

Carlton County
Board of Commissioners
*****ADJOURNED SESSION*****

Monday, February 24, 2020

4:00 p.m.

Carlton County Transportation Building

A. Administrative

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Approve Agenda
4. Approve Minutes of the February 11, Regular Session
5. Visitors:
 - a. Steve Trenhill: 2019 Carlton County EMS awards
 - b.
 - c.

B. Human Services

1. Financial
2. Personnel
3. Administrative
4. Social Services
5. Health Services
6. Income Maintenance
7. Child Support & Collections
8. Commissioner's Comments

B. Human Services (continued)

9. Human Services Advisory Committee Comments
10. Case Action & Licensing of Foster and Day Care Homes

C. Zoning and Environmental Services

D. Land and Building

1. Modification of Carlton County Board Resolution 2019-122
2. Support KR Snowmobile Club application for purchase of groomer through Federal Trail program
3. Support CC Riders in creating Soo Line Trail to Wrenshall to MN-WI Border Grant in Aid Trail
4. Classification of 2019 forfeitures as conservation/non-conservation

E. Transportation

F. Public Safety

G. Tax Matters

H. Administrative - Other

1. T-21 Tobacco Ordinance
2. Change date of CBAE from June 16th to June 15th due to conflict with Board of Adjustment meeting schedule
3. Approve replacing Chief Deputy Recorder due to retirement

4. Request for temporary staff in Treasurer's Office
5. Approve Premise Permit – Esko Hockey and Skating Association – Esko Hockey & Skating Shelter – 03/01/2020
6. Finance Committee Bylaws

I. Unorganized Township Matters

J. Commissioners Comments and Meetings Attended

K. Correspondence

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

D-1
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting 24 February 2020
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Greg Bernu

Title of Item for Consideration: Modification of Carlton County Board Resolution 2019-122
Presenter: _____

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
- Award contract or bid
- Approve by resolution
- _____

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
- Budget adjustment required Yes No NA
- Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
- Applicable job description(s) may require revision Yes No NA
- Item may change the department's authorized staffing level Yes No NA
- Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
- If yes, what was their recommendation _____

Summary

Supporting Attachments

- _____
- _____

Motion By _____ Seconded By _____

TC: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Summary:

Clarification of how parcels 88-028-2990 (Corona Twp) and 51-056-4984 (Kalevala) are to be purchased.

Parcel 88-028-2990 will be a transaction/donation between Pheasants Forever and the State of MN.

Parcel 51-056-4984 will be a fee simple purchase of State of MN Tax Forfeit by the State of MN

Office Of The Carlton County Auditor/Treasurer

AUDITOR

P.O. Box 130
Carlton, Minnesota 55718-0130
Telephone (218) 384-9127
Facsimile (218) 384-9116

Kathryn Kortuem

Acting Carlton County Auditor/Treasurer

TREASURER

P.O. Box 160
Carlton, Minnesota 55718-0160
Telephone (218) 384-9125
Facsimile (218) 384-9116

*** RESOLUTION NO. 19-122***

BY COMMISSIONER: Peterson

ADOPTED: November 25th, 2019

WHEREAS, Pheasants Forever is in the process of purchasing a parcel of land on Kettle Lake from the Mowers Family described as Government Lot 1 of Section 19, Township 48 North Range 19 West (PIN 88-028-2990) and will gift said parcel to the State of Minnesota – Department of Natural Resources for inclusion in the Kettle Lake Wildlife Management Area, and

WHEREAS The State of Minnesota – Department of Natural Resources wishes to purchase a one-acre parcel of State of Minnesota Tax Forfeited property described as Part of the Southeast Quarter of the Northeast Quarter of Section 30 Township 47 North Range 20 West (PIN 51-056-4984) for inclusion in the Firebird Wildlife Management Area; and

WHEREAS, Minnesota Statutes 97A.145 Subdivision 2 provides direction to the Commissioner of the DNR that the County Board must approve any acquisition of lands with wetlands for Wildlife purposes;

NOW, THEREFORE, BE IT RESOLVED, that the Carlton County Board of Commissioners hereby approve the acquisition of Parcel 51-056-4984 by State of Minnesota Fee Acquisition and Parcel 88-028-2990 by Pheasants Forever and gifting of the parcels to the Commissioner of MN DNR for inclusion into Wildlife Management Areas pursuant to Minnesota Statutes 97A.145.

Upon motion by Peterson, seconded by Thell, and carried, the above resolution was adopted.

Yea votes: Peterson, Thell, Bodie and Proulx

Nay votes: None

Absent: Brenner

I, Kathryn Kortuem, Acting Auditor of the County of Carlton, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 25th day of November, 2019, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE in Carlton, Minnesota, this 25 th day of November, 2019.

Kathryn Kortuem
Acting Carlton County Auditor/Treasurer

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

D-2
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting 24 February 2020
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Greg Bernu

Title of Item for Consideration: Support KR Snowmobile club application for purchase of groomer through Federal Trail program
Presenter:

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
- Award contract or bid
- Approve by resolution
-

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
- Budget adjustment required Yes No NA
- Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
- Applicable job description(s) may require revision Yes No NA
- Item may change the department's authorized staffing level Yes No NA
- Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
- If yes, what was their recommendation

Summary

Supporting Attachments

-
-

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Summary:

Kettle River Snowmobile Club wishes to purchase grooming equipment through the Federal Trail Recreation Program and needs resolved support from its Grant in Aid sponsor, Carlton County. KRSC will provide the 25% matching funds, Carlton County will act as fiscal agent and pass through any dollars received. KRSC will first purchase the equipment, submit application and receipts, the Feds through MN DNR will provide Carlton County with 75% reimbursement, which we will pass onto KRSC.

