

PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA
December 22, 2015 8:30 a.m.

Pursuant to notice, the Murray County Board of Commissioners convened with the following members present: Commissioners James Jens, Robert Moline, Gerald Magnus, David Thiner, Glenn Kluis. Also present Aurora Heard, County Coordinator, Heidi Winter, Auditor-Treasurer, Travis Smith, County Attorney.

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

No conflicts of interest were identified.

Consent Agenda

1. Approval of the Minutes from December 15, 2015

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

It was moved by Magnus, seconded by Thiner and passed to approve consent agenda item number 1.

It was moved by Moline, seconded by Thiner and passed to approve the agenda as modified.

The Board will set the 2016 final levy at the Truth In Taxation 2016 budget hearing at 6:00 p.m. on December 22, 2015.

8:42 a.m. Auditor/Treasurer Winter requested a recess to review the Sunrise Terrace and Sheriff's Department elevator contracts with the Building Committee

9:03 a.m. The meeting was called back to order.

Elevator Contracts

It was moved by Jens, seconded by Moline and passed to accept the reduced elevator contract price of \$2,400 with Thyssen Krup for Sunrise Terrace retroactively to the last billing.

It was moved by Jens, seconded by Kluis and passed to accept the reduced elevator contract price of \$1,300 with Minnesota Elevator for the Sheriff's Office elevator.

There were no ditch inspection reports for the December 22, 2015 meeting.

There were no ditch bills for the December 22, 2015 meeting.

Chris Hansen reported on a septic system continuing education course.

Commissioner Thiner introduced the following resolution and moved its adoption:

RESOLUTION NO. 2015-12-22-01
A Resolution Abolishing All Previously Adopted Bylaws

and Adopting the Amended and Restated Bylaws of the
Murray County Medical Center

WHEREAS, Minnesota Statute 376.06, subd. 1 allows the County Board to commit the care, management, and operation of the hospital to the hospital board, and to provide for the organization and regulation of the hospital board, its duties and the duties of the members, and regulations for the management, operation, and control of the hospital;

WHEREAS, the County Board has previously committed the care of the Murray County Medical Center to the hospital board, and adopted and at various times amended bylaws providing for the organization and regulation of the hospital board; and

WHEREAS, both the County Board and the Hospital Board desire to update the bylaws of the Murray County Medical Center to allow more effective and efficient management and operation of the Murray County Medical Center;

NOW, THEREFORE, BE IT RESOLVED, that all bylaws of the Murray County Medical Center previously adopted or amended, whether by the County Board or hospital board, are hereby rescinded and abolished.

BE IT FURTHER RESOLVED, that the “Amended and Restated Bylaws of the Murray County Medical Center” attached hereto are hereby adopted and shall govern the organization and regulation of the hospital board, its duties and the duties of the members, and regulations for the management, operation, and control of the hospital, effective the first Tuesday of January 2016.

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

Magnus, Moline, Thiner, Kluis and Jens
Opposed: None
Motion carried 5 to 0.

Commissioner Thiner introduced the following resolution and moved its adoption:

RESOLUTION NO. 2015-12-22-02
A Resolution Authorizing the Murray County Medical Center CEO
To Pay Certain Claims

WHEREAS, Minnesota Statute 375.18, subd. 1b allows the County Board to delegate its authority to pay certain claims to a county administrative official;

NOW, THEREFORE, BE IT RESOLVED, that the Murray County Medical Center CEO, a county administrative official, is authorized to pay all Murray County Medical Center expenses as set forth in Minnesota Statute 375.18, subd. 1b.

BE IT FURTHER RESOLVED, that the Murray County Medical Center CEO is authorized to pay certain claims made against the County that are included in the Murray County Accounting Policies

and Procedures Handbook, adopted on September 27, 2011 and as amended by Board action.

