MINUTES
OF THE
PINE COUNTY BOARD MEETING
Regular Meeting
Tuesday, April 2, 2019 - 10:00 a.m.
Pine County Courthouse
Pine City, Minnesota

Chair Josh Mohr called the meeting to order at 10:00 a.m. Present were Commissioners Steve Hallan, Steve Chaffee, John Mikrot and Matt Ludwig. Also present were County Administrator David Minke and County Attorney Reese Frederickson.

The Pledge of Allegiance was said.

Chair Mohr called for public comment.

Ailene Croup stated her opposition to the proposed resolution to support additional funding from the State of Minnesota to Minnesota’s statewide transportation system. (Regular Agenda Item #6).

Paul Dorow/Munch Township resident, and Joe Sharp/Munch Township Chairman, stated their concern with the condition of Mallard Road, located in Munch Township, and the need for additional funding for maintenance of that road for anticipated increased road usage.

Kelly Gribauval, Chengwatana Township resident, stated her concern with an adjoining landowner spreading liquid manure on a frozen field which adjoins her homestead.

Chair Mohr requested the following revisions to the Agenda:

1. Addition: Regular Agenda Item #9/Other
   Comprehensive Water Planning-BWSR Natural Resources Block Grant discussion.

Commissioner Hallan moved to approve the amended Agenda. Second by Commissioner Chaffee. Motion carried 5-0.

Commissioner Ludwig moved to approve the Minutes of the March 19, 2019 Board Meeting and Summary for publication. Second by Commissioner Mikrot. Motion carried 5-0.

Minutes of Boards, Reports and Correspondence

Pine County Chemical Health Coalition Minutes – March 11, 2019
Minnesota Department of Human Services Internal Audits Office – March 12, 2019
Minnesota Department of Human Services-2018 Financial Reporting – March 15, 2019
Pine County Land Surveyor Monthly Report – March 2019
2019 Special Primary Election Canvassing Board Minutes – March 6, 2019
2019 Special Election Canvassing Board Minutes – March 20, 2019

Motion by Commissioner Ludwig to acknowledge the Minutes of Boards, Reports and Correspondence. Second by Commissioner Hallan. Motion carried 5-0.

Chair Mohr recognized the Health & Human Services staff for their 2018 financial reporting accomplishments as mentioned in Department of Human Services Commissioner Lourey’s March 15, 2019 letter to the county board.

Commissioner Chaffee moved to approve the Consent Agenda. Second by Commissioner Hallan. Motion carried 5-0.
CONSENT AGENDA

1. March 2019 Disbursements

2. Application for Abatement
   Approve the application for abatement for Steven and Laura Saumer, 4532 Raspberry Road, Pine City, PID 29.0260.000, pay 2018 due to error when entering relative homestead.

3. Application for Local-Option Disaster Abatement
   Approve the application for local option disaster abatement for Lea Garza, 29351 St. Croix Road, Pine City, PID 26.0379.001, pay 2017 and 2018 due to fire.

4. 2019 Household Hazardous Waste Staffing Contract
   Approve the Household Hazardous Waste Staffing Contract with Pine Habilitation and Supported Employment (PHASE). The term of the contract is May 15, 2019 through October 31, 2019; compensation for 2019 is $23,500 (an increase of $2,500 from 2018). Authorize Board Chair and County Administrator to sign.

5. Personnel (Completion of Probationary Period)
   Approve the regular employment status for Social Services Case Aide Cassandra Olson effective April 23, 2019.

6. New Hire
   A. Approve the hiring of Melissa Otten, social worker, effective April 22, 2019, Grade 10, Step 1, $23.98 per hour.
   B. Approve the hiring of Kelly Diggan, social worker, effective April 8, 2019, Grade 10, Step 1, $23.98 per hour.
   C. Approve the hiring of Dianne Johnson, Clerk III, effective April 9, 2019, Grade 4, Step 1, $16.90 per hour.