Office Of The Carlton County Auditor/Treasurer

AUDITOR

P.O. Box 130
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Kathryn Kortuem
Auditor/Treasurer

TREASURER

P.O. Box 160
Carlton, Minnesota 55718-0160
Telephone (218) 384-9125
Facsimile (218) 384-9116

***** RESOLUTION NO. *****

BY COMMISSIONER:

ADOPTED: XXXXXXXXX

WHEREAS, Carlton County is the Local Unit of Government (LUG) Sponsor for the Kettle River Snowmobile club based in Carlton County for Minnesota Department of Natural Resources (MN DNR) Grant in Aid (GIA) Trail programs; and

WHEREAS, Carlton County supports the grant application made to the MN DNR for the Federal Recreational Trail Program (FTRP) for the purpose of purchasing snowmobile grooming equipment for the Kettle River Trail system located within Carlton County, and

WHEREAS, Carlton County recognizes the twenty-five (25) percent match requirement for the FTRP and has secured the matching funds,

NOW, THEREFORE, BE IT RESOVLED, that if Carlton County is awarded a grant by MN DNR, the County agrees to accept the grant award, and may enter into an agreement with the State of Minnesota for the above referenced project and will comply with all applicable laws, environmental Requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED, that the applicant has read the Conflict of Interest Policy contained in the Trail Program Grant Manual (Manual) and certifies it will report any actual, potential, perceived, or organizational conflict of interest upon discovery to the State related to the application or grant award, and

BE IT FURTHER RESOLVED, that the Carlton County Board of Commissioners names the fiscal agent for the County for this project as:

Kathryn Kortuem
Carlton County Auditor/Treasurer
301 Walnut Avenue
Carlton, MN 55718

BE IT FURTHER RESOLVED, that Carlton County hereby assures the grooming equipment acquired through this grant will be maintained for no less than twenty (20) years as required by the Federal recreational Trail Grant Program or until such time as appropriate disposition actions are approved by the MN – DNR.

Upon motion by XXXXX, seconded by XXXXX, and carried, the above resolution was adopted.

Yea votes:

Nay votes: None

Absent: None

I, Kathryn Kortuem, Auditor of the County of Carlton, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the XXX day of XXXXX, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE in Carlton, Minnesota, this XXX day of XXXXXX.

Kathryn Kortuem
Carlton County Auditor/Treasurer

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

D-3
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting 24 February 2020
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Greg Bernu

Title of Item for Consideration: Support CC Riders in creating Soo Line Trail to Wrenshall to MN-WI Border Grant in Aid Trail
Presenter: _____

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
- Award contract or bid
- Approve by resolution
- _____

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
- Budget adjustment required Yes No NA
- Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
- Applicable job description(s) may require revision Yes No NA
- Item may change the department's authorized staffing level Yes No NA
- Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
- If yes, what was their recommendation _____

Summary

Supporting Attachments

- _____
- _____

Motion By _____ Seconded By _____

TC: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Summary:

CC Riders, an ATV club based in Carlton County wishes to create a Grant in Aid (GIA) Trail from the Soo Line Trail into Wrenshall. The proposed route will run from the Soo Line Trail and CSAH 3 north to the junction of Mattson Road, thence east on Mattson Road to County Road 102, thence north on CR 102 to CSAH 4, thence east on CSAH 4 to CSAH 1, thence north on CSAH 1 into Wrenshall. The City of Wrenshall has given its blessing to run on Wrenshall city streets and Wrenshall Township blessed the use of Mattson Road in fall of 2019.

A secondary Route will be from the Junction of CSAH 1 and County Road 18, thence east on CR 18 to the Maere Road, thence South on the Maere Road to Cemetery Road, thence South and east on Cemetery Road to CSAH 4, thence East on CSAH 4 to the MN-WI Border. Silver Brook Twp has approved use of it's Town Roads. The State of Wisconsin and Douglas County are in the process of creating a route from MN-WI Border east on County W to Irondale Avenue thence north into Oliver, WI.

Carlton County Ordinance 33 allows the use of the extreme right of County roads or its shoulder for ATV use, but further designating these roads as GIA Trail opens up MN DNR damage account dollars for repairs to jurisdictional roads.

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

D - 4
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting 2-24-2020
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Greg Bernu
Title of Item for Consideration: Classification of 2019 forfeitures as conservation/non-conservation
Presenter: Greg Bernu

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
- Award contract or bid
- Approve by resolution
-

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
- Budget adjustment required Yes No NA
- Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
- Applicable job description(s) may require revision Yes No NA
- Item may change the department's authorized staffing level Yes No NA
- Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
- If yes, what was their recommendation _____

Summary

Supporting Attachments

- _____
- _____

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Transfer entered this 31st day
 of December 2019
Kathryn Kortuem
 COUNTY AUDITOR
 by Karen Javel

CERTIFICATE OF FORFEITURE

State of Minnesota

Carlton County

I, Kathryn Kortuem, Carlton County Acting Auditor/Treasurer do hereby certify that a tax judgment was entered against the parcels of real property described below in the District Court in County of Carlton on May 9, 2016 to enforce payment of delinquent real property taxes payable in the year 2015.

I do further certify that the said parcels of real property were bid in for the state at a tax judgment sale held in the county auditor's office on May 9, 2016. The said parcels of real property could have been redeemed by paying the delinquent tax amount by December 27, 2019.

I do further certify that the time for redemption of said parcels of real property has expired, after notice was given as provided by law, without payment of the delinquent tax amount due, and that the title to the parcel has been forfeited to the State of Minnesota in trust for the local taxing districts.

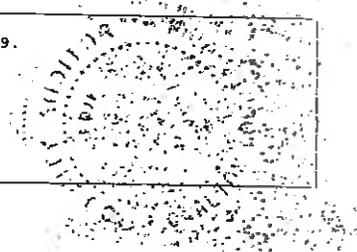
Names/Addresses	Description of Property
CONNOR, HANNAH R	06-045-2540 City of Cloquet CITY OF CLOQUET ORIGINAL PLAT PLAT: 45 LOT: 4 BLOCK: 14 W 1/2 OF S 1/2 OF; DOCKET 293399
JUDD, MARCUS A	06-530-8580 City of Cloquet SECT: 36 TWP: 49 RGE:17 ACRES: .25 CITY OF CLOQUET PLAT: 530 LOT: BLOCK: COM NW COR SW1/4 OF SW1/4 FOR PT OF BEG TH E 50 FT TH S ALG W E/W SAR 4 117 FT TH W 134 FT TO W LINE OF SD Q2 TH N 115 FT TO BEG
MLASKOCH, BRADD	21-245-0220 City of Moose Lake PARK PLACE PLAT: 245 LCT: 3 BLOCK: 2
LOCKLING, LARETA A	29-140-0860 City of Wright SECT: 4 TWP: 48 RGE:21 ACRES: .48 CITY OF WRIGHT UNPLATTED PLAT: 140 LOT: BLOCK: PART OF LOT A OF NE1/4 OF SE1/4 COMM AT SW COR OF ALLEY IN BLK 2 TH E ON S LINE 20 FT TH SWRLY 93 FT TH ERLY 224 FT PAR WITH S LN TH NRLY 93 FT TO S LN TH WELY TO BEG
BRANNON, ANN CAMPBELL	33-010-2062 Township of Atkinson SECT: 25 TWP: 48 RGE:13 ACRES: 10.00 TOWN OF ATKINSON PLAT: 10 LOT: BLOCK: W1/4 OF SE1/4 OF NW1/4
BRAINARD, MYRTLE ETAL	33-990-7321 Township of Atkinson SECT: 29 TWP: 48 RGE:18 ACRES: 40.00 SEVERED MINERAL INTEREST PLAT: 990 LCT: BLOCK: 1/8 MIN INT IN SW1/4 OF SE1/4
WANGERIN, ELEANOR E	33-990-7322 Township of Atkinson SECT: 29 TWP: 48 RGE:18 ACRES: 40.00 SEVERED MINERAL INTEREST PLAT: 990 LOT: BLOCK: 1/8 MIN INT IN SW1/4 OF SE1/4
WANGERIN, ELEANOR E	33-990-8091 Township of Atkinson SECT: 32 TWP: 48 RGE:18 ACRES: 40.00 SEVERED MINERAL INTEREST PLAT: 990 LOT: BLOCK: 1/8 MIN INT IN NW1/4 OF NE1/4

