

**LINCOLN COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES**

July 18, 2023
Courthouse Commissioner Room
Ivanhoe, MN 56142

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

Motion by VanDeVere, seconded by Hauswedell to approve the consent agenda which included approval of the Commissioner meeting minutes from July 5, 2023 and the agenda for July 18, 2023. All voted in favor.

Vince Robinson, LCEDC President, gave an update and presented the LCEDC budget request. Items presented were as follows:

- The LCEDC Board of Directors. There is currently an open seat in District 2.
- The Annual Meeting minutes.
- The LCEDC staff time by activity. Activities include Assistance to business clients, assistance to EDA's, Junior Achievement, Blandon Broadband Grant, Child Care Provider Appreciation, LCEDC general admin and board activities, and other organizations and functions.
- LCEDC assisted 38 clients in 2022 and 25 so far in 2023.
- The LCEDC budgeted dollars per activity.
- Additional Project and Organization Engagement.
- The annual budget request of \$67,000.00.

Robinson stated that it will take about \$35,000.00 per year to maintain the At Home in Lincoln County site. A letter was received by the Lake Benton EDA in support of the site, which was included in the board packets. Robinson feels it is difficult to compare the At Home in Lincoln County with the Tour SW MN site since the Tour SW MN site only has a few items for Lincoln County. Robinson had a conversation with Amber Scholten and Scholten was hoping to have a joint meeting with the different tourism sites to collaborate ideas. Commissioner VanDeVere inquired on how much the cities will be contributing. Robinson stated that the city budgets are pretty tight and no monetary amount has been discussed at the city level. Commissioner Nielsen feels a portion should come from the County, but a portion should also come from the cities and other areas. A decision needs to be made by the end of August. Information only.

Joe Wilson, Lincoln County Engineer, was present to give project updates. They were as follows:

- Continue to work on getting the 2023 County and Township Box Culverts, and Paving Plans out for bid.
- The ADA Project is currently being advertised and the bid opening is planned for August 7th at 10:00 a.m.
- Will be advertising soon for the County Highway 8 Box Culvert Project.
- Contractor plans to start hauling rock chips for the Seal Coat Project.

Wilson presented maintenance updates. They were as follows:

- Started to mow off some of the weeds.
- Continue to spray trees in the right of way.
- Have done some backhoe work and mowing for the parks department.
- Finished blading and rolling the roads that were shouldered.
- Continue to haul gravel for gravel surfaces.
- Have been fixing an area on County Road 110 that was failing.
- Getting equipment ready for asphalt patching next week.

Information only.

Wilson informed the Board that he continues to work on finalizing and closing out projects from 2020 and 2021. Wilson has the paperwork to finish out one of the 2021 projects. Information only.

Wilson informed the Board that he continues to work with Buffalo Ridge Wind Development to get issues cleaned up from the wind project. All of the onsite issues have been addressed and signed off on. They still need to come back and do some mowing and seeding in areas where it is needed. Wilson has sent some reimbursement amounts to Nextera for gravel surface maintenance, some minor asphalt patching and some grading. Information only.

Wilson presented Resolution No. 23-2023 for approval. Motion by VanDeVere, seconded by Nielsen to approve Resolution No. 23-2023 which approves the agreement between the State and Lincoln County for Federal Participation in Advance Construction and authorizes the Chairman and the Auditor to execute and enter into the agreement with the Commissioner of Transportation. All voted in favor.

**Resolution No. 23-2023
Agency Agreement between Lincoln County and the Commissioner of Transportation**

BE IT RESOLVED, that pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of Lincoln County to accept as its agent, federal aid funds which may be made available for eligible transportation related projects.

BE IT FURTHER RESOLVED, the Lincoln County Board Chair and the Lincoln County Auditor-Treasurer are hereby authorized and directed for and on behalf of Lincoln County to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said federal aid participation as set forth and contained in "Minnesota Department of Transportation MnDOT Contract Number 1054030", a copy of which said agreement was before the County Board and which is made a part hereof by reference.

ATTEST:

Corey Sik, 2023 Board Chair

Deb Vierhuf, County Auditor-Treasurer

Wilson informed the Board that the truck driver position has been posted internally. They did receive an internal applicant. This will cause a motor grader position to be open. Wilson would like to advertise both internally and externally for the open motor grader position. The Board was in consensus with the advertising. Information only.

Wilson informed the Board that he would like to meet with the Personnel Committee about the vacant tech position. Information only.

