

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
November 6, 2018 8:30 a.m.

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

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

Commissioner Magnus identified two conflicts of interest. One with a ditch petition and one with a retirement. No other conflicts of interest were identified.

It was moved by Magnus, seconded by Kluis and passed to approve the agenda as modified.

Consent Agenda

1. Approve minutes from October 23, 2018
2. Approve minutes from October 30, 2018

It was moved by Thiner, seconded by Magnus and passed to approve the minutes from October 23, 2018 and October 30, 2018.

A motion was duly made by Magnus, seconded by Kluis and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated November 6, 2018 with fund totals as follows and warrants numbered 157385 – 157445 & ET 58482 (MCIT:

| | |
|---------------------------|---------------|
| County Revenue Fund | 35,649.66 |
| County Road & Bridge Fund | 27,586.20 |
| Self Insurance | 1,188.87 |
| Sunrise Terrace | 1,196.83 |
| Total | 65,621.56 |

A motion was made by Thiner, and seconded by Magnus to approve the report of the Ditch Committee of the Judicial Ditch 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 cost 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. The motion passed with a roll call vote as follows:

I+S Group

| | | |
|-----------------|--------------------|---------------------------|
| JD 3 | \$ 7,886.00 | JD 3 Appeal - Engineering |
| Subtotal | \$ 7,886.00 | |

Murray County Treasurer

| | | |
|-----------------|-----------------|---------------------------------------|
| JD 3 | \$ 60.59 | JD 3 Appeal - Landowner Mailing Costs |
| Subtotal | \$ 60.59 | |

| | |
|-------------------------------|-----------------|
| Total JD 3 Ditch Bills | 7,946.59 |
|-------------------------------|-----------------|

- David Thiner: Yes
- James Jens: Yes
- Gerald Magnus: Yes
- Glenn Kluis: Abstained

Commissioner Kluis did not vote as he is not on the JD 3 Committee. Motion carried 3 to 0.

A motion was made by Magnus, 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>LJG Backhoe, LLC</u> | CD 86 | 872.84 | 2018-061 | approval pending | 2-Gunnink |
| | Subtotal | 872.84 | | | |
| | Total for All Ditch Bills | 872.84 | | | |

Commissioner Thiner introduced the following resolution and moved its adoption:

RESOLUTION NO. 2018-11-06-01

RESOLUTION OF MURRAY COUNTY, MINNESOTA, APPROVING A NOTICE OF SALE FOR THE ISSUANCE OF \$1,230,000 GENERAL OBLIGATION DITCH BONDS, SERIES 2018A

BE IT RESOLVED, by the Board of County Commissioners (the “Board”) of Murray County, Minnesota (the “Issuer”), as follows:

Section 1. Authority. Under and pursuant to the authority contained in Minnesota Statutes, Chapters 475 and 103E, as amended (collectively the “Act”), the Issuer is authorized to

issue general obligation bonds to finance a portion of the costs of improvements to County Ditch 61 and Judicial Ditch 8; and costs associated with Bond issuance. The Bonds are valid and binding general obligations of the Issuer payable from special assessments against benefitted properties. The full faith and credit of the Issuer is pledged to their payment, and the Issuer has validly obligated itself to levy ad valorem taxes in the event of any deficiency in the debt service account established for this issue (the "Project").

Section 2. The Bonds. The Board determines that it is necessary, expedient, and in the best interests of the Issuer's residents that the Issuer, as permitted by the Act, issue, sell and deliver its General Obligation Ditch Bonds, Series 2018A (the "Bonds"), in one or more series, for the purpose of financing the costs of the Project and paying the costs of issuing the Bonds.

Section 3. Notice of Sale. The Issuer's administrative staff is hereby authorized and directed to work with Northland Securities, Inc., municipal advisor to the Issuer, and Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel, to solicit bids and arrange for the sale of the initial series of the Bonds in the amount of approximately \$1,230,000 in substantial compliance with the Notice of Sale attached hereto as Exhibit A, which Notice of Sale is hereby approved.

