

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA  
February 18, 2014 8:30 a.m.

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present: Commissioners Gerald Magnus, Robert Moline, John Giese, David Thiner, and James Jens. Also present Aurora Heard, County Coordinator, Heidi Winter, Auditor-Treasurer, Paul Malone County Attorney.

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

No conflict of interest identified.

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

Consent Agenda

1. Approval of the minutes from February 4, 2014

It was moved by Moline, seconded by Magnus and passed to approve the agenda as modified and consent agenda item 1.

Warrants

A motion was duly made by Moline, seconded by Thiner and carried that all claims as presented were approved for payment. The Chairman was authorized to sign the Audit List dated February 18, 2014 with fund totals as follows and warrants numbered 141961 – 142044:

County Revenue Fund	85,951.23
County Road & Bridge Fund	27,590.15
EDA	125.00
County Ditch Fund	327.65
Sunrise Terrace	1,828.21
SAWSD	148.00
 Total	 115,970.24

Heidi Winter presented the following petitions for repair:

- #2014-002 (JD 26, DOT Requested Modifications)
- #2014-003 (CD 30 and 40, DOT Requested Modifications)

A motion was made by Jens, seconded by Giese and carried that the Commissioners appointed as Inspectors in and for the County of Murray, are hereby instructed to examine and inspect 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 if deemed necessary, to prepare either a cost estimate of said repair, or order said repairs to be made, with a report to be given thereon at a Murray County Board of Commissioner's meeting, held in the Commissioners Room of the Murray County Government Center, Slayton, Minnesota.

Ditch Bills

A motion was made by Moline, 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>
<b><u>Rinke Noonan</u></b>				
	CD 35	245.00	2013-006	Improvement
	CD 82	122.50	2012-017	Improvement
	JD6	294.00	2013-036	Improvement
	JD20A	294.00	2013-037	Improvement
	<b>Subtotal</b>	<b>955.50</b>		
<b><u>Bolton &amp; Menk, Inc.</u></b>				
	CD 82	2,370.00	2012-017	Improvement
	JD 6	2,235.00	2013-036	Improvement
	JD20A	1,560.00	2013-037	Improvement
	CD73	4,537.50	2013-042	Improvement
	<b>Subtotal</b>	<b>10,702.50</b>		
<b><u>Redwood County Auditor-Treasurer</u></b>				
	JD 20A	18.21	Shared Ditch Expense	
	JD 28	72.09	Shared Ditch Expense	
	<b>Subtotal</b>	<b>90.30</b>		
<b><u>Steven Johnson (Ditch Viewer - JD 3 Improvement and Redetermination)</u></b>				
	JD 3	931.42	Improvement	
	<b>Subtotal</b>	<b>931.42</b>		
	<b>Total for All Ditch Bills</b>	<b>12,679.72</b>		

Commissioner Jens introduced the following resolution and moved for its adoption:

Resolution 2014-02-18-01  
 A Resolution Setting a Preliminary Hearing  
 for County Ditch 73 Petition (#2013-042)  
 Improvement of Portions of County Ditch No. 73

WHEREAS, Resolution 2013-10-15-01 was passed on October 15, 2013 by the Murray County Board of Commissioners, Acting as Drainage Authority, and

WHEREAS, this resolution accepted a County Ditch 73 Petition for Improvement, Pursuant to Minnesota Statutes § 103E.215 as Murray County Petition #2013-042 and appointed Duane Hansel as the qualified engineer to complete a Preliminary Engineer’s Report for the improvement and evaluate alternative routes, and

WHEREAS, the preliminary engineering report was completed and received in the office of the County Auditor-Treasurer on October 11, 2014.

NOW THEREFORE BE IT RESOLVED, that the Murray County Board of Commissioners, acting as the Drainage Authority, hereby sets a Preliminary Hearing, pursuant to Minnesota Statutes 103E.261,

for March 25, 2014 at 9:30 a.m. in the Murray County Commissioner's Room to hear the Engineer's Report and take public comment on the Petition for Improvement.

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

Commissioner Jens introduced the following resolution and moved for its adoption:

Resolution 2014-02-18-02  
Resolution to Terminate the Minnesota River Basin Joint  
Powers Agreement and End Business Operations of the Minnesota River Basin Joint Powers Board  
(*a.k.a.* Minnesota River Board) on April 1, 2014

*This resolution was prepared by the Minnesota River Joint Powers Board (hereafter referred to as the "MRB") and approved by the MRB Executive Committee for member counties to consider, take action on, and file with the MRB Executive Director no later than February 21, 2014.*

