

**LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES**

Nov 1, 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 Richard Hamer, Joe Drietz, Don Evers, Joan Jagt, and Mic VanDeVere. Also present were Lincoln County Auditor, Deb Vierhuf and Lincoln County Attorney, Glen Petersen. No conflicts of interest were noted.

Motion by Jagt, seconded by Evers to approve the consent agenda which included approval of the minutes from Oct 18, 2016 and the agenda for Nov 01, 2016. All voted in favor.

Dustin Hauschild, Lincoln County Engineer's Assistant, presented project updates. They were as follows:

- All of the Box Culverts have been installed. Some seeding still needs to be done.
- The seeding for County Road 9 project #041-609-016 will be done today. The gravel is complete. Once the seeding is done the traffic control signs will be removed.
- Some ADA compliance items still need to be done by the contractor for project #041-626-002. Some additional soil will be put in to fix the curb and gutter next spring.
- Our gravel crushing project will start first thing in the spring.

Hauschild presented maintenance updates. They were as follows:

- A Couple days of road-side mowing left.
- Finishing up a couple of road sloping projects on County Road 18.
- Getting everything ready for winter.

Hauschild also handed out a map for the road tour and reminded the Board that it will take place on November 7th at 8:00 a.m.

Hauschild also informed the Board that the annual meeting with MnDOT and Lincoln County will be on November 22nd at 1:00 p.m.

Jordan Burmeister, Project Manager for Geronimo Wind, gave an update on the phase 1 and phase 2 projects in Lincoln County. Xcel Energy will be the owner/operator of both phases once the development process is complete. It is anticipated that both phases will be operational by the end of 2020.

Robert Olsen, Environmental requested that the Landfill change fund be increased to \$50.00. Motion by VanDeVere, seconded by Jagt to increase the Landfill change fund from \$25.00 to \$50.00. All voted in favor.

Olsen asked for authorization to publish the Helipad Ordinance Summary. Motion by Drietz, seconded by VanDeVere to publish the Helipad Ordinance Summary. All voted in favor.

Olsen also reported that the recycling negotiations have continued and the increase is down to 9%. After the final paperwork is received, Commissioner Drietz and VanDeVere will meet with Olsen to review the final proposal before it is brought before the full Board. Information only.

Olsen also informed the Board that the Ag Plastics Program has begun and a notice has been put in the paper. Information only.

Olsen also informed the Board that he has talked to some of the Verdi residents about the clean-up issue. Information only.

Chad Meester, Lincoln County Sheriff presented a revised Zuercher (CAD) proposal and reviewed it with the Board.

Meester also reviewed some budget changes that would include the new CAD system. Discussion was held. No action at this time. Information only.

Glen Petersen, Lincoln County Attorney, reviewed the Impound Joint Powers Agreement with the Board. After discussion, there were some minor changes made. Motion by Jagt, seconded by VanDeVere to accept the Impound Joint Powers Agreement and move forward with bringing to the cities in Lincoln County. Commissioner Drietz, Evers, Jagt, and VanDeVere voted in favor. Commissioner Hamer voted in opposition. Motion carried by majority vote.

Committee Reports were given:

VanDeVere – SWHHS, ACE

Drietz – Safety Meeting

Hamer – United Community Action, Western Mental Health

Jagt – None

Evers – SWCD, Plum Creek Library, HRA, Hwy Labor Management

Auditor Warrants were presented.

Motion by Drietz seconded by VanDeVere, to approve the following Commissioner Warrants #3345 - #3391 for the following amounts: Revenue - \$22,704.20, Road & Bridge - \$25,353.60, and Ditch - \$12,280.99. All voted in favor.

The following bills were over \$2,000.00 per M.S. 375.12: Tom Barber - \$6,541.50, Computer Prof Unlimited Inc - \$4,773.96, Johnson Trenching Co - \$5,635.00, Ken's Autobody & Exhaust - \$2,988.28, Nebraska Salt & Grain Co - \$9,643.90, Prairie Pride Cooperative - \$11,235.00, Toshiba - \$4,046.00, and 40 payments less than \$2,000.00 - \$15,475.15.

Motion by Evers, seconded by Drietz to recess the regular Board at 11:53 AM. All voted in favor.