Section 4. Form and Terms of the Bonds. The form, specifications and provisions for repayment of the Bonds shall be set forth in a subsequent resolution of the Board.

Adopted: November 6, 2018.

Chair

ATTEST:

County Auditor/Treasurer

The foregoing resolution was duly seconded by Commissioner Jens with all members voting in favor.

EXHIBIT A
NOTICE OF SALE

\$1,230,000*

GENERAL OBLIGATION DITCH BONDS, SERIES 2018A

MURRAY COUNTY, MINNESOTA
(Book-Entry Only)

NOTICE IS HEREBY GIVEN that these Bonds will be offered for sale according to the following terms:

* The County reserves the right to increase or decrease the principal amount of the Bonds. Any such increase or decrease will be made in multiples of \$5,000 and may be made in any maturity. If any maturity is adjusted, the purchase price will also be adjusted to maintain the same gross spread.

TIME AND PLACE:

Proposals (also referred to herein as “bids”) will be opened by the County’s Auditor, or designee, on Tuesday, November 27, 2018 at 10:30 A.M., CT, at the offices of Northland Securities, Inc., 150 South Fifth Street, Suite 3300, Minneapolis, Minnesota 55402. Consideration of the Proposals for award of the sale will be by the County Board at its meeting at the County Offices beginning Tuesday, November 27, 2018 at 5:00 P.M., CT.

SUBMISSION OF PROPOSALS

Proposals may be:

- a) submitted to the office of Northland Securities, Inc.,
- b) faxed to Northland Securities, Inc. at 612-851-5918,
- c) for proposals submitted prior to the sale, the final price and coupon rates may be submitted to Northland Securities, Inc. by telephone at 612-851-5900 or 612-851-5915, or
- d) submitted electronically.

Notice is hereby given that electronic proposals will be received via PARITY™, or its successor, in the manner described below, until 10:30 A.M., CT, on Tuesday, November 27, 2018. Proposals may be submitted electronically via PARITY™ or its successor, pursuant to this Notice until 10:30 A.M., CT, but no Proposal will be received after the time for receiving Proposals specified above. To the extent any instructions or directions set forth in PARITY™, or its successor, conflict with this Notice, the terms of this Notice shall control. For further information about PARITY™, or its successor, potential bidders may contact Northland Securities, Inc. or i-Deal® at 1359 Broadway, 2nd floor, New York, NY 10018, telephone 212-849-5021.

Neither the County nor Northland Securities, Inc. assumes any liability if there is a malfunction of PARITY™ or its successor. All bidders are advised that each Proposal shall be deemed to constitute a contract between the bidder and the County to purchase the Bonds regardless of the manner in which the Proposal is submitted.

BOOK-ENTRY SYSTEM

The Bonds will be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. The Bonds will be issued in fully registered form and one bond certificate, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of Depository Trust Company (“DTC”), New York, New York, which will act as securities depository of the Bonds.

Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the County through Northland Trust Services, Inc. Minneapolis, Minnesota (the “Paying Agent/Registrar”), to DTC, or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The successful bidder, as a condition of delivery of the Bonds, will be required to deposit the bond

certificates with DTC. The County will pay reasonable and customary charges for the services of the Paying Agent/Registrar.

DATE OF ORIGINAL ISSUE OF BONDS

Date of Delivery (Estimated to be December 19, 2018)

AUTHORITY/PURPOSE/SECURITY

The Bonds are being issued pursuant to Minnesota Statutes, Chapter 475 and Section 103E.635. Proceeds will be used to finance improvements to County Ditch 61 and Judicial Ditch 8. The Bonds are payable from special assessments against benefitted properties. The full faith and credit of the County is also pledged to their payment and the County has validly obligated itself to levy ad valorem taxes in the event of any deficiency in the debt service account established for this issue.

INTEREST PAYMENTS

Interest is due semiannually on each February 1 and August 1, commencing August 1, 2019, to registered owners of the Bonds appearing of record in the Bond Register as of the close of business on the fifteenth day (whether or not a business day) of the calendar month next preceding such interest payment date.

