

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
March 25, 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 March 18, 2014

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

Ditch Petitions – There were no ditch petitions for the March 25, 2014 meeting.

Ditch Bills - There were no ditch bills for the March 25, 2014 meeting.

2014 Liquor and Beer Licenses

It was moved by Jens, seconded by Magnus and passed to approve the following county 3.2 Beer, Liquor and Dance Renewals for 2014, contingent upon receipt of all paperwork received in the Office of the Auditor-Treasurer:

3.2 Malt Liquor “On and Off Sale” License No. 1 to Carlson Corner

3.2 Malt Liquor “On and Off Sale” License No. 4 to Michael Ruppert d/b/a/ Rupper Oil Company

3.2 Malt Liquor “On and Off Sale” License No. 5 to Peter Bloemendaal d/b/a Pete’s Corner

3.2 Malt Liquor “Off Sale” License No. 9 to Chandler Cooperative d/b/a Cenex Convenience Store

3.2 Malt Liquor “Off Sale” License No. 2 to Breezy Point Tavern, LLC d/b/a Breezy Point Tavern

3.2 Malt Liquor “On and Off Sale” License No. 13 to Roger Hammann d/b/a Trail’s Edge General Store

“On and Off Sale & Sunday Liquor” License No. 1 to Brian’s Supper Club & Tavern

“On and Off Sale & Sunday Liquor” License No. 2 to Key Largo LLC (including 2:00 a.m.)

“On and Off Sale & Sunday Liquor” License No. 4 to Breezy Point Tavern, LLC d/b/a Breezy Point Tavern

“Dance Permit” No. 75 to Key Largo LLC

“Dance Permit” No. 76 to Breezy Point Tavern, LLC d/b/a Breezy Point Tavern

2013 Audit Engagement Letter

It was moved by Magnus, seconded by Moline and passed to approve the 2013 Audit Engagement Letter with the Minnesota Office of the State Auditor, further moving to authorize the Board Chair, County Coordinator and Auditor-Treasurer to sign the letter on behalf of the County.

Commissioner Moline reported on an Interim CEO candidate.

Michelle Miranowski gave an update on a transit operations planning workshop and The Buffalo Ridge Transit.

Kerry Netzke met with the County Board and discussed the Cameron 7 Road Retention Project.

9:40 a.m. Preliminary Hearing County Ditch 73

Introductions were conducted

Jeff Braegelmann, Petitioners’ Attorney Comments

Duane Hansel gave the engineer’s preliminary report

Auditor Treasurer Winter read the following DNR report:

March 11, 2014

Heidi Winter
County Auditor/Treasurer
2500 28th St.
PO Box 57
Slayton, MN 56172

Subject: Preliminary Engineers Report, County Ditch No. 73, Main Tile and Lateral No. 1,
Murray County, MN

Dear Heidi:

On behalf of the Director of the Division of Ecological and Water Resources of the Department of Natural Resources, I offer the following comments on the Engineer's Report for the project referenced above, in accordance with Minnesota Statutes section 103D.711, subdivision 5.

1. We have determined that the proposed project will affect or has the potential to affect Public Waters because the permanent riprap structure may be placed below the ordinary high water line. The proposed outlet is located on an outside meander bend upstream of a long abandoned railroad crossing. The site has been stable, but the proposed outfall may cause increased potential for erosion and channel degradation. The DNR recommends that alternate outlet locations be considered in order to avoid potential erosion and to eliminate the need for a permit.
2. Please contact Lucas Youngsma, Area Hydrologist, at 507-537-7258 or lucas.youngsma@state.mn.us. Lucas can provide technical assistance on hydrology related questions or permit application questions.
3. The Department is concerned about assessments of benefits based on our ownership of 98 acres in Section 18, Township 105, Range 39.

Feel free to contact Kevin Mixon, Regional Environmental Assessment Ecologist, at (507-359-6073; or email kevin.mixon@state.mn with any questions. The Ecological and Water Resources Director in St Paul should continue to receive the formal Engineers Report or other official documents. If possible, electronic copies can be sent directly to Kevin Mixon.

Sincerely,



Robert Collett
Regional Manager

ec: Jim Sehl, EWR Assistant Manager
Lucas Youngsma, Area Hydrologist
Bill Schuna, Area Wildlife Manager

Ryan Doorenbos, Area Fisheries Manager
Phil Nasby, Parks and Trails
ERDB

Public Comment and Questions were taken

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

**STATE OF MINNESOTA
COUNTY OF MURRAY**

In Re:
Murray County Ditch No. 73,
Murray County, Minnesota.

**ORDER ON PRELIMINARY HEARING, ORDER FOR DETAILED
SURVEY REPORT, AND ORDER APPOINTING VIEWERS**

WHEREAS, a Petition for the Improvement of Murray County Ditch No. 73 has been filed with the Murray County Board of Commissioners, acting as the drainage authority for Murray County Ditch No. 73; and

WHEREAS, the Board, sitting as a drainage authority, on March 25, 2014, conducted a preliminary hearing on the Petition pursuant to Minn. Stat. § 103E.261; and

WHEREAS, said Board has received and reviewed the February 10, 2014, Preliminary Engineering Report filed in connection with said proceeding; and

WHEREAS, said Board has received and considered comments on the Petition and the Preliminary Engineering Report from the regional manager acting on behalf of the Commissioner of the Minnesota Department of Natural Resources; and
WHEREAS, said Board has received and considered public comment on the proposed project and the Preliminary Engineering Report.

