

COMMISSIONER PROCEEDINGS

January 12, 2016

Minutes of the Wilkin County Board of Commissioners held at the Courthouse, Breckenridge, Minnesota, on Tuesday, January 12, 2016. All Commissioners were present. Chairman Folstad called the meeting to order at 8:00 A.M.

Motion by Blaufuss, seconded by Hovland and carried, to approve the agenda with additions.

Motion by Perry, seconded by Blaufuss and carried, to approve the minutes of the December 15, 2015, meeting.

Motion by Miranowski, seconded by Hovland and carried, to approve the minutes of the January 5, 2016, meeting.

The meeting was closed at 8:01 A.M. to conduct a public hearing pursuant to notice given, to adopt and enact certain ordinances related to the sale of tobacco, the use of tobacco electronic delivery devices, and tobacco free parks. There were no members of the general public in attendance to voice opinions and reasons for not adopting said ordinance.

Commissioner Hovland offered the following resolution and moved for its adoption. The motion was seconded by Commissioner Blaufuss and carried.

Resolution 03-16

WHEREAS, The Wilkin County Tobacco Ordinance, the Wilkin County Electronic Delivery Device Ordinance, and Wilkin County Tobacco-Free Parks Ordinance have been reviewed in their entirety, and

WHEREAS, all necessary notices having been given and all necessary hearings have been held.

THEREFORE BE IT RESOLVED THAT:

1. The Wilkin County Tobacco Ordinance, a copy of which is hereby attached and made a part hereof, as amended, is hereby adopted.
2. The effective date of said ordinance is January 12, 2016.

Adopted this 12th day of January, 2016.

Neal Folstad, Chairman

Janelle Krump, Auditor-Treasurer
(seal)

The regular meeting was reopened at 8:03 A.M.

Wayne Krump, Ag Inspector, provided a quarterly report for the Commissioners.

Motion by Blaufuss, seconded by Hovland and carried, to authorize the highway department to get bids for a dozer with GPS and a sign truck cab and chassis.

Motion by Hovland, seconded by Perry and carried, to approve payment by Auditor's Warrant to RDO Equipment in the amount of \$215,377.00 for the purchase of a motor grader for the Highway Department.

Bruce Poppel, Environmental Officer, presented a Memorandum of Understanding to the Commissioners regarding implementing and completing a regional Recycling Infrastructure, Transportation, Processing and Marketing evaluation for the purposes of single sort recycling. A motion was made by Hovland, seconded by Perry and carried, to not participate in the Memorandum of Understanding at this time.

Motion by Blaufuss, seconded by Hovland and carried, to approve the acceptance of a grant from CHI St. Francis to purchase an AED for use at the Highway Department.

Motion by Hovland, seconded by Perry and carried, to increase the Security Budget from \$3,000 to \$5,000.

Rick Teberg, Jail Administrator, provided a monthly jail update.

Barrett Irving and Chris Huus were present to discuss purchasing Victoria's in Wolverton. Payment was received and the sale was made final.

Informational items were shared.

Motion by Blaufuss, seconded by Miranowski and carried, to accept the resignation of Tim Fox, County Attorney, effective April 30, 2016.

According to MN statute, the board shall fill the vacant County Attorney position by appointment. Motion by Perry, seconded by Hovland and carried, to advertise for an attorney to fulfill the remaining term.

Motion by Miranowski, seconded by Blaufuss and carried, to accept a resignation in the County Attorney's office.

Motion by Hovland, seconded by Miranowski and carried, to accept the following addendum to the Wilkin County Tobacco Ordinance:

WILKIN COUNTY ORDINANCE 2015-8B

AN AMENDMENT TO ORDINANCE REGULATING THE USE OF TOBACCO WITHIN WILKIN COUNTY, MINNESOTA

THE BOARD OF COMMISSIONERS OF THE COUNTY OF WILKIN, STATE OF MINNESOTA
HEREBY ORDAINS AS FOLLOWS:

TITLE: This Section shall be known as the Wilkin County Tobacco Ordinance, Amendment B

PURPOSE

A. 25' Setback of Tobacco & Electronic Delivery Device Use

1. Except as provided in Section 2, to ensure that tobacco smoke or vapor from electronic delivery devices does not enter public places and places of employment and that persons entering such places are not exposed involuntarily to tobacco smoke or vapor from electronic delivery devices, smoking and the use of electronic delivery devices are prohibited within twenty-five (25) feet of entrances, exits, open windows and ventilation intakes of public places and places of work. This prohibition does not apply to entrances and exits that are used solely in the event of an emergency and are appropriately signed for that purpose.
2. Exceptions: The prohibitions in this section do not apply to the following places or situations:
 - a. The proprietor of an outdoor dining area or outdoor bar area of a restaurant may designate for smoking outdoor seating capacity of the restaurant provided this location is

appropriately signed as a smoking area, and the area is not immediately adjacent to a building entrance.

