

**LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES**

January 19, 2016
Courthouse Commissioner Room
Ivanhoe, MN 56142

The meeting was called to order at 9:00 a.m. by Board Chair, Richard Hamer, followed by the Pledge of Allegiance. Commissioners present were Joe Drietz, Don Evers, Richard Hamer, Joan Jagt, and Mic VanDeVere. Also present was County Auditor, Deb Vierhuf. No conflicts of interest were noted.

Motion by Jagt, seconded by Drietz to approve minutes from January 05, 2016 and agenda for January 19, 2016. All voted in favor.

Amber Scholten, Safety Director, presented the 2016 Safe Assure Contract for approval. Motion by Jagt, seconded by Drietz to approve the 2016 Safe Assure Contract. All voted in favor.

Scholten also reported that she has met with Bladholm Construction regarding the Court Security update. They will have something put together later in the week with estimated costs. Scholten also reported that Fran's communication said it would take about two days to get the panic buttons installed and the estimated labor cost would be about \$2,000.00. Scholten also reported that the new radios are in Mankato and should be at the County soon.

Motion by Evers, seconded by VanDeVere to approve Resolution No 12-2016 approving the Joint Powers Agreement with 10 Southwest Minnesota Counties that receive water from Lincoln Pipestone Rural Water. All voted in favor.

**RESOLUTION NO. 12-2016
RESOLUTION APPROVING JOINT POWERS AGREEMENT**

WHEREAS, LPRW provides potable water to individuals, farms, cities, and commercial customers located in the following ten counties in southwest Minnesota:

1. Jackson County,
2. Lac Qui Parle County,
3. Lincoln County,
4. Lyon County,
5. Murray County,
6. Nobles County,
7. Pipestone County,
8. Redwood County,
9. Rock County,
10. Yellow Medicine County; and

WHEREAS, LPRW needs to make improvements and upgrades to its existing water distribution system, which LPRW refers to as the "Improvements Project"; and

WHEREAS, the Improvements Project is necessary to shore up LPRW's Verdi Well Field and to replace old and antiquated equipment throughout LPRW's system, which will ultimately benefit most of the aforementioned ten counties; and

WHEREAS, the estimated costs of the Improvements Project is \$4,539,000.00; and

WHEREAS, \$1,431,000.00 of the costs of the Improvements Project will be paid for by a grant LPRW will receive from the United States Department of Agriculture/Rural Development; and

WHEREAS, the remaining \$3,108,000.00 of costs for the Improvements Project will be paid for by issuing general obligation bonds (“GO bonds”); and

WHEREAS, LPRW does not have the legal authority to issue GO bonds; and

WHEREAS, Lincoln County, Minnesota, has agreed to issue \$3,108,000.00 of GO bonds on behalf of LPRW to help finance the construction of the Improvements Project on the condition that the other nine aforementioned counties sign a Joint Powers Agreement, which guarantees the payment of both the interim and permanent GO bonds in the amount of \$3,108,000.00; and

WHEREAS, Minnesota Statute §571.59 allows the ten aforementioned counties to enter into a Joint Powers Agreement, which guarantees the payment of both the interim and permanent GO bonds in the amount of \$3,108,000.00.

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

That the Joint Powers Agreement between the aforementioned ten counties and Lincoln Pipestone Rural Water System, which is dated January 1, 2016, is hereby approved in its entirety.

Adopted this 19th day of January, 2016.

ATTEST:

Richard Hamer, 2016 Board Chair

Deb Vierhuf, County Auditor

Deb Vierhuf, Lincoln County Auditor presented The Workforce Service Area #6 of Southwest Minnesota Joint Powers Agreement for the 14 counties in Southwest Minnesota. The JPA is required for the local service area to be in compliance with the requirements of the new Workforce Innovation and Opportunity Act. Motion by Drietz, seconded by Jagt to approve the Joint Powers Agreement with the Workforce Innovation and Opportunity Act. All voted in favor.