G & S LAND CO LLC	36-033-4150 Township of Automba SECT: 26 TWP: 47 RGE:21 ACRES: 40.00 TOWN OF AUTOMBA PLAT: 33 LOT: BLOCK: SW1/4 NW1/4
G & S LAND CO LLC	36-033-5620 Township of Automba SECT: 35 TWP: 47 RGE:21 ACRES: 40.00 TOWN OF AUTOMBA PLAT: 33 LOT: BLOCK: NE1/4 OF NW1/4
G & S LAND CO LLC	36-033-5630 Township of Automba SECT: 35 TWP: 47 RGE:21 ACRES: 40.00 TOWN OF AUTOMBA PLAT: 33 LOT: BLOCK: NW1/4 NW1/4
G & S LAND CO LLC	36-033-5650 Township of Automba SECT: 35 TWP: 47 RGE:21 ACRES: 40.00 TOWN OF AUTOMBA PLAT: 33 LOT: BLOCK: SE1/4 OF NW1/4
G & S LAND CO LLC	36-033-5660 Township of Automba SECT: 35 TWP: 47 RGE:21 ACRES: 40.00 TOWN OF AUTOMBA PLAT: 33 LOT: BLOCK: NE1/4 OF SW1/4
LOFTUS, MICHAEL J	72-090-4980 Township of Skelton SECT: 30 TWP: 47 RGE:19 ACRES: 40.00 TOWN OF SKELTON PLAT: 90 LOT: BLOCK: SW1/4 SE1/4
MICALSKI, ALEXANDER	75-010-4740 Twnshp of Split Rock SECT: 30 TWP: 40 RGE:21 ACRES: 29.75 TOWN OF SPLIT ROCK PLAT: 10 LOT: BLOCK: BEG AT THE NE COR OF NE1/4 OF NE1/4 TH W 59 RDS TH SERLY TO A PT ON S LINE 40 RDS E OF SW COR TH SERLY TO PT ON E LINE 120 RDS FROM NE COR TH N 120 RDS TO BEG
SCHWARTZ, LEON	81-030-3282 Twnshp of Twin Lakes SECT: 16 TWP: 40 RGE:17 ACRES: 5.00 TOWN OF TWIN LAKES PLAT: 30 LOT: BLOCK: E1/2 OF NE1/4 OF SE1/4 OF SE1/4
SHEETZ, DONALD ETUX	81-069-6770 Twnshp of Twin Lakes SECT: 36 TWP: 48 RGE:17 ACRES: .30 TOWN OF TWIN LAKES PLAT: 69 LOT: BLOCK: PT OF LOT 5 BEG NE COR TH W 209 FT TH S 69 FT TO CTR OF CO TRUNK C TH NE DIRECTLY ALG CTR OF HY TO PT OF BEG
OFLANAGAN, PATRICK D & JEANETTE	86-034-6744 Twp of Clear Creek SECT: 36 TWP: 46 RGE:17 ACRES: 6.34 TOWN OF CLEAR CREEK PLAT: 34 LOT: BLOCK: E 165 FT OF W 660 FT OF NW1/4 OF SW1/4 AND E 165 FT OF W 660 FT OF GOVT LOT 1 TOGETHER WITH EASE FOR INGRESS & EGRESS OVER W 33 FT OF NW1/4 OF SW1/4 AND W 33 FT OF N 107 FT OF GOVT LOT 1 DOCKRT 250804 & 261067 & 300318 & 311509
STILWELL, JAMES L STILWELL, JAMES L	90-010-1062 Township of Eagle SECT: 6 TWP: 48 RGE:20 ACRES: 4.89 TOWN OF EAGLE PLAT: 10 LOT: BLOCK: N1/2 OF SW1/4 OF NE1/4 OF SW1/4
MARTIN, CAREY D	96-020-0091 Twnshp of Red Clover SECT: 31 TWP: 49 RGE:20 ACRES: .00 BIRCHWOOD MEADOWS PLAT: 20 LOT:4 BLOCK:1 UNDIVIDED 1/6 INTEREST

Witness my hand and official seal on this 30th day of December, 2019.

Kathryn Kortuem

Carlton County Acting Auditor/Treasurer
Kathryn Kortuem



A000489995

CARLTON COUNTY AUDITOR
CARLTON COUNTY COURTHOUSE

CARLTON, MN 55718



T000039427
 OFFICE OF THE REGISTRAR OF TITLES
 CARLTON COUNTY, MINNESOTA

PAGES: 1
 REC FEES: 0.00
 CERTIFICATE #: 7830
 BOOK #: 25
 PAGE #: 65

CERTIFIED AND RECORDED ON
 12/31/2019 2:07 PM

KRISTINE BASILICI
 REGISTRAR OF TITLES

Well Cert Rcv'd _____ Not Req'd _____
 ISTS Rcv'd _____ Not Req'd _____

BY KLB Dep

Transfer entered this 31st day
 of December 2019
Kathryn Kortuem
 by Karen Jacobs COUNTY AUDITOR

CERTIFICATE OF FORFEITURE

State of Minnesota

Carlton County

I, Kathryn Kortuem, Carlton County Acting Auditor/Treasurer, do hereby certify that a tax judgment was entered against the parcels of real property described below in the District Court in County of Carlton on May 10, 2010 to enforce payment of delinquent real property taxes payable in the year 2009.