MATURITIES

Principal is due annually on February 1, inclusive, in each of the years and amounts as follows:

| <u>Year</u> | <u>Amount</u> | <u>Year</u> | <u>Amount</u> | <u>Year</u> | <u>Amount</u> |
|-------------|---------------|-------------|---------------|-------------|---------------|
| 2020 | \$65,000 | 2025 | \$75,000 | 2030 | \$90,000 |
| 2021 | 70,000 | 2026 | 75,000 | 2031 | 90,000 |
| 2022 | 75,000 | 2027 | 80,000 | 2032 | 90,000 |
| 2023 | 75,000 | 2028 | 85,000 | 2033 | 100,000 |
| 2024 | 75,000 | 2029 | 85,000 | 2034 | 100,000 |

Proposals for the Bonds may contain a maturity schedule providing for any combination of serial bonds and term bonds, subject to mandatory redemption, so long as the amount of principal maturing or subject to mandatory redemption in each year conforms to the maturity schedule set forth above.

INTEREST RATES

All rates must be in integral multiples of 1/20th or 1/8th of 1%. *Rates must be in level or ascending order.* All Bonds of the same maturity must bear a single uniform rate from date of issue to maturity.

ESTABLISHMENT OF ISSUE PRICE

(HOLD-THE-OFFERING-PRICE RULE MAY APPLY – BIDS NOT CANCELLABLE)

The winning bidder shall assist the County in establishing the issue price of the Bonds and shall

execute and deliver to the County at closing an “issue price” or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached hereto as Exhibit A, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the County and Bond Counsel. All actions to be taken by the County under this Notice of Sale to establish the issue price of the Bonds may be taken on behalf of the County by the County’s Municipal Advisor and any notice or report to be provided to the County may be provided to the County’s Municipal Advisor.

The County intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the “competitive sale requirements”) because:

- (1) the County shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the County may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the County anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

In the event that the competitive sale requirements are not satisfied, the County shall promptly so advise the winning bidder. The County may then determine to treat the initial offering price to the public as of the award date of the Bonds as the issue price of each maturity by imposing on the winning bidder the Hold-the-Offering-Price Rule as described in the following paragraph (the “Hold-the-Offering-Price Rule”). Bids will **not** be subject to cancellation in the event that the County determines to apply the Hold-the-Offering-Price Rule to the Bonds. **Bidders should prepare their bids on the assumption that the Bonds will be subject to the Hold-the-Offering-Price Rule in order to establish the issue price of the Bonds.**

By submitting a bid, the winning bidder shall (i) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price or prices (the “Initial Offering Price”), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds of any maturity to which the Hold-the-Offering Price Rule shall apply to any person at a price that is higher than the Initial Offering Price to the public during the period starting on the award date for the Bonds and ending on the **earlier** of the following:

- (1) the close of the fifth (5th) business day after the award date; or the date on which the underwriters have sold at least 10% of a maturity of the Bonds to the public at
- (2) a price that is no higher than the Initial Offering Price to the public (the “10% Test”), at

which time only that particular maturity will no longer be subject to the Hold-the-Offering-Price Rule.

The County acknowledges that, in making the representations set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the Hold-the-Offering-Price Rule, if applicable to the Bonds, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the Bonds, including but not limited to, its agreement to comply with the Hold-the-Offering-Price Rule, if applicable to the Bonds, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the Hold-the-Offering-Price Rule, if applicable to the Bonds, as set forth in the third-party distribution agreement and the related pricing wires. The County further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price of the Bonds, including but not limited to, its agreement to comply with the Hold-the-Offering-Price Rule, if applicable to the Bonds, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the requirements for establishing issue price of the Bonds, including, but not limited to, its agreement to comply with the Hold-the-Offering-Price Rule if applicable to the Bonds.

By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such third-party distribution agreement, as applicable, (A) to comply with the Hold-the-Offering-Price Rule, if applicable, if and for so long as directed by the winning bidder and as set forth in the related pricing wires, (B) to promptly notify the winning bidder of any sales of Bonds that to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below), and (C) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public, and (ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter or dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to comply with the Hold-the-Offering-Price Rule, if applicable, in each case if and for so long as directed by the winning bidder or the underwriter and as set forth in the related pricing wires.

Notes: Sales of any Bonds to any person that is a related party to an underwriter participating in the initial sale of the Bonds to the public (each such term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

(1) “public” means any person other than an underwriter or a related party, “underwriter” means (A) any person that agrees pursuant to a written contract with the County (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (B) any person that agrees pursuant to a written contract directly or

(1) indirectly with a person described in clause (A) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Bonds to the public).

(2) a purchaser of any of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation or another), (B) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership or another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and

(3) “sale date” means the date that the Bonds are awarded by the County to the winning bidder.

ADJUSTMENTS TO PRINCIPAL AMOUNT AFTER PROPOSALS

The County reserves the right to increase or decrease the principal amount of the Bonds. Any such increase or decrease will be made in multiples of \$5,000 and may be made in any maturity. If any maturity is adjusted, the purchase price will also be adjusted to maintain the same gross spread. Such adjustments shall be made promptly after the sale and prior to the award of Proposals by the County and shall be at the sole discretion of the County. The successful bidder may not withdraw or modify its Proposal once submitted to the County for any reason, including post-sale adjustment. Any adjustment shall be conclusive and shall be binding upon the successful bidder.

OPTIONAL REDEMPTION

Bonds maturing on February 1, 2028 through 2034 are subject to redemption and prepayment at the option of the County on February 1, 2027 and any date thereafter, at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and principal amounts within each maturity to be redeemed shall be determined by the County and if only part of the Bonds having a common maturity date

are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar.

CUSIP NUMBERS

If the Bonds qualify for assignment of CUSIP numbers such numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the successful bidder thereof to accept delivery of and pay for the Bonds in accordance with terms of the purchase contract. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the successful bidder.

DELIVERY

Delivery of the Bonds will be within thirty days after award, subject to an approving legal opinion by Fryberger, Buchanan, Smith & Frederick, P.A., Bond Counsel. The legal opinion will be paid by the County and delivery will be anywhere in the continental United States without cost to the successful bidder at DTC.

TYPE OF PROPOSAL

Proposals of not less than \$1,214,625 (98.75%) and accrued interest on the principal sum of \$1,230,000 must be filed with the undersigned prior to the time of sale. Proposals must be unconditional except as to legality. Proposals for the Bonds should be delivered to Northland Securities, Inc. and addressed to:

Heidi Winter, County Auditor
2500 28th St.
P.O. Box 57
Slayton, Minnesota 56172

A good faith deposit (the "Deposit") in the amount of \$24,600 in the form of a federal wire transfer (payable to the order of the County) is only required from the apparent winning bidder, and must be received within two hours after the time stated for the receipt of Proposals. The apparent winning bidder will receive notification of the wire instructions from the Municipal Advisor promptly after the sale. If the Deposit is not received from the apparent winning bidder in the time allotted, the County may choose to reject their Proposal and then proceed to offer the Bonds to the next lowest bidder based on the terms of their original proposal, so long as said bidder wires funds for the Deposit amount within two hours of said offer.

The County will retain the Deposit of the successful bidder, the amount of which will be deducted at settlement and no interest will accrue to the successful bidder. In the event the successful bidder fails to comply with the accepted Proposal, said amount will be retained by the County. No Proposal can be withdrawn after the time set for receiving Proposals unless the meeting of the County scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made.

AWARD

The Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis. The County's computation of the interest rate of each Proposal, in accordance with customary practice, will be controlling. In the event of a tie, the sale of the Bonds will be awarded by lot. The County will reserve the right to: (i) waive non-substantive informalities of any Proposal or of matters relating to the receipt of Proposals and award of the Bonds, (ii) reject all Proposals without cause, and (iii) reject any Proposal which the County determines to have failed to comply with the terms herein.

