

REGULAR MEETING OF THE ISANTI COUNTY BOARD OF COMMISSIONERS

Tuesday, October 5th, 2010; 9:15 a.m. - Government Center Boardroom

Members Present: Chairperson Morris; Commissioners Larson, Southerland, Daudt, Duff
Members Absent: None
Others Present: T Treichel, P Messer, B Wendorf, M Bostrom C Caulk, R Monson, M Palmer, T Schibilla, R Heilman, T MacMillan (Reporters: Hunt, Glander)

o0o Chairperson Morris convened the meeting and led the assembly in the Pledge of Allegiance.

10/10-01 Motion by Southerland, seconded by Larson to approve the agenda. Motion carried unanimously.

10/10-02 Motion by Duff, seconded by Southerland to approve the minutes of the September 21st, 2010 County Board Meeting. Motion carried unanimously.

10/10-03 Motion by Larson, seconded by Duff to approve extending the following amendments for 2011 to the Isanti County Personnel Policy Section 10.4 Voluntary Leave of Absence Without Pay: delete c.3 a.) A voluntary leave of absence shall be granted only if an employee has exhausted all vacation leave; c.3 b.) Pursuant to Isanti County policy 6.6a probationary employees are not required to exhaust all vacation leave to be eligible; adding c. 3.) e.) Employees who utilize this policy and have payroll deductions, are responsible for deductions not covered by income loss. f.) Employees may choose to purchase the PERA service credit amounts as to not lose these contributions; further that said amendments will be effective 7-21-09. Motion carried unanimously.

10/10-04 Motion by Southerland, seconded by Larson to approve the Lease Between County of Isanti and East Central Regional Library for 2011 in the amount of \$68,222. Motion carried unanimously.

10/10-05 Motion by Daudt, seconded by Southerland to reschedule the December 7th, 2010 County Board meeting to Wednesday, December 1st, 2010 at 9:00 a.m. Motion carried unanimously.

10/10-06 Motion by Larson, seconded by Southerland to approve payment to NACO in the amount of \$601 for 2011 County membership dues. Motion carried unanimously.

10/10-07 Motion by Southerland, seconded by Daudt to approve the following claims and warrants:

BMO Spend & Payment	\$	4,152.73	Federated	\$	9,820.00
Thomas & Lori Roth-Yousey		500.00	Shanda Hanson		138.17
Bjorklund Trucking		25,603.99	StoneBrooke		3,715.14
Mn Medical Research Foundation		260.00	Newman Traffic signs		11,395.31
Synergy Graphics		12,199.31	Access Associates, LLC		480.00
Martin Associates		440.00	Aqua Adventure		545.08

TOTAL CLAIMS AND WARRANTS: \$ 69,249.73

Motion carried unanimously.

10/10-08 Motion by Southerland, seconded by Larson to approve the 2011 Medica Senior Care Secure Rates for 2011 in the amount of \$245 per month. Motion carried unanimously.

10/10-09 Motion by Duff, seconded by Daudt to approve the following Health Board Action: Amendment to the Emergency Medical Consultation Contract with Dr Mark Thayer. Motion carried unanimously.

10/10-10 Motion by Southerland, seconded by Larson to approve payment to Government Management Group for 2009 Cost Allocation plan in the amount of \$5100. Motion carried unanimously.

10/10-11 Motion by Southerland, seconded by Daudt to approve the Consulting Services Agreement with Government Management Group for the 2010, 2011, and 2012 Cost Allocation Plan in the amount of \$5200 for each year. Motion carried unanimously.

oOo At this time a Public Hearing was held to consider adopting a Social Host Ordinance. Kevin Vanhooser, County Administrator read the following published public notice into the record: NOTICE OF PUBLIC HEARING, ISANTI COUNTY BOARD OF COMMISSIONERS. NOTICE is hereby given that the Isanti County Board of Commissioners will hold a public hearing on Tuesday, October 5th, 2010, in the Isanti County Board Room, at the Isanti County Government Center, 555 18th Avenue SW, Cambridge, MN 55008, to consider adopting a social Host Ordinance. The intent of the ordinance is to prohibit, and establish penalties for, any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons under twenty-one (21) years of age. A copy of the proposed ordinance is available at the County Administrator's Office, 555 18th Avenue SW, Cambridge, MN 55008. All interested persons are encouraged to attend the public hearing and to present their comments about the ordinance. Persons unable to attend may present their comments in writing to the County Administrator at the above address. By Order of the Isanti County Board of Commissioners this 17th day of August, 2010. There were no written comments received and no comments from the audience.

10/10-12 Motion by Southerland, seconded by Duff to close the Public Hearing (9:32 a.m.). Motion carried.