- b. Situations where members of the public that are passing through on an outdoor street, alley, or sidewalk where smoking is prohibited by this Ordinance while in route to another location.

This Amendment to the Wilkin County Tobacco Sales Ordinance shall be effective upon enactment.

Adopted by the Wilkin County Board of Commissioners January 12, 2016.

Chairman, Wilkin County Board of Commissioners

ATTEST:

Wilkin County Auditor-Treasurer

Motion by Blaufuss, seconded by Miranowski and carried, to accept the following fee schedule:

The Wilkin County Board of Commissioners hereby adopts this fee schedule consistent with Wilkin County Ordinance 2016-01.

It may be amended in the future by resolution of the Board of Commissioners.

Wilkin County Tobacco Fee Schedule

Fee for Tobacco Sales License

The licensee fee for a retail tobacco license is two hundred dollars (\$200.00). This fee shall be periodically set by the County. This fee is an estimate of the monies sufficient to cover the cost of issuing the license and the expense cost of enforcing the ordinances.

Penalty For Late Payment

Penalty For Late Payment. There will be a penalty if the license application is not returned before the expiration of the current license. The fees for late payment may be amended from time to time.

1. One to seven (7) days late, a fifteen percent (15%) penalty.
2. Eight (8) to thirty (30) days late, a twenty five percent (25%) penalty.
3. After expiration of thirty (30) days from the due date, the activity for which a license is required shall cease. If a new license or permit is approved, the fee shall consist of the amount set forth for new licenses and permits plus twenty five percent (25%) late penalty fee.

Administrative Penalties

Violations:

First Violation: A licensee or an employee who sells tobacco products or tobacco-related devices to a person under the age of eighteen (18) year, or violates any other provision of this Section, the licensee shall be charged an administrative penalty of one hundred dollars (\$100.00) and receive a written violation warning from the County.

Second Violation: For a second violation, an administrative penalty of two hundred dollars (\$200) shall be imposed, and the licensee's authority to sell tobacco products or tobacco-related devices shall be suspended for three (3) days, these three (3) days will be designated by the licensing authority.

If found unlawfully selling tobacco or tobacco-related devices during a period of suspension, the license shall be revoked. This would be subject to the same rights of appeal as stated in the Wilkin County Tobacco Ordinance.

Third Violation: For a third violation, an administrative penalty of four hundred dollars (\$400.00) shall be imposed, and the licensee's authority to sell tobacco products or tobacco-related devices shall be suspended for ten (10) days, these ten (10) days will be designated by the licensing authority.

If found unlawfully selling tobacco or tobacco-related devices during a period of suspension, the license shall be revoked. This would be subject to the same rights of appeal as stated in the Wilkin County Tobacco Ordinance.

Fourth Violation: For a fourth violation, the licensee's authority to sell tobacco products or tobacco-related devices shall be revoked.

Other individuals. Other individuals, other than minors regulated by this section, found to be in violation of this Section shall be charged an administrative fine of one hundred dollars (\$100).

Adopted by the *Wilkin* County Board of Commissioners this 12th day of January, 2016.

Chairman, Wilkin County Board of Commissioners

ATTEST:

Wilkin County Auditor-Treasurer

The meeting was closed at 9:50 A.M. to discuss personnel items.

The meeting was reopened at 10:59 A.M. with no action being taken as a result of the closed session.

The Commissioners gave permission for Stephanie Miranowski to attend the Red River Basin Commission meeting in Grand Forks, ND, January 19 through January 21, 2016.

With no further business before the Commission at this regular meeting and the next regular meeting date set for January 19, 2016, in the Commissioners Room at 8:00 A.M., Chairman Folstad adjourned the meeting at 10:59 A.M.

Neal Folstad
Chairman

Attest: Janelle Krump
County Auditor-Treasurer
(Seal)