

**LINCOLN COUNTY BOARD OF COMMISSIONERS  
MEETING MINUTES**

June 7, 2011  
Courthouse Commissioner Room  
Ivanhoe, MN 56142

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

Motion by Gillund, seconded by Jagt, to approve minutes from the May 17, 2011 Commissioner meeting. All (4) voted in favor.

Motion by Blumeyer, seconded by Gillund, to approve agenda items. All (4) voted in favor.

Motion by Gillund, seconded by Jagt, to approve on sale liquor licenses for the Knotty Pine Supper Club and the Hendricks Golf Association, 3.2 malt liquor licenses for St. John Cantius Church for their 4<sup>th</sup> of July celebration and the Marble Store yearly license, and Lawful Gambling Permit for St. John Cantius Church for their 4<sup>th</sup> of July celebration. All (4) voted in favor.

Robert Olsen, Environmental Administrator, reported that a meeting was held on May 23 to discuss improvements/repairs to JD 13. Olsen stated that a petition for improvement may be filed.

Olsen reported that landowners of JD 28 will be meeting on July 7, 2011 and that a hearing has been scheduled for July 12, 2011.

A Public Hearing was held at 9:30 a.m. to review a petition for an outlet from Thomas Seitz to CD 35. Motion by Gillund, seconded by Jagt accept viewers report for CD #35. All voted in favor. Commissioner Hansen was absent.

At 9:40 AM, a conference call was held regarding JD #31. Members present per conference call were Lyon County Commissioners, Rick Anderson, Robert Fenske, Mark Goodenow, Stephen Ritter, and Rodney Stensrud and Lincoln County Commissioners Curtis Blumeyer, Donald Evers, Adam Gillund and Joan Jagt. Motion by Jagt, seconded by Gillund, to call the hearing to order. All voted in favor. Commissioner Hansen was absent.

Motion by Jagt, seconded by Blumeyer, to nominate Rick Anderson to the JD #31 Board. All Lincoln and Lyon County Commissioners voted in favor. Commissioner Hansen was absent.

Motion by Gillund, seconded by Evers, to approve minutes from the December 9, 2010 CD #31 Ditch meeting. All voted in favor. Commissioner Hansen was absent.

Motion by Blumeyer, seconded by Stensrud, to approve minutes from the May 23, 2011 CD #31 Ditch meeting. All voted in favor. Commissioner Hansen was absent.

Motion by Anderson, seconded by Stensrud, to adjourn. All Lincoln and Lyon County Commissioners voted in favor.

Olsen presented a "Petition for Outlet and Benefits" to Judicial Ditch 29 from Phillip Sonstegard, Jo's Family Farms. The petition includes all of the NE ¼ (minus building site) in Section Four, Township One Hundred Ten (T-110-N), Range Forty-four R-44-W. Motion by Jagt, seconded by Blumeyer, to accept "Petition for Outlet and Benefits pursuant to MS 103E from Phillip Sonstegard, Jo's Family Farms and to a Public Hearing for July 5, 2011 at 9:30 a.m. All (4) voted in favor.

Olsen reported that the Department of Natural Resources plans to pursue the shortest route for drainage of a water flooded area west of Tyler on U.S. Highway 14.

Olsen reported that a meeting of landowners benefited by CD #33 will be held on June 9, 2011 at 10:30 a.m. at the Tyler Fire Hall.

Olsen reported that a meeting of landowners benefited by Branch #9 of JD 31 is scheduled for June 9, 2011 at 2:00 p.m. at the Tyler Fire Hall.

Olsen reported that the County has received a letter from the Department of Natural Resources stating that the DNR does not benefit from the treatment to control curly leaf pondweed in Lake Benton Lake and should not be assessed the special assessment of \$166.00 by the Lake Benton Lake Improvement Association. A response letter has been prepared by the Environmental Office stating that the LBLID special assessment is justified.

Lee Amundson, Engineer, gave the construction/maintenance update.

Amundson reported that the Highway Union has voted not to implement the trial 10 hour/day work schedule for the 2011 summer season but would like to address the work schedule in contract negotiations for 2012.

Amundson reported that there is a possibility of a state "shut-down" on July 1, 2011, which could also cause road construction delays.