10/10-13 Motion by Larson, seconded by Southerland to adopt the following RESOLUTION APPROVING AN ISANTI COUNTY SOCIAL HOST ORDINANCE. THIS ORDINANCE PROHIBITS, AND ESTABLISHES PENALTIES FOR, ANY PERSON HOSTING AN EVENT OR GATHERING WHERE ALCOHOL IS PRESENT AND BEING POSSESSED OR CONSUMED BY PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE. BE IT ENACTED BY THE ISANTI COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS: Subdivision 1. Purpose and Findings. It is the intent and desire of the Isanti County Board of Commissioners to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Isanti County Board of Commissioners finds that: A. Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement. B. Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions. C. Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who re affected by the actions of an irresponsible user. D. Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol. E. Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption. F. A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs. Subdivision 2. Authority.

This ordinance is enacted pursuant to Minn. Stat 145A.05 subdivision 1. **Subdivision 3. Definitions.** For purposes of this ordinance, the following terms have the following meanings: A. Alcohol. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever sources or by whatever process produced. B. Alcoholic beverage. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances. C. Event or gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity. D. Host. "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event. E. Know or Knows. "Know or knows" means that the person has information that results in the person's actual belief of the fact or from which such belief can be inferred. F. Parent. "Parent" means any person having legal custody of a juvenile: (1) As natural, adoptive parent, or step-parent; (2) As a legal guardian; or (3) As a person to whom legal custody has been given by order of the court. G. Person. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals. H. Residence or Premises. "Residence" or "premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function and whether owned, leased, rented, or used with or without permission or compensation. I. Underage Person. "Underage person" is any individual under twenty-one (21) years of age. **Subdivision 4. Prohibited Acts.** A. It is unlawful for any person(s) to: 1. Host or allow an event or gathering at any residence, premises, or any other private or public property where alcohol or alcoholic beverages are present when the person knows or reasonably should know that an underage person will or does consume any alcohol or alcoholic beverage; or possess any alcohol or alcoholic beverage with the intent to consume it; and 2. The person fails to take reasonable steps to prevent possession or consumption by the underage person(s). B. A person is criminally responsible for violating Subdivision 4(a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act. C. A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible. **Subdivision 5. Exceptions.** A. Exceptions: This ordinance does not apply to: 1. Conduct solely between an underage person and his or her parents while present in the parent's household. 2. Legally protected religious observances. 3. Retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn Stat 340A.503 subd 1 (a) (1). 4. Situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment. B. Defenses. If proven by a preponderance of evidence, it shall be an affirmative defense to any violation of subd 4, that the alleged violation is consistent with one or more of the exceptions set forth in subd 5. A. **Subdivision 6. Enforcement.** This ordinance can be enforced by any licensed peace officer in the State of Minnesota. **Subdivision 7. Severability.** If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect. **Subdivision 8. Penalty.** Violation of Subdivision 4 is a misdemeanor. **Subdivision 9. Publication.** The County Administrator is directed to certify the passage of the ordinance and cause this Ordinance to be published in the designated newspaper by the County Board of Commissioners, circulated in the County of Isanti, State of Minnesota. **Subdivision 10. Effective Date.** This ordinance shall take effect thirty (30) days following its final passage and adoption. Motion carried.

10/10-14 Motion by Larson, seconded by Southerland to ratify hire of Addie Dahlquist from part time to full time jailer, effective 10-7-10. Motion carried.

10/10-15 Motion by Larson, seconded by Duff to accept the resignation of Donni Monn, part time jailer, effective 9-13-10. Motion carried.

10/10-16 Motion by Southerland, seconded by Duff to authorize the Sheriff's Department to begin the process to fill part time female jailers. Motion carried.

10/10-17 Motion by Larson, seconded by Southerland to approve a Joint Powers Agreement between the State of MN and Isanti County for housing prisoners in the Isanti County Jail. Motion carried.

o0o The Board provided various committee reports.

10/10-18 Motion by Duff, seconded by Daudt to ratify the appointment of Sharon Marlette, Office Support Specialist, effective 10-4-10 through 11-5-10 at 4 days per week; effective 11-8-10 will be full time. Motion carried unanimously.

10/10-19 Motion by Larson, seconded by Southerland to ratify appointment of Teryl Nelson, contracted financial worker, effective 10-1-10. Motion carried unanimously.

