

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
April 15, 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 April 1, 2014

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

Warrants

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 April 15, 2014 with fund totals as follows and warrants numbered 142441 – 142521:

County Revenue Fund	32,435.95
County Road & Bridge Fund	23,542.05
EDA	139.00
County Ditch Fund	220.00
Sunrise Terrace	654.05
SAWSD	236.00
Total	57,227.05

Heidi Winter presented the following petitions for repair:

- #2014-006 (CD 42, 31 DesMoines River Township, Jens)
- #2014-007 (CD 51, 6 Belfast Township, Jens)
- #2014-008 (JD 3, 35 Holly Township, Jens)
- #2014-009 (CD 57, 12 Chanarambie Township, Moline)
- #2014-010 (CD 24, 34 Shetek Township, Jens)
- #2014-011 (CD 29, 2 Murray Township, Jens)

A motion was made by Magnus, seconded by Jens 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.

Discussion on proposed repairs to County Ditch 30 in Section 35, Belfast.

Drew Hage from the Regional Development Commission discussed the Guarantee Energy Savings Program.

Language Assistance Plan for Murray County Transportation

It was moved by Jens, seconded by Magnus and passed to approve the Language Assistance Plan for Murray County Transportation.

Duininck Contract

It was moved by Thiner, seconded by Jens and passed to approve and authorize the Board Chair, Auditor, County Attorney to sign a contract with Duininck, Inc. for overlay projects for SAP #'s 51-601-013, 51-604-028, 51-624-005, 51-634-012.

Garage and Service Doors Material

It was moved by Jens, seconded by Moline and passed to approve purchasing a garage door from Fulda Lumber in the amount \$2,295.00 plus a window in the amount of \$48.75 and to purchase two service doors from Slayton Building Materials Inc. to include closure in the amount of \$682.00 each from account code: 10-340-6304.

Randy Groves gave a project update.

10:00 a.m. Open Forum/Public Comment - Darrell Nelson spoke during open forum

Race Track

It was moved by Thiner, seconded by Magnus and passed to approve the Racing Committee have a contractor blade the race track.

4-H Building and Fairgrounds Rental

It was moved by Moline, seconded by Thiner and passed to approve to allow Minnwest Bank of Slayton to rent the 4-H building and fairgrounds to host a community picnic on Tuesday June 24th from 5:00 p.m. -7:00 p.m.

Les Heen from Pioneer Public Television gave an update.

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

Resolution 2014-04-15-01

Resolution Authorizing Elevation Changes for Culvert on County Ditch 30

WHEREAS, current private and public drainage and future improvements on County Ditch 30 would benefit from a change in the elevation of the culvert under State Highway 62 in the NE corner of the NE ¼ of Section 35, Belfast Township, and

WHEREAS, it would be cost effective to lower the culvert in conjunction with the 2014 Minnesota Department of Transportation overlay of State Highway 62.

NOW THEREFORE BE IT RESOLVED, by the Murray County Board of Commissioners, acting as Drainage Authority for County Ditch 30 that authorization is hereby given to lower the culvert in the NE corner of the NE ¼ of 35, Belfast Township to the elevation of the bottom of the open ditch in the SE corner of the SE ¼ of Section 26 of Belfast Township, Murray County.

BE IT FURTHER RESOLVED, that the elevation shall be set no higher than one foot above the elevation of the culvert at station 13+50 in the SE ¼ of Section 26, Belfast Township along County Road 44.

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

Emilee Nelson gave an update on the Minnesota Prairie Conservation project.

Ditch Bills

<u>Contractor</u>	<u>Ditch #</u>	<u>Amount</u>	<u>Petition #</u>	<u>Inspector</u>
<u>Rinke Noonan</u>				
	JD6	143.00	2013-036	Improvement
	JD20A	91.00	2013-037	Improvement
	Subtotal	234.00		
<u>Gislason and Hunter, LLP</u>				
	CD 73	1,626.10	2013-042	Improvement
	Subtotal	1,626.10		
	Total for All Ditch Bills	1,860.10		

A motion was made by Jens, seconded by Moline 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.

Pay Application 1 for County Ditch 82 project

A motion was made by Moline, seconded by Jens with all members of the Board voting their approval to accept the recommendation of the project engineer for the County Ditch 82 Improvement Project to authorize Pay Application Number 1 for \$217,884.26 to Dave Hulstein Excavating, Inc.

