

**LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES**

October 7, 2008
Courthouse Commissioner Room
Ivanhoe, MN 56142

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

Motion by Hansen, seconded by Sagmoe, to approve the minutes from the September 16, 2008 Commissioner meeting. All voted in favor.

Motion by Johansen, seconded by Blumeyer, to approve agenda items. All voted in favor.

Pauline VanOverbeke, Soil Water Conservation District, reported that she had received notice of the Minnesota Board of Water and Soil Resources 2009 Natural Resources Block Grant Program Allocation and Contribution Plan. The following amounts have been allocated:

Local Water Plan	\$ 20,391
WCA	10,000
Shoreland	3,153
Feedlot	46,773
SSTS	10,000

Motion by Blumeyer, seconded by Sagmoe, to accept 2009 Natural Resources Block Grant Agreement of \$90,317 for the July 1, 2008 to June 30, 2010 and to authorize Commissioner Jagt to sign said Agreement on behalf of Lincoln County. All voted in favor.

VanOverbeke also reported on where the 2008 Local Water Plan – Base Grant dollars were spent for period July 2007 – June 2009.

Kate Johnson, 4-H Program Coordinator, and several 4-H members reported that October 5, 2008 to October 11, 2008 is National 4-H Week. 4-H'ers also reported on their 4-H experiences, projects and activities. Johnson reported that there were 1040 exhibits at the 2008 County Fair.

Robert Olsen, Environmental Administrator, reported that the Minnesota Pollution Control has reviewed the proposed Lincoln County Comprehensive Development Ordinance and sent required and recommended Ordinance changes. Olsen reported that changes had been made to the Ordinance as required. Motion by Hansen, seconded by Johansen, to approve Draft Ordinance No. 40. All voted in favor. Olsen reported that a Summary of the Ordinance will be drafted by the County Attorney's Office to be published in the Official Newspaper.

Motion by Sagmoe, seconded by Blumeyer, to approve the 2008 Lincoln County Comprehensive Use Plan. All voted in favor.

Olsen reported that the metal culvert in County Ditch 37 that crosses State Highway 19 has deteriorated and has rusted in several places. Olsen recommended that the Board approve repairing 84 feet of 15" culvert with a 12 ¾ inch plastic liner. Olsen stated that he had contacted D & G Excavating for cost estimates. Labor and material estimates were \$6,000 to \$7,000. Motion by Sagmoe, seconded by Blumeyer, to proceed with culvert repairs to County Ditch 37. All voted in favor.

Olsen reported that there are eight rural garbage containers serviced by Waste Management and one rural garbage container serviced by the City of Tyler.

Olsen reported that repairs to Judicial Ditch 28 have been completed.

Olsen reviewed correspondence received from Elaine Snyder requesting documents relating to landfill operations. Information only.

Lee Amundson, County Engineer, reported:

- on the progress of 2008 construction and maintenance projects
- Dennis Paluch, Road and Bridge Truck Driver, celebrated 40 years as an employee of Lincoln County on September 23, 2008
- continuing to work on design plans CSAH 12
- liners will be installed in five culverts on CSAH 17
- still working to settle penalty issue with Rupp Construction 2007 gravel crushing
- annual striping has been completed
- Fall Road Tour will be October 22, 2008
- The Department is working to resolve weed spraying complaints
- Set Public Hearing for Lake Benton Township Road Exchange for November 18, 2008 at 10:30 a.m. in the Courthouse Commissioner Room, Ivanhoe, MN

Commissioner committee reports and correspondence were reviewed.

Blumeyer – Public Health, Area II, Radio Board
Hansen – AMC Transportation Committee, RSVP
Johansen – HRA
Jagt – Plum Creek Annual Meeting

Auditor Warrants were presented.

Motion by Johansen, seconded by Sagmoe, to approve the following Commissioner Warrants #5619 – 5704 for the following amounts: Revenue - \$57,302.49, Ditch - \$1,855.04, Capital Improvements - \$12,825.00, Solid Waste Task Force – \$420.00, LBLID - \$2,093.74 and Road & Bridge – \$53,903.18. All voted in favor.

Motion by Sagmoe, seconded by Hansen, to cancel Warrant #5470 to The Computer Man Inc. for \$979.80. All voted in favor.

Motion by Hansen, seconded by Johansen, to approve Joint Powers Agreement #34395922 for election recount services between Lincoln County and the State of Minnesota acting through its Office of the Secretary of State. All voted in favor.

Auditor Schreurs reported that Gail Sater, MCIT has asked for a date and subject to present educational materials. The Board chose contracts as the subject to be presented on November 18, 2008.