Kristina Richmond, Lincoln County Deputy Auditor-Treasurer, informed the Board that we are looking into an ADA compliant website. This allows individuals with disabilities to access our site easier. Some of the enhancements this provides is enlarging the font, changing the color of the font and having items on the site read out loud. Richmond stated that we do have the Tribal Grant dollars which could be used for the new site. There would be an annual maintenance fee. Richmond would like to have the Boards consensus to continue with quotes coming back at a later date. The Board was in consensus with moving forward.

Richmond presented an HR Hotline Agreement with USI for approval. This resource will provide risk assessment with customized mitigation solutions, problem resolution that blends legal concerns with business best practices, explanation and guidance to ensure regulatory compliance, and Policy and document review and revision. The cost for Lincoln County would be \$1,250.00 per year. Motion by VanDeVere, seconded by Drietz to approve the HR Hotline Agreement with USI in the amount of \$1,250.00 per year. All voted in favor.

At 10:00 a.m., Commissioner Sik called the public hearing on the abatement of taxes for Safe Place, Inc to order.

This public hearing is to determine whether an abatement should be given to Safe Place, Inc. for property id number 18-0020-000 in the amount of \$5,062.18 and for property id number 18-0023-000 in the amount of \$1,268.52 for a total abatement of \$6,330.70.

Discussion regarding the abatement of Safe Place Inc. was as follows:

- John Appelen would like to hear the purpose of this abatement. He also wanted to know if the facility had anything to do with gender.
- County Attorney Glen Petersen read through the statute which explains what the Board should consider before approving an abatement.
- Jason Wisniewski stated that he is with a working group that is questioning the nature of the proposed business moving into the former Divine Providence Health Center. Wisniewski feels these questions have not been answered in the previous public hearings held with the school board and the city council. Wisniewski believes that a state funded project requesting a local abatement of taxes owes the public full transparency on the nature of the business entering our community. If these questions cannot be answered on the public record, Wisniewski feels the board should not consider this abatement. Mr. Bottelberghe has stated during a previous meeting that children could be treated for gender dysphoria. Wisniewski also has concerns with new legislature regarding gender affirming care. Wisniewski feels there should be some assurance that children are not treated with puberty blockers and cross sex hormones. Wisniewski was very appreciative that he was allowed to voice his concerns.
- Cindy Frensko stated that we are all taxpayers and paying the tax is part of the responsibility of a property owner. Frensko also has concerns about what types of treatment will be given at this facility.
- Paul Fehrman stated that he is apposed to the abatement. He feels Mr. Bottelberghe should have had the tax built into his plan when he bought the property. Fehrman also agrees with Mr. Wisniewski on the gender affirming care. Fehrman knows that this will create job opportunities and growth, but will this create the kind of growth that we want.

- Jerry Bottelberghe stated that there cannot be oversight on these types of records. The concerns of those in attendance could be a very small percentage of the types of things that could be addressed in this new facility. The scope of the project is a safe place for kids to understand and identify themselves so they can turn into productive adults. This place will help them work through their issues with professional help. This will be the only year Bottelberghe will request this abatement. The property has been reassessed for next year.
- Attorney Glen Petersen asked some questions about the scope of the business. Bottelberghe stated that he will have a \$2,500,000.00 payroll at this facility. The facility would be non-secure, but there will be safety procedures in place. There will be state and private placements. This will be a regional facility, but could change to a statewide facility. This facility will deal with psychological issues. The children could be educated on site or through the school depending on their situation. The age range of children will be from 13-18 years of age. 30 days will be the average stay for each individual.
- Commissioner Sik asked some questions on the building part of the project. Bottelberghe has retained an architect. Plans have been talked about, but nothing has been drawn up. All of the windows will be replaced, but cost per window has not been determined. The doors will not need to be replaced. Geothermal heat is a possibility through a grant. Nothing needs to be done with the kitchen. The roof needs significant work, but the cost has not been determined. A full business plan has not been completed. Bottelberghe stated that through all the research that was completed ahead of time, there was no documentation that showed how much the taxes would increase when the building was changed to non-exempt. The payroll for the first 6 months will be paid from personnel funds.
- Commissioner Nielsen asked some questions on the price. Bottelberghe stated that the price was \$500,000.00 and he has paid a payment of \$50,000.00. Part of the facility will be a non-profit, but the pharmacy and apartments will not be.
- The Hospital Auxiliary and the Ivanhoe EDA will be contributing the school portion of the requested abatement.
- Bottelberghe has had his own private practice for the last 6 years. He has also worked in residential treatment centers and has done some telehealth for the last 5 years.
- Bottelberghe was originally going to build a facility in Lyon County, but when this building became available, he thought using an existing facility would be a better plan.
- Jason Wisniewski asked for clarification on whether there will be transgender treatments administered at this facility.
- Attorney Petersen stated that the question to the Board is whether they want to grant a tax abatement on this property. The Board can't speak to the different types of mental issues that will be treated at this facility. The tax abatement should not be tied to the types of treatments that may be done.