2014 Aerial Ditch Spraying for open ditch systems

It was moved by Magnus, seconded by Moline and passed to approve hiring and contracting with Teryjon Aviation for 2014 ditch spraying.

Commissioner Moline gave an update on an AMC meeting.

Legion Items

It was moved by Moline, seconded by Magnus and passed to approve the Legion to move their items to the food service building.

Sheriff's Office Patrol Vehicles

It was moved by Moline, seconded by Thiner and passed to approve the purchase of two (2) Dodge Durango Special Service AWD vehicles for use as patrol units from the state contract #72046 from Dodge of Burnsville in the amount of \$29,382 each from account code: 01-201-6660.

Aurora Heard gave an update on a MCHRMA conference.

The Commissioners gave their committee reports for the period of March 30, 2014 to April 12, 2014.

John Giese reported on Commissioner Board Meeting – April 1, Audit Meeting – April 2, Personnel Meeting – April 8, Building & Grounds/End-O-Line Personnel Meeting (No Per Diem Claimed) – April 9, Parks/End-O-Line Personnel Meeting and Meeting with John Osse – April 10.

Gerald Magnus reported on Rural Minnesota Energy Board – March 31, Commissioner Board Meeting – April 1, EDA Meeting (No Per Diem Claimed) – April 2, MN Viewers Association – April 3, Ditch Inspection (CD#68) (Partial Per Diem Claimed) – April 7, Shetek Medical – April 8, District 8 Land Use Meeting and Hospital Meeting – April 9, SRDC Meeting (No Per Diem Claimed) – April 10, ATP8 (No Per Diem Claimed) – April 11.

Robert Moline reported on Southwest Health & Human Services ((No Per Diem Claimed) – March 31, Commissioner Board Meeting – April 1, Hospital Meeting (Partial Per Diem – April 2, Area II and RCRC Meeting – April 3, Hospital Meeting and Ditch Inspection (Ditch #29) – April 7, Shetek Medical Meeting – April 8, AMC Meeting (No Per Diem Claimed) – April 11.

David Thiner reported on Commissioner Board Meeting – April 1, Planning & Zoning Meeting – April 8.

James Jens reported on Solid Waste Commission at Southwest Regional Development– March 31, Commissioner Board Meeting – April 1, EDA Meeting (No Per Diem Claimed) – April 2, Ditch Inspection (Ditch #29) – April 7, Historical Society/Dinehart Holt House Meeting – April 8, Meeting with John Osse and Meeting with Janet Timmerman – April 9.

It was moved by Jens, seconded by Thiner and passed to approve the Commissioner Vouchers for the period of March 30, 2014 to April 12, 2014.

11:50 a.m. Meeting Recessed.

The Board Chair called the meeting back to order at 2:00 p.m.

The meeting was turned over to Robert Moline for the Preliminary Hearing for Improvements to Judicial Ditch 6 (Murray County) and Judicial Ditch 20A (Murray, Lyon and Redwood Counties).

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS,
ACTING AS DRAINAGE AUTHORITY FOR MURRAY COUNTY JUDICIAL DITCH 6
AND JOINT DRAINAGE AUTHORITY JUDICIAL DITCH NO. 20A – MURRAY, LYON
AND REDWOOD COUNTIES
MURRAY COUNTY GOVERNMENT CENTER - SLAYTON, MN 56172
April 15, 2014, 2:00 p.m.

Pursuant to notice given, the Murray County Commissioners, as Drainage Authority for Judicial Ditch 6 and the Murray, Lyon and Redwood County Joint Board of Commissioners, as Drainage Authority for Judicial Ditch 20A met with the following members present:

- Murray County Commissioners – James Jens, Robert Moline, Gerald Magnus, John Giese and Dave Thiner
- Lyon County Commissioners – Charles Sanow and Stephen Ritter
- Redwood County Commissioners – Lon Walling

Also present were Murray County Auditor-Treasurer, Heidi E. Winter; Murray County Attorney, Paul Malone; Lyon County Auditor-Treasurer, E.J. Moberg; Lyon County Ditch Inspector, Todd Hammer; Redwood County Auditor-Treasurer, Jean Price; Petitioner’s Attorney, Kurt Deter; and Engineer, Duane Hansel.

Introductions were made.

It was moved by Commissioner Lon Walling, seconded by Charles Sanow and passed unanimously to approve the minutes of the April 6, 2014 Joint Board Meeting.

Petitioners' Attorney Comments were made by Kurt A. Deter.