The final hearing for the Lake Shaokatan Lake Improvement District was opened at 1:00 p.m. by Lincoln County Board Chair Richard Hamer.

Robert Olsen, Environmental, read the DNR advisory decision letter. Olsen also read the Findings and Order for the record.

Public discussion and comments were held with the Board.

Olsen presented Resolution 40-2016 Order Establishing the Lake Shaokatan Lake Improvement District. Motion by Jagt, seconded by Drietz to approve Resolution 40-2016 Order Establishing the Lake Shaokatan Lake Improvement District. All voted in favor.

Resolution 40-2016
Resolution of the Lincoln County Board of Commissioners
Order Establishing the Lake Shaokatan
Lake Improvement District

The County Board of Lincoln County having held a public hearing in the Lincoln County Courthouse on the 13th day of August, 2016, at 10:00 o'clock AM having reviewed the Petition for the request by the Lake Shaokatan Lake Association having considered the comments made at the Public hearing and being fully advised in the premises, making the following findings and order:

Findings

1. The County Board received the Petition to Establish the Lake Shaokatan Improvement District on June 24th, 2016.
2. The County Board instructed the County Auditor to review said Petition and access the validity of the signatures and tabulate the number of signatures required by Minnesota State Statute 103B. 501 through 103B. 581
3. Upon report of the County Auditor, there were 51.30% of the required signatures present and that the Petition was valid and met the requirement under State Statutes.
4. The County Board at their July 5th,2016 Regular Meeting did accept the petition and ordered notice be given to all concerned property owners by first class mail and publication in the Official County newspaper, The Lincoln County Editorial Association, 10 days prior to the hearing which they set for the 13th day of August, 2016, at the Lincoln County Courthouse Assembly Room at 10:00 AM
5. The Department of Natural Resources was noticed by email.
6. The township of Shaokatan was noticed by first class mail.
7. The purpose and objective of the Lake Shaokatan Lake Improvement District is to provide a means by which the property owners can meet and deal with specific needs relating to lake quality and lake management, including the control of the excessive native plant population.
8. The establishment of this Lake Improvement District is appropriate and will promote the public welfare.
9. Property owners whose parcels are not completely within the Lake Shore Zoned area (1000' from the OHWL of the Lake) were opposed to taxation on their entire parcel and requested that only the portion that was within above said area be taxed.
10. The property owners within the Lake Shore Zoned area around Lake Shaokatan will benefit by the establishment of The Lake Improvement District.
11. The formation of The District will not cause or contribute to long-range environmental pollution but provide an opportunity to address Environmental and Recreational concerns.
12. Lake Improvement Districts are allowed by Minnesota State Statutes 103B.501 through 103B.581

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

1. The name of the proposed Lake Improvement District shall be the Lake Shaokatan Lake Improvement District.
2. The District boundary shall include all parcels listed in Exhibit A.
3. The water and related Land Resources Management Program that may be undertaken by The District include:
 - a. To assist with the implementation of the Lincoln County Local Water Management Plan to eliminate water pollution.
 - b. Receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and related demonstration programs;
 - c. Undertake research to determine the condition and development of the body of water included within the lake improvement district to transmit the studies of the Department of Natural Resources, the Minnesota Pollution Control Agency and other interested authorities;
 - d. Make cooperative agreements with the United States or state government or other county or city governments to effectuate water and related land resource programs.
 - e. Conduct programs of water improvement and conservation;
 - f. Implement a water monitoring system;
 - g. Serve as local sponsor for state and federal projects or grants;
 - h. Such other programs, plans, studies, developments or implementations as are allowed or permitted by law, and approved by the County Board from time to time.
4. The Lincoln County Board of Commissioners delegates to the Lake Improvement District pursuant to MN State Statute 103B.551 Subd. 3 authority to:
 - a. Acquire by gift or purchase service and equipment necessary to affect the approved practices.
 - b. To implement the Lake Vegetation Management Plan approved by the Commissioners of Dept. of Natural Resources.
 - c. Undertake projects approved by the voting membership at the Annual Meeting.

