

**LINCOLN COUNTY BOARD OF COMMISSIONERS  
MEETING MINUTES**

August 6, 2019  
Courthouse Commissioner Room  
Ivanhoe, MN 56142

The meeting was called to order at 9:00 a.m. by Board Chair Mic VanDeVere, followed by the Pledge of Allegiance. Commissioners present were Joe Drietz, Rick Hamer, Corey Sik, Mic VanDeVere and Jack Vizecky. Also present was Lincoln County Auditor-Treasurer Deb Vierhuf. Glen Petersen, Lincoln County Attorney arrived at 10:00 a.m. No conflicts of interest were noted.

Discussion was held on the letter of interest from Randal Kamrath for the position of Yellow Medicine District Manager. Motion by Drietz, seconded by Hamer to recommend Randall Kamrath as the Yellow Medicine District Manager. All voted in favor.

Motion by Hamer, seconded by Drietz to approve the consent agenda which included July 16, 2019 minutes, August 6, 2019 agenda, and to appoint Randal Kamrath as the Yellow Medicine Watershed District Manager. All voted in favor.

Don Daraskevich, MCIT Risk Management Consultant, gave an update on the following items:

- Lincoln County has been a member since 1980.
- MCIT rate history and savings that has come from being a member.
- Rates have remained stable or declined since 2010 but we will experience a rate increase next year due to increased jail/law enforcement liability.
- Lincoln County dividend for 2018 is \$56,766.
- Coverage enhancements for 2019.
- Employee Assistance Program participation levels.
- Training for Officials and Employees.
- Safety training and Safety Committees are an important part of Risk Management.
- Awareness and prevention materials

Information only.

Deb Vierhuf, Lincoln County Auditor-Treasurer, requested approval to decrease the Auditor-Treasurer petty cash amount. Motion by Drietz, seconded by Sik to approve decreasing the Auditor-Treasurer petty cash amount from \$1,500.00 to \$500.00. All voted in favor.

Vierhuf requested approval to void check #10707 to SW Health and Human Services. Motion by Drietz, seconded by Sik to approve voiding check #10707 to SW Health and Human Services for \$6,278.76 due to a clerical error and reissue the corrected check in the amount of \$3,139.38. All voted in favor.

Vierhuf requested approval of the Voting Equipment Grant Agreement Amendment. Motion by Sik, seconded by Hamer to approve the Voting Equipment Grant Agreement Amendment which extends the deadline to use grant funds from August 31, 2019 to March 31, 2020. All voted in favor.

Vierhuf requested approval of Resolution 36-2019 Forfeited Tax – Classifications/Appraisals. Motion by Drietz, seconded by Sik to approve Resolution 36-2019 Forfeited Tax Classifications/Appraisals. All voted in favor.

**Resolution No. 36-2019**  
**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 does not need the approval of the Minnesota Department of Natural Resources for the sale of platted parcels.

**City of Arco**

Parcel #16-0017-000

ARCO

Located in the city of Arco: Unplatted – That part of Northwest Quarter Northeast Quarter (NW1/4NE1/4), Section Thirty-one (31), Township One Hundred Eleven (111), Range Forty-four (44), bounded and desc. As follows: On N by S line Ivy St. produced W'ly; on W by E line of Oak St., and being a line // with and dist. 660 ft. W from W line of Cherry St., on S by a line // with and dist. S 150 ft. from said S Line of Ivy St., produced W'ly on the E by a line // with and dist. 50 ft. E from E line Oak Street and dist. 610 ft., W from W line of Cherry St. (Section Thirty-one (31), Township One Hundred Eleven (111), Range Forty-four (44))

**ADOPTED** by unanimous vote, this 6<sup>th</sup> day of August, 2019.

ATTEST:

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Mic VanDeVere, 2019 Board Chair

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Deb Vierhuf, County Auditor-Treasurer

Joe Wilson, Lincoln County Engineer, presented project updates. They were as follows:

- Bids will be opened for the Paving Project and Gravel Surfacing Project on August 8<sup>th</sup> at 1:00 p.m. The bids will be presented to the Board on August 20<sup>th</sup>.
- Working on surveys and plans for 2020-2021 projects.
- The gravel crushing contractor has started.