Dave Halbersma, Highway Engineer, reported on project updates. They were as follows:

- R & G Construction agreed on \$10,500.00 penalty for the late project completion date. They were about 30 days late.
- Midwest Contracting did some additional work for the County in lieu of their late deadline. They were about 10 days late.
- Overlay plans have been submitted to MnDOT.
- County Rd 9, from TH 75 to County Rd 7 in the 5 year plan called for a 2 inch overlay. After some research, it was changed to a 1.5 inch overly.
- County Rd 9 reconstruction plans are essentially complete.
- County State 7 Box Culvert plans are complete. Sent to MnDOT for approval. The DNR will also need to approve. It is unsure whether there will be bonding money to complete this project.
- Have completed various Township Road Culvert Plans.
- Working on Arco Plans and hoping to incorporate these plans with the overlay plans.
- Considering waiting on bids for overly plans due to falling fuel prices.
- Due to some wording changes on the Trunk Highway 14 Detour Agreement, an amendment will need to be signed by Richard Hamer, 2016 Board Chair.

Halbersma also set a Tentative date for Road and Bridge Hearing date of March 15th at 10:00. Discussion on County Road 134 will be done at the same meeting. Letters will be sent out to the affected landowners

so they can be present for the discussion. If we have a large group, the meeting will be moved to the Assembly Room.

Halbersma also reported that he has some additional items that need to be declared surplus so they can be sold at auction. Motion by Evers, seconded by Drietz to designate the following items as surplus to be sold at auction.

- Old Balance Beam Scale
- Tool box (Rat Pack)
- Shop AC unit (Master Cool)
- Rivet Press
- Misc. Auger Teeth
- Old tire changer
- Old torch rack

All voted in favor.

Halbersma reported on Maintenance updates. They were as follows:

- Received \$600 for the Cherry Picker Hoist.
- New Pay Loader should be arriving today.
- Blade repair is being done on one of the trucks.
- New truck is having some power issues. Dealership is looking at various areas to fix the issue.
- There has been a lot of snow plowing in January due to the wind.
- Regular maintenance is being done on equipment.

Halbersma also reported that the Labor Management meeting has been set for January 25th at 8:00 a.m.

Halbersma would also like to set up a meeting with the Road and Bridge Committee in the near future to talk about some landowner issues. Will contact the Commissioners on that committee with a date and time.

Robert Olsen, Environmental, reported to the Board that a ditch assessment has not been paid by Hendricks Township. Discussion only at this time.

Olsen also presented Resolution No 10-2016 for the ditch assessments on JD 13 property owners. Motion by Jagt, seconded by Evers to approve Resolution No 10-2016 Authorizing the Assessment of Benefits, Establishing the Term of Assessment, and Establishing a Rate of Interest on Assessments for JD 13. All voted in favor.

STATE OF MINNESOTA
LINCOLN COUNTY BOARD OF COMMISSIONERS

Regarding the assessment of benefits for the Improvement/Repair of Lyon/Lincoln Joint Judicial Ditch 13, as ordered by the Lyon/Lincoln Joint Ditch Authority for Judicial Ditch 13

Resolution # 10-2016 Authorizing the Assessment of Benefits, Establishing the Term of Assessment and Establishing a Rate of Interest on Assessments

At the Regular Meeting of the Lincoln County, Minnesota Board of Commissioners on January 19, 2016 Commissioner Jagt moved, seconded by Commissioner Evers, adoption of the following Resolution.

Whereas, the Lyon/Lincoln Joint Ditch Authority for Judicial Ditch 13 has recently completed proceedings for the Improvement/Repair of Judicial Ditch 13; and

Whereas, the State's Drainage Code, Minnesota Statutes Chapter 103E, places certain obligations on Lincoln County related to the fiscal administration of the drainage system, including the assessment of benefits for construction of the improvement/repair; and

Whereas, the County Board previously authorized payment of up to \$380,000.00 for the improvement/repair proceedings, including construction of the improvement, to be reimbursed from benefits assessments; and

Whereas, final costs of the proceedings are now known, individual property assessments have been calculated, to include interest and administrative costs, and a reasonable term of assessment has been determined; and

Whereas, the County Auditor requires record of the County Board's action regarding the assessment of benefits for the improvement.

