
A TRANSCRIPT OF THE PROCEEDINGS OF THE REGULAR MEETING OF THE HUBBARD COUNTY BOARD OF COMMISSIONERS HELD ON JANUARY 20, 2015, AT 9:00 O'CLOCK A.M.

The regular meeting of the Hubbard County Board of Commissioners was held on January 20, 2015, at 9:00 a.m. with all the Commissioners and County Coordinator, Debbie Thompson present.

The Pledge of Allegiance was said by all.

The meeting was called to Chairman, Dan Stacey.

On motion of Mr. Johannsen, seconded by Mr. Dotta and carried unanimously, the agenda was approved, as amended to include a closed session at the end of the meeting and a Heritage Living Center construction project update under the Coordinator's agenda.

Finance: Auditor/Treasurer, Kay Rave was introduced to the Board. Ms. Rave began her duties with the county effective January 12, 2015.

County Attorney: County Attorney, Don Dearstyne introduced Assistant County Attorney, Michael Ryan to the Board. Mr. Ryan began his duties with the county on January 20, 2015.

On motion of Mr. Johannsen, seconded by Mr. Dotta and carried unanimously, the following consent agenda items were approved, as submitted:

- Approved the minutes of the January 6, 2015, Annual Meeting;
- Approved the bills & Auditor's Warrants dated January 9, and January 16, 2015;
- Reviewed General Revenue Financial Reports dated December 2014;
- Reviewed Departmental Overtime Report dated December – 2014;
- Adopted the following resolution approving the Social Service Income Maintenance Agenda, Social Services Agenda and the payment of the bills:

RESOLUTION NO. 01201501

BE IT RESOLVED, That the foregoing record is a true and accurate recording of the official actions and recommendations of the County Board of Commissioners and as such constitutes the official minutes thereof. Payment of assistance, relief and claims as indicated in these minutes is hereby ordered.

Public Works Department: On motion of Mr. Dotta, seconded by Mr. Massie and carried unanimously, the Natural Resource Management (NRM), four acre pasture lease application of Jim Rech was approved, as recommended by the Land Commissioner.

Public Works Coordinator reported the Road & Bridge project letting date was scheduled for February 23, 2015, for CP 29-15-02 aggregate surfacing and CP 29-15-03.

Solid Waste Administrator, Jed Nordin reported a change in the SW used oil contract and the completion of the distribution of informational SW assessment correspondence to local business vendors. Discussion followed with no action required.

Coordinator: Coordinator, Debbie Thompson reminded Commissioners Stacey and Massie of their planned attendance of the Department Manager meeting scheduled on January 27, 2015, beginning at 9:00 a.m. in the Social Services Conference Room. A review of some of the suggested topics for discussion was completed including some bill submission procedural changes and a review of the Departmental Handbook.

Consideration of the February 10, 2015, Board Work Session topic was completed with no action taken at this time.

On motion of Mr. Massie, seconded by Mr. Johannsen and carried unanimously, Commissioner Dotta was appointed to the Housing & Redevelopment Authority (HRA) as a non-voting liaison per Resolution No. 01061504.

Ms. Thompson provided information regarding the Phase I and Phase II county construction project history as requested by the Board on January 6, with no action taken at this time.

On motion of Mr. Johannsen, seconded by Mr. Dotta and carried unanimously, the replacement of up to four LEC laptops, as needed was approved, on an annual rotation basis, as recommended by the Technology Committee, at an estimated expense of \$2,100 each, with payment to be from Data Processing (063).

On motion of Mr. Dotta, seconded by Mr. Massie and carried unanimously, the submission of the 2014 Pay Equity Report was approved, as recommended by the Coordinator and the signature of same was authorized.

On motion of Mr. Dotta, seconded by Mr. Smith and carried unanimously, the payment of the following 2015 allocations, as budgeted were approved upon request, by auditor's warrant: Historical Society - \$10,000; SWCD - \$22,000; and Local Water Plan - \$8,566.

