

**LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES**

May 18, 2010
Courthouse Commissioner Room
Ivanhoe, MN 56142

The meeting was called to order at 9:00 a.m. by Board Chair, Adam Gillund, followed by the Pledge of Allegiance. Commissioners present were Adam Gillund, Larry Hansen, Joan Jagt, Don Evers and Curtis Blumeyer. Also present were County Auditor, Kathy Schreurs and County Attorney, Glen Petersen.

Motion by Blumeyer, seconded by Hansen, to approve minutes with corrections from the May 4, 2010 Commissioner meeting. All voted in favor.

Motion by Evers, seconded by Jagt, to approve agenda items. All voted in favor.

Robert Olsen, Environmental Administrator, reported that the Minnesota Pollution Control Agency (MPCA) has requested permission to access Lincoln County land in Lake Stay Township, Section 15 in order to conduct a biological study of the south branch of the Yellow Medicine Watershed District. A conference call is scheduled for 9:30 a.m. with the MPCA for additional information.

Olsen reported that the Environmental Protection Agency (EPA) will be conducting inspections of classified wells (floor drains) for contamination used by businesses in Lincoln County.

At 9:30 a.m. a conference call was held with Bryan Spindler, Aquatic Biologist with the Minnesota Pollution Control Agency. Spindler reported that as part of the Clean Water Legacy, the MPCA will be conducting biological and ecological surveys of the south branch of the Yellow Medicine Watershed District. Spindler requested access to Lincoln County lands in Section 15 of Lake Stay Township. Spindler stated that they would be accessing the property two times during the months of June to September. Motion by Blumeyer, seconded by Hansen, to approve access by MPCA to Lincoln County property in Section 15 of Lake Stay Township. All voted in favor.

Lee Amundson, County Engineer, gave a construction/maintenance update to the Board.

Amundson reported that a pre-construction meeting has been scheduled for May 21, 2010 with regards to 2010 road projects.

Amundson reported that the Lincoln County Highway Department installs right-of-way signs that delineate the limits of roadway area from adjacent land use. Frequently there is encroachment into county roads due to farming practice and other activities. A number of these signs are knocked over or destroyed/removed each year. Amundson stated that Minnesota Statute 160.2715 (Right of Way Use; Misdemeanors) describes inappropriate activities in road right-of-ways, which includes damaging signs and crop planting.

Motion by Evers, seconded by Jagt, to approve Lincoln County Right-of-Way Policy. All voted in favor.

Right-of-Way Policy

Plowing, tilling and other operations within County right-of-way is unlawful, according to Minnesota State Statute 160.2715.

The County reserves the right to ask for the removal of crops planted in the right-of-way, or the County may remove them at the owner's expense.

Also, the County reserves the right to invoice landowners for costs to restore/replace damaged or missing R/W markers and all other road signs and for turf restoration due to tilling/crops.

STEPS IN ENFORCEMENT PROCESS:

1. Notice to landowners – through farm publication(s) or newspaper(s)
2. First Offense – the County Engineer will send a letter informing of problem
3. County Highway Department will bill landowner for restoration costs completed by County forces.
4. Sheriff may meet with landowner to explain the misdemeanor and/or cite individual

NOTE: Step 2 may be skipped in the enforcement process. Step 4 will only be used as last resort.

Amundson reported that the Emergency Action Plan for the Highway Department has been completed.

Amundson reported that the Highway Roundtable Meeting is scheduled for today at 12:30 p.m.

Amundson reported that he had received a 2010 quote from AAA Striping Service. Motion by Jagt, seconded by Blumeyer, to approve 2010 striping quote of \$17,943.00 from AAA Striping Service. All voted in favor.

Motion by Evers, seconded by Jagt, to approve correction of clerical error in Resolutions 12-2010 and 13-2010 from 2.25 miles to 2.35 miles. All voted in favor.

Motion by Jagt, seconded by Evers, to adopt Mutual Agreement with Verdi/Lake Benton townships regarding roadway exchange and authorize Chair Gillund to sign said Agreement. All voted in favor.

Amundson reported that reflective roadway signs must be replaced by 2015. The Highway Department will replace a portion of the signs each year prior to 2015.

At 11:00 a.m. a public hearing was held to review proposed changes and additions to Public Health Ordinances. Julie Eisenberg, Environmental Health Specialist, and Chris Gilb, Director of Nursing for Public Health presented information on each of the new proposed ordinances. Motion by Blumeyer, seconded by Jagt, to repeal Lincoln County Ordinances #19 and #33 and adopt the following:

- Ordinance #41 – Lincoln County Public Health Administrative Ordinance
- Ordinance #42 – Lincoln County Public Health Food and Beverage Ordinance
- Ordinance #43 – Lincoln County Public Health Lodging Ordinance
- Ordinance #44 – Lincoln County Public Health Camping/Manufactured Home
- Ordinance #45 – Lincoln County Public Health Swimming Pool Ordinance
- Ordinance #46 – Lincoln County Public Health Youth Camp Ordinance

All voted in favor.

Committee Reports were given:

- Hansen – SRDC
- Blumeyer – Area II
- Gillund – None
- Jagt – None
- Evers – RCRCA, Lincoln County Promotion and Tourism

Motion by Hansen, seconded by Jagt, to approve SW/WC Service Cooperative Joint Powers Agreement. All voted in favor.

Motion by Blumeyer, seconded by Jagt, to approve 2010 contracts with Hanratty and Associates. All voted in favor.

Auditor Warrants were presented.

Motion by Blumeyer, seconded by Jagt, to approve the following Commissioner Warrants #10529- 10572 for the following amounts: Revenue - \$137,673.59, Road & Bridge - \$32,494.48, LBLID - \$315.00 and Ditch - \$3,366.86. All voted in favor.

Motion by Evers, seconded by Jagt, to approve Auditor Warrant to Craguns for \$229.32. All voted in favor.

Motion by Jagt, seconded by Hansen, to set minimum salary for Lincoln County Treasurer for 2011 at \$38,000.00. Motion by Gillund to amend the motion and set minimum salary for the Lincoln County Treasurer for 2011 at \$40,000.00. Amendment to the motion died for lack of a second. A vote was taken for the original motion. All voted in favor.

Motion by Jagt, seconded by Hansen, to adjourn at 11:25 a.m. All voted in favor.

ATTEST:

(SEAL)

Adam Gillund, 2010 Board Chair

Kathy Schreurs, County Auditor