INFORMATION FROM SUCCESSFUL BIDDER

The successful bidder will be required to provide, in a timely manner, certain information relating to the initial offering price of the Bonds necessary to compute the yield on the Bonds pursuant to the provisions of the Internal Revenue Code of 1986, as amended.

OFFICIAL STATEMENT

By awarding the Bonds to any underwriter or underwriting syndicate submitting a Proposal therefor, the County agrees that, no more than seven business days after the date of such award, it shall provide to the senior managing underwriter of the syndicate to which the Bonds are awarded, the Final Official Statement in an electronic format as prescribed by the Municipal Securities Rulemaking Board (MSRB).

LIMITED CONTINUING DISCLOSURE UNDERTAKING

The County will covenant in the resolution awarding the sale of the Bonds to provide, or cause to be provided, annual financial information, including audited financial statements of the County, and notices of certain material events, as required by SEC Rule 15c2-12.

BANK QUALIFICATION

The County will designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

BOND INSURANCE AT UNDERWRITER'S OPTION

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the successful bidder, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the successful bidder of the Bonds. Any increase in the costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the successful bidder, except that, if the County has requested and received a rating on the Bonds from a rating agency, the County will pay that rating fee. Any other rating agency fees shall be the responsibility of the successful bidder. Failure of the municipal

bond insurer to issue the policy after the Bonds have been awarded to the successful bidder shall not constitute cause for failure or refusal by the successful bidder to accept delivery on the Bonds.

The County reserves the right to reject any and all Proposals, to waive informalities and to adjourn the sale.

Dated: November 6, 2018

BY ORDER OF THE COUNTY BOARD

/s/ Heidi Winter
County Auditor

Additional information may be obtained from:

Northland Securities, Inc.
150 South Fifth Street, Suite 3300
Minneapolis, Minnesota 55402
Telephone No.: 612-851-5900

It was moved by Kluis, seconded by Thiner and passed to approve and authorize Auditor/Treasurer Winter sign the Municipal Advisory Agreement with Northland Securities finance plan for the General Obligation Ditch Bonds, Series 2018, in the amount of \$1,230,000.

An easement with the landowners on Bloody Lake and Lake Shetek was discussed. The landowners have signed the easement. The Board discussed the terms of the easement including: the county has the right to install the electrical wiring necessary to operate the aeration system in a separate electrical meter, specifications regarding the size of the pump and noise, the county has the right to connect the aeration system to the landowner's electrical system provided there is a separate meter installed to measure the electricity used by the county and the county pays the cost, right to enter the property subject to the easement, pay all the costs associated with the aeration system and put it back in order if the premises is disturbed to maintain the system.

It was moved by Magnus, seconded by Jens and passed to approve and authorize the Board Chair sign an easement with landowners on Bloody Lake and Lake Shetek.

A motion was made by Kluis, seconded by Thiner 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.

- Petition #2018-095 (CD 55, Des Moines River Twp. Sec. 10, District 1 – Jens)

Voting in Favor: Jens, Kluis and Thiner

Abstained: Magnus

Motion carried 3 to 0.

A motion was made by Magnus, seconded by Thiner 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.

- Petition #2018-076 (CD 23, Ellsborough Twp. Sec. 23, District 2 – Gunnink)
- Petition #2018-096 (JD 14, Chanarambie Twp. Sec. 11, District 2 – Gunnink)
- Petition #2018-097 (CD 67, Slayton Twp. Sec. 3, District 3 – Magnus)
- Petition #2018-098 (CD 6, Cameron Twp. Sec. 13, District 2 – Gunnink)
- Petition #2018-100 (JD 2, Lime Lake Twp. Sec. 15, District 3 – Magnus)

Ditch Inspector Konkol discussed that he could not find an outlet for CD 23. Chairman Jens asked Ditch Inspector Konkol for an update on the status of countywide ditch projects, such as viewer status, where the contractors are at, the status of Clear Lake project and CD 22. Chairman Jens commented there are some projects that are taking a long time and there should be a county wide project update.