I do further certify that the said parcels of real property were bid in for the state at a tax judgment sale held in the county auditor's office on May 10, 2010. The said parcels of real property could have been redeemed by paying the delinquent tax amount by December 27, 2019.

I do further certify that the time for redemption of said parcels of real property has expired, after notice was given as provided by law, without payment of the delinquent tax amount due, and that the title to the parcel has been forfeited to the State of Minnesota in trust for the local taxing districts.

Names/Addresses	Description of Property
VANGILDER, GORDON R & DORIS E	48-230-0230 Township of Holyoke TOWNSITE OF HOLYOKE PLAT: 230 LOT: 14 BLOCK: 2 DOCKET T 8257

Witness my hand and official seal on this 30th day of December, 2019.

Kathryn Kortuem

Carlton County Acting Auditor/Treasurer
 Kathryn Kortuem

T000039427

CARLTON COUNTY AUDITOR
 CARLTON COUNTY COURTHOUSE

CARLTON, MN 55718



A000489977

OFFICE OF THE COUNTY RECORDER
CARLTON COUNTY, MINNESOTA

CERTIFIED, FILED, AND/OR
RECORDED ON

12/31/2019 9:46 AM

REC FEES: 0.00

PAGES: 1

KRISTINE BASILICI
CARLTON COUNTY RECORDER
Well Cert Rec'd Not Req'd
ISTS Rec'd Not Req'd

BY JMC Dep

Transfer entered this 31st day
of December 2019
Kathryn Kortuem
by Karen Jacobs COUNTY AUDITOR

CERTIFICATE OF FORFEITURE

State of Minnesota

Carlton County

I, Kathryn Kortuem, Carlton County Acting Auditor/Treasurer do hereby certify that a tax judgment was entered against the parcels of real property described below in the District Court in County of Carlton on May 12, 2014 to enforce payment of delinquent real property taxes payable in the year 2013.

I do further certify that the said parcels of real property were bid in for the state at a tax judgment sale held in the county auditor's office on May 12, 2014. The said parcels of real property could have been redeemed by paying the delinquent tax amount by December 27, 2019.

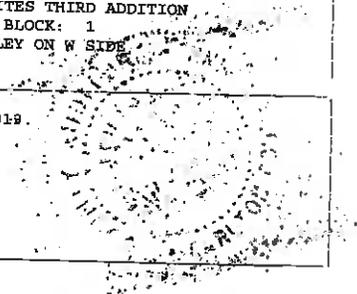
I do further certify that the time for redemption of said parcels of real property has expired, after notice was given as provided by law, without payment of the delinquent tax amount due, and that the title to the parcel has been forfeited to the State of Minnesota in trust for the local taxing districts.

Names/Addresses	Description of Property
MULLEN, DUANE A SR	23-460-0080 City of Scanlon CITY OF SCANLON WHITES THIRD ADDITION PLAT: 460 LOT: 4 BLOCK: 1 & ADJ PT OF VAC ALLEY ON W SIDE

Witness my hand and official seal on this 30th day of December, 2019.

Kathryn Kortuem

Carlton County Acting Auditor/Treasurer
Kathryn Kortuem



A000489977

CARLTON COUNTY AUDITOR
CARLTON COUNTY COURTHOUSE

CARLTON, MN 55718

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

H-1
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting Date: February 24, 2020
Via: Kathy Kortuem, Acting County Auditor/Treasurer
From: Dennis Genereau, Jr.
Title of Item for Consideration: T-21 Tobacco Ordinance
Presenter: Dennis Genereau, Jr.

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
 Award contract or bid
 Approve by resolution

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
Budget adjustment required Yes No NA
Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
Applicable job description(s) may require revision Yes No NA
Item may change the department's authorized staffing level Yes No NA
Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
If yes, what was their recommendation The Committee of the Whole reviewed the ordinance and recommended updating from the County Attorney's Office to address menthol, mint and wintergreen flavorings in tobacco products. That review has been completed.

Summary:

Supporting Attachments

- T-21 Ordinance with modifications as recommended at the February 4th Committee of the Whole.

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Carlton County Tobacco Ordinance (Licensing)

ARTICLE 1. TITLE, AUTHORITY, PURPOSE, AND SEVERABILITY

Section 1. Title

This Ordinance shall be known and may be referred to as the Carlton County Tobacco Ordinance; when referred to herein, it shall be known as "this Ordinance."

Section 2. Authority and Jurisdiction

This ordinance governs the licensing and regulation of the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products in the unorganized territory of Carlton County and in any city or town located in Carlton County that does not license and regulate retail sales of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products in conformance with the minimum requirements of Minn. Stat. § 461. Retail establishments licensed by a city or town are not required to obtain a second license for the same location under this ordinance.

Section 3. Purpose

Because the County recognizes that the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products to persons under the age of 18 violates both state and federal laws; and because studies, which the county accepts and adopts, have shown that youth use of any commercial tobacco product has increased to 26.4% in Minnesota; and because nearly 90% of people who smoke begin smoking before they have reached the age of 18 years, and that almost no one starts smoking after age 25; and because marketing analysis, public health research, and commercial tobacco industry documents reveal that tobacco companies have used menthol, mint, fruit, candy, and alcohol flavors as a way to target youth and young adults and that the presence of such flavors can make it more difficult to quit; and because studies show that youth and young adults are especially susceptible to commercial tobacco product availability, advertising and price promotions at tobacco retail environments; and because commercial tobacco use has been shown to be the cause of many serious health problems which subsequently place a financial burden on all levels of government, this ordinance is intended to regulate the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, to protect youth and young adults against the serious health effects

associated with use and initiation, and to further the official public policy of the state to prevent young people from starting to smoke, as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

In making these findings, the County Board accepts the conclusions and recommendations of: the U.S. Surgeon General reports, *E-cigarette Use Among Youth and Young Adults* (2016), *The Health Consequences of Smoking—50 Years of Progress* (2014) and *Preventing Tobacco Use Among Youth and Young Adults* (2012); the Centers for Disease Control and Prevention in their studies, *Tobacco Use Among Middle and High School Students — United States, 2011– 2015*(2016), and *Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997(1998)*; and of the following scholars in these scientific journals: Chen, J., & Millar, W. J. (1998). Age of smoking initiation: implications for quitting. *Health Reports, 9*(4), 39–46; D’Avanzo, B., La Vecchia, C., & Negri, E. (1994). Age at starting smoking and number of cigarettes smoked. *Annals of Epidemiology, 4*(6), 455–459; Everett, S. A., Warren, C. W., Sharp, D., Kann, L., Husten, C. G., & Crossett, L. S. (1999). Initiation of cigarette smoking and subsequent smoking behavior among U.S. high school students. *Preventive Medicine, 29*(5), 327–333; Giovino, G. A. (2002). Epidemiology of tobacco use in the United States. *Oncogene, 21*(48), 7326–7340; Khuder, S. A., Dayal, H. H., & Mutgi, A. B. (1999). Age at smoking onset and its effect on smoking cessation. *Addictive Behaviors, 24*(5), 673–677; Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack–Crane, A., Henriksen, L. (2017). Minnesota Department of Health. (2018). *Data Highlights from the 2017 Minnesota Youth Tobacco Survey*. Saint Paul, MN; Tobacco Control Legal Consortium. (2006). Xu, X., Bishop, E. E., Kennedy, S. M., Simpson, S. A., & Pechacek, T. F. (2015) Annual healthcare spending attributable to cigarette smoking: an update. *American Journal of Preventive Medicine, 48*(3), 326–333, copies of which are adopted by reference.

Section 4. Severability and Repeal of Conflicting Ordinances

If any section or provision of this ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

ARTICLE 2. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms are given their commonly accepted definitions. For the purpose of this ordinance, the following definitions apply unless the context clearly indicates or requires different

meaning:

1. **Child-Resistant Packaging.** Packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, and was tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.
2. **Cigar.** Any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.
3. **Compliance Checks.** The system the county uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this ordinance. Compliance Checks involve the use of persons under the age of 21 who purchase or attempt to purchase licensed products. Compliance Checks may also be conducted by the county or other units of government for educational, research, and training purposes or for investigating or enforcing federal, state, or local laws and regulations relating to licensed products.
4. **Electronic Delivery Devices.** Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic Delivery Device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic Delivery Device includes any component part of a product, whether or not marketed or sold separately. Electronic Delivery Device does not include any product that has been approved or certified by the U.S. Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.
5. **Flavored Product.** Any licensed product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or

disseminated by the manufacturer of a licensed product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco will constitute presumptive evidence that the product is a flavored product. Menthol, mint and wintergreen flavored products are expressly removed from the definition of flavored products.

6. **Indoor Area.** All space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A standard window screen (0.011 gauge with an 18 by 16 mesh count) is not considered a wall.
7. **Licensed Product.** The term that collectively refers to any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product.
8. **Loosies.** The common term used to refer to single or individually packaged cigars or cigarettes, or any other licensed product that has been removed from its intended retail packaging and offered for sale. Loosies does not include individual cigars with a retail price, after any discounts are applied and before any sales taxes are imposed, of at least \$4.00 per cigar.
9. **Moveable Place of Business.** Any form of business that is operated out of a kiosk, truck, van, automobile or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.
10. **Nicotine or Lobelia Delivery Product.** Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco or an electronic delivery device as defined in this section. Nicotine Or Lobelia Delivery Product does not include any product that has been approved or otherwise certified for legal sale by the U.S. Food and Drug Administration as a tobacco-cessation product, a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.
11. **Retail Establishment.** Any place of business where licensed products are available for sale to the general public. The phrase includes but is not limited to grocery stores, tobacco products shops, convenience stores, gasoline

service stations, bars, and restaurants.

12. **Sale.** Any transfer of goods for money, trade, barter or other consideration.
13. **Self-service Display.** The open display of licensed products in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee's employee.
14. **Smoking.** Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. SMOKING also includes carrying or using an activated electronic delivery device.
15. **Tobacco.** Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco does not include any product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
16. **Tobacco-related Device.** Any rolling papers, wraps, pipes, or other device intentionally designed or intended to be used with tobacco products. Tobacco-Related Device includes components of tobacco-related devices or tobacco products, which may be marketed or sold separately. Tobacco-Related Devices may or may not contain tobacco.
17. **Vending Machine.** Any mechanical, electric or electronic, or other type of device that dispenses licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed product.
18. **Youth-oriented Facility.** Any facility with residents, customers, visitors, or inhabitants of which 25 percent or more are regularly under the age of 21 or

that primarily sells, rents, or offers services or products that are consumed or used primarily by persons under the age of 21. Youth-Oriented Facility includes, but is not limited to, schools, playgrounds, recreation centers, and parks.

ARTICLE 3. LICENSE

- Subd. A. **License Required.** No person shall sell or offer to sell any licensed product without first having obtained a license to do so from the county.
- Subd. B. **Application.** An application for a license to sell licensed products must be made on a form provided by the Carlton County. The application must contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the county deems necessary. Upon receipt of a completed application, the County Auditor will forward the application to the Carlton County Board of Commissioners for action at its next regularly scheduled meeting. If the County Auditor determines that an application is incomplete, it will be returned to the applicant with notice of the information necessary to make the application complete.
- Subd. C. **Action.** The Carlton County Board of Commissioners may approve or deny the application for a license, or it may delay action for a reasonable period of time to complete any investigation of the application or the applicant deemed necessary. If the Carlton County Board of Commissioners approves the application, the County Auditor will issue the license to the applicant. If the Carlton County Board of Commissioners denies the application, notice of the denial will be given to the applicant along with notice of the applicant's right to appeal the decision.
- Subd. D. **Term.** All licenses issued are valid for one calendar year from the date of issue.
- Subd. E. **Revocation or suspension.** Any license issued may be suspended or revoked following the procedures set forth in Article 12.
- Subd. F. **Transfers.** All licenses issued are valid only on the premises for which the license was issued and only for the person to whom the license was issued. The transfer of any license to another location or person is prohibited.
- Subd. G. **Moveable place of business.** No license will be issued to a moveable place of business. Only fixed-location businesses are eligible to be licensed.

Subd. H. Display. All licenses must be posted and displayed at all times in plain view of the general public on the licensed premises.

Subd. I. Renewals. The renewal of a license issued under this ordinance will be handled in the same manner as the original application. The request for a renewal must be made at least 30 days, but no more than 60 days, before the expiration of the current license.

