

**CHISAGO COUNTY  
BOARD OF COMMISSIONERS  
OFFICIAL PROCEEDINGS  
Wednesday, July 03, 2019**

The Chisago County Board of Commissioners met in regular session at 6:30 p.m. on Wednesday, July 03, 2019 at the Chisago County Government Center with the following Commissioners present: DuBose, Greene, McMahan, Montzka, Robinson. Also present: County Attorney Janet Reiter, County Administrator Bruce Messelt and Clerk of the Board Chase Burnham.

The Chair called the meeting to order and led the assembly in the Pledge of Allegiance.

Commissioner McMahan offered a motion to approve the amended agenda. Motion seconded by Montzka, the motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

Clerk of the Board announced that the Board will be closing the meeting to hold a Closed Session pursuant to Minnesota Statute 13D.05, the County Board of Commissioners may, by majority vote in a public meeting, decide to hold a closed meeting if the closure is expressly authorized by statute. Minnesota Statute §13D.05, Subd. 3 permits a meeting to be closed subject to a discussion with legal counsel which is protected by attorney-client privilege. The Board of Commissioners will discuss legal strategy related to: litigation in Jacobson v. Duncan and Chisago County and threatened litigation via the 2012 ARMER Radio Subscription Agreement with North Branch. On motion by DuBose, seconded by McMahan and **carried unanimously** the Board closed the meeting and convened a closed session at 6:31 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

Following the closed session, the Chisago County Board of Commissioners reconvened the Meeting of the Whole. Minnesota Statute §13D.05, Subd. 3 (a) to a discussion with legal counsel, which is protected by attorney-client privilege. The Board of Commissioners discussed legal strategy related to: litigation in Jacobson v. Duncan and Chisago County and threatened litigation via the 2012 ARMER Radio Subscription Agreement with North Branch. The following were present at the closed meeting: Commissioners DuBose, Greene, McMahan, Robinson, Montzka, County Attorney Reiter, County Administrator Messelt and Clerk of the Board Chase Burnham and Attorney Dyan Ebert.

On motion by DuBose, seconded by Montzka, the Board moved to reconvene the meeting at 7:17 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by Montzka, seconded by DuBose, the Board moved as directed with respect to the City of North Branch. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka **OPPOSED:** Robinson.

On motion by Montzka, seconded by McMahon, the Board moved as directed with respect to *Jacobson v. Duncan and Chisago County*. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

At 7:20 p.m., the Chair opened Citizen Forum. 0 Citizens spoke; the Chair closed Citizen Forum at 7:20 p.m.

On motion by McMahon, seconded by Montzka, the Board moved to recess the Board of Commissioners meeting to the Health and Human Services Committee of the Whole. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

Chair Greene gave the gavel to Vice-Chair Montzka.

The Chair opened the Health and Human Services Committee of the Whole at 7:20 p.m.

Health and Human Services Director Monica Long provided the Board with the following Chisago County Health and Human Services Updates: 2019 Legislative Session Wrap-up, 'Access to Basic Needs,' Comprehensive Healthcare, Families First Prevention Act, MnChoices, Child Protection Program. *No action was taken.*

On motion by McMahon, seconded by Greene, the Board moved items 2 – 6 to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by McMahon, seconded by Greene, the Board moved to accept the Director's Report and move it to the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

On motion by Greene, seconded by McMahon, the Board moved to close the Health & Human Services Committee of the Whole. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

At 7:46 p.m., the Chair closed the Health & Human Services Committee of the Whole.