Assessor Marcy Barritt met with the County Board regarding homes that were damaged due to flooding. The resolution is asking the state to reimburse the County for storm damage. The names have to be submitted when it is sent in. Assessor Barritt included the people that called the hotline. Commissioner Thiner asked if the county should advertise that this is available and the people that are not aware of the program either via a letter or newspaper. Assessor Barritt advised she thinks the property owner would be able to do an abatement but then the county would have to reimburse it not the state. The state wants the resolution by December 1st. Assessor Barritt advised she would inform the Board if the state approved or denied it.

Commissioner Magnus introduced the following resolution and moved its adoption:

RESOLUTION 2018-11-06-02
MURRAY COUNTY RESOLUTION REQUESTING
REIMBURSEMENT OF PROPERTY TAX RELIEF
PROVIDED UNDER SECTIONS 273.1231 - 273.1235

Whereas, the County of Murray experienced a disaster between the dates of June 15th to July 11th, 2018, and

Whereas, said disaster caused extensive property damage to residential, seasonal recreational, agricultural and commercial properties in the County of Murray, and;

Whereas, the County of Murray has been declared a disaster area by Presidential declaration, and;

Whereas, Minnesota Statutes, sections 273.1231-273.1235 provide for property tax relief upon reassessment of properties damaged by disaster, and upon application to the Governor of the State of Minnesota and the Executive Council, and;

Whereas, the minimum requirements of the aforementioned statutes have been met as demonstrated in the attached damage assessment reports;

NOW, THEREFORE, BE IT RESOLVED by the County of Murray that the County of Murray hereby requests that the property tax abatements and credits granted to property owners under sections 273.1231-273.1235 for the disaster that occurred between the dates of June 15th to July 11th, 2018 be reimbursed pursuant to the provisions of Minnesota Statutes, section 273.1231-273.1235.

The foregoing resolution was duly seconded by Commissioner Kluis with all members voting in favor.

County Recorder, Evey Larson, gave an update on a torrens workshop she attended. She reviewed changes to the 2019 fee schedule.

Jean Christoffels met with the County Board regarding Conditional Use Permit, #1358, Verizon Wireless, to erect a telecommunications tower in the Agriculture District, in the W ½ SW ¼, Section 17, Murray Township. The County Board reviewed the Murray County Planning Commission recommendations and findings from the October 18, 2018 meeting, including the special conditions.

It was moved by Thiner, seconded by Kluis and passed to approve Conditional Use Permit #1358, Verizon Wireless, to erect a telecommunications tower in the Agriculture District, in the W ½ SW ¼, Section 17, Murray Township, with the special conditions as recommended by the Planning Commission.

The Board directed Coordinator Heard to put together a list of memorandum of understandings, current contracts and Joint Powers Agreement in a centralized location.

It was moved by Thiner, seconded by Magnus and passed to approve hiring Samantha Cote as a part time recycling center employee, 29 hours per week, effective November 7, 2018.

It was moved by Magnus, seconded by Jens and passed to approve beginning the recruitment process for a part time license center clerk, 20 hours per week.

Voting in Favor: Jens, Magnus, and Kluis.

Opposed: Thiner

Motion carried 3 to 1.

It was moved by Jens, seconded by Thiner and passed to approve accepting the retirement of Cathy Magnus, from the Museum department, effective November 16, 2018.

Voting in Favor: Jens, Thiner, and Kluis

Abstained: Magnus

Motion carried 3 to 0.

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

It was moved by Thiner, seconded by Kluis and passed to approve adding the five-year capital improvement plan to the November 13, 2018 agenda.

10:02 a.m. Commissioner Gunnink arrived.

Dr. Norris Anderson met with the County Board regarding Southern Prairie Community Care and Prime West. Southern Prairie has 4.6 million and the Southern Prairie Board voted to use \$3 million to help the counties that voted to join Prime West buy in to Prime West. The total cost to Murray County to join Prime West is \$1,135,673.68. The first payment for Prime West is due October 1, 2019. The amount due by October 1, 2019 is \$547,943.00. Anderson advised by that time Southern Prairie will have sent Murray County a check for \$272,727.00 to use to buy into Prime West. The remaining balance of \$567,836.84 will be due by May 1, 2020. Dr. Anderson advised that all the work Southern Prairie was doing would come to an end in 2019 and any excess funds after funds after Southern Prairie ends would be distributed to member counties.