Motion by Blumeyer, seconded by Johansen, to approve Resolution No. 31-2008 (Short Term Offenders). All voted in favor.

Resolution No. 31-2008 Short Term Offenders

WHEREAS Lincoln County is a political subdivision of the State of Minnesota that provides a dual role as both a local government and an administrative arm of the state; and

WHEREAS a primary concern of the Lincoln County Board of Commissioners is providing county services as effectively and efficiently as possible; and

WHEREAS the Lincoln County Board of Commissioners is concerned about rising property taxes on county property owners; and

WHEREAS the State of Minnesota has imposed levy limits on Lincoln County; and

WHEREAS the State of Minnesota has enacted legislation mandating that Minnesota counties incarcerate felony short-term offenders (STOs) on behalf of the State and reduce the financial burden on the state; and

WHEREAS Lincoln County expends _____ dollars per day boarding prisoners in the Lincoln County jail; and

WHEREAS the State of Minnesota reimburses Lincoln County for boarding state prisoners at a rate of less than ten dollars per day and requires counties to increase county property taxes to make up the difference; and

WHEREAS Lincoln County is willing to enter into a contract with the State of Minnesota to house state prisoners at a rate of _____ dollars per day;

NOW, THEREFORE BE IT RESOLVED that effective August 8, 2008, that the Lincoln County Board of Commissioners strongly protests the state reduction in funding of short term offenders, and

BE IT FURTHER RESOLVED that Lincoln County is willing to negotiate with the Minnesota Department of Corrections regarding entering into a contractual relationship with the State to house short term offenders, and

BE IT FURTHER RESOLVED that Lincoln County shall notify the Governor of the State of Minnesota, the Commissioner of the Department of Corrections and all other Minnesota Counties of the Lincoln County protest and encourage each county to consider similar action.

ADOPTED this 7th day of October 2008.

ATTEST:

Joan Jagt, 2008 Board Chair

Kathy Schreurs, Auditor

Motion by Hansen, seconded by Sagmoe, to approve Resolution No. 32-2008 (Court Appointed Counsel). All voted in favor.

Resolution No. 32-2008
Opposition to Fund Court-Appointed Counsel In Children In Need Of
Protective Services (CHIPS) and Termination of Parental Rights (TPR) Cases

WHEREAS, the Minnesota State Legislature has cut \$3.8 million from the State Board of Public Defense budget; and

WHEREAS, the State Board of Public Defense has terminated the employment of many public defenders throughout the State; and

WHEREAS, as of July 8, 2008, the State Public Defender's office no longer accepts court appointments in CHIPS and TPR cases; and

WHEREAS, the Minnesota State Legislature mandates that District Courts appoint attorneys on behalf of parents of children in need of protective services (CHIPS) and termination of parental rights (TPR) cases; and

WHEREAS, prosecutors, defense attorneys, judges and court administrators are in agreement that the child protection system cannot properly function without availability of court-appointed counsel in qualifying cases; and

WHEREAS, the Lincoln County Board of Commissioners received no advance notice of this action nor was the Board consulted in advance by any of the decision-makers; and

WHEREAS, the Lincoln County Board of Commissioners desires to provide only temporary, interim solution to prevent the child protection system's collapse.

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

1. The Lincoln County Board of Commissioners recognizes that it has the legal authority to fund court-appointed counsel in CHIPS and TPR cases.
2. The Lincoln County Board of Commissioners does not concede that it has the legal obligation to fund court-appointed counsel in CHIPS and TPR cases.
3. The County Auditor and Office of County Attorney are authorized and directed to negotiate and enter into interim contracts for the provision of legal services for appointment of counsel to represent parents in qualifying CHIPS and TPR cases on a temporary basis and under protest.
4. The County Auditor and Office of County Attorney are authorized to seek a Memorandum of Understanding with Court Administration for Lincoln County District Court.
5. This matter shall be brought back before the Lincoln County Board of Commissioners as necessary.

ADOPTED this 7th day of October 2008.

ATTEST:

Joan Jagt, 2008 Board Chair

Kathy Schreurs, Auditor

Auditor Schreurs reported that an Insurance and Benefits Review for Lincoln County employees has been set for October 22, 2008.

Commissioners Sagmoe and Hansen reported that they had met with the Courthouse, Highway and Sheriff's Union representatives on October 2, 2008.

The Commissioners reviewed a grievance from the Sheriff's Office. Commissioners Sagmoe and Hansen will schedule a meeting with the aggrieved employees.

Motion by Blumeyer, seconded by Johansen, to adjourn at 1:00 p.m. All voted in favor.

ATTEST: (SEAL)

Joan Jagt, 2008 Board Chair

Kathy Schreurs, County Auditor