On motion of Mr. Johannsen, seconded by Mr. Massie and carried unanimously, the nomination of Commissioner Dotta as the MAHUBE-OTWA At Large representative for consideration by the MHHUBE-OTWA Board of Directors was approved.

Social Services: Social Services Director, Daryl Bessler introduced Social Worker, Beth Grande to the Board. Ms. Grande began her duties with the County on December 22, 2014.

On motion of Mr. Johannsen, seconded by Mr. Dotta and carried unanimously, the following Purchase of Service Agreements were approved, as follows and recommended by the Social Services Director: Pine Manor Inc. for detoxification services; Upper Mississippi Mental Health Center for outpatient mental health services; and retroactive correction of contract ceiling with Family Connections for completion of Relative Search/Parent Support Outreach Program

(PSOP) services previously approved in the amount of \$20,000 on November 4, 2014, to \$22,000.

On motion of Mr. Dotta, seconded by Mr. Massie and carried unanimously, an increase of \$50 to the professional services portion of the County Burial Policy was approved, totaling \$1,500, as recommended by the Social Services Director.

Mr. Bessler provided information regarding the audit completed of the Transit Program recently, including the need to address the proper storage of the buses. Discussion followed. The Board requested Commissioner Smith, the Public Works Coordinator, the Social Services Director, and the Sheriff work together to make a recommendation to the board regarding the storage issue.

Mr. Bessler presented a proposed Social Services Fee Schedule for review by the Board with no action taken at this time.

The Social Services Director reported an increase in the Income Maintenance Caseload numbers and intakes for December, 2014.

On motion of Mr. Johannsen, seconded by Mr. Dotta and carried unanimously, the Social Service Director's authorization to maintain the Social Service Department staffing at the following current levels was approved, as needed: 3 Office Support Specialists; 3 Transit Drivers; 5 PT/on-call transit drivers; 1 Information System Specialist Sr.; 1 Accounting Technician; 1 Transit Coordinator; 2 Case Aides; 2 Child Support Enforcement Aides; 2 Child Support Officers; 1 Child Support Officer, Lead; 12 Eligibility Workers; 18 Social Workers; 1 Social Service Supervisor I; 1 Financial Assistance Supervisor I; 1 Fiscal Supervisor I; 1 master Social Worker (if needed); and 1 Social Service Director.

Sheriff: Sheriff, Cory Aukes and Chief Deputy, Scott Parks provided information regarding the department's need for a software update. Together they reported the process completed to assess software available together with the Technology Committee's recommendation to install the LETG Public Safety software system. Discussion followed. On motion of Mr. Dotta, seconded by Mr. Smith and carried unanimously, the installation of the LETG software was approved, as recommended by all involved.

On motion of Mr. Johannsen, seconded by Mr. Massie and carried unanimously, the Sheriff's authorization to maintain the department staffing at the following current levels was approved, as needed: 20 Dispatcher/jailers; 18 PT Pool Dispatcher/jailers; 1 Jail Programmer; 1 Assistant Jail Administrator; 1 Jail Administrator; 9 Road Deputies; 1 Nevis Deputy; 1 Investigator; 8 PT Road Deputies; 1 transport Deputy; Up to 3 Boat & Water Deputies depending on availability of grant dollars; 2 Sergeants; 1 Chief Deputy Sheriff; 2 non-licensed bailiffs; Up to 4 licensed bailiffs; and 1 Sheriff.

Land Records: Environmental Services Officer, Eric Buitenwerf provided

information regarding a proposal to convert GIS data to parcel fabric mapping to improve work flow, create greater efficiency in maintaining historic data with less labor needed, and improve the spacial accuracy of property lines reflected on aerial photos. Discussion followed. On motion of Mr. Dotta, seconded by Mr. Johannsen and carried unanimously, the agreement with ProWest, Walker, MN to complete the conversion of GIS data to parcel fabric mapping was approved, as recommended by the GIS Technician and the Technology Committee, in the amount of \$18,120 including training, with the payment to be from compliance monies.

GIS Technician, Kