

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA

April 14, 2015 8:30 a.m.

Special Meeting

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present: Commissioners James Jens, Robert Moline, Gerald Magnus, Glenn Kluis, and David Thiner. Also present Ronda Radke, Assistant Human Resources Director, Heidi Winter, Auditor-Treasurer, and Travis Smith, County Attorney.

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

At 8:30 a.m. the Board Chair called a Public Hearing for the purposes of providing information and receiving citizens' comments regarding the submission of an application to the Minnesota Department of Employment and Economic Development Minnesota Investment Fund on behalf of Monogram Meat Snacks, LLC, and a business subsidy loan to Monogram Meat Snacks, LLC from the Murray County Economic Development Revolving Loan fund.

Attendees: Commissioners, James Jens, Robert Moline, Gerald Magnus, Glenn Kluis, and David Thiner; Amy Rucker, Economic Development Director; Travis Smith, County Attorney; Ronda Radke, Assistant Human Resources Director.

Amy Rucker presented an overview of Monogram Meat Snacks' proposed expansion and submitted two items for discussion: An application to the Minnesota Investment Fund for \$500,000 to loan to Monogram Meat Snacks and a recommendation from the Murray County Economic Development Authority to loan \$350,000 from Murray County's Economic Development Revolving Loan Fund.

The floor was opened to the public. Fay Schuur, Chandler City Council and Kris Gunnink, City of Chandler Clerk/Treasurer said they were there to support Monogram Meat Snacks.

At 8:40 a.m. the Board Chair closed the public hearing

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

RESOLUTION NO. 2015-04-14-01  
LOCAL GOVERNMENT RESOLUTION ECONOMIC DEVELOPMENT PROGRAM

BE IT RESOLVED that Murray County act as the legal sponsor for the project contained in the Business and Community Development Application to be submitted on April 14, 2015 and that the County Board Chair and County Auditor/Treasurer are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of Monogram Meat Snacks, LLC.

BE IT FURTHER RESOLVED that Murray County has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that Murray County has not incurred any costs and has not entered into any written agreements to purchase property.

BE IT FURTHER RESOLVED that Murray County has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, Murray County may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that Murray County certifies that it will comply with all applicable laws and regulations as stated in all contract agreements and described on the Compliance Section (S-7) of the Business and Community Development Application.

AS APPLICABLE, BE IT FURTHER RESOLVED that Murray County has obtained credit reports and credit information from Monogram Food Solutions, LLC. Upon review by the County and the Murray County Attorney, no adverse findings or concerns regarding, but not limited to, tax liens, judgments, court actions, and filings with state, federal and other regulatory agencies were identified. Failure to disclose any such adverse information could result in revocation or other legal action.

NOW, THEREFORE BE IT RESOLVED that the County Board Chair and the County Auditor/Treasurer, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the applicant.

The forgoing resolution was duly seconded by Commissioner Magnus, and thereupon being put to a vote all members of the Board voted for its adoption.

Amy Rucker, Economic Development Director, met with the Board regarding a disbursement from the Economic Development Revolving Loan Fund.

It was moved by Magnus, seconded by Kluis and passed to approve a \$350,000.00 disbursement from the Murray County Economic Development Revolving Loan Fund for \$350,000: \$300,000 for 10 years at 2% with monthly payments; and \$50,000 for 5 years with deferred payments and 20% of the principal forgiven yearly if Monogram maintains employment in Murray County of at least 321 FTEs. Collateral will be equipment and the Corporate Guaranty of Monogram Food Solutions, Monogram Meat Snacks' parent company. In addition, Monogram Meat Snacks will sign a Business Subsidy Agreement stipulating that 51% of new hires will be low- to moderate income persons, defined as earning income less than \$51,050 annually for a family of 4.

The meeting was recessed at 8:45 a.m.

At 9:00 a.m., Drainage Authority Chairman James Jens opened a preliminary hearing for the Murray County Ditch No. 61 Improvement Project.

Attendees: Commissioners, James Jens, Robert Moline, Gerald Magnus, Glenn Kluis, and David Thiner; Heidi Winter, Auditor-Treasurer; Travis Smith, County Attorney; Ronda Radke, Assistant Human Resources Director; Jeff Braegelman, Petitioner Attorney; Bolton & Menk Engineers, Duane

Hansel and Bill Helget; Public, Kris Cuperus, Joyce Cuperus, Marvin Storm, Burend Cuperus, Darryl Sandhurst, Wayne Oolman, Ronald Oolman, Michael Nasers.

Notice Requirements were presented by Heidi Winter

Jeff Braegelmann – Petitioners’ Attorney made comments

Duane Hansel and Bill Helget reviewed the Engineer’s Report

Heidi Winter read the DNR Advisory Report into record and attached to these minutes as “Exhibit A – DNR Advisory Report – CD 61”.

The floor was opened to the public. Burend Cuperus stated that he spearheaded the improvement petition and there is strong support from the landowners on the system. He indicated that the system has not functioned properly for many years.

Recap of the proceedings from Jeff Braegelmann

At 9:35 a.m. the Board Chair closed the public hearing

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

Resolution 2015-04-14-02

Order on Preliminary Hearing, Order for Detailed Survey Report, and Order Appointing Viewers

Murray County Ditch No. 61,  
Murray County, Minnesota.

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

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WHEREAS, a Petition for the Improvement of Murray County Ditch No. 61 has been filed with the Murray County Board of Commissioners, acting as the drainage authority for Murray County Ditch No. 61; and

WHEREAS, the Board, sitting as a drainage authority, on April 14, 2015, conducted a preliminary hearing on the Petition pursuant to Minn. Stat. § 103E.261; and

WHEREAS, said Board has received and reviewed the February 24, 2015, 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 Weideman, Duane Bendixen, Steven Johnson (Daniel Ruby, alternate).

The forgoing resolution was duly seconded by Commissioner Thiner, and thereupon being put to a vote all members of the Board voted for its adoption.

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

Resolution 2015-04-14-03

Findings of fact and Order Concerning Redetermination of Benefits Pursuant to MINN State

Murray County Ditch No. 61,  
Murray County, Minnesota.

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**FINDINGS OF FACT AND ORDER CONCERNING REDETERMINATION  
OF BENEFITS PURSUANT TO MINN. STAT. § 103E.351**

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WHEREAS, a Petition has been submitted for an improvement of portions of Murray County Ditch No. 61; 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 for County Ditch No. 61 do not reflect reasonable present day values and the benefited or damaged areas may have changed.

NOW, THEREFORE, the Murray County Board of Commissioners, acting as drainage authority for Murray County Ditch No. 61, hereby orders the redetermination of benefits for Murray County Ditch No. 61 and appoints Jim Weideman, Duane Bendixen, Steven Johnson (Daniel Ruby, alternate) as viewers. The drainage authority intends that the same viewers work on the Improvement and the Redetermination of Benefits and that the Final Hearing on the Improvement and the hearing on the Redetermination of Benefits will be heard on the same date in the future.

The forgoing resolution was duly seconded by Commissioner Thiner and thereupon being put to a vote all members of the Board voted for its adoption.

Recessed 9:43 a.m.

At 11:00 a.m., Drainage Authority Chairman James Jens opened a Final hearing for the Murray County Ditch No. 73 Improvement Project.

Attendees: Commissioners, James Jens, Robert Moline, Gerald Magnus, Glenn Kluis, and David Thiner; Heidi Winter, Auditor-Treasurer; Travis Smith, County Attorney; Ronda Radke, Assistant Human Resources Director; Jeff Braegelman, Petitioner Attorney; Bolton & Menk Engineers, Duane Hansel and Bill Helget; Viewers, Jim Weideman, Duane Bendixen and Steve Johnson; Public, John Jans, Gerald Meier, Viewers, Burend Cuperus, Mona Henkels, Steve Oakland, Marlys Engelkes, Andy Engelkes, Douglas Stewart, Kruis Cuperus and Joyce Cuperus.

Conflict of Interest – Robert Moline

Notice Requirements were presented by Heidi Winter

Jeff Braegelmann – Petitioners’ Attorney made comments

Duane Hansel and Bill Helget reviewed the Engineer’s Report

Heidi Winter read the DNR Advisory Report into record and attached to these minutes as “Exhibit B – DNR Advisory Report – CD 73”.

Jim Weideman presented the Viewer’s Reports

The floor was opened to the public. Gerald Meier stated that for the township there was a street 110 listed and there is not a 110 street in Murray County, need to amend the report. Doug Stewart asked if

they will be using a plow or an excavator. The Engineer indicated that they would work with the contractor to keep the construction as non-invasive as possible.

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

Resolution 2015-04-14-04  
Detailed Findings and Order for the Improvement of Murray County Ditch No. 73

Murray County Ditch No. 73,  
Murray County, Minnesota.

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**DETAILED FINDINGS AND ORDER FOR THE  
IMPROVEMENT OF MURRAY COUNTY DITCH NO. 73**

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This matter came before the Murray County Board of Commissioners, acting as the Drainage Authority for Murray County Ditch No. 73, for a Final Hearing on a Petition for the Improvement of Murray County Ditch No. 73. Having completed its deliberations, its examination of all files and records herein, and after hearing all interested parties, the Drainage Authority hereby makes the following:

**FINDINGS**

1. The detailed survey report and viewers' report have been made and other proceedings have been completed under Minnesota Statutes Chapter 103E.
2. The reports made or amended are complete and correct.
3. The damages and benefits have been properly determined.
4. The estimated benefits are greater than the total estimated cost, including damages.
5. The proposed drainage project will be of public utility and benefit, and will promote the public health.
6. The proposed drainage project is practicable.
7. The use of separable maintenance as recommended by the engineer in his final report is correct.
8. The Drainage Authority has considered the engineer's final report which includes an estimated project cost of \$263,673.54; separable maintenance in the amount of \$200,837.18; with a resulting improvement cost of \$62,836.36.
9. The Drainage Authority has considered the viewers' report which includes a report of \$262,211.03 in total improvement net benefits.

10. The Drainage Authority has considered the separable repair costs that will be avoided as a result of the proposed drainage project and has determined that only a separable portion of the existing drainage system will be improved and that the remaining portion needs repair.

11. The Drainage Authority has determined and assessed the proportionate cost of the improvement that would be required to repair the separable portion of the drainage system to be improved and has determined and assessed that the amount of \$200,837.18 be allocated as repairs and assessed against all property benefitted by the entire drainage system, and that the balance of the cost of the improvement be assessed in addition to the repair assessment against the property benefitted by the improvement.

**IT IS, THEREFORE, ORDERED:**

1. The Drainage Authority adopts and confirms the viewers' report as made or amended.
2. The Drainage Authority establishes the proposed drainage project as reported and amended.
3. The Drainage Authority determines and assesses the proportionate cost of the improvement that would be required to repair the separable portion of the drainage system to be the amount of \$200,837.18.
4. The repair portion is allocated as repairs and assessed against all property benefitted by the entire drainage system, as provided by Minnesota Statutes Section 103E.731.
5. The balance of the cost of the improvement is assessed in addition to the repair assessment against the property benefitted by the improvement.

The forgoing resolution was duly seconded by Commissioner Magnus and thereupon being put to a vote.

Voting in Favor: Magnus, Jens, Kluis, Thiner

Abstained: Moline

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

Resolution 2015-04-14-05

Finding of Facts and Order Approving the Redetermination of Benefits of Murray County Ditch No. 73 Pursuant to Minnesota Statutes 103E.351

Murray County Ditch No. 73,  
Murray County, Minnesota.

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**FINDINGS OF FACT AND ORDER APPROVING  
THE REDETERMINATION OF BENEFITS OF MURRAY COUNTY DITCH NO. 73  
PURSUANT TO MINNESOTA STATUTES 103E.351**

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**WHEREAS**, the Murray County Board of Commissioners, acting as Drainage Authority for Murray County Ditch No. 73 and having determined that the original benefits or damages determined in a drainage proceeding do not reflect reasonable present day land values or that the benefited or damaged areas have changed, ordered a Redetermination of Benefits to be completed; and

**WHEREAS**, four viewers, including one alternate viewer, were appointed to complete a Redetermination of Benefits Report; and

**WHEREAS**, the Viewers' Report was filed with the Murray County Auditor's office; and

**WHEREAS**, a public hearing was held on April 14, 2015, at 11:00 a.m. in the Commissioners' Room of the Murray County Government Center; and

**WHEREAS**, a record was made that the proper notices, as required under Minnesota Statutes § 103E.351, have been completed; and

**WHEREAS**, Jim Weidemann, one of the duly appointed viewers, presented the Viewers' Report and explained the process of completing the Viewers' Report; and

**WHEREAS**, public comment and questions were taken and submitted into evidence.

**NOW, THEREFORE**, the Murray County Board of Commissioners, acting as Drainage Authority for Murray County Ditch No. 73 makes the following Findings of Fact and Order:

#### **FINDINGS OF FACT**

1. That the Viewers' Report has been made and other proceedings have been completed under Minnesota Statutes § 103E.351.
2. That the Viewers' Report made or amended is complete and correct.
3. That the benefits and damages have been properly determined.

#### **ORDER**

**NOW, THEREFORE**, it is hereby ordered that the Redetermination of Benefits is hereby approved and attached as **Exhibit A**. The redetermined benefits and damages shall be used in place of the original benefits and damages in all subsequent proceedings related to Murray County Ditch No. 73.

The forgoing resolution was duly seconded by Commissioner Kluis and thereupon being put to a vote.  
Voting in Favor: Magnus, Jens, Kluis, Thiner  
Abstained: Moline

12:19 p.m. The meeting was adjourned.

ATTEST: \_\_\_\_\_  
Ronda Radke, Assist Human Resources Dir.                      James Jens, Chairman of the Board

*This space left blank intentionally. See following pages for Exhibits "A" and "B"*

“Exhibit A – DNR Advisory Report – CD 61”



**MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

**Division of Ecological and Water Resources**

261 Highway 15 South, New Ulm, MN 56073

Phone: 507-359-6073 Email: kevin.mixon@state.mn.us

March 19, 2015

Heidi Winter  
Murray County Auditor  
2500 28<sup>th</sup> Street  
P.O. Box 57  
Slayton, MN 561721

Subject: Preliminary Engineer’s Report  
Improvement of County Ditch No. 61  
Murray County, MN

Dear Ms. Winter:

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 Preliminary Engineer’s Report (PER) for the project referenced above, in accordance with Minnesota Statutes Section 103E.255.

Of general concern in all proposed ditch improvements is the cumulative effect that the project may have upon downstream water resources, 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, and a decrease in water quality. For these reasons, we urge careful evaluation of the project to ensure it is consistent with Priority Concerns identified in the Murray County Local Water Management Plan (Water Plan). The Water Plan includes priorities for improving surface water quality and stormwater retention.

The Water Plan prioritizes the prevention of soil erosion through comprehensive drainage management. During peak flow periods (i.e. spring runoff) runoff from agricultural lands can be reduced through the use of cover crops. Cover crops help retain topsoil on the land, improve soil structure, aid in the infiltration and storage of soil moisture, and improve water quality. The retention and health of topsoil is vital to long-term agricultural production. The use of cover crops in the watershed would reduce the need to expand ditch systems, stabilize ditch and stream banks, and decrease the frequency of ditch cleanouts resulting in lower landowner costs for ditch maintenance.