Commissioner Nielsen commented that the Board needs to decide whether to assist this new business by giving them an abatement and he would like to move forward with approving the abatement. Bottelberghe is willing to take a smaller abatement of \$4,000.00. Motion by Nielsen, seconded by Drietz to approve Resolution 24-2023 Resolution Granting Property Tax Abatements for Real Property located at 312 E George Street in the City of Ivanhoe which gives an abatement of \$4,000.00. The Commissioners shared comments regarding a huge need for mental health facilities and how we can't control the laws that are passed at the state level. There was also a comment regarding how small this abatement is compared to how much money it will take to get this facility up and running. Commissioner Drietz, Hauswedell, Nielsen, and VanDeVere voted in favor. Commissioner Sik voted in opposition. Motion carried by majority vote.

**Resolution No. 24 -2023
RESOLUTION GRANTING PROPERTY
TAX ABATEMENTS FOR REAL PROPERTY
LOCATED AT 312 E GEORGE STREET
IN THE CITY OF IVANHOE**

BE IT RESOLVED by the County Board of the County (the "County Board") of Lincoln, Minnesota (the "County") as follows:

Section 1. Recitals.

1.01 Pursuant to Minnesota Statutes §469.1813, the County has authority to grant an abatement by contract or otherwise, of the taxes imposed by the County within the County limits of the County ("Abatement").

1.02 The County has determined a need to grant a property tax abatement ("the Abatement") to certain properties located within the City of Ivanhoe described as follows:

- a.) Property ID Number: 18-0020-000, Property Description: SECT-03 TWP-111 RANG-45 Part OF NE¼ NE¼ DESC IN BK 74 DEEDS PG 406 & BK 99 DEEDS PG 535, 312 E George St., Divine Prov. Hops. & Home Inc., Contract Vendor and Safe Place, Inc. Contract Vendee.
- b.) Property ID Number: 18-0023-000, Property Description: SECT-03 TWP-111 RANG-45 BEG 302.9' S OF THE NE COR THEN W 259.38' S OF THE NE COR THEN W 259.38'S 400'E 259.38' N 400', 312 E George St., Divine Prov. Hops. & Home Inc., Contract Vendor and Safe Place, Inc. Contract Vendee.

1.03 The County Board has reviewed the information concerning the tax abatement referenced herein and the benefits and incentives proposed thereof.

1.04 On July 18, 2023 the County Board conducted a duly noticed public hearing pursuant to Minnesota Statutes §469.1813, subd. 5 on the abatement proposed to be granted. The views of all interested persons were heard and considered at the public hearing.

1.05 Pursuant to Minnesota Statutes §469-1813, subd. 4, the Property ID Number: 180020-00 and the Property ID Number: 18-0023-00 are not located in a tax increment financing district.

1.06 The County intends to grant an abatement of the County's share of real estate taxes for Property ID Number: 18-0020-000 and Property ID Number: 18-0023-000.

Section 2. Findings.

2.01 The recitals set forth above are incorporated into this Resolution.

2.02 It is hereby found and determined that the benefits to the County from the Abatement will be at least equal to the costs to the County of the abatement, because

- (a) the County believes that the purchase and improvement of Property ID Number: 18-0020-000 and Property ID Number: 18-0023-000 by a private buyer is not reasonably likely to occur absent the abatement,
- (b) the abatement will facilitate private ownership of and capital improvements to Property ID Number: 18-0020-000 and Property ID Number: 18-0023-000,
- (c) the abatement will facilitate the repair and improvement of the buildings on Property ID Number: 18-0020-000 and Property ID Number: 18-0023-000,
- (d) there will be a Residential Youth Treatment Center for youth having mental health issues developed on Property ID Number: 18-0020-000 and Property ID Number: 18-0023-000,
- (e) it is anticipated that to operate a Residential Youth Treatment Center for youth having mental health issues there will be an annual payroll of \$2,500,000.00, and
- (f) the long-term taxes collected after termination of the abatement will exceed the amount of the abatement returned to the private owners.