Now, therefore, be it resolved that:

1. The Lincoln County Board of Commissioners, pursuant to its authority and obligations under Statutes Chapter 103E, authorizes and directs the assessment of benefits upon real property identified in the Viewer's Report adopted by the Lyon/Lincoln Joint Ditch Authority for Judicial Ditch 13 proceedings for Improvement/repair of Judicial Ditch 13.
2. The assessments shall be extended to real property according to the spreadsheet attached as Exhibit A, to be collected in equal installments for a period of 10 years and carry an interest rate of 4.0% per annum on the unpaid balance until paid in full.
3. The assessments may be prepaid but will accrue interest on the entire unpaid principal from the date the drainage lien was recorded to August 15 of the next calendar year, and afterwards from August 15 to August 15 of each year, in accordance with Statute Section 103E.605.

After discussion and upon a vote the Board Chair declared the Resolution adopted by vote of 5 yeas and 0 nays.

ATTEST:

Richard Hamer, 2016 Board Chair

Deb Vierhuf, County Auditor

Olsen also presented Resolution No 11-2016 for the ditch assessments on JD 31 property owners. Motion by VanDeVere, seconded by Jagt to approve Resolution No 11-2016 Authorizing the Assessment of Benefits, Establishing the Term of Assessment, and Establishing a Rate of Interest on Assessments for JD 31. All voted in favor.

STATE OF MINNESOTA
LINCOLN COUNTY BOARD OF COMMISSIONERS

Regarding the assessment of benefits for the Improvement/Repair of Lyon/Lincoln Joint Judicial Ditch 31, as ordered by the Lyon/Lincoln Joint Ditch Authority for Judicial Ditch 31

Resolution #11-2016 Authorizing the Assessment of Benefits, Establishing the Term of Assessment and Establishing a Rate of Interest on Assessments

At the Regular Meeting of the Lincoln County, Minnesota Board of Commissioners on January 19, 2016 Commissioner VanDeVere moved, seconded by Commissioner Jagt, adoption of the following Resolution.

Whereas, the Lyon/Lincoln Joint Ditch Authority for Judicial Ditch 31 has recently completed proceedings for the Improvement/Repair of Judicial Ditch 31; and

Whereas, the State's Drainage Code, Minnesota Statutes Chapter 103E, places certain obligations on Lincoln County related to the fiscal administration of the drainage system, including the assessment of benefits for construction of the improvement/repair; and

Whereas, the County Board previously authorized payment of up to \$425,000.00 for the improvement/repair proceedings, including construction of the improvement, to be reimbursed from benefits assessments; and

Whereas, final costs of the proceedings are now known, individual property assessments have been calculated, to include interest and administrative costs, and a reasonable term of assessment has been determined; and

Whereas, the County Auditor requires record of the County Board's action regarding the assessment of benefits for the improvement.

Now, therefore, be it resolved that:

4. The Lincoln County Board of Commissioners, pursuant to its authority and obligations under Statutes Chapter 103E, authorizes and directs the assessment of benefits upon real property identified in the Viewer's Report adopted by the Lyon/Lincoln Joint Ditch Authority for Judicial Ditch 31 proceedings for Improvement/repair of Judicial Ditch 31.
5. The assessments shall be extended to real property according to the spreadsheet attached as Exhibit A, to be collected in equal installments for a period of 15 years and carry an interest rate of 4.0% per annum on the unpaid balance until paid in full.
6. The assessments may be prepaid but will accrue interest on the entire unpaid principal from the date the drainage lien was recorded to August 15 of the next calendar year, and afterwards from August 15 to August 15 of each year, in accordance with Statute Section 103E.605.

After discussion and upon a vote the Board Chair declared the Resolution adopted by vote of 5 yeas and 0 nays.

ATTEST:

Richard Hamer, 2016 Board Chair

Deb Vierhuf, County Auditor

Olsen also reported that some of the ditches will have their closure hearings this year and will pay additional interest for this year but will not be assessed until next year.

Olsen also reported that there will be a seminar in St Cloud that will be put on by Rinke and Noonan regarding the obligation of the drainage authority. Olsen extended an invitation to the Board to attend.

Olsen also presented a summary of the Environmental hours and how many hours are spent in each area.

Olsen also reported that the next Shaokatan Lake meeting will be held February 26th at 6:00 at the Environmental office.