Dr. Anderson reviewed the next steps in the process:

1. Prime West has applied to expand and cover the additional eleven counties. Minnesota Department of Human Services (DHS).
2. Procurement process, is when DHS receives applications for any health plan that wants to operate and provide Medical Assistance to the counties in Minnesota. DHS will determine by August 2019, if Prime West will be the selected single payer health plan or one of the two health plans, that will provide Medical Assistance health plans to the rural counties.
3. Once the procurement is established in July/August 2019 a Joint Powers Agreement with Prime West will need to be signed by the counties.

County Engineer Randy Groves met with the County Board.

Commissioner Thiner introduced the following resolution and moved its adoption:

MURRAY COUNTY
RESOLUTION 2018-11-06-03

IT IS RESOLVED that Murray County enter into MnDOT Agreement No. 1032626 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the County for the use of County State Aid Highway (C.S.A.H.) No. 4, No. 10, No. 12, No. 20, No. 28, and No. 29 as a detour route during the contract construction to be performed upon, along and adjacent to Trunk Highway (T.H.) No. 91 from 1,580 feet south of 8th Street in the City of Adrian to the Murray County Line and from 90 feet north of T.H. No. 30 in Lake Wilson to T.H. No. 23 under State Project No. 5308-29 and No. 5108-12 (T.H. 91=091).

IT IS FURTHER RESOLVED that the Board Chair and the Auditor/Treasurer are authorized to execute the Agreement and any amendments to the Agreement.

The foregoing resolution was duly seconded by Commissioner Kluis with all members voting in favor.

County Engineer Groves gave an update on the letter that was submitted to the Board and dated October 12, 2018, signed Concerned Citizens of Murray County. This letter was regarding County Highway #32 (Ironwood Avenue) in Slayton and the truck traffic on this road. The letter also addressed mud that is on County Road #38 north of Avoca where there is a cattle lot and west on County Road #7 on the north side of the road where a hog confinement is being set up.

Groves also gave an update on a project in Currie and he had asked to have the county work on the city plan so it was one big project and the county will reimburse the city for the county's portion of the work. He discussed the wetland area that has damaged county road 14. He discussed having the school put intakes on the road to help dry the area up on the road through the fairgrounds to Juniper Avenue.

Justin Hoffman, Parks/Fairgrounds Director met with the County Board.

Commissioner Gunnink introduced the following resolution and moved its adoption:

2018-11-06-04

A Resolution to Restrict the Deeds for Sundquist Park at
West Lake Sarah Properties

WHEREAS, Murray County will receive State of Minnesota Department of Natural Resources (DNR) Outdoor Recreation grant program funds for improvements at Sundquist Park at West Lake Sarah; and

WHEREAS, the DNR requires that any lands developed with assistance from this grant program must be retained solely for public outdoor recreation use; and

WHEREAS, the DNR is asking that a restriction be placed on the park property stating that the property cannot be converted to any use other than public outdoor recreation use without the prior written approval of the DNR Commissioner.

NOW THEREFORE BE IT RESOLVED that in order to comply with Department of Natural Resources Outdoor Recreation Project Contract OR19-008, Murray County does hereby impose the following restrictions on the property described in Attachment B to that agreement:

1. The property shall be permanently managed and maintained for public outdoor recreation use.
2. Murray County shall not at any time convert any portion of the park area to uses other than public outdoor recreation use without the prior written approval of the State acting

through its commissioner of natural resources.

The foregoing resolution was duly seconded by Commissioner Kluis with all members voting in favor.