10/10-20 Motion by Southerland, seconded by Larson to approve an Appendix to the Country Services Contract to include Financial Worker Services. Motion carried unanimously.

o0o Barry Wendorf, Parks Director, presented a request to the Board to accept two grants from the 2010 Parks and Trails Legacy Grant Program. Wendorf indicated the first grant is in the amount of \$188,000, (of which Isanti County has to provide a 25% local match) for development of the Vegsund Family County Park which includes a long picnic shelter, picnic tables, benches, a fishing pier, solar lighted walkways, an improved trail system along with a paved entrance road and two paved parking areas. Wendorf further indicated that the second grant is in the amount of \$60,250 (of which Isanti County has to provide a 25% local match) for the purchase of 3 boardwalks and an elevated viewing platform located at Irving & John Anderson County Park.

10/10-21 Motion by Southerland, seconded by Larson to approve acceptance of a 2010 Parks and Trail Legacy Grant in the amount of \$188,000 for the development of the Vegsund Family County Park. Motion carried unanimously.

10/10-22 Motion by Larson, seconded by Duff to approve the acceptance of a 2010 Parks and Trail Legacy Grant in the amount of \$60,250 for the purchase of 3 boardwalks and an elevated viewing platform located at the Irving & John Anderson County Park. Motion carried unanimously.

10/10-23 Motion by Larson, seconded by Southerland to approve the low bid for the placement of false stone around columns for the picnic shelter at Irving & John Anderson County Park from Paul Yerigan in the amount of \$4200; further that said monies to come from part time employee budget line item. Motion carried unanimously.

10/10-24 Motion by Larson, seconded by Southerland to approve the Memorandum of Understanding with the Cities (Cambridge, Braham, Isanti) for use of the Emergency Operations Center. Motion carried unanimously.

10/10-25 Motion by Duff, seconded by Southerland to approve the purchase of a refrigerator for the EOC through the Public Health; further said monies to come from grants. Motion carried unanimously.

10/10-26 Motion by Larson, seconded by Daudt to approve the purchase of cabinets for the Emergency

Operations Center in the amount of \$2500; further that said monies to come from EOC grants. Motion carried unanimously.

o0o Mari Bostrom, Emergency Management Director presented information to the Board regarding a grant in the amount of \$241,000 that she will receive on November 1st, 2010 for the Remote Community Alert Project, indicating that she will be back for Board acceptance of the grant in early November.

o0o Sergeant Chris Caulk presented K-9 Nike to the Board, indicating that due to an eye disease causing visual impairment, he is requesting the retirement of Nike. Chris provided the many successes that Nike accomplished during his 7 years as Isanti County's K-9. Sheriff Monson and Marlys Palmer (Human Society), also commented.

10/10-27 Motion by Larson, seconded by Southerland to declare K-9 Nike retired; further that due to the bond between animal and trainer that has existed over the past 7 years, the animal will be placed with the Caulk family so he can live his remaining years in a loving environment with the people he knows as family; further that all of Nike's personal effects, such as his crate, collar, leashes and bowl be placed with the Caulk family. Motion carried unanimously.

o0o Tom Schibilla, Building Facilities Director presented the 2010-2011 snow plow quotes to the Board (on file), and is recommending awarding the annual snow plowing to Nature Scapes landscaping as low quote.

10/10-28 Motion by Daudt, seconded by Larson to award the 2010-2011 snow plow quote to Nature Scapes Landscaping as follows: plow truck \$52 p/h; skid steer \$52 p/h; dump truck \$58 p/h; salt/sanding \$185 p/application; and sidewalks \$37 p/hr. Motion carried unanimously.

o0o Tim MacMillan, Probation Director presented a request to reduce Isanti County's contracted Joint Powers Agreement with the East Central Regional Juvenile Center from 4 to 3.5. Commissioner Southerland suggested that Isanti County wait for budgeting and a new Joint Powers Agreement.

o0o Tim MacMillan, Probation Director presented a request to purchase a handheld ALCO Sensor made by Intoximeters, Inc in the amount of \$586.

10/10-29 Motion by Larson, seconded by Southerland to authorize the Probation Department to purchase a handheld ALCO Sensor in the amount of \$586. Motion carried unanimously.

10/10-30 Motion by Larson, seconded by Southerland to approve the following utility permits: Qwest for a buried communication cable along CSAH #1; and a buried communication cable, along CSAH #19A; CenterPoint Energy for a buried gas main, along and across CR #36A; and to Connexus Energy for a buried electric service, along and across CR #50. Motion carried unanimously.

o0o The Board provided various committee reports.

10/10-31 Motion by Southerland, seconded by Duff to adjourn (10:31 a.m.). Motion carried unanimously.

Kevin VanHooser, Isanti County Administrator

Susan D Morris, County Board Chairperson

By: Barbara E Baar, Deputy County Administrator