BE IT FURTHER RESOLVED, that as part of the control procedure for informational purposes, a list of all Murray County Medical Center claims paid pursuant to this authorization shall be electronically distributed to the Board and an audit list of such claims paid shall be signed by the Board Chair. Said authority shall be effective the second Tuesday in January 2016 and continue until revoked by the County Board.

The foregoing resolution was duly seconded by Moline and thereupon being put to a vote all members voted in favor.

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

Purchase Request – Desk for Assessor's Office

It was moved by Moline, seconded by Thiner and passed to approve purchasing the low quote desk from Davis in the amount of \$3,077.33 from account code: 01-103-6480.

2016 Agreement for Professional Services

It was moved by Moline, seconded by Kluis and passed to approve and authorize the Board Chair to sign a 2016 zoning retainer agreement with Rupp, Anderson, Squires, and Waldspurger P.A. and to not be charged mileage for one of the trainings that will be held in 2016.

2015 Appointed Department Heads Performance Reviews

It was moved by Magnus, seconded by Thiner and passed to approve for the Board to conduct the appointed department head reviews and to use the self-evaluation forms.

It was moved by Thiner, seconded by Jens and passed to approve the purchase of a SAN Storage Area Network in the amount of \$29,146.76 from the Computer Man, Inc.

It was moved by Moline, seconded by Magnus and passed to approve the conflict of interest policy.

It was moved by Jens, seconded by Kluis and passed to approve and authorize Coordinator Heard sign the delta dental user request form and Assurant appointment of correspondent form.

It was moved by Moline, seconded by Magnus and passed to approve proceeding with hiring a Deputy Registrar position at 24 hours per week.

The Commissioners gave their committee reports for the period of December 6, 2015 to December 19, 2015.

James Jens reported on AMC – December 6 - 8, MCMC Foundation Meeting – December 9, Soil and Water Meeting – December 10, Personnel Highway Dept. Tech II Interviews – December 12, Commissioner Board Meeting – December 15.

Gerald Magnus reported on AMC and Ag Committee Meeting – December 6 – 8, Coroner Meeting – December 10, Commissioner Board Meeting – December 15, SW Health & Human Services Meeting – December 16, Hospital Bylaws Meeting, Hospital Finance Meeting, Personnel – December 17, Water Plan Meeting – December 18.

Robert Moline reported on ACM – December 6 – 8, RCRCRA and Area II Meeting – December 10, Shetek Area Water & Sewer Meeting – December 14, Commissioner Board Meeting – December 15, SW Health & Human Services Meeting – December 16, Water Plan Meeting – December 18.

David Thiner reported on AMC – December 6 – 8, Coroner Meeting – December 10, Commissioner Board Meeting and Heron Lake Advisory Meeting – December 15, Hospital Bylaws Meeting and Hospital Finance Meeting – December 17, Water Plan Meeting – December 18.

Glenn Kluis reported on AMC – December 6 – 8, ACE Meeting – December 10, Commissioner Board Meeting – December 15, Buffalo Ridge Transit Meeting – December 17, Water Plan Meeting – December 18.

It was moved by Magnus, seconded by Jens and passed to approve the Commissioner Vouchers for the period of December 6, 2015 to December 19, 2015.

11:00 a.m. Chairman Jens called the County Ditch 61 Improvement and Redetermination of Benefits Final Hearing to order

Welcome and Introductions

Auditor/Treasurer Winter reviewed the notice requirements.

Record of Notice Requirements – Auditor-Treasurer, Heidi Winter: The notice was published in the editorial group and notices were sent to the landowners, the County Board, County Attorney, SWCD, NRCS, FSA Office and notice was posted on the county bulletin board.

The following were present: Commissioner Moline, Commissioner Kluis, Commissioner Thiner, Commissioner Magnus, Commissioner Jens, County Attorney Smith, Coordinator Heard, Auditor/Treasurer Winter, County Engineer/Ditch Inspector Groves, Murray County News Reporter Dorothy Bloemendaal, Wheel Herald News Reporter Katie Beers, Petitioner's Attorney Peter Hemberger, Engineer Bill Helget, Steve Johnson, Duane Bendixen, Jim Wiedeman, Ronald Oolman, Stan Kramer, Jim Bushena, Carl Hennager, Marvin Storm, , Kris Cuperus, Burend Cuperus, Jacob Cuperus, and Kole Kramer

Bill Helget gave the engineers final report.