Amundson reported that Shaokatan Township is not interested in "swapping out" County Road 102 from CR 16 to State Highway 19 in order to allow for paving the Picnic Point County Park road.

Amundson reported that Ottertail Power Company had performed an energy audit for the highway department building for lighting and heating. Quotes are being solicited for the cost of the upgrades. An energy rebate will be filed if the upgrades are completed.

Amundson requested monthly cell phone allowances of \$10.00/mo. for the Highway Shop Foreman and the Assistant to the Maintenance Superintendent. Motion by Gillund, seconded by Evers, to approve cell phone allowances of \$10.00 for the Highway Shop Foreman and the Assistant to the Maintenance Superintendent. Commissioner Gillund voted in favor. Commissioners Evers, Blumeyer and Jagt voted in opposition. Motion failed.

At 10:30 a.m. bids were opened for bituminous overlay and aggregate shouldering for 3.007 miles of CSAH 17 between CSAH 7 & 8 – State Aid Project No. 041-617-032. Bids received were:

McLaughlin & Schulz	\$256,433.76
Central Specialties	\$306,748.80
Bituminous Paving	\$337,438.50

Motion by Blumeyer, seconded by Jagt, to approve low bid of \$256,433.76 from McLaughlin & Schulz for State Aid Project No. 041-617-032. All (4) voted in favor.

Commissioner Hansen arrived at the meeting at 10:40 a.m.

Norm VanOverbeke, Emergency Management, introduced Jeanna Sommers, who has been hired to replace VanOverbeke as the Emergency Management Director effective June 6, 2011. Motion by Gillund, seconded by Jagt to set the salary for Sommers at \$42,000.00/year with salary review following a six-month probation period. All voted in favor.

Jack Vizecky, County Sheriff, presented a Joint Powers Agreement with the Bureau of Criminal Apprehension (BCA) regarding the Crimes Against Children Program. Motion by Jagt, seconded by Hansen, to approve Joint Powers Agreement, Resolution No. 24-2011 (Joint Powers Agreement with BCA) and to authorize Sheriff Vizecky to sign future agreements. All voted in favor.

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE COUNTY OF LINCOLN ON BEHALF OF ITS COUNTY ATTORNEY AND COUNTY SHERIFF**

**WHEREAS**, the County of Lincoln on behalf of its County Attorney and County Sheriff's Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the County is eligible. The Joint Powers Agreement further provide the County with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the County to pay the costs for the network connection.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the County of Lincoln, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the County of Lincoln on behalf of its County Attorney and Sheriff's Department are hereby approved. Copies of two Joint Powers Agreements are attached to this Resolution and made a part of it.
2. That the County Sheriff, Jack Vizecky, or his successor, is designated the Authorized Representative of the Sheriff's Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.
3. That the County Attorney, Glen Petersen, or his successor, is designated the Authorized Representative for the County Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the County's connection to the systems and tools offered by the State.
4. That Don Evers, as the Board Chair for the County of Lincoln and Kathy Schreurs, the County Auditor, are authorized to sign the State of Minnesota Joint Powers Agreements.

Adopted this 7<sup>th</sup> day of June 2011 by the Board of Commissioners of Lincoln County, Minnesota.

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Don Evers, 2011 Board Chair

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Kathy Schreurs, County Auditor

At 11:00 a.m. the Board met with Mayors, City Council Members, Police Chiefs, and City Administrators from the cities of Tyler, Lake Benton, Hendricks and Ivanhoe to discuss whether there is any interest in the cities contracting with the Lincoln County Sheriff's Department for Law Enforcement coverage. Discussion only.

At 11:15 a.m. Commissioner Hansen left the meeting.

Paul Olsen, Housing and Redevelopment Association, requested approval of a Small Cities Development Program Application to acquire and rehabilitate the Tyler Twin Homes in the City of Tyler. Motion by Jagt, seconded by Bumeyer, to approve Small Cities Development Program Application Local Government Resolution. All (4) voted in favor.

Motion by Jagt, seconded by Gillund, to approve Resolution of Receptivity to a Deed SCDP Award. All (4) voted in favor.