Subd. J. Issuance as privilege and not a right. The issuance of a license is a privilege and does not entitle the license holder to an automatic renewal of the license.

Subd. K. Proximity to youth-oriented facilities. No license will be granted to any person for a new retail establishment location that is within 1,000 feet of a youth-oriented facility, as measured by the shortest line from the property line of the space to be occupied by the proposed licensee to the nearest property line of a youth-oriented facility. This restriction does not apply to an existing license holder who has been licensed to sell licensed products in that same location for at least one year before the date this section was enacted into law. The sale or transfer of ownership of a retail establishment that is in proximity to a youth-oriented facility and is an existing license holder shall not be considered to be a new retail establishment for purposes of this ordinance.

Subd. L. Smoking prohibited. Smoking, including smoking for the purpose of the sampling of licensed products, is prohibited within the indoor area or within 25 feet from any external door, wall, or window of any retail establishment licensed under this ordinance. Smoking for the purpose of sampling licensed products is also prohibited in these areas.

Subd. M. Samples prohibited. No person shall distribute samples of any licensed product free of charge or at a nominal cost.

Subd. N. Instructional program. Licensees must ensure that all employees complete a training program on the legal requirements related to the sale of licensed products and the possible consequences of license violations. Any training program must be pre-approved by the county. Licensees must maintain documentation demonstrating their compliance and must provide this documentation to the county at the time of renewal, or whenever requested to do so during the license term.

ARTICLE 4. FEES

No license will be issued under this ordinance until the appropriate license fees are

paid in full. The fees will be established by the county's fee schedule and may be amended from time to time.

ARTICLE 5. BASIS FOR DENIAL OF LICENSE

Subd. A. Grounds for Denial. Grounds for denying the issuance or renewal of a license include, but are not limited to, the following:

1. The applicant is under 21 years of age.
2. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products.
3. The applicant has had a license to sell licensed products suspended or revoked within the preceding 12 months of the date of application.
4. The applicant fails to provide any of the information required on the licensing application, or provides false or misleading information.
5. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding a license.
6. Except as may otherwise be provided by law, the existence of any particular ground for denial does not compel the county to deny the license.

Subd. B. Mistaken Issuance or Renewal. If a license is mistakenly issued or renewed to a person, it will be revoked upon the discovery that the person was ineligible for the license under this ordinance. The county will provide the license holder with notice of the revocation, along with information on the right to appeal.

ARTICLE 6. PROHIBITED ACTS

Subd. A. In general. No person shall sell or offer to sell any licensed product:

1. By means of any type of vending machine.
2. By means of loosies as defined.
3. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful

manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other products subject to this ordinance.

4. By any other means, to any other person, ~~or~~ or in any other manner or form prohibited by federal, state or other local law, ordinance provision, or other regulation.

Subd. B. **Legal age.** No person shall sell any licensed product to any person under the age of 21.

1. **Age verification.** Licensees must verify by means of government-issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.
2. **Signage.** Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the county, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

Subd. C. **Self-service sales.** No person shall allow the sale of licensed products by any self-service displays where the customer may have access to those items without having to request the item from the licensee or the licensee's employee and where there is not a physical exchange of the licensed product from the licensee or the licensee's employee to the customer. All licensed products must be stored behind the sales counter, in another area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

Subd. D. **Flavored Products.** No person shall sell or offer for sale any flavored products. This prohibition does not apply to retail establishments that:

1. Prohibit persons under 21 from entering at all times;
2. Derive at least 90 percent of their gross revenues from the sale of licensed products; and
3. Meet all of the following standalone building or structural criteria:
 - i. Shares no walls and has no part of their structure adjoined to any

other business, home, or other building or structure including, but not limited to, another licensed tobacco retail establishment; and

ii. Is accessible by the public only by an exterior door.

Any retail establishment that sells flavored products must provide financial records documenting its annual sales, upon request by the county.

Subd. E. **Cigars.** No person shall sell or offer to sell any cigar that is not within its intended retail packaging containing a minimum of five cigars and for a sales price, after any discounts are applied and before sales taxes are imposed, of less than \$12.50 per package. This provision does not prohibit the sale of a single cigar with a sales price, after any discounts are applied and before sales taxes are imposed, of at least \$4.00.

Subd. F. **Liquid packaging.** No person shall sell or offer to sell any liquid, whether or not such liquid contains nicotine, which is intended for human consumption and use in an electronic delivery device, in packaging that is not child-resistant. Upon request by the county, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

Subd. G. **Price promotion and coupon redemption.** No person shall accept or redeem any coupon or other instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any licensed products to a consumer at no cost or at a price that is less than the non-discounted, standard price listed by a retailer on the item or on any related shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes.

ARTICLE 7. RESPONSIBILITY

All licensees are responsible for the actions of their employees in regard to the sale, offer to sell, and furnishing of licensed products on the licensed premises. The sale, offer to sell, or furnishing of any licensed product by an employee shall be considered an act of the licensee. Nothing in this section shall be construed as prohibiting the county from also subjecting the employee to any civil penalties that the county deems to be appropriate under this ordinance, state or federal law, or other applicable law or regulation.

ARTICLE 8. COMPLIANCE CHECKS AND INSPECTIONS

All licensed premises must be open to inspection by law enforcement or other

authorized county officials during regular business hours. From time to time, but at least twice per year, the county will conduct compliance checks. In accordance with state law, the county will conduct at least one compliance check that involves the participation of a person between the ages of 15 and 17 and at least one compliance check that involves the participation of a person between the ages of 18 and 20 to enter licensed premises to attempt to purchase licensed products. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel.

ARTICLE 9. OTHER PROHIBITED ACTS

Unless otherwise provided, the following acts are an administrative violation of this ordinance:

- Subd. A. Prohibited furnishing or procurement. It is a violation of this ordinance for any person 21 years of age or older to purchase or otherwise obtain any licensed product on behalf of a person under the age of 21. It is also a violation for any person 21 years of age and older to coerce or attempt to coerce a person under the age of 21 to illegally purchase or attempt to purchase any licensed product.
- Subd. B. Use of false identification. It is a violation of this ordinance for any person under the age of 21 to use any form of false identification, whether the identification is that of another person or has been modified or tampered with, to represent an age older than the actual age of the person using that identification in order to purchase licensed products.

ARTICLE 10. Exceptions and Defenses.