7. Training
   A. Approve Child Care Social Worker Nikki Wiener to attend the 2019 Association of MN Family Child Care Licensors Spring Workshop, May 1-2, 2019, in St. Cloud. Registration $120, Lodging $100. Total cost $220.
   B. Approve Child Care Social Worker Nikki Wiener to attend the Fire Code Requirements for Licensors training, June 4-5, 2019, in Little Falls. Lodging $32, Travel $104. Total cost $136.
   C. Approve Probation Director Terry Fawcett to attend the Janet Reno Forum and attend the awards ceremony for Capstone of the Year, July 15-16, 2019 at Georgetown University. There will be no financial impact to Pine County as airfare, lodging, meals and registration costs will be paid by the Center for Juvenile Justice Reform.
   D. Approve Probation staff Michelle Sellner, Jami Anderson, Christopher Stolan, Amber Chase, Denise Christensen, Sue Thompson and Terry Fawcett to attend the Minnesota Association of County Probation Officers’ 62nd Annual Spring Conference, May 15-17, 2019, at Breezy Point. Registration: $125/each for 5 staff (Amber Chase and Terry Fawcett’s fees are waived as they are on the Executive Board); Lodging: $2,176 (6 staff at 2 nights/1 staff at 1 night); Meals: included in registration. County vehicle will be used as available. Total Cost: $2,801.
   E. Approve IT Manager Ryan Findell to attend the 2019 MNCITLA Annual Conference, July 10-12, 2019, Walker. Registration: included with membership fee; Lodging: $268 + fees; Mileage: approx. $174. Total Cost: Approx. $442.
REGULAR AGENDA

1. Public Hearing – Social Host Ordinance
   County Attorney Reese Frederickson explained the purpose of the social host ordinance is to prohibit, and establish penalties for, any person hosting an event or gathering where alcohol, marijuana or other controlled substances are present and being possessed or consumed by persons under 21 years of age within Pine County.

   Chair Mohr opened the public hearing at 10:14 a.m. and called for public comment. Ailene Croup inquired as to what responsibility is borne by a homeowner if a person under the age of 21, under the influence of alcohol or other controlled substance, comes to their property. County Attorney Frederickson stated this ordinance is directed at any person hosting an event/gathering where under 21 years of age individuals are using or possessing alcohol or controlled substances. Commissioner Chaffee asked if the ordinance has a mandatory reporting clause, Attorney Frederickson stated it does not. Health & Human Services Director Becky Foss and Public Health Educator Lynette Forbes-Cardey spoke in support of the ordinance. County Administrator David Minke presented a letter of support of the ordinance from Andrew Almos, Superintendent of the East Central School District.

   There being no further comment, Chair Mohr closed the meeting at 10:22 a.m.

   Discussion was held as public awareness this ordinance. This Ordinance will be effective upon publication.

   Motion by Commissioner Hallan to approve Pine County Ordinance 2019-06, Pine County Social Host Ordinance, and authorize Board Chair and County Administrator to sign. Second by Commissioner Mikrot. Motion carried 5-0.

   PINE COUNTY ORDINANCE #2019-06

   PINE COUNTY
   SOCIAL HOST ORDINANCE

ARTICLE 1. PURPOSE
The purpose of this Ordinance is to prohibit, and establish penalties for, any person hosting an event or gathering where alcohol, marijuana or other controlled substances are present and being possessed or consumed by persons under 21 years of age within Pine County.

ARTICLE 2. SCOPE
The intent of this Ordinance is to discourage underage possession and consumption of alcohol, marijuana or other controlled substances even if done within the confines of a private residence. The intent of this Ordinance is to also hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol, marijuana or other controlled substances regardless of whether the person hosting the event or gathering supplied the alcohol, marijuana or other controlled substances. The County Board of Commissioners finds that:

A. Events and gatherings held on private or public property where alcohol, marijuana or other controlled substances are possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health and public safety requiring prevention or abatement.

B. Prohibiting underage consumption acts to protect underage persons, as well as the public, from injuries related to alcohol, marijuana or other controlled substances consumption, such as overdose or alcohol/drug-related traffic crashes.

C. Alcohol, marijuana and other controlled substances are addictive drugs which, if used irresponsibly, could have drastic effects on those who use it as well as those who are 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, marijuana or other controlled substances.

E. Even though giving or furnishing alcohol, marijuana or other controlled substances 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.

ARTICLE 3. AUTHORITY
This Ordinance is enacted pursuant to Minnesota Statutes section 145A.05, subdivision 1, and Minnesota Statutes section 340A.509.

ARTICLE 4. DEFINITIONS
For the purposes of this Ordinance, the following definitions apply:

A. **ALCOHOL:** 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 source or by whatever process produced.

B. **ALCOHOLIC BEVERAGE:** Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, and which contains 0.5% or more of alcohol by volume and which is used for beverage purposes either alone or when diluted, mixed, or combined with other substances.