Wilson presented maintenance updates. They were as follows:

- Seal coating started on August 1<sup>st</sup>.
- Continuing to haul gravel for road maintenance.
- 3 soft spots were repaired on County Road 18.
- Hauled dirt to finish project on County Road 118.

Wilson informed the Board that in order to proceed with the bridge repair on County Hwy 1, the repair will take more time than originally thought and a permit from the DNR will be required. Wilson's recommendation is to replace the bridge next year instead of doing the reinforcement. The bridge will remain with the low posting for 2019. The Board was in consensus with following this recommendation. Information only.

Wilson presented the quotes for the 2019 Request for Hydraulic Analysis. Stonebrook's quote is \$1,505.10 for each structure at a total amount of \$15,874.62 and Erickson's quote is \$2,000.00 for each structure at a total amount of \$20,000.00. Wilson's recommendation is to go with Stonebrook. Motion by

Sik, seconded by Drietz to approve the quote from Stonebrook for \$1,505.10 per structure (total of 11 structures) for a total amount of \$15,874.62 for the 2019 Request for Hydraulic Analysis. All voted in favor.

Wilson informed the Board that the bids for 2019 Maintenance Striping were opened on August 1<sup>st</sup> at 1:00 p.m. Two bids were received. They were as follows:

- AAA Striping Service Co.           \$34,589.20
- Traffic Marking Service, Inc.   \$36,280.00

Wilson's recommendation is to go with AAA Striping Service Co. Motion by Hamer, seconded by Sik to approve the bid from AAA Striping Service Co. in the amount of \$34,589.20 for the 2019 Maintenance Striping Project. All voted in favor.

Wilson informed the Board that the bids for contract 04-2019 - 3 Township Bridge Projects were opened on August 1<sup>st</sup> at 1:00 p.m. Four bids were received. They were as follows:

- A & C Excavating                   \$590,919.38
- R & G Construction               \$673,680.38
- Midwest Contracting LLC       \$637,163.00
- Landwehr Construction, Inc.   \$751,338.50

Wilson's recommendation is to go with A & C Excavating which was 11.77% over the estimate. Motion by Drietz, seconded by Sik to approve the bid from A & C Excavating in the amount of \$590,919.38 for contract 04-2019 - 3 Township Bridge Projects. All voted in favor.

Wilson presented the 2020 Highway Proposed Budget Narrative. The proposed budget will be at a .1% decrease from the 2019 levy amount. The decrease is mainly due to the increase in tax revenue going to the State Highway Users Tax Fund and no planning on a large aggregate crushing contract. Information only.

Megan DeSchepper is planning to go over the 10 year plan for MnDOT Highway Improvement Projects on October 15, 2019. Information only

Wilson informed the Board that the Highway Department is maintaining the road by Dead Coon. The water issue is still being looked into. Information only.

Commissioner VanDeVere inquired about the Highway 23 coalition and asked Wilson's opinion on if Lincoln County should belong. Wilson was not against being a part of the coalition but it would depend on the price. VanDeVere will look into it and bring information back to the full Board. Information only.

Robert Olsen, Environmental, presented updates. They were as follows:

- A treatment has been completed on Lake Shaokatan covering 139 acres for about \$14,000.00. The treatment was a success. Lake Shaokatan Lake Improvement District will not need to levy for 2020 or do a special assessment.
- The City of Hendricks is in the process of getting easements from the property owners by the rural dumpster site. A lease agreement will be brought forward at a later date. There is not a platted road at this point.
- A fence has been completed to surround the City of Lake Benton's rural dumpster site.
- Olsen has included the replacement of the 2008 pickup in his 2020 budget. The remainder of the budget includes normal year to year items.
- Bolten and Menk has done an analysis on two branches of CD #35 to measure efficiency. This is the start of the procedure to decide if we need to replace the system or if a petition needs to be done to request an improvement. The system that is in place is operating at about 13% efficiency.