- d. Acquire property, equipment or other facilities by gift or purchase to improve the quality and welfare of The Lake Improvement District.
 - e. Contract with other local units of government or their agencies or representatives for the improvement of The District.
 - f. Undertake research to determine the condition and development of the body of water and the water entering it and to transmit the results of the studies to the pollution control agency and other interested authorities.
 - g. Develop and implement a comprehensive plan to manage nuisance plants whether they are invasive or native.
 - h. Receive financial assistance from and participate in projects or enter into contracts with federal and state agencies for the study and treatment of nuisance aquatic plant problems and related demonstration programs.
 - i. Make cooperative agreements with the United States or state government; or other counties or cities to effectuate water and related land resource programs.
 - j. Regulate water surface use as provided in Sections 86B.205, 103G.605, and 103G.621.
5. Funding for the Lake Improvement District shall include:
 - a. Lake Improvement District activities may be funded by the levying of an Ad Valorem tax solely on property defined as Residential and Seasonal Recreation within the District and by assessment against all other classifications within the District.
 - b. Lake Improvement District activities may also be funded by assessment of the project costs upon benefited property within the District in the manner provided under MN State Statutes Chapter 429.
 6. The Environmental Office of Lincoln County shall assist with and shall be responsible for supervising the programs of The Lake Improvement District by approval of the Lincoln County Board of Commissioners.
 7. The Board of Directors of the Lake Improvement District shall consist of no less than five (5) or more than seven (7) members. The Board members must own property within the Lake Improvement District. The initial Directors will be appointed to alternating terms of one, two, and three years each. Thereafter, three Directors shall be elected each year to serve three-year terms. Directors may be removed by a two-thirds vote of the remaining Board members, or by a majority of the property owners present at an annual meeting. Vacancies in the Board of Directors may be filled by a majority vote of the property owners present at the next annual meeting. A Director elected to fill a vacancy shall serve the un-expired term. Representation on the Board shall include, at least for the initial Board of Directors, a representative from three of the seven Subdivisions, 1 or 2 from Agricultural-owned property, and 1 or 2 at large. Property owners not present at the annual meeting may participate in the election of the District Board by absentee ballot.
 8. That this Order shall be published in the official newspaper of the Lincoln County, and that the effective date of the establishment of the Lake Improvement District shall be thirty (30) days after publication.
 9. That a copy of the Order shall be filed with the Secretary of State, the Pollution Control Agency and the Commissioner of Natural Resources.

Motion to adopt order made by Commissioner Jagt and seconded by Commissioner Drietz.

	YEA	NAY	ABSENT	ABSTAIN
EVERS	√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VANDEVERE	√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HAMER	√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DRIETZ	√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JAGT	√	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion carried this 1st Day of November, 2016.

WHEREUPON the above resolution was adopted at a regular meeting of the Lincoln County Board of Commissioners this 1st day of November, 2016, at Ivanhoe, Minnesota.

ATTEST:

Richard Hamer, 2016 Board Chair

Deb Vierhuf, County Auditor

Motion by Evers, seconded by VanDeVere to set the number of Lake Shaokatan Lake Improvement District Board members to be 7. All voted in favor.

Motion by Evers seconded by Jagt to set July 8, 2017 as the first annual meeting date for the Lake Shaokatan Lake Improvement District. All voted in favor.

A list of interested parties for the Lake Shaokatan Board of Directors was presented to the Board. The County Board decided to appoint the Lake Shaokatan Board of Directors by a paper ballot vote. After the vote was tallied, the members that received the most votes were announced. Motion by VanDeVere, seconded by Drietz to appoint the following individuals to the Lake Shaokatan Board of Directors as the vote determined:

- Ray Bullerman
- Jim Eidem
- Mark Gawarecki
- Allen Regnier
- Harvey Suhr
- John Thomsen
- Deborah VanOverbeke

All voted in favor.

Olsen will contact all the Lake Shaokatan Board of Directors after the thirty days of publication to set up a time to decide on a budget, levy and special assessment proposal.

Motion by Jagt, seconded by Evers to close the Lake Shaokatan Lake Improvement District final hearing and reconvene the regular board meeting at 1:45 p.m. All voted in favor.

Motion by VanDeVere, seconded by Drietz to adjourn at 1:46 p.m. All voted in favor.

ATTEST:

Richard Hamer, 2016 Board Chair

Deb Vierhuf, County Auditor