Page 6, B. Wetland Restoration, discusses the option of wetland restoration as a component of the ditch project. Please note that even though it is not feasible to restore enough wetlands to eliminate the need for a ditch system it is beneficial to include wetland restoration or creation into the project. Wetland restorations/creation would provide storage in the watershed, improve water quality, and provide wildlife habitat. The Water Plan, Priority Concern C. Stormwater Retention, includes objectives of slowing runoff, active wetland restoration, and construction of water retention structures. Information should be included in the Final Engineer’s Report (FER) concerning the implementation of Water Plan objectives and the coordination that has occurred with the landowners to incorporate water retention into the project.

“Exhibit A – DNR Advisory Report – CD 61 - continued”

Heidi Winter  
March 19, 2015  
Page 2

Page 8, E. Alternative Measures, indicates the potential use of hickenbottom risers on intakes to improve surface water quality and reduce downstream flows. The DNR supports the use of blind inlets and other best management practices to slow surface water and settle sediment prior to entering the tile system. The use of best management practices for intakes is important due to the public watercourse of Lime Creek being on the Minnesota Pollution Control Agencies Impaired Waters List for fecal coliform and turbidity. The FER should expand upon the methods and locations where best management practices will occur.

On Sheet 3.01 of the report, the tile outlet and riprap will be placed below the Ordinary High Water Level (OHWL – defined as the top of bank) of Lime Creek which is a DNR Public Waters. Minnesota Rules Chapter 6115 .0230 Subpart 4E exempts the installation of agricultural drain tiles that outlet into public waters, if the bank is restored to the original cross-section or contour and no permanent structure is place below the OHWL, except for the drain tile. If only filter fabric and riprap are placed below the OHWL then a DNR permit will not be required for the project.

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

cc: Duane W. Hansel, Bolten & Menk, Inc.  
Kevin Mixon, REAE  
Brian Nyborg, Area Hydrologist  
Todd Kolander, South District Manager  
Bill Schuna, Area Wildlife Manager  
Ryan Doorenbos, Fisheries  
Phil Nasby, Parks & Trails  
ERDB#20150282

“Exhibit B – DNR Advisory Report – CD 73”



**MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

**Division of Ecological and Water Resources**  
261 Highway 15 South, New Ulm, MN 56073  
Phone: 507-359-6073 Email: kevin.mixon@state.mn.us

March 19, 2015

Heidi Winter  
Murray County Auditor  
2500 28<sup>th</sup> Street  
P.O. Box 57  
Slayton, MN 561721

Subject: Final Engineer's Report  
Improvement of Main Tile and Lateral No. 1 of County Ditch No. 73  
Murray County, MN

Dear Ms. Winter:

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 Final Engineer's Report (FER) for the project referenced above, in accordance with Minnesota Statutes Section 103E.301.

The DNR appreciates relocating the outlet into Lime Creek, as the new location will reduce excessive erosion and destabilization of the creek bank. As indicated in prior correspondence between Duane Hansel and Brian Nyborg (DNR Area Hydrologist), the project will not require a Public Waters permit since the outlet will be relocated and no riprap will be installed.

The DNR supports the use of blind inlets, perforated risers, and other best management practices to slow surface water and settle sediment prior to entering the ditch system. The use of best management practices for intakes is important due to the public watercourse of Lime Creek being on the Minnesota Pollution Control Agencies Impaired Waters List for fecal coliform and turbidity. Best management practices should be incorporated into the project as appropriate.

Ongoing coordination will be necessary in order to discuss the potential separable or improvement benefits that may be assessed to the DNR. The DNR reserves the right to provide additional comments on the FER based on the benefits assessment discussions.

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,

A handwritten signature in blue ink that reads "Jim Sehl".

Jim Sehl  
EWR Assistant Regional Manager

cc: Duane W. Hansel, Bolten & Menk, Inc.  
Kevin Mixon, REAE  
Brian Nyborg, Area Hydrologist  
Todd Kolander, South District Manager

Bill Schuna, Area Wildlife Manager  
Ryan Doorenbos, Area Fisheries Manager  
Phil Nasby, Parks and Trails  
ERDB#20150234