On motion by DuBose, seconded by Montzka, the Board moved to approve the Consent Agenda. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

- 1.) HHS Committee Recommendation – Director’s Report
- 2.) HHS Committee Recommendation – Payment of County’s Warrants for HHS
- 3.) HHS Committee Recommendation – Out of State Travel Request – Client Residential Treatment Visit, Hartford, CT
- 4.) HHS Committee Recommendation – Amend. Prof./Tech. Services Contract between Kirsten Hagen Kennedy L.L.C.
- 5.) HHS Committee Recommendation – Procurement for Managed Healthcare

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**RESOLUTION NO. 19/0703-1  
MANAGED CARE ORGANIZATION(S)**

**WHEREAS,** the Minnesota Department of Human Services (DHS) has published a Request For Proposals (RFPs) to provide health care services to recipients of Families and Children and MinnesotaCare in eighty (80) Minnesota counties including Chisago County.

**WHEREAS,** DHS has requested County evaluations and recommendations regarding the RFP proposals from each respective county; and

**WHEREAS,** Monica Long submitted proposals to provide managed health care services in Chisago County; and

**WHEREAS,** representatives of Chisago County Health and Human Services have reviewed and evaluated the proposals; and

**WHEREAS,** UCare and Health Partners have submitted proposals suitable to meet our needs

**THEREFORE, BE IT RESOLVED** that the Chisago County Board of Commissioners supports the recommendation of Chisago County Health and Human Services that UCare and Health Partners as the Managed Care Organization(s) (MCO(s)) providing managed health care services in Chisago County.

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- 6.) HHS Committee Recommendation – LiveStories – 2 year Subscription
  - 7.) Payment of County’s Warrants and Miscellaneous Bills
  - 8.) Minutes from the June 19, 2019 Regular Meeting
  - 9.) Application to Conduct Excluded Bingo – Immanuel Lutheran Church

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**RESOLUTION NO. 19/0703-3  
APPROVING THE SUBMISSION OF AN APPLICATION TO CONDUCT  
EXCLUDED BINGO FOR THE IMMANUEL LUTHERAN CHURCH**

**WHEREAS**, the Chisago County Board of Commissioners has been presented with a request for lawful gambling within Chisago County; and

**WHEREAS**, the application was complete, included all necessary documentation, appears in accordance with County Policies and the facility owners are in good standing with the County;

**BE IT RESOLVED** that the Chisago County Board of Commissioners hereby approves and authorizes submission to the Minnesota Gambling Control Board an application to conduct excluded bingo for the Immanuel Lutheran Church located at the Shafer Town Hall, 17656 303<sup>rd</sup> St., Shafer, MN 55074.

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On motion by Montzka, seconded by DuBose, the Board moved to appoint Charles Yeager as a District 4 representative on the Board of Adjustment. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by McMahan, seconded by DuBose, the Board moved to approve the agreement between Professional Portable X-ray (PPX) and Chisago County. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

On motion by Montzka, seconded by DuBose, the Board moved to approve the resolution, and send the City of North Branch the resolution. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahan, Montzka, Robinson **OPPOSED:** None.

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**RESOLUTION NO. 19/0703-2**  
**TERMINATION OF 2012 COMMUNICATIONS SYSTEMS SUBSCRIBER**  
**AGREEMENT WITH THE CITY OF NORTH BRANCH**

**WHEREAS**, City of North Branch, on behalf of its Police and Fire Departments, voluntarily and willingly entered into a Communications Systems Subscription Agreement with Chisago County on March 7, 2012 for provision and use of County-provided radios on the County-owned and operated ARMER Communication System; and

**WHEREAS**, on February 20, 2018, the City of North Branch, on behalf of its Police and Fire Departments, indicated its intent to no longer utilize County-provided radios for its Fire Department and utilize mostly, but not entirely, County-provided radios for its Police Department; and

**WHEREAS**, on February 21, 2018, the Chisago County Board of Commissioners unanimously acted to reduce the 2019 ARMER Radio Subscriber Fee, purchase, warranty and maintain new County-provided Radios only for those SUBSCRIBERS requesting such, and to allow other system USERS to purchase from the County, at no cost, older existing Radios “as is”, or acquire on their own acceptable and compatible Radios, and

utilize them on the system; and

**WHEREAS**, the Chisago County Board of Commissioners' actions on February 21, 2018 further initiated the termination of existing Subscription and User Agreements and began efforts to formally replace such with updated successor Subscription and User agreements, an action formally communicated to the City of North Branch on February 27, 2018, August 8, 2018 and December 6, 2018; and