- Subd. A. Religious, Spiritual, or Cultural Ceremonies or Practices. Nothing in this ordinance prevents the provision of tobacco or tobacco-related devices to any person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- Subd. B. Reasonable Reliance. It is an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by state law.

ARTICLE 11. VIOLATIONS AND PENALTIES

Subd. A. Violations.

1. **Notice.** A person violating this ordinance may be issued, either personally or by mail, a citation from the county that sets forth the alleged violation and that informs the alleged violator of his or her right to a hearing on the matter and how and where a hearing may be requested, including a contact address and phone number.
2. **Continued violation.** Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

Subd. B. Administrative penalties.

1. **Licensees.** Any licensee found to have violated this ordinance, or whose employee violated this ordinance, will be charged an administrative fine of \$200 for a first violation; \$500 for a second offense at the same licensed premises within a 24-month period; and \$750 for a third or subsequent offense at the same location within a 36-month period. Upon the third violation, the license will be suspended for a period of not less than 30 consecutive days. Upon a fourth violation, the license will be revoked.
2. **Other individuals.** Individuals, other than persons under the age of 21 regulated by subdivision (B)(3) of this section, who are found to be in violation of this ordinance will be charged an administrative fine of \$50.
3. **Persons under the age of 21.** Persons under the age of 21 who use a false identification to purchase or attempt to purchase licensed products may only be subject to non-criminal, non-monetary civil penalties such as tobacco-related education classes, diversion programs, community services, or another penalty that the county determines to be appropriate. The Carlton County Board of Commissioners will consult with court personnel, educators, parents, children, and other interested parties to determine an appropriate penalty for persons under the age of 21 in the county. The penalty may be established by ordinance and amended from time to time. (Restorative Justice?)
4. **Statutory penalties.** If the administrative penalty authorized to be imposed by Minn. Stat. § 461.12, as it may be amended from time to time, differ from that established in this section, then the higher penalty will prevail.

Subd. C. Misdemeanor prosecution. Nothing in this section prohibits the county from seeking prosecution as a misdemeanor for any alleged violation of this ordinance by a person 21 years of age or older.

ARTICLE 12. EFFECTIVE DATE

Approved and adopted this ___ day of _____, ~~2019~~2020, by the Carlton County Board of Commissioners.

This Ordinance shall be in full force and effect on the ___ day of _____, ~~2019~~2020, after its approval and publication as provided by law.

Chair

~~{insert name}~~, Marv Bodie, Board

ATTEST:

~~{insert name}~~, Kathy Kortuem, County Auditor

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

H-2
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Kyle Holmes

Feb. 24

Title of Item for Consideration: Change date of CBAE from June 16th to June 15th due to conflict with Board of Adjustment meeting schedule
Presenter: Kyle or Kathy

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
- Award contract or bid
- Approve by resolution
-

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
- Budget adjustment required Yes No NA
- Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
- Applicable job description(s) may require revision Yes No NA
- Item may change the department's authorized staffing level Yes No NA
- Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
- If yes, what was their recommendation _____

Summary

Due to the Board of Adjustment having the large conference room reserved for June 16th, it is proposed that the County Board of Appeal and Equilization be rescheduled to 1 day earlier. The proposed date is now, June 15th, 2020 @ 4:00pm at the Transportation Bldg.

Supporting Attachments

-
-

Motion By _____ Seconded By _____
TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN
Motion: Carried Defeated

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

H-3
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting February 24, 2020
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Kristine Basilici, Carlton County Recorder/Registrar of Titles
Title of Item for Consideration: Replace Chief Deputy Recorder due to retirement
Presenter: Kristine Basilici, Carlton County Recorder/Registrar of Titles

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
- Award contract or bid
- Approve by resolution
-

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
- Budget adjustment required Yes No NA
- Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
- Applicable job description(s) may require revision Yes No NA
- Item may change the department's authorized staffing level Yes No NA
- Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
- If yes, what was their recommendation _____

Summary

Effective March 31, 2020 the person currently holding the position of Chief Deputy Recorder, will be retiring on this day.
I am requesting authorization to refill this position.

Supporting Attachments

- _____
- _____

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

H-4
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting 2-24-2020
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Kathy Kortuem
Title of Item for Consideration: request for temporary staff
Presenter: Kathy Kortuem

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
 Award contract or bid
 Approve by resolution

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
Budget adjustment required Yes No NA
Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
Applicable job description(s) may require revision Yes No NA
Item may change the department's authorized staffing level Yes No NA
Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
If yes, what was their recommendation _____

Summary

Due to a staff absence mid-April thru July in the Treasurer's office, authorization for temporary staff for approximately four months is requested.

Supporting Attachments

- _____

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

H-5
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting 2-24-2020
Date: Via: Kathryn Kortuem, Acting County Auditor/Treasurer
From: Kathy Kortuem

Title of Item for Consideration: Approve Premise Permit and waiver of 60 day waiting list for the Esko Hockey & Skating Association raffle
Presenter: Kathy Kortuem

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
- Award contract or bid
- Approve by resolution
- _____

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
- Budget adjustment required Yes No NA
- Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
- Applicable job description(s) may require revision Yes No NA
- Item may change the department's authorized staffing level Yes No NA
- Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
- If yes, what was their recommendation _____
- _____
- _____

Summary

Permit is for a raffle, with the event held March 1, so a waiver of the 60 day waiting period is needed.

Supporting Attachments

- _____
- _____

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:
• conducts lawful gambling on five or fewer days, and
• awards less than \$50,000 in prizes during a calendar year.
If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)
Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150.
Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: THE ESKO HOCKEY AND SKATING ASSOCIATION Previous Gambling Permit Number: X-01719-19-007
Minnesota Tax ID Number, if any: 4434197 Federal Employer ID Number (FEIN), if any: 41-1407195
Mailing Address: PO BOX 381
City: ESKO State: MN Zip: 55733 County: CARLTON
Name of Chief Executive Officer (CEO): JULIE DALLMANN (TREASURER)
CEO Daytime Phone: 218-310-9658 CEO Email: JBDALLMANN@GMAIL.COM
(permit will be emailed to this email address unless otherwise indicated below)
Email permit to (if other than the CEO): _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
 Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)
 A current calendar year Certificate of Good Standing
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103
Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767
 IRS income tax exemption (501(c)) letter in your organization's name
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
 IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): ESKO HOCKEY & SKATING SHELTER
Physical Address (do not use P.O. box): 62 CANOSIA ROAD, ESKO MN 55733
Check one:
 City: ESKO Zip: 55733 County: CARLTON
 Township: _____ Zip: _____ County: _____
Date(s) of activity (for raffles, indicate the date of the drawing): 03/01/2020