C. **CONTROLLED SUBSTANCE:** This term has the same meaning as in Minnesota Statutes section 152.01, subdivision 4. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.

D. **EVENT** or **GATHERING:** Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

E. **HOST:** To aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

F. **MARIJUANA:** This term has the same meaning as in Minnesota Statutes section 152.01, subdivision 9.

G. **PARENT:** Any person having legal custody of a juvenile:
   a. As natural, adoptive parent, or step-parent;
   b. As a legal guardian; or
   c. As a person to whom legal custody has been given by order of the court.

H. **PERSON:** Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

I. **RESIDENCE OR PREMISES:** 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.

J. **UNDERAGE PERSON:** Any individual under 21 years of age.

ARTICLE 5. PROHIBITED ACTS
It is unlawful for any person(s) to:
A. Host or allow an event or gathering at any residence, premises, or on any other private or public property where alcohol or alcoholic beverages, marijuana or controlled substances are present when the person knows or reasonably should know that an underage person will or does:
   a. Consume any alcohol or alcoholic beverage, marijuana or controlled substance; or
   b. Possess any alcohol or alcoholic beverage, marijuana or controlled substance with the intent to consume it; and
   c. 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 Article 5(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.

ARTICLE 6. EXCEPTIONS
A. This section does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

B. This section does not apply to legally protected religious observances.

C. This section does not apply to retail intoxicating liquor or 3.2% malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minnesota Statutes section 340A.503, subdivision 1(a)(1).

D. This section does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages, marijuana or controlled substances during the course and scope of employment.

ARTICLE 7. ENFORCEMENT
This Ordinance can be enforced by any licensed peace officer in Pine County.

ARTICLE 8. SEVERABILITY
The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this Ordinance be declared invalid for any reason, the remainder of this Ordinance shall not be affected and the remainder of the provisions shall remain in full force and effect.

ARTICLE 9. PENALTIES
Any person who violates any of the provisions of this Ordinance, or fails to comply with any of the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided by the Laws of the State of Minnesota for misdemeanor violations. Each day that a violation continues shall constitute a separate offense.

ARTICLE 10. EFFECTIVE DATE
This Ordinance shall be and is hereby declared to be in full force upon passage, and to be published per law.

Passed by the Board of Commissioners of Pine County, Minnesota, this 2nd day of April, 2019.

2. Health & Human Services Committee Report
Commissioner Hallan provided an overview of the April 2, 2019 Health & Human Services Committee meeting. A presentation was given by Dawn Besemann, Outreach Program Manager with Lakes & Pines, relating to housing programs coordinated through their organization. The proposed moving of the MNCHOICES Assessor position from public health to social services, staff vacancies in public health, Home Visiting Grant Award (partnered with Mille Lacs County and the Mille Lacs Band of Ojibwe), and the creation of a social worker position within the jail were discussed.
3. **East Central Regional Development Commission Update**
   East Central Regional Development Commission (ECRDC) Executive Director Robert Voss provided an update as to the services provided to Pine County by the ECRDC.

4. **Land Acquisition Application/Dunkley Property (Fee to Trust) Letter of Support**
   The land acquisition application fee to trust process was discussed in detail at the March 19, 2019 county board meeting; it was the consensus of the board at that meeting to submit a letter of support to the Bureau of Indian Affairs for the fee to trust transfer. A draft letter was submitted for consideration at this board meeting.
   **Motion** by Commissioner Ludwig to approve the letter of support to the Bureau of Indian Affairs for the application for land acquisition (fee to trust) from the Mille Lacs Band of Ojibwe. Second by Commissioner Hallan. Motion carried 5-0.

5. **Wetland Bank**
   At the March 12, 2019 Special Meeting-Committee of the Whole, David Demmer, Wetlands Specialist with the Minnesota Board of Water and Soil Resources, presented an overview of wetland banking and the application process for creation of a wetland bank. The Land Advisory Committee had previously reviewed two potential sites--Hay Creek Headwaters property in Kerrick Township and Kettle River/Munch Township property. The Land Advisory Committee recommended the Hay Creek Headwaters property as it provides the potential for more credits; the Munch Township property is memorial forest and provides more opportunity for recreational use. The first phase in the process of establishing a wetland bank is to prepare a draft prospectus, which process can be completed by county staff.
   **Motion** by Commissioner Ludwig to direct county staff to complete a draft prospectus on the Kerrick Township, Hay Creek Headwaters property. Second by Commissioner Chaffee. Motion carried 5-0.