Stacey Longtin, SWHHS Adult Services Supervisor, was present to discuss the need to approve Resolution No. 37-2019 Retaining Lockridge Grindal Nauen PLLP for Legal Services. Lincoln County and

23 other counties wanted to have Prime West as a single source plan option and the Department of Human Services has assigned 4 plans. If we have Prime West as a single source plan, we are able to offer additional benefits to our residents. We will not be able to get these additional benefits if we have all 4 plans. In order to appeal this decision, we will need to hire a legal firm and approve Resolution 37-2019 and authorize the signing of the letter from Lockridge Grindal Nauen which confirms the details and cost of this service. The cost of retaining this law firm could cost each county \$5,000.00 - \$10,000.00. Motion by VanDeVere, seconded by Drietz to approve Resolution No. 37-2019 Retaining Lockridge Grindal Nauen PLLP for Legal Services and authorize the Board Chair to sign the letter which confirms the details and cost of this service. All voted in favor.

### **RESOLUTION NO. 37-2019**

#### **RESOLUTION RETAINING LOCKRIDGE GRINDAL NAUEN PLLP FOR LEGAL SERVICES AND AUTHORIZING CHALLENGE TO DEPARTMENT OF HUMAN SERVICES CONTRACTING DECISION FOR CERTAIN STATE PUBLIC HEALTH CARE PROGRAMS**

**WHEREAS**, PrimeWest Rural Minnesota Health Care Access Initiative, dba PrimeWest Health (“PrimeWest”), is a joint-powers entity, duly authorized by the Minnesota Department of Health, and to be comprised of twenty-four Minnesota counties—Beltrami County, Big Stone County, Chippewa County, Clearwater County, Cottonwood County, Douglas County, Grant County, Hubbard County, Jackson County, Kandiyohi County, Lac qui Parle County, Lincoln County, Lyon County, McLeod County, Meeker County, Nobles County, Pipestone County, Pope County, Redwood County, Renville County, Stevens County, Swift County, Traverse County, and Yellow Medicine County (“the Counties”); and

**WHEREAS**, Lincoln County (“the County”) is one of the twenty-four Counties that has agreed to authorize PrimeWest to act on its behalf through a joint powers agreement under Minn. Stat. § 471.59;

**WHEREAS**, the County elected, through PrimeWest, to purchase health care services on behalf of persons within the County eligible for Health Care Services for Families and Children through Prepaid Medical Assistance (MA) and MinnesotaCare, as well as persons eligible for Minnesota Senior Health Options (MSHO)/Minnesota Senior CarePlus (MSC+);

**WHEREAS**, consistent with Minn. Stat. § 256B.69 and Minn. Stat. § 256B.692, the County informed the Department of Human Services that the County had selected PrimeWest to purchase health care services for eligible persons within the County. The County also desired that PrimeWest be selected as the single plan for both MA and MSHO/MSC+ to serve all persons within the County as allowed under federal and state law starting on January 1, 2020;

**WHEREAS**, on or around July 25, 2019, the Department of Human Services notified the County that PrimeWest was not invited to contract to provide services as the single plan for all persons within the County who are eligible to participate in the MA or MSHO/MSC+ programs;

**WHEREAS**, the Department of Human Services has offered no explanation for its decision not to select PrimeWest as the single health plan, and the Department of Human Services has identified no evidence that the Commissioner of Human Services considered contracting with PrimeWest on a single-health plan basis as required by Minn. Stat. § 256B.694;

**WHEREAS**, the County strongly disagrees with the Department of Human Services’ decision not to select PrimeWest as the single health plan for both MA and MSHO/MSC+ in the County as allowed by federal and state law and, to the extent PrimeWest has not been selected as the single health plan both MA and MSH/MSC+ in the County, the County seeks to pursue all action necessary to challenge the Department of Human Services’ decision;

**WHEREAS**, to the extent the Department of Human Services did not select PrimeWest as the single health plan for both MA and MSHO/MSC+ within the County as allowed by federal and state law,

the County wishes to retain Lockridge Grindal Nauen PLLP as outside legal counsel to pursue legal and/or administrative action challenging that decision.