**WHEREAS**, in 2019, the Chisago County Board of Commissioners have taken further actions to modify both the ARMER Radio Sale/Transfer Agreement, the new ARMER USER Agreement and/or an Interim USER Agreement to address concerns raised by System Users, to the extent that all local System Users other than the City of North Branch have executed said agreements; and

**WHEREAS**, the City of North Branch has been offered that same ARMER Radio Sale/Transfer Agreement to receive, at no cost, older existing County-owned ARMER radios, and the same ARMER System USER Agreement or Interim USER Agreement to allow for use of User-provided ARMER radios on the County-owned and operated ARMER communications system; and

**WHEREAS**, the City of North Branch has failed to approve the ARMER Radio Sale/Transfer Agreement to receive, at no cost, older existing County-owned ARMER radios, and has failed to approve an ARMER System USER Agreement or Interim ARMER System USER Agreement to allow for use of User-provided ARMER radios on the County-owned and operated ARMER communications system; and

**WHEREAS**, on February 20, 2019 the Chisago County Board of Commissioners unanimously directed the County Attorney and County Administrator to proceed with Notice of Default by the City of North Branch under Sections 2.5 and 2.9 of the 2012 Communications Systems Subscription Agreement, pursuant to Section 6.1 of said Agreement; and

**WHEREAS**, on February 27, 2019 Chisago County provided via certified mail Notice of Default to the City of North Branch, allowing for a 30-day cure of such default or for the City to contest the County's actions, neither of which were undertaken by the City of North Branch; and

**WHEREAS**, now some 90-days later, the City of North Branch asserts that the County failed to provide proper notice of Default and/or Termination of said Agreement and has threatened legal action to forestall termination of ARMER communication system services, as is clearly stated and allowed under default provision Section 6.1 of said Agreement.

**NOW THEREFORE BE IT RESOLVED**, by the Chisago County Board of Commissioners that, notwithstanding and not in replacement of its prior valid Notice of Default issued on February 27, 2019, the County Board of Commissioners hereby cancels

in its entirety the 2012 Communications System Subscriber Agreement with the City of North Branch, pursuant to Section 4.2 of said Agreement.

**BE IT FURTHER RESOLVED**, that the Chisago County Board of Commissioners does hereby establish December 31, 2019 as the conclusion of the 180-day notice period required under Section 4.2 of said Agreement, at which time, all County-owned ARMER radios (both older and newer models) shall be returned to the County and any and all use of the County-owned and operated ARMER communications system shall cease.

**BE IT FURTHER RESOLVED**, that cancellation of the 2012 Communications System Subscriber Agreement under Section 4.2 of said Agreement neither supplants nor replaces actions already taken by the Chisago County Board of Commissioners on June 5, 2019 to enforce its prior Notice of Default under Section 6.1 of the same Agreement.

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On motion by DuBose, seconded by McMahon, the Board moved to direct the Personnel Committee to proceed with the appointment of Chase Burnham as the *Interim* County Administrator, appointment of Renee Kirchner as the *Interim* Assistant County Administrator, and proceed with determining the use of a hiring firm for the permanent appointment of the County Administrator, potentially issuing an RFQ. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

County Administrator Messelt provided the following updates: Larkin Hoffman Legislative Update, MN Solar Development Update. **No action taken.**

Several Commissioners offered reports of their respective committee assignments. **No action was taken.**

On motion by Robinson, seconded by McMahon, the Board adjourned the meeting at 8:42 p.m. The motion **carried** as follows: **IN FAVOR THEREOF:** DuBose, Greene, McMahon, Montzka, Robinson **OPPOSED:** None.

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Richard Greene, Chair

Attest: \_\_\_\_\_  
Chase Burnham  
Clerk of the Board