The Minnesota River Basin Joint Powers Agreement (hereafter referred to as the "joint powers agreement") was signed by 37 counties on July 12, 1995 and revised March 16, 1998, November 15, 1999, May 15, 2000, and approved with revisions on July 12, 2000, thereby establishing the joint exercise of powers to promote water quality improvement and management of the Minnesota River Watershed (in accordance with Minnesota Statutes 103B.311, 103B.315, and 471.59). The 37 counties that signed the agreement in 1995 included Big Stone, Blue Earth, Brown\*, Carver, Chippewa, Cottonwood, Dakota\*, Douglas\*, Faribault, Freeborn, Grant\*, Hennepin, Jackson\*, Kandiyohi, Lac Qui Parle, Le Seuer, Lincoln\*, Lyon\*, Martin, McLeod, Murray, Nicollet, Pipestone\*, Pope\*, Ramsey, Redwood, Renville, Rice\*, Scott, Sibley, Steele\*, Stevens, Swift\*, Traverse\*, Waseca, Watonwan\*, and Yellow Medicine\*. As of January 1, 2014, 15 counties (\*) had withdrawn from membership.

**WHEREAS**, after nearly 20 years of initiatives and challenges, as well as calls for change from its valued partners, the MRB delegates passed Resolution 12-01 in September 2012 to dedicate funds for a full external review of the MRB governance structure, mission, duties, services provided, and funding; and

**WHEREAS**, the external review process was led by an independent consultant and a steering committee that included one representative from each of the following entities: Minnesota River Board, Minnesota Association of Watershed Districts (MAWD), Minnesota River Watershed Projects, citizen-led organizations, agricultural and water resource interests, and the Minnesota Association of Soil and Water Conservation Districts (MASWCD); and

**WHEREAS**, after several rounds of revisions, the end result of the external review process included guiding principles, primary functions, and recommendations for the governance and funding of a new basin entity; and

**WHEREAS**, the MRB delegates passed a motion on December 16, 2013, to advance the recommendations with no additional MRB involvement in the process, on a split vote (11 in favor, 6 opposed, 1 abstention); and

**WHEREAS**, the MRB delegates passed a resolution on December 16, 2013 to complete required business, transfer existing projects, and/or otherwise cancel all agreements and bring the MRB business operations to a close on April 1, 2014.

**THEREFORE, BE IT RESOLVED** that the MRB member counties must establish that the sentiment of the members is for the Minnesota River Basin Joint Powers Agreement termination process to be initiated; and

**THEREFORE, BE IT FURTHER RESOLVED** that as per Section 7, Part B of the joint powers agreement, when a majority of the member counties agree, by resolution, to terminate the agreement, termination may then, but only then, be initiated; and

**THEREFORE, BE IT FURTHER RESOLVED** that, per the joint powers agreement, a majority of the member counties is defined as 12 of the 22 counties that paid dues during the first half of FY2014 (July 1, 2013 – December 31, 2013); and

**THEREFORE, BE IT FURTHER RESOLVED** that upon receipt of a majority of member county resolutions to terminate the Minnesota River Basin Joint Powers Agreement, the MRB shall wind up its business, including the defense and provocation of any claims against it;

**THEREFORE, BE IT FURTHER RESOLVED** that prior to the April 1, 2014, the MRB shall compile the review process recommendations, testimony from the December 16, 2013 meeting, other reports, and copies of this resolution from the member counties as part of a final MRB report that will be distributed to the Minnesota Legislature, Local Government Roundtable participants (Association of Minnesota Counties, MAWD, and MASWCD), natural resource agency leadership, and any other interested parties.

**Resolution Motion Roll Call Vote (Required)**

County Board roll call results for a motion to pass MRB Resolution 2014-01 (please clearly place an X using blue or black ink in the appropriate box that represents the vote for each Commissioner). A YES vote favors passage of Resolution 2014-01 to terminate the joint-powers agreement among the counties for the Minnesota River Basin. A NO vote by a Commissioner indicates lack of support to pass Resolution 2014-01 and supports the continuation of a shared-governance Minnesota River entity. A simple majority of YES votes by the County Board in its entirety is required to pass the resolution.

The foregoing resolution was duly seconded by Commissioner Magnus and thereupon being put to a vote the following voted in favor:

<b>Murray County</b>	<b>YES</b>	<b>NO</b>	<b>Abstain</b>
Commissioner Giese	X	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Magnus	X	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Moline	X	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Jens	X	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Thiner	X	<input type="checkbox"/>	<input type="checkbox"/>

Opposed: None

Motion carried 5 to 0.

Decision Date: February 18, 2014

Historic Museum/Holt House Site Coordinator

It was moved by Moline, seconded by Jens and passed to approve hiring Gaylene Chapman as a Historic Museum/Holt House Site Coordinator at a labor grade 4, step 3 with a start date of February 20, 2014.

Commissioner Magnus introduced the following resolution and moved for its adoption:

Resolution 2014-02-18-03  
Fairgrounds Usage

WHEREAS; the Murray County Board of Commissioners wishes to establish a uniform process for utilization of the fairground facilities and buildings;

WHEREAS; Murray County has established rental rates for the fairground facilities and buildings;

WHEREAS; Murray County requires proof of insurance be submitted to the Parks/Fairgrounds Director prior to any events held on the Murray County Fairgrounds or in a fairground facility or building;

THEREFORE, BE IT RESOLVED; utilization of the Murray County Fairgrounds and the buildings on the fairgrounds shall be for non-profit, charitable, or educational use.