Correspondence was reviewed and the following Committee Reports were given:

Evers – HRA, Plum Creek, AMC District VIII, Rural Energy to Emmetsburg, Iowa,  
Gillund – None

Jagt – AMC District VIII, SWHHS, Drug Task Force, Ditch Meeting  
Blumeyer – AMC District VIII, Regional Radio, RC&D, Insurance Committee, Ditch Meeting, SWCD, SWHHS  
Hansen – Absent

Auditor Warrants were presented.

Motion by Gillund, seconded by Blumeyer to approve the following Commissioner Warrants #13800 - 13888 for the following amounts: Revenue – \$96,827.01, Road & Bridge - \$29,220.39 and Ditch - \$64.14. All (4) voted in favor.

Motion by Gillund, seconded by Blumeyer to cancel Warrant #13639 for \$1,342.00 made out to David and Jacqueline Esping. All (4) voted in favor.

Olsen reported that Duinick, Inc. has requested a permit to mine gravel at site known as "Windom Drug Property" in Lake Stay Township for an upcoming project in the City of Tyler. Motion by Jagt to approve request. Motion did not receive a second, therefore motion failed. The Lincoln County Planning and Zoning will hold a Special Public Hearing on June 21, 2011 at 7:00 p.m. to decide on the request for a permit.

Motion by Jagt, seconded by Gillund, to approve Southwest Health and Human Services Rental Agreement at \$10.00 square foot. All (4) voted in favor.

Kathy Schreurs, Auditor, presented proposed amendments to the Nationwide Retirement Solutions Deferred Compensation program available to county employees. The amendments would be effective January 1, 2011 and would bring the 457 Plan Document into compliance with federal regulation changes. Motion by Blumeyer, seconded by Gillund, to approve the proposed amendments to the Nationwide Deferred Compensation program effective January 1, 2011. All (4) voted in favor.

Motion by Gillund, seconded by Jagt, to approve Resolution #23-2011 (Non-Conservation Classification). All (4) voted in favor.

**Resolution No. 23-2011  
Tax Forfeited Classification/Appraisals**

**WHEREAS**, certain lands in Lincoln County, Minnesota, have forfeited to the State of Minnesota for non-payment of taxes, and,

**WHEREAS**, the Lincoln County Board of Commissioners classify these lands as **non-conservation lands**, in accordance with Minnesota Statutes 282.01.

**NOW THEREFORE BE IT RESOLVED**, that the Lincoln County Board of Commissioners hereby certify that all parcels of land listed below have been viewed and comply with the provisions of Minnesota Statutes 85.012; 92.461; 282.01 Subd. 8; and 282.018; and other statutes that require the withholding of tax-forfeited lands from sale.

**BE IT FURTHER RESOLVED**, that the Lincoln County Board of Commissioners hereby request approval from the Minnesota Department of Natural Resources for the sale of said lands.

**HANSONVILLE TOWNSHIP**

Parcel #05-0002-000  
SEC 01 TWP 113 RANG 46  
W 22 RODS OF N 22 RODS OF NW 1/4

**ROYAL TOWNSHIP**

Parcel #13-0210-000  
BLK – 004 WILNO  
LOTS 2-3

**VERDI TOWNSHIP**

Parcel #15-0027-000

SECT 06 TWP 109 RANG 46

TRACT in SE ¼ SE ¼ Beg 103.3'N & 33'W of SE

COR N 330', W 264', S 330', E 264' to PT of BEG

**ADOPTED** by unanimous vote, this 7th day of June, 2011.

ATTEST:

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Don Evers, 2011 Board Chair

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Kathy Schreurs, County Auditor

Matt Miller, AFSCME Union Staff Representative, reported that the Lincoln County Union contracts will expire on December 31, 2011. Highway and Sheriff's union groups are scheduled to meet on June 21, 2011. Miller reported that the Courthouse group isn't ready at this time.

Motion by Gillund, seconded by Jagt, to approve Early Retirement Incentive Agreement with Union employees contingent on review by Attorney Glen Petersen. Commissioners Gillund, Jagt, and Evers voted in favor. Commissioner Blumeyer voted in opposition. Motion carried by majority vote.

Motion by Gillund, seconded by Jagt, to adjourn at 12:55 p.m. All voted in favor.

ATTEST:

(SEAL)

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Don Evers, 2011 Board Chair

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Kathy Schreurs, County Auditor