Record of Notice Requirements were given by Heidi E. Winter.

Duane Hansel gave the Preliminary Engineer's Report.

The DNR Advisory Report was read into record and is attached to these minutes as "Exhibit A".

The floor was opened to board comment:

- Chair Moline verified that the petitioners and board understood the term separable benefits.
- Chair Moline encouraged the board to think about the possibility of future state and federal regulations to prohibit tiling and the impact that could have on drainage projects.
- The Board discussed possible financing options for the project
- Commissioner Lon Walling expressed concern with the adequacy of the outlet and how it would impact Plum Creek, which is already prone to flooding.
- Commissioner Steve Ritter suggested ordering a Redetermination of Benefits with this Improvement.
- Commissioner Dave Thiner asked for clarification on how and where the improved tile lines would lay

The floor was opened to public comment:

- Steve Schreier expressed support for the project and wishes to see it move forward for future generations.
- Kurt Deter indicated that there is concern among the petitioners with the cost of the project.
- Ralph Surprenant expressed concern with the size of the tile at the outlet and how it would affect the rest of the system. He also expressed concern with the cost of the project.
- Alan Richardson questioned when the open ditch would be cleaned out. He was informed that a clean out could be petitioned by any landowner on the system, but that it was not part of this improvement petition.
- Dale Rykhus suggested the project be done in phases as a cost saving measure.
- Wayne Brock expressed concern with the process set forth in statute and how long it takes to obtain viewers and get ditch improvements completed.

The floor was closed to public comment and the hearing closed at 2:55 p.m.

Action for Judicial Ditch 20A, taken by the Murray, Lyon and Redwood County Joint Ditch Authority:

It was moved by Charles Sanow, seconded by James Jens and passed that the following requirements have been met:

1. The proposed drainage project recommended by the Engineer and outlined in the petition for the Improvement of *Murray/Lyon/Redwood Counties Judicial Ditch 20A Branch 24 and Murray Judicial Ditch No. 6 Main and Branches in Murray County, MN* is feasible.
2. There is a necessity for the proposed project
3. The proposed drainage project will be of public benefit and promote the public health, after considering the environmental and land use criteria in M.S. §103E.015, subd. 1
4. The outlet is adequate,

Further moving to approve the Preliminary Engineer's Report and proceed to final hearing. Commissioner Lon Walling voted nay.

It was moved by Lon Walling, seconded by Charles Sanow and passed to order the Final Engineer's Report for the *Improvement of Murray/Lyon/Redwood Counties Judicial Ditch 20A Branch 24 and Murray Judicial Ditch No. 6 Main and Branches in Murray County, MN*.

It was moved by James Jens, seconded by Steve Ritter and passed to appoint Jim Weideman, William Moldestad and Duane Bendixen (Kevin Vickerman, alternate) as viewers on the improvement.

It was moved by Steve Ritter, seconded by Charles Sanow and passed that the Joint Board, as Joint Drainage Authority, has found a need to order a Redetermination of Benefits on Judicial Ditch 20A, further moving to appoint Jim Weideman, William Moldestad and Duane Bendixen (Kevin Vickerman, alternate) as viewers.

Action for Judicial Ditch 6, taken by the Murray County Board:

It was moved by James Jens, seconded by Gerald Magnus and passed that the following requirements have been met:

5. The proposed drainage project recommended by the Engineer and outlined in the petition for the Improvement of *Murray/Lyon/Redwood Counties Judicial Ditch 20A Branch 24 and Murray Judicial Ditch No. 6 Main and Branches in Murray County, MN* is feasible.
6. There is a necessity for the proposed project
7. The proposed drainage project will be of public benefit and promote the public health, after considering the environmental and land use criteria in M.S. §103E.015, subd. 1
8. The outlet is adequate,

Further moving to approve the Preliminary Engineer's Report and proceed to final hearing.

It was moved by John Giese, seconded by Robert Moline and passed to order the Final Engineer's Report for the *Improvement of Murray/Lyon/Redwood Counties Judicial Ditch 20A Branch 24 and Murray Judicial Ditch No. 6 Main and Branches in Murray County, MN*.

It was moved by Gerald Magnus, seconded by James Jens and passed to appoint Jim Weideman, William Moldestad and Duane Bendixen (Kevin Vickerman, alternate) as viewers on the improvement.