2.03 It is hereby found and determined that the abatement is in the public interest because such action will increase the County's tax base and help redevelop or renew blighted areas.

Section 3. Actions Ratified; Abatement Approved.

3.01 The County does hereby grant an abatement of the County's share of the real estate taxes upon the property as follows:

- a.) For Property ID Number: 18-0020-000 the taxes due and payable for the year 2023 shall be reduced from \$5,490.50 to \$1,490.50. Further that for the County's portion of the real estate taxes due May 15, 2023 no interest or penalty shall be collected for the first half of the taxes that are not timely paid so long as the first half of the taxes is paid by August 1, 2023.
- b.) For Property ID Number: 18-0023-000 the taxes due and payable for 2023 shall not be reduced. Further that for the County's portion of the real estate taxes due May 15, 2023 no interest or penalty shall be collected for the first half of the taxes that are not timely paid so long as the first half of the taxes is paid by August 1, 2023. Approved by the County Board of Lincoln County, Minnesota this 18th day of July, 2023.

ATTEST:

Corey Sik, 2023 Board Chair

Deb Vierhuf, County Auditor-Treasurer

Motion by VanDeVere, seconded by Drietz to adjourn the public hearing on the abatement of taxes for Safe Place, Inc. and reconvene the regular board meeting. All voted in favor.

David Johnson, a Lincoln County landowner, expressed his concern about the management of DNR owned land. He does not feel that the DNR is following the law with the weed management. Johnson would like Attorney Petersen to look into this law. Amber Knutson, from the DNR, stated that this is an ongoing research project. The length of the project is 8-10 years. This is the first year cows have been put out to graze and they are looking at how this affects the pollinators, the song birds, and the pheasants. Commissioner Sik inquired about the thistles. The thistles came in about 1 year after the re-seeding. Knutson feels this is a temporary situation and if it is mowed, this will extend the problem. Grazing is how the DNR has chosen to control the noxious weeds. Commissioner Sik would like to see the DNR come up with a solution on the thistle population on the DNR land. Information only.

Dustin Hauschild, Lincoln County Environmental Administrator, informed the Board on the construction and demolition landfill rule changes. The MPCA would like to require all landfills to have a liner. If this rule is passed, the counties that have a landfill have 6 months to decide if they will line their landfill. If they choose to line the landfill, they have 7 years to comply. If they choose not to line the landfill, it will be closed. Although Lincoln County does not have a landfill, it is still a concern. We are dependent on other counties for our landfill needs. This will definitely affect the cost of taking our garbage to other counties. This will be a topic of discussion at an upcoming Lyon County Board Meeting. Information only.

Hauschild recommended an increase in the Solid Waste Assessment from \$65.00 to \$70.00 starting in 2024. Motion by VanDeVere, seconded by Hauswedell to increase the Solid Waste Assessment from \$65.00 to \$70.00 starting in 2024. All voted in favor.

Hauschild informed the Board that he is looking into different options for the Marble Store garbage site. Information only.

Hauschild informed the Board that concrete is being poured today at the transfer site. Information only.

Hauschild provided an updated cost estimate for the Lake Shaokatan Outlet. Hauschild has reached out to some area contractors and plans to have the bid opening at the second meeting in August. Information only.

Hauschild informed the Board that he will be presenting the Shoreland and Floodplain ordinances to the Planning and Zoning Commission on July 19th and will look for approval at the August 1st Board meeting. These ordinances need to be in place by September 7th to not affect flood insurance. Information only.

Hauschild gave an update on the following ditches:

- JD #29 – the buffer has been mowed.
- CD #7 – the ditch cleaning and culvert replacement will be about \$35,000.00 Hauschild will bring quotes to the next meeting.
- JD #31 Br #24 – Improvement has been started
- CD #37 – Landowners would like ditch to be cleaned by Wilno

Information only.

Hauschild informed the Board that the Lake Improvement meetings have been held. The vegetation at Lake Shaokatan has really taken off. Hauschild would like to know if the Board would contribute \$5,000 to assist in the clean-up of the lake. The AIS funds cannot be used for this since these are not noxious weeds. Motion by Nielsen, seconded by VanDeVere to contribute up to \$5,000.00 for the weed control at Lake Shaokatan. All voted in favor.

Hauschild informed the Board that there is some Lake Benton Curly Leaf Pond weed present. Looking at doing a more condensed treatment in the spring to keep the weeds under control. Information only.