Check each type of gambling activity that your organization will conduct:
 Bingo Paddlewheels Pull-Tabs Tipboards Raffle
Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- The application is denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

**COUNTY APPROVAL
for a gambling premises
located in a township**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: _____ Date: _____
(Signature must be CEO's signature; designee may not sign)

Print Name: _____

REQUIREMENTS

- Complete a separate application for:**
- all gambling conducted on two or more consecutive days; or
 - all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- _____ a copy of your proof of nonprofit status; and
- _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to State of Minnesota.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

An equal opportunity employer

Business Record Details »

Minnesota Business Name

The Esko Area Hockey and Skating Association

Business Type

Nonprofit Corporation (Domestic)

MN Statute

317A

File Number

T-587

Home Jurisdiction

Minnesota

Filing Date

03/25/1981

Status

Active / In Good Standing

Renewal Due Date

12/31/2020

Registered Office Address

62 Canosia Road PO Box 381

Esko, MN 55733

USA

Number of Shares

NONE

Registered Agent(s)

(Optional) Currently No Agent

President

Kyle Backstrom

62 Canosia

PO BOX 381

Esko, MN 55733

USA

Filing History

Filing HistorySelect the item(s) you would like to order: Order Selected Copies

<input type="checkbox"/>	Filing Date	Filing	Effective Date
<input type="checkbox"/>	03/25/1981	Original Filing - Nonprofit Corporation (Domestic)	

<input type="checkbox"/>	Filing Date	Filing	Effective Date
<input type="checkbox"/>	03/25/1981	Nonprofit Corporation (Domestic) Business Name (Business Name: The Esko Area Hockey and Skating Association)	
<input type="checkbox"/>	11/30/1981	Amendment - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	04/29/1982	Amendment - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	04/17/2002	Involuntary Dissolution - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	11/16/2012	Annual Reinstatement - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	11/16/2012	Registered Office - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	6/11/2015	Involuntary Dissolution - Nonprofit Corporation (Domestic)	
<input type="checkbox"/>	1/20/2016	Annual Reinstatement - Nonprofit Corporation (Domestic)	

Carlton County Board of Commissioners
Item for Consideration / Agenda Item Cover Sheet

H-6
Agenda Item #

To: Chairperson, Carlton County Board of Commissioners Meeting Date: February 24, 2020
Via: Kathy Kortuem, Acting County Auditor/Treasurer
From: Dennis Genereau, Jr.
Title of Item for Consideration: Finance Committee Bylaws
Presenter: Dennis Genereau, Jr.

Type of Action Requested (check all that apply)

- Info only, no action requested at this time
 Award contract or bid
 Approve by resolution

Fiscal Impact (check all that apply)

- Item included under current budget Yes No NA
Budget adjustment required Yes No NA
Reviewed by Finance Committee Yes No NA

Staffing Impact

- Duties of a County employee(s) may be materially affected Yes No NA
Applicable job description(s) may require revision Yes No NA
Item may change the department's authorized staffing level Yes No NA
Reviewed by Human Resources Yes No NA

Other

- Reviewed by other Committee, Board or Commission Yes No NA
If yes, what was their recommendation The Policy Committee and Committee of the Whole reviewed the bylaws and suggested the proposed changes.

Summary:

Supporting Attachments

- Proposed Updated Finance Committee Bylaws

Motion By _____ Seconded By _____

TO: _____

Action on Motion: _____ AYE _____ NO _____ ABSTAIN

Motion: Carried Defeated

Carlton County Finance Committee Bylaws

I. **Organization:** There shall be a committee of the Carlton County Board of Commissioners (the Board) known as the Finance Committee which shall serve at the direction of the Board in an advisory capacity on various financial affairs relating to Carlton County (the County). The Board may direct the Committee to provide input on financial policy, procurement policy, financial planning, risk management, debt issuance, budget development and other fiscal related issues. The Finance Committee (the Committee) shall be comprised of both voting and non-voting committee members. The voting members of the Committee shall be comprised of ~~both the Chair and Vice-Chair of the two County Board members,~~ the County Coordinator, the County Auditor/Treasurer, the County Public Health and Human Services Director, the County Sheriff, the County Engineer and ~~two~~ Management Team members (primary and alternate for a 2 year term as elected by the Management Team). The non-voting members of the Committee shall be comprised of the Chief Deputy Auditor/Treasurer, the County Accountants of the Auditor's Office, the Human Services Fiscal Supervisor, and the Transportation Department Administrative Assistant. The Administrative Assistant to the County Coordinator will serve as Secretary of the Committee with the duties including preparing agendas and reports for the Committee. The County Coordinator shall serve as the Committee Chair and ~~at the County Board member~~ Chair shall serve as the vice-chair of the Committee.

II. **Purpose:** The primary function of the Committee is to review matters of a financial nature including proposed changes to fiscal/procurement policies and the review and recommendation for matters of a financial nature coming forward to the Board including, but not limited to, supplemental appropriations, transfers and contracts. The Committee's primary duties and responsibilities are as follows:

- To provide to the Board a means for determining the manner in which policies, programs, and resources authorized by the Board are being deployed by management consistent with the intent of the Board and in compliance with all appropriate statutes, ordinances, and directives.
- Develop and submit reports, draft policies and/or recommendations regarding audits and the finances of the County to the full Board for its consideration.

The Committee will primarily fulfill these responsibilities by carrying out the activities enumerated in Section IV of this document.

III. **Meetings and Quorum:** The Committee shall meet monthly or more or less frequently as circumstances dictate. The Chairman of the Board, the Chair of the Committee, or a majority of the voting and non-voting committee members may call or cancel meetings of the Committee. The Chair of the Committee shall prepare or approve an agenda in advance of each meeting. With the exception of Commissioners, the Chair may excuse any non-Committee members from attendance at any meeting or portion of any meeting. A majority of the total voting members of the Committee shall constitute a quorum for the purpose of conducting Committee business.

IV. **Responsibilities:** Subject to Board direction and oversight, the Committee shall have the following duties and responsibilities:

A. Finance and Budgets

1. Review and advise the Board with respect to finance initiatives, including activities relating to procurement.

Carlton County Finance Committee Bylaws