It was moved by Thiner, seconded by Gunnink and passed to approve purchasing playground equipment (\$41,190.49) from Minnesota/Wisconsin Playground including full installation (\$10,136.43) for Sundquist Park at West Lake Sarah as part of the outdoor grant that was awarded in the amount of \$51,326.92 and to submit for reimbursement from the outdoor grant.

Commissioner Magnus introduced the following resolution and moved its adoption:

Resolution No. 2018-11-06-05

Resolution Appointing
Gary Schimbeno and Shelly Sweetman
To The
Red Rock Rural Water System
Board of Commissioners
Background Information

WHEREAS, Gary Schimbeno's 4-year term as a Commissioner on the Red Rock Rural Water System ("RRRWS") Board of Commissioners is scheduled to expire at midnight on December 31, 2018; and

WHEREAS, current RRRWS Commissioner, Dave Hulstein has resigned as a Commissioner on the RRRWS Board effective at midnight on December 31, 2018; and

WHEREAS, the RRRWS Board of Commissioners conducted a search for Dave Hulstein's replacement; and

WHEREAS, on October 10, 2018 the RRRWS Board unanimously adopted a Motion which recommends that Shelley Sweetman replace Dave Hulstein on the RRRWS Board; and

WHEREAS, on October 10, 2018 the RRRWS Board unanimously adopted a Motion which recommends that Gary Schimbeno and Shelley Sweetman each be appointed to a 4-year term on the RRRWS Board of Commissioners; and

WHEREAS, the Murray County Board of Commissioners believes that Gary Schimbeno and Shelley Sweetman are qualified to act as Commissioners on the Red Rock Rural Water System Board of Commissioners and are both worthy of appointment.

NOW BE IT NOW RESOLVED, that the Murray County Board of Commissioners hereby recommends that Gary Schimbeno and Shelley Sweetman be appointed to the Red Rock Rural Water System Board of Commissioners pursuant to and provided for by Minnesota Statutes §

116A et seq. for a 4-year term which shall commence on January 1, 2019 and shall expire at midnight on December 31, 2022.

The foregoing resolution was duly seconded by Commissioner Gunnink with all members voting in favor.

Commissioner Magnus updated the Board that an Interim CEO, Michael Ladevich, for the Murray County Medical Center had been hired.

The Commissioners gave their committee reports for the period of October 21, 2018 to November 3, 2018 (Lori Gunnink gave October 16 and 17th).

James Jens reported on Hospital Finance (no per diem claimed) – October 22, Western Mental Health (no per diem claimed) – October 22, Commissioner Board Meeting (partial per diem claimed) – October 23, Hospital Board Meeting (partial per diem claimed) – October 24, Personnel Committee Meeting – October 26, Hospital Staff Meeting (partial per diem claimed) – October 29, Special Board Meeting (partial per diem claimed) – October 30, District 8 AMC – November 1.

Gerald Magnus reported on Commissioner Board Meeting (partial per diem claimed) – October 23, Hospital (partial per diem claimed) – October 24, SPCC (partial per diem claimed) – October 26, Special Board Meeting (partial per diem claimed) – October 30, District 8 AMC/RCRCA Area II – November 1.

Lori Gunnink reported on Commissioner Board Meeting (partial per diem claimed) – October 16, Plum Creek Library (partial per diem claimed) – October 17, Personnel Meeting (partial per diem claimed) – October 26.

David Thiner reported on Commissioner Board Meeting (partial per diem claimed) – October 23, Special Board Meeting/Building Specs Bid Meeting – October 30, Transit Bus (partial per diem claimed) – October 31, District 8 AMC (partial per diem claimed) – November 1.

Glenn Kluis reported Commissioner Board Meeting (partial per diem claimed) – October 23, Audit Meeting (partial per diem claimed) – October 24, Special Board Meeting (partial per diem claimed) – October 30, District 8 AMC -November 1.

It was moved by Kluis, seconded by Jens and passed to approve the Commissioner Vouchers for the period of October 21, 2018 to November 3, 2018.

11:23 a.m. The meeting adjourned.

ATTEST:

Aurora Heard, County Coordinator

James Jens Chairman of the Board