It was moved by James Jens, seconded by John Giese and passed that the Murray County Board, as Drainage Authority, has found a need to order a Redetermination of Benefits on the Judicial Ditch 6 ditch system, further moving to appoint Jim Weideman, William Moldestad and Duane Bendixen (Kevin Vickerman, alternate) as viewers.

The Murray, Lyon and Redwood County Joint Board meeting was adjourned at 3:09 p.m.

“Exhibit A”

Minnesota Department of Natural Resources

Division of Ecological and Water Resources
Southern Region • 261 Highway 15 South • New Ulm, MN • 56073



April 14, 2014

Heidi Winter
Murray County Auditor
2500 28th Street
PO Box 57
Slayton, MN 56172

RE: Preliminary Engineers Report,
Murray/Lyon/Redwood Counties Judicial Ditch No. 20A Branch 24
Murray County Ditch No. 6
Murray County, MN

Dear Heidi:

On behalf of the Director of the Division of Ecological and Water Resources of the Department of Natural Resources (DNR), I offer the following comments on the Engineer's Preliminary Report for the project referenced above, in accordance with Minnesota Statutes Section 103E.255.

Of general concern in all proposed ditch improvement is the cumulative effect the project may have upon downstream natural resources and property owners in terms of quantity and quality of water that is received. Project specific and cumulative impacts from ditch projects can result in downstream flooding, erosion, stream bank instability and a decrease in water quality. For these reasons, we urge careful evaluation of the project to ensure it is consistent with Objective A1, A3, and C1 of the Murray County Water Management Plan.

These ditch systems drain into Plum Creek which is part of the Cottonwood River Watershed. Water quality data collected throughout the Cottonwood River watershed are discussed in the Minnesota Pollution Control Agency's Total Maximum Daily Load (TMDL) Turbidity Report. The TMDL report indicates both Plum Creek and JD 20 exceed the standards for turbidity. The goal of Objective A3 of the Murray County Water Plan is that staff will address TMDL Impaired Waters within the county. The Department is concerned that increased discharge from this system during flooding events will likely result in increased turbidity and sediment loading in the downstream receiving water and will not help achieve the goals of Objective A3 of the Plan.

The ongoing TMDL process will lead to a comprehensive approach to addressing water quality impairments through the Watershed Restoration and Protection Strategy (WRAPS). We are hoping that Murray County in cooperation with the Redwood Cottonwood River Control Area staff can work together with landowners, communities and other local units of governments throughout the Cottonwood River watershed to improve water quality, reduce runoff, and stabilize stream and river banks through the WRAPS process.

The Department encourages the drainage authority to help landowners investigate land management systems that will reduce field runoff and the need to enlarge the drainage systems in the county. Other options available include the use of cover crops, riparian buffer strips, reduced tillage practices and targeted conservation practices.

Specific comments about the Engineer's Preliminary Report can be found below:

1. The Preliminary Engineers Report appears to be complete from a Division of Ecological and Water Resource viewpoint.
2. Section VI Alternative Solutions D. Outlet For Clear Lake (Page 9). This option investigates the establishment of an adequate outlet for Clear Lake. Please continue to work with DNR Area Wildlife Manager Bill Schuna and Area Hydrologist Lucas Youngsma regarding this option. Mr. Schuna can be reached at: (507) 836-6919 and Mr. Youngsma can be reached at: (507) 537-7258.
3. Work located below the Ordinary High Water Level of Clear Lake will require a DNR permit. Please contact Area Hydrologist Lucas Youngsma for additional guidance on this issue. Lucas can be reached at: (507) 537-7258.

Please contact Kevin Mixon, Regional Environmental Assessment Ecologist, at (507-359-6073; email: kevin.mixon@state.mn.us) if you have any general questions about this letter.

Sincerely,



Jim Sehl

EWR Assistant Regional Manager

ec: Duane Hansel, Bolton & Menk, Inc.
Lucas Youngsma, Area Hydrologist
Skip Wright, North District Manager
Bill Schuna, Area Wildlife Manager
Phil Nasby, Parks and Trails
Ryan Doorenbos, Fisheries
ERDB

The Murray County board meeting was reconvened at 3:09 p.m.

It was moved by Robert Moline, seconded by James Jens and passed to authorize the County Board to attend the April 21, 2014 Planning and Zoning Meeting as a committee of the whole.

There being no further business of the Board the meeting adjourned at 3:11 p.m.

ATTEST:

Aurora Heard, Murray County Coordinator

John Giese, Chairman of the Board

