture District on 10.79 acres in the SW ¼ NW ¼, Section 35, Lowville Township. The Board reviewed the Murray County Planning Commission public hearing minutes from the February 16, 2017, meeting, which included the findings.

It was moved by seconded by and passed to approve Conditional Use Permit #1330 (Jeremy Steinle was also present), for Jeremy Steinle to open and operate a dog kennel and training/boarded business in the Agriculture District on 10.79 acres in the SW ¼ NW ¼, Section 35, Lowville Township, with the three special conditions recommended by the Planning Commission.

It was moved by Thiner, seconded by Jens and passed to approve and authorize the Board Chair sign the School Purchase agreement, with the following hilted changes drafted by the County Attorney.

1. **Consideration.** In exchange for the Property, the Buyer shall:

- (a) Ensure that the following tasks are completed, **no later than one year after Buyer commences construction on its building**, at its own expense:
- (c) Pay, **at the time of closing**, the additional purchase price of thirty-eight thousand dollars (\$38,000.00).

3. **Contingencies.** The Property is being sold to Buyer with the following contingencies:

Building Project. Buyer is seeking to purchase the Property for the express purpose of building on the Property. Any such building project must be approved by the voters and/or School Board. In the event that any such building project on the Property is voted down or not approved, the School Board of Buyer may vote to make this Agreement null and void, and the Property would then revert back to Seller. **In the alternative, if Buyer does not proceed with the building project, it may at its option retain the Property upon payment of the thirty-eight thousand dollars (\$38,000.00) purchase price without any obligation to make the improvements listed in paragraphs 1(a) 1-7.**

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

The County Board discussed the food service building.

Consensus for Commissioner Thiner to look into converting fluorescent bulbs to led bulbs.

10:13 a.m. Member Magnus introduced the following Resolution and moved its adoption:

2017-03-07-01
RESOLUTION CLOSING BOARD MEETING

WHEREAS, the Minnesota Open Meeting Law, Minn. Stat. § 13D.05, subd. 3(b); authorizes the Board to close a meeting for preliminary consideration of disciplinary action against an individual subject to its authority; and

WHEREAS, there are allegations with respect to an employee;

BE IT RESOLVED by the Murray County Board of Commissioner as follows:

1. The Board hereby closes this meeting for preliminary consideration of a disciplinary action against an employee pursuant to Minn. Stat. § 13D.05 Subd. 2(b).
2. The specific subjects to be discussed, pursuant to Minn. Stat. § 13.01, subd. 3, are specific concerns and the evidence supporting the possible disciplinary action and the possible action(s) that could be taken by the County.

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

and the following voted against the same: None.

Whereupon said Resolution was declared duly passed and adopted.

10:37 a.m. It was moved by Jens, seconded by Magnus and passed to approve coming out of closed session.

Member Magnus introduced the following Resolution and moved its adoption:

2017-03-07-02
RESOLUTION TERMINATING A PROBATIONARY EMPLOYEE

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

1. The Board has reviewed and hereby approves the Notice of Termination of Probationary Employment for Kenneth Bickner.
2. The Board Chair is hereby authorized to sign the Notice of Termination on behalf of the County.
6. The County Coordinator is hereby directed to have a copy of this Resolution and the Notice of Termination served on the employee and to place a copy of these documents in the employee's personnel file.

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

and the following voted against the motion: Thiner

Whereupon said Resolution was declared duly passed and adopted.

At 11:00 a.m. Chairman Kluis called the Public Hearing for the County Ditch 61 Final Acceptance Hearing to order.

Auditor/Treasurer Winter reviewed the Verification of Notice Given M.S. § 103E.555

Bill Helget gave the engineer's report on construction

11:05 a.m. Chairman Kluis opened the public comment period.

The following public comments were made:

- Stan Kramer requested the GPS locations for the private tile crossings that were hooked up to the new lines. He discussed the outlet and ownership regarding a pile of clay on his farm. The engineer will change future bid specifications and contracts to clarify that the contractor is responsible to remove excess clay and dirt but needs to check with the landowner before removing or disposing of it.
- Karl Hennager reported that a puddle of water has formed in his pasture (Section 12-Bondin Township) since the new tile went in. He believes the intake is too high and should be moved to a lower spot north of its current location.
- The landowners present felt that \$500 would be fair compensation for trees removed from Pat Paplow's property (Section 13-Bondin Township).
- Stan Kramer requested the Board leave the project open to pay additional crop damages if yields are low in future years. His concerns were specifically in the areas where large amounts of clay were brought up to the surface. The Board directed Kramer to get in touch with the Ditch Inspector to look at the crops if this becomes an issue in the future.
- Auditor/Treasurer Winter reviewed an email from Jeff Bragelmann, the petitioner's attorney, with no objections to the final acceptance of the contract.

11:26 a.m. Chairman Kluis closed the public hearing.

It was moved by Thiner, second by Jens and passed that the following conditions have been met and to proceed filing an order as such:

1. That notice of the hearing had been given properly pursuant to M.S. § 103E.555.
2. That the contract price, the amount paid on the contract and the unpaid balance were consistent with the contract and various statutes and regulations relative to county ditch construction.
3. That the work performed under the contract was completed consistent with the contract.

4. That the unpaid balance of the construction contract shall be paid by the County Auditor, less a \$2500 holdback retainage amount until the following items have been completed:
 - i. Lowering and relocating the intake further north on Carl Hennager property (Section 12-Bondin Township)
 - ii. Finish the remaining grading and seeding on 0.2 acres around the intake on the north side of 41st Street
 - iii. Removing barriers and completing the proper paperwork with the MPCA permitting
 - iv. Retainage amount includes \$500 damage payment the ditch system will pay to Pat Paplow for damage to trees in Section 13-Bondin Township

11:30 a.m. The hearing was adjourned.

11:45 a.m. Chairman Kluis called the Public Hearing to order for the removal of property from the Judicial Ditch No. 2.

Auditor/Treasurer Winter reviewed the Verification of Notice Given pursuant to M.S. § 103E.555

Kurt Deter, Petitioners' Attorney's gave comments. He indicated that the waters from six properties on Judicial Ditch No. 2 have been diverted and become part of Murray County Ditch 35.

11:46 a.m. Chairman Kluis opened the public comment period. There were no comments from the public.

11:47 a.m. Chairman Kluis closed the public comment period.

Bill Helget reviewed a map of the area where water was diverted.

It was moved by Thiner, seconded by Jens and passed that the following has occurred and to file an order in the ditch records as such:

- Waters from six properties in Section 15 and 16 of Lime Lake Township have been diverted from the Judicial Ditch No. 2 drainage system into County Ditch No. 35.
- The properties are not benefitted by Judicial Ditch No. 2
- That removing the properties from Judicial Ditch No. 2 will not prejudice the property owners and property remaining in the Judicial Ditch No. 2 system.

Voting in Favor: Thiner, Jens, and Kluis.

Abstained: Magnus

Motion carried 3 to 0.

11:49 a.m. The public hearing was closed.

It was moved by Kluis, seconded by Jens and passed to approve adding an update regarding weed spraying of ditches to the agenda.

Drainage Inspector Konkol gave an update on weed spraying of ditches.

11:51 a.m. The meeting was adjourned.

ATTEST:

Aurora Heard, County Coordinator

Glenn Kluis, Chairman of the Board