NOW, THEREFORE, the Board makes the following findings and orders:

1. Said Board hereby determines that:
 - a. The Petition is adequate and meets the legal requirements applicable to this improvement proceeding; and
 - b. Adequate notice of the preliminary hearing has been provided; and
 - c. The proposed drainage project as outlined in the Petition and as described and recommended in the Preliminary Engineering Report is feasible; and
 - d. There is necessity for the proposed drainage project; and
 - e. The proposed drainage project will be of public benefit and promote the public health, after considering the environmental and land use criteria in Minn. Stat. § 103E.015, subd. 1; and
 - f. The outlet for the proposed project is adequate.
2. The engineer, Bolton & Menk, is hereby ordered and directed to make a detailed survey with plans and specifications for the proposed drainage project and submit a detailed survey report to the Board as soon as possible.
3. The Board finds that the following three persons are disinterested residents of the State qualified to assess benefits and damages and hereby appoints the following persons as

viewers for the improvement project: Jim Weidemann, Duane Bendixen and Steve M. Johnson (William Moldestad, alternate)

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

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

**BEFORE THE MURRAY COUNTY BOARD OF
COMMISSIONERS ACTING AS DRAINAGE AUTHORITY
FOR MURRAY COUNTY DITCH #73**

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

WHEREAS, a Petition has been submitted for an Improvement of portions of Murray County Ditch #73; and

WHEREAS, viewers have been appointed to determine benefits and damages for that Improvement; and

WHEREAS, the original benefits, 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 #73, hereby orders the Redetermination of Benefits for Murray County Ditch #73 and appoints Jim Weidemann, Duane Bendixen and Steven M. Johnson (William Moldestad, alternate) as viewers. It is the intention that the same viewers are working on the Improvement and the Redetermination of Benefits and the Improvement Final Hearing and the Hearing on the Redetermination of Benefits will be heard on the same date in the future.

The foregoing order was duly seconded by Commissioner Thiner and thereupon being put to a vote all Commissioners voted in favor

10:22 a.m. The hearing was closed.

Open Forum/Public Comment – Dean Larson spoke during open forum.

Troy Appel gave a presentation on the Buffalo Ridge Drug Taskforce.

AgStar Grant

It was moved by Moline, seconded by Magnus and passed to approve to apply for the agstar grant.

Part time Jailer/Dispatcher

It was moved by Magnus, seconded by Thiner and passed to approve hiring Lori Romans as a regular part time Jailer/Dispatcher at a grade 8, step 1 with a start date of March 26, 2014.

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

RESOLUTION 2014-03-25-01
A RESOLUTION TO REPEAL ASSESSOR'S CERTIFICATION
Minnesota Statute 2013 Supplement, section 270C.9901

WHEREAS, legislation passed in Minnesota requiring all assessors working in the state in an official capacity of assessing property will be required to achieve certification at a level of Accredited Minnesota Assessor (Minnesota Statute 2013 Supplement, section 270C.9901); and

WHEREAS, the County Assessor is ultimately responsible for the duties and outcomes of each county's property valuation and assessment process; and

WHEREAS, rules of valuation and assessing are well prescribed for Minnesota assessors; and

WHEREAS, townships and counties across Greater Minnesota are currently having difficulty attracting and hiring qualified assessors; and

WHEREAS, townships and counties count on local assessors engaged in assessing as a part-time supplement to maintain low costs for Minnesota taxpayers; and

WHEREAS, counties are in full support of continuing education requirements including ethics training; and

WHEREAS, this requirement will very likely require higher wages and increased training costs be levied to taxpayers; and

WHEREAS, numerous current local assessors are relied on by townships to be fair and accurate in the process of valuations; and

WHEREAS, local assessors provide a high level of service to the individual property owner that may be reduced if MN Statutes 270C.9901 is implemented;

NOW THEREFORE BE IT RESOLVED, that the Murray County Board of Commissioners supports HF 2726 and SF 2278, legislation now before the 2014 legislature that would repeal the

requirement for all assessors to be credentialed as Accredited Minnesota Assessors by 2019 or within 4 years of being hired for those duties.

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

The County Board discussed County Attorney Malone's resignation as the data compliance officer. Per Minnesota Statute, the County Coordinator is the Responsible Authority unless the County Board appoints someone else. Heard reviewed the definition of the data compliance officer which is: *receives and responds to questions or concerns about data practices problems, including problems in obtaining access to data the entity keeps*. The elected department heads (Auditor/Treasurer, Sheriff, Recorder, and Attorney) are responsible authorities for the information in their offices. The records maintained by the Auditor/Treasurer include hospital board meeting minutes, audio recordings of hospital board meetings, and some of the hospital financial records. In the past data requests for the hospital have gone to County Attorney Malone and then to the hospital. Renee Logan and Nancy Andert have been designated as data practices contacts for the hospital. The appointed county department heads are designees for their departments in the county.

It was moved by Moline, seconded by Magnus and passed to approve appointing the County Coordinator as the data compliance officer.

11:41 a.m. The meeting was adjourned.

ATTEST:

Aurora Heard, Murray County Coordinator

John Giese, Chairman of the Board