Chad Meester, Lincoln County Sheriff, gave an update on the Sheriff's office business. Updates were as follows:

- The new phone system has been installed. Some testing of how other equipment ties into it is being done. Will be ready soon.

- New firearms have been purchased for the deputies. This is to make everything more uniform and will help with training and certification.
- Due to having more prisoners than the max allowed for our staff, some have been sent to Lyon County. We try to keep our prisoners within Lincoln County.

.Committee Reports were given:

VanDeVere – SW Regional Dev
 Drietz – Area II and RCRCA
 Hamer – Western Community Action
 Jagt – Jagt
 Evers – SW Environmental Task Force, Personnel,

Auditor Warrants were presented.

Motion by Jagt, seconded by VanDeVere, to approve the following Commissioner Warrants #1060- 1132 for the following amounts: Revenue - \$74,230.52, Road & Bridge - \$285,537.11, Ditch - \$30,671.73, and Agency Fund – \$50.00. All voted in favor.

The following bills were over \$2,000.00 per M.S. 375.12: BioAg Energy Services LLC - \$2331.86, The Computer Man Inc. - \$9,526.50, Divine Prov Health Center Inc. - \$3,112.25, Fidlar Companies - \$2,087.60, Ground Works - \$17,204.15, Lyon Co Auditor-Treasurer - \$4,295.54, Lyon County Jail - \$3,640.75, Petersen Law Office PLLC - \$10,026.49, Prairie Pride Cooperative - \$11,858.66, Rite-Way Drainage LLC - \$10,989.12, SafeAssure Consultants Inc. - \$5,223.42, Southwest Health and Human Services - \$14,346.50, SW Sanitation Inc. - \$2,345.17, Titan Machinery - \$43,327.71, Waste Management of WI-MN - \$7,626.31, WM of Southern Minnesota MA 1 - \$6,573.94, Ziegler Inc. - \$210,131.33, and 56 payments less than \$2,000.00 - \$25,842.06.

Deb Vierhuf, Lincoln County Auditor presented Resolution No 09-2016 Approving State of Minnesota MnDOT Limited Use Permit for Snowmobile Trails. This is needed for the construction of snowmobile trails within the Right of Way of the State Highways. Motion by Jagt, seconded by Drietz to approve resolution 09-2016 Resolution Approving a State of Minnesota MnDOT Limited Use Permit for Snowmobile Trails. All voted in favor.

Resolution No. 09-2016
RESOLUTION APPROVING A STATE OF MINNESOTA
MINNESOTA DEPARTMENT OF TRANSPORTATION LIMITED USE PERMIT FOR SNOWMOBILE
TRAILS

BE IT RESOLVED BY THE BOARD FOR THE COUNTY OF LINCOLN, MINNESOTA, that Limited Use Permit for the construction of a Snowmobile Trails within the Right of Way of Trunk Highways #14, #19, #75 and #271 are hereby approved.

BE IT FURTHER RESOLVED, that the Lincoln County Chair and Lincoln County Auditor are authorized to execute the said permit on behalf of the County of Lincoln.

ADOPTED by unanimous vote, this 19th day of January, 2016.

ATTEST:

 Richard Hamer 2016 Board Chair

 Deb Vierhuf, County Auditor

Loretta Lundberg, Lincoln County Recorder, informed the board that 4 interviews were performed for the Deputy Recorder position. Lundberg and the Commissioners on the personnel committee were present for the interviews. Lundberg is ready to offer the job to the top candidate. Motion by Evers, seconded by

VanDeVere to hire Juell Buchholz as Deputy Recorder. Commissioner Evers, Hamer, Jagt, and VanDeVere voted in favor. Commissioner Drietz abstained. Motion carried by majority vote.

Robin Sterzinger, Financial Accountant, informed the Board that we had not received a response from SW Tourism to send them their appropriation when the notices were sent out so we did not include them in the budget. We have now received an invoice for their appropriation. Motion by Jagt, seconded by Hamer to appropriate \$300.00 to Southern MN Tourism Association. All voted in favor.

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

ATTEST:

Richard Hamer, 2016 Board Chair

Deb Vierhuf, County Auditor