Rick Drietz, Lincoln County Maintenance Supervisor, informed the Board that the air conditioning at the Sheriff's office is wearing out. Drietz has received a quote for \$6,300.00. Motion by VanDeVere, seconded by Drietz to approve the quote for the Sheriff's office air conditioning not to exceed \$6,300.00 to be paid to Dean Brandt Heating and Air Conditioning to be paid out of the law enforcement maintenance budget. All voted in favor.

Chad Meester, Lincoln County Sheriff, read his letter of resignation to the Board. Meester's last day will be August 16, 2023. Information only.

Committee Reports were given:

Drietz – CPT, Personnel, Area II and RCRCA
 Hauswedell – Opioid Meeting, Western Mental Health
 Nielsen – LCEDC
 Sik – None
 VanDeVere – SW Reg Dev, City of Tyler, Solid Waste Recycling Commission

Auditor Warrants were presented.

Motion by Drietz, seconded by Nielsen to approve the following Commissioner Warrants #21223 - #21285 for the following amounts: Revenue - \$50,026.61, Road and Bridge - \$40,091.79, Debt - \$16,500.00 and Ditch - \$3,090.00. All voted in favor.

The following bills were over \$2,000.00 per M.S. 375.12: A&C Excavating LLC - \$16,500.00, Bolton & Menk - \$3,090.00, Christensen Broadcasting - \$6,000.00, Counties Providing Technology - \$5,652.00, Frontier Precision Inc. - \$26,415.20, Interstate Telecommunications Coop Inc. - \$2,121.30, Linc. Co. Fair Assn. - \$3,000.00, Morris Electronics Inc. - \$2,933.75, North Central International Inc. - \$3,567.57, Rupp, Anderson, Squires & Waldspurger P.A. - \$3,726.00, Southwest Health and Human Services - \$2,002.63, Vollan Oil - \$3,063.75, WSB & Associates, Inc. - \$14,202.00 and 50 payments less than \$2,000.00 - \$17,434.20.

Glen Petersen, Lincoln County Attorney presented Resolution 25-2024 approving the sale of the Lincoln County Land through bids at the meeting on July 5, 2023. Motion by Nielsen, seconded by Hauswedell to approve Resolution 25-2024 Approving the sale of County Owned Property (Property id number 06-0229-000) as per attached survey. All voted in favor.

**COUNTY OF LINCOLN STATE OF MINNESOTA
RESOLUTION 25-2023**

A RESOLUTION OF THE COUNTY OF LINCOLN, MINNESOTA, APPROVING SALE OF COUNTY OWNED PROPERTY

WHEREAS, the County Commission authorized the sale of County-owned property, described as:

Property Identification Number: 06-0229-000
LEGAL DESCRIPTION - SEE EXHIBIT A ("Parcel" herein)

WHEREAS, the County published a request for bids for the sale of the property to the public; and,

WHEREAS, BB& A Enterprises, LLC by Brian Evans, as Manager submitted the highest bid of \$12,650 for the purchase of the Parcel.

WHEREAS, the County Commission found the sale of this Parcel was in the public interest, and now stands ready to transfer the Parcel to the new owners.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF LINCOLN COUNTY, MINNESOTA, that it:

1. Authorizes the Chair person and the County Auditor to execute the attached Purchase Agreement and Quitclaim Deed to transfer ownership of the Parcel.
2. Directs the County Attorney to conduct a Closing to transfer the ownership of the Parcel

ATTEST:

Corey Sik, 2023 Board Chair

Deb Vierhuf, County Auditor-Treasurer

Deb Vierhuf, Lincoln County Auditor-Treasurer, presented the Counties Providing Technology Hosting Agreement and the Professional Services Agreement.

Motion by Drietz, seconded by Sik to approve the Counties Providing Technology Hosting Agreement. All voted in favor.

Motion by Drietz, seconded by Sik to approve the Counties Providing Technology Professional Services Agreement. All voted in favor.

Vierhuf informed the Board that the Ford Taurus County Vehicle is in need of replacement. Conversations have been held with Sheriff Meester on the squad cars that will be decommissioned. We would like to dispose of the Taurus and obtain one of the used squad cars to replace the Taurus. The Board was in consensus with moving forward on this.

Vierhuf presented the TIF disclosure which was included in the Board packets. Information only.

Motion by Drietz, seconded by VanDeVere, to adjourn at 12:27 p.m. All voted in favor.

ATTEST:

(SEAL)

Corey Sik, 2023 Board Chair

Deb Vierhuf, County Auditor-Treasurer