6. **Resolution in Support of Transportation Funding**
   County Engineer Mark LeBrun stated the County Engineers Association and Association of Minnesota Counties are looking for general support for funding of Minnesota’s statewide transportation system; LeBrun requested the county’s support of Resolution 2019-18 in support of funding for adequate state road maintenance.
   **Motion** by Commissioner Hallan to approve Resolution 2019-18 in support of additional funding from the State of Minnesota to Minnesota’s statewide transportation system. Second by Commissioner Chaffee. Motion carried 5-0.

7. **2018 Highway Annual Report**
   County Engineer Mark LeBrun reviewed the 2018 Public Works Department Annual Report, including a review of unaudited projects, assets, liabilities, account balances, and inventory. As of December 31, 2018 the unreserved Fund Balance was $1,218,991. Sales tax projects totaling $1,365,408 were completed in 2018.
   **Motion** by Commissioner Chaffee to approve the 2018 Highway Annual Report. Second by Commissioner Mikrot. Motion carried 5-0.

8. **Commissioner Updates**
   Arrowhead Counties Association: Commissioner Mikrot stated St. Louis County is considering designing a recycle/landfill (on a 75-year plan) and is inquiring of interest in surrounding counties. Commissioner Ludwig commented St. Louis County utilizes an app on employees’
work devices where, in the event the device is lost/stolen, the app can be shut down so that no data can be accessed. Pine County has a similar management app on county devices.

Mille Lacs Band of Ojibwe meeting: Commissioner Hallan stated the new Mille Lacs Band Human Services Commissioner Nicole Anderson was introduced; topics discussed included the fee to trust application project and the mutual interest to rehire a cultural community coach.

Snake River Watershed: Chair Mohr stated it was a general meeting; the Cross Lake project is complete, another project has been started on Pokegama Lake. Kanabec County--manure pit closure.

Snake River Watershed Special Meeting—1W1P: Commissioner Hallan and County Administrator Minke attended. Every stakeholder county had a representative present. The three options available were discussed (separate, merged or linked). Separate or Merged options were the most popular choices. This was an informational meeting only, going forward into a planning phase.

Lower St. Croix 1W1P Policy Committee: Commissioner Hallan stated the Lower St. Croix basin has no wetland bank; looking to private property owners for wetland bank establishment.

NLX: meeting cancelled

HRA meeting: Commissioner Ludwig stated general business meeting, light discussion on housing.

Transit Advisory Committee: Commissioner Hallan stated ridership is increasing. Arrowhead is looking to expand transportation services in the city of Sandstone.

Central Regional EMS: Commissioner Ludwig stated the last of the opioid grant has been expended, however Commissioner Ludwig believes the grant will be renewed.

Other: Commissioner Hallan stated he has been approached by a citizen who purchased land with assumed access over a purported township road. That road had never been recorded as a township road. County Engineer LeBrun stated the highway department had been contacted on this matter and was able to provide some information to the landowner, but the landowner should seek the services of a private attorney.

Township Officer meeting: Mohr and Hallan attended.

9. Other

Comprehensive Water Plan Discussion

County Administrator Minke explained the county has delegated its water planning activities to the SWCD and provides SWCD with $13,500 in pass-through funding from a Natural Resources Block Grant from BWSR. The SWCD technician who has been the lead in water planning has resigned his position and is leaving employment with SWCD. Given the vacancy in the SWCD, it was the recommendation of the county board there should be further discussion on future water planning duties.

10. Upcoming Meetings

Upcoming meetings were reviewed.

MN Council on Aging Joint Board: Rescheduled from April 4, 2019 to May 2, 2019, 10 a.m., 250 Riverside Avenue North, Suite 300, Sartell, Minnesota.

11. Adjourn

With no further business, Chair Mohr adjourned the meeting at 11:49 a.m. The next regular meeting of the county board is scheduled for Tuesday, April 16, 2019 at 10:00 a.m. at the Pine County History Museum, 6333 H C Andersen Alle, Askov, Minnesota.

Joshua Mohr, Chair
Board of Commissioners

David J. Minke, Administrator
Clerk to County Board of Commissioners