The DNR did not file an additional advisory report other than the one filed in April 2015.

Jim Weideman presented the Viewer's report.

Public Comments and Questions

Commissioner Thiner introduced the following findings of fact and order approving the redetermination of benefits and moved its adoption:

**STATE OF MINNESOTA
COUNTY OF MURRAY**

In Re:

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

**FINDINGS OF FACT AND ORDER APPROVING
THE REDETERMINATION OF BENEFITS OF MURRAY COUNTY DITCH NO. 61
PURSUANT TO MINNESOTA STATUTES 103E.351**

WHEREAS, the Murray County Board of Commissioners, acting as Drainage Authority for Murray County Ditch No. 61 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 December 22, 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. 61 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.

Dated this 22nd day of November 2015.

MURRAY COUNTY BOARD OF
COMMISSIONERS, ACTING AS DRAINAGE
AUTHORITY FOR MURRAY COUNTY
DITCH NO. 61

By: _____
Its Chairperson

The foregoing findings of fact and order for redetermination was duly seconded by Kluis and thereupon being put to a vote all members voted in favor.

Commissioner Moline introduced the following findings and order for improvement of Murray County Ditch Number 61 and moved its adoption:

**STATE OF MINNESOTA
COUNTY OF MURRAY**

In Re:

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

**FINDINGS AND ORDER FOR THE
IMPROVEMENT OF MURRAY COUNTY DITCH NO. 61**

This matter came before the Murray County Board of Commissioners, acting as the Drainage Authority for Murray County Ditch No. 61, for a Final Hearing on a Petition for the Improvement of Murray County Ditch No. 61. 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 \$821,044.06; separable maintenance in the amount of \$544,264.24; with a resulting improvement cost of \$276,779.82.
9. The Drainage Authority has considered the viewers' report which includes a report of \$590,205.47 in total improvement net benefits.
10. The existing drainage system needs repair and the petition for improvement is for a separable part only of the existing drainage system. 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 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 \$544,264.24 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 \$544,264.24.
4. The repair portion is allocated as repairs and assessed against all property benefited 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 benefited by the improvement.

Dated this 22nd day of December 2015.

MURRAY COUNTY BOARD
Of COMMISSIONERS,
the Drainage Authority

By: _____
Its: _____

Authorized by resolution of the Drainage Authority on the 22nd day of December 2015.

The foregoing findings of fact and order for improvement was duly seconded by Thiner and thereupon being put to a vote all members voted in favor.

It was moved by Thiner, seconded by Magnus and passed to approve authorizing Bolton and Menk to set the bid date for the project.

12:30 p.m. The meeting was recessed.

6:00 p.m. The meeting was reconvened.

Auditor/Treasurer Winter presented the 2016 Truth In Taxation power point presentation. One member of the public was present.

Commissioner Moline introduced the following resolution and moved its adoption:

Resolution 2015-12-22-03
A Resolution Setting the 2016 Final Levy

NOW THEREFORE BE IT RESOLVED, that the Murray County Board of Commissioners set the 2016 Final Levy as follows:

	Gross Levy	County Program Aid	Net Levy
County Revenue	3,939,611	(96,266)	3,843,345
Road & Bridge	1,050,000	(25,657)	1,024,343
Special Levy for Debt Service	350,783		350,783
Human Services	1,153,914	(28,196)	1,125,718
TOTAL LEVY	6,494,308	(150,120)	6,344,188

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

Consensus for the Board Chair and the County Coordinator to review future budgets with the Auditor/Treasurer.

It was moved by Moline, seconded by Jens and passed to approve starting the December 29th meeting at 8:00 a.m.