THEREFORE, BE IT FURTHER RESOLVED; the County Board delegate's authority to determine on a case by case basis if the aforementioned usage is appropriate to the Personnel Committee, consisting of the County Board Chair and Vice-Chair;

THEREFORE, BE IT FURTHER RESOLVED; any other use of the Murray County Fairgrounds or buildings shall be reviewed on a case by case basis by the County Board.

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

Commissioner Moline introduced the following resolution and moved for its adoption:

Resolution No: 2014-02-18-04  
COUNTY OF MURRAY  
Fund Transfer Resolution

WHEREAS, Minnesota Statute 162.08, Subd 4 (3d), provides that accumulated balances in excess of two years of municipal account apportionments may be spent on projects located outside of municipalities under 5000 population when approved solely by resolution of the county board.

NOW, THEREFORE, BE IT RESOLVED, that the Commissioner of Transportation transfer \$ 262,973 (all funds) in excess of two years apportionment into the Regular Construction Account.

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

Commissioner Magnus introduced the following resolution and moved for its adoption:

Resolution No: 2014-02-18-05  
Land Sale to Pheasants Forever

WHEREAS, the County of Murray acquired land for the reconstruction of County State Aid Highway 12 on project number SP 51-612-13; and

WHEREAS, at the time of right of way land acquisition, an 'uneconomic remnant' parcel of land, approximately 4.6 acres, was purchased from a farmer; and

WHEREAS, during project development, the United States Fish and Wildlife (USFW) asked the County of Murray if they would consider selling the 'uneconomic remnant' parcel of land, which is adjacent to USFW property; and

WHEREAS, the County of Murray has had several discussions with the USFW and Pheasants Forever about the purchase of the land for public use; and

WHEREAS, the County of Murray received a purchase offer from Pheasants Forever for the parcel of land which states, "The Property will be managed for the benefit of wildlife and natural resources, and may be transferred to a state or federal agency to accomplish this purpose."; and

WHEREAS, it is desired by the County of Murray to sell the parcel of land to Pheasants Forever for the benefit of the public.

NOW, THEREFORE, BE IT RESOLVED, the County of Murray does hereby agree to the terms of the purchase agreement and authorizes the Board Chair to sign on behalf of the County.

The foregoing resolution was duly seconded by Commissioner Thiner and thereupon being put to a vote the following members voted in favor: Thiner, Jens, Magnus and Giese. Opposed: Moline  
Motion carried 4 to 1.

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

Financial Advisory Service Agreement with Northland Securities

It was moved by Moline, seconded by Thiner and passed to approve a Financial Advisory Service Agreement with Northland Securities for the issuance of G.O. Capital Notes, Series 1014A, further moving to authorize the Auditor-Treasurer to sign the agreement on behalf of Murray County.

Preliminary Terms of Offering for \$346,000 Capital Equipment Notes

It was moved by Moline, seconded by Thiner and passed to approve the Preliminary Terms of Offering for \$346,000 General Obligation Capital Notes, Series 2014A with a 3 year term, to be awarded on March 18, 2014 at 10:15 a.m.

The Commissioners gave their committee reports for the period of February 2, 2014 to February 15, 2014.

John Giese reported on Commissioner Board Meeting; Personnel Meeting – February 4, Fire Protection & Mutual Aid – February 6, Area Agency On Aging Committee – February 11, MCIT Data Practices – February 12.

Gerald Magnus reported on Insurance Committee Meeting – February 3, Commissioner Board Meeting – February 4.

Robert Moline reported on Insurance Committee Meeting – February 3, Commissioner Board Meeting – February 4, Area II Meeting; Southwest Health and Human Services (Partial Per Diem Claimed) February 6, Hospital Meeting (Partial Per Diem Claimed) – February 9, Hospital Meeting – February 10 & 11.

David Thiner reported on Commissioner Board Meeting – February 4, Park Board Meeting – February 6.

James Jens reported on Commissioner Board Meeting – February 4, Fire Department Mutual Aide Regional Meeting; Parks & Recreation Meeting – February 6, Solid Waste Commission; Southwest Regional Meeting; Rural Minnesota Energy Board – February 10, Critical Care Meeting – February 11, MCIT Training – February 12, Casey Jones Trail Meeting; Murray County Soil & Water – February 13.

It was moved by Jens, seconded by Magnus and passed to approve the Commissioner Vouchers for the period of February 2, 2014 to February 15, 2014.

Chris Hansen met with the Board and discussed fees that are charged by the Water Resources Department.

The meeting adjourned at 10:55 a.m.

ATTEST:

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Aurora Heard, Murray County Coordinator

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John Giese, Chairman of the Board