**NOW, THEREFORE BE IT RESOLVED** as follows:

1. The County of Lincoln (“the County”) retains the law firm of Lockridge Grindal Nauen, PLLP for purposes of challenging any decision by the Department of Human Services not to contract with PrimeWest on a single-health plan basis within the County.

2. The County expressly authorizes Lockridge Grindal Nauen PLLP to communicate with the Department of Human Services on behalf of the County to request and pursue mediation under Minn. Stat. Chapter 256B, to appear on the County’s behalf at any mediation or administrative proceeding, and, if necessary, to pursue litigation on behalf of the County to challenge the Department of Human Services’ decision.

Adopted August 6, 2019.

By:

Attest:

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Mic VanDeVere, 2019 Lincoln Board Chair

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Deb Vierhuf, Lincoln Auditor-Treasurer

Commissioner Hamer left the meeting at 10:31 a.m.

Dan Larson, Executive Director of MN Rural Counties, presented information on the benefits of adding Lincoln County to the membership group. The fee to belong to this organization is \$2,200.00 per year. Larson presented the following:

- A map showing the counties that are members.
- Legislative priorities – Transportation Funding, Broadband Funding, Dept. of Revenue Utility Valuations, County Based Purchasing, Dark Store Valuations, County Assessor Certification Process, DNR Regulatory Authority over Public Drainage, Buffer Strip
- Media articles on Broadband and County Program Aid
- A List of County Delegates and Alternates
- A 2019 Calendar of MRC meetings

Information only.

Robin Sterzinger, Lincoln County Financial Accountant, presented the proposed 2020 budget which is at a 3% increase at this time. Sterzinger reviewed the appropriations and directed the Board to look through the budgets and ask questions. Changes can still be made. Sterzinger informed the Board that the last payment will be made on the Courthouse bond in 2020. Any surplus remaining after that payment is made will be moved back to general revenue. The proposed budget will be approved at the first Board meeting in September. Information only.

Committee Reports were given:

Drietz – CPT, Emergency Communications Board, RCRCA and Area II, Dead Coon Issue, Bid Opening

Hamer – None

Sik – Plum Creek

VanDeVere – UCAP, Dead Coon Issue, Rural MN Energy Board, Western Mental Health, HRA, Auditor Meeting, ACE, PrimeWest, Supporting Hands,

Vizecky – None

Auditor Warrants were presented.

Motion by Drietz, seconded by Sik to approve the following Commissioner Warrants #10806 - #10878 for the following amounts: Revenue – \$59,818.76, Road & Bridge - \$38,312.78, Ditch - \$16,514.12 and Solid Waste - \$2,632.50. All voted in favor.

The following bills were over \$2,000.00 per M.S. 375.12: Clifton Larson Allen, LLP - \$20,500.00, Divine Prov. Health Center Inc. - \$2,490.20, Darrell and Donna Johnson - \$12,743.00, Lyon Co Auditor – Treasurer - \$2,333.54, North Central International Inc. - \$4,034.44, Northern Con Ag LLP - \$8,641.62, Petersen Law Office PLLC - \$15,430.00, Prairie Pride - \$11,212.50, Southwest Health and Human Services - \$3,139.38, SW Regional Development Comm. - \$2,632.50, True North Steel Inc. - \$5,549.76 and 62 payments less than \$2,000.00 - \$28,571.22.

Motion by Drietz, seconded by Sik to adjourn at 11:12 a.m. All (4) voted in favor.

ATTEST: (SEAL)

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Mic VanDeVere, 2019 Board Chair

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Deb Vierhuf, County Auditor-Treasurer