It was moved by Thiner, seconded by Moline and passed to approve purchasing eight chairs from Davis Typewriter in the amount of \$185.95 each from account code: 01-002-6480.

Voting in Favor: Jens, Thiner, Moline and Kluis

Opposed: Magnus

Motion carried 4 to 1.

7:10 p.m. The meeting was recessed until Monday December 28th, 2015 at 8:00 a.m.

The meeting was reconvened at 8:00 a.m. on December 28, 2015 with the following members present. Commissioners James Jens, Robert Moline, Gerald Magnus, David Thiner, Glenn Kluis. Also present Aurora Heard, County Coordinator

8:02 a.m. It was moved by Thiner, seconded by Moline and passed to go into closed session for the evaluation of the performance of Deputy Registrar Connie Wieneke pursuant to Minnesota Statute 13D.05, subd. 3.

8:31 a.m. It was moved by Moline, seconded by Magnus and passed to come out of closed session.

8:35 a.m. It was moved by Moline, seconded by Thiner and passed to go into closed session for the evaluation of the performance of Transportation/Aging Coordinator pursuant to Minnesota Statute 13D.05, subd. 3.

9:00 a.m. It was moved by Magnus, seconded by Thiner and passed to come out of closed session.

9:04 a.m. It was moved by Moline, seconded by Thiner and passed to go into closed session for the evaluation of the performance of Parks/Fairgrounds Director Justin Hoffman pursuant to Minnesota Statute 13D.05, subd. 3.

9:26 a.m. It was moved by Thiner, seconded by Moline and passed to come out of closed session.

9:31 a.m. It was moved by Moline, seconded by Thiner and passed to go into closed session for the evaluation of the performance of Network Administrator/EMS/VSO James Reinert pursuant to Minnesota Statute 13D.05, subd. 3.

9:56 a.m. It was moved by Thiner, seconded by Jens and passed to come out of closed session.

10:03 It was moved by Thiner, seconded by Kluis and passed to go into closed session for the evaluation of the performance of EDA Director Amy Rucker pursuant to Minnesota Statute 13D.05, subd. 3.

10:25 a.m. It was moved by Moline, seconded by Thiner and passed to come out of closed session.

10:30 a.m. It was moved by Moline, seconded by Thiner and passed to go into closed session for the evaluation of the performance of Sunrise Terrace Director Carol Veldhuisen pursuant to Minnesota Statute 13D.05, subd. 3.

10:55 a.m. It was moved by Moline, seconded by Thiner and passed to come out of closed session.

11:01 a.m. It was moved by Moline, seconded by Jens and passed to go into closed session for the evaluation of the performance of Water Resources Administrator Chris Hansen pursuant to Minnesota Statute 13D.05, subd. 3.

11:28 a.m. It was moved by Thiner, seconded by Moline and passed to come out of closed session

11:31a.m. It was moved by Kluis, seconded by Magnus and passed to go into closed session for the evaluation of the performance of Extension Office Manager Nancy Pieske pursuant to Minnesota Statute 13D.05, subd. 3.

11:49 a.m. It was moved by Thiner, seconded by Moline and passed to come out of closed session

12:01 p.m. It was moved by Kluis, seconded by Magnus and passed to go into closed session for the evaluation of the performance of County Engineer Randy Groves pursuant to Minnesota Statute 13D.05, subd. 3.

12:26 p.m. It was moved by Thiner, seconded by Kluis and passed to come out of closed session

12:28 p.m. It was moved by Magnus, seconded by Moline and passed to go into closed session for the evaluation of performance of County Coordinator Aurora Heard pursuant to Minnesota Statute 13D.05, subd. 3.

1:18 p.m. It was moved by Thiner, seconded by Moline and passed to come out of closed session.

1:19 p.m. The meeting was adjourned.

ATTEST: _____
Aurora Heard, County Coordinator

James Jens, Chairman of the Board