

**PROCEEDINGS OF THE MURRAY COUNTY BOARD OF COMMISSIONERS  
MURRAY COUNTY GOVERNMENT CENTER – SLAYTON, MINNESOTA  
July 15, 2016 – 9:00 a.m.**

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

The meeting opened with the pledge of allegiance to the flag.

At 9:01 Drainage Authority Chairman David Thiner opened the Final Acceptance Hearing for the Improvement to the Main Tile and Branch B & D and Lateral No. 1 of Murray County Ditch No. 35.

Drainage Authority Board Members present were Glenn Kluis, Gerald Magnus, James Jens, Robert Moline and David Thiner. Also present were Kurt Deter, petitioner attorney; Bill Helget, appointed engineer; Brian Loosbrock, contractor; Aurora Heard, County Coordinator, Heidi E. Winter, Auditor-Treasurer; Howard Konkol, Ditch Inspector; and landowners Jason Larson, Jim Larson and Bill Neilson.

Kurt Deter commented briefly on the purpose of the hearing.

Heidi Winter reported that notice was mailed to each benefiting landowner for County 35 on June 29, 2016, a notice was published with the Murray County Editorial Group during the week of July 4, 2016 and a notice was posted on the door of the Murray County Government Center.

Bill Helget filed with the Drainage Authority, a report certifying that the contract was completed. The report showed the contract price of \$985,882.46, the amount paid on the contract of \$925,789.51 and the unpaid balance of \$60,092.95. He recommended the final payment be approved to send to the contractor.

The Board Chair opened the floor for public comment.

Jim Larson questioned if there would be a removal petition coming for the landowners whose drainage was moved from Judicial Ditch No. 2 to County Ditch No. 35 because of this improvement. Mr. Deter will work with Bolton & Menk to gather the necessary data and prepare that petition for consideration by the drainage authority at a later time.

Other discussion and general comments were made. The floor was closed to public comment.

It was moved by Gerald Magnus and seconded by James Jens to issue the following Findings of Fact and Order.

**BEFORE THE MURRAY COUNTY BOARD OF  
COMMISSIONERS, ACTING AS DRAINAGE AUTHORITY  
FOR MURRAY COUNTY DITCH #35**

**Findings of Fact and Order on Acceptance of  
Contract, Pursuant to Minnesota Statutes  
103E.555**

**WHEREAS**, the duly appointed engineer, Bill Helget of Bolton and Menk, filed a report concerning the completion of the contract for the Improvement of Murray County Ditch #35; and

**WHEREAS**, pursuant to proper notice, an acceptance hearing was held on July 15, 2016, at 9:00 a.m., in the Murray County Government Center; and

**WHEREAS**, Bill Helget gave evidence concerning his report indicating that the contract price was \$985,882.46 and the amount paid on the contract was \$925,789.51, leaving an unpaid balance of \$60,092.95; and

**WHEREAS**, the duly appointed engineer recommended the final payment be approved for the contractor; and

**WHEREAS**, public comment and questions were taken concerning the work of the contractor and the landowners indicated that the contractor had completed the project according to the plans and specifications; and

**WHEREAS**, it was brought to the Drainage Authority's attention that upon acceptance of this contract, there is land in the Judicial Ditch #2 system that has been moved and now outlets into the Murray County Ditch #35 system; and

**WHEREAS**, Kurt Deter and Bill Helget were directed to compile the information for a Petition to remove property from the Judicial Ditch #2 system.

**NOW, THEREFORE**, based on the evidence presented, the Murray County Board of Commissioners, acting as Drainage Authority for Murray County Ditch #35, makes the following Findings of Fact and Order:

**FINDINGS OF FACT**

1. The contract has been completed in accordance with the plans and specifications in the Order.

**ORDER**

**NOW, THEREFORE,** it is hereby ordered that final payment shall be made to the contractor in the amount of \$60,092.95. That further, it is anticipated that a Petition for removal of property from the Judicial Ditch #2 system into the County Ditch #35 system will be submitted.

Dated this \_\_\_ day of \_\_\_\_\_, 2016.

MURRAY COUNTY BOARD OF  
COMMISSIONERS, ACTING AS DRAINAGE  
AUTHORITY FOR MURRAY COUNTY DITCH #35

By \_\_\_\_\_  
Its Chairperson

The motion passed with a roll call vote as follows:

Gerald Magnus: yes  
Robert Moline: yes  
James Jens: yes  
Glenn Kluis: yes  
David Thiner: yes

The County Ditch No. 35 Improvement Final Acceptance Hearing was closed at 9:20 a.m.

The Board reviewed 2017 budget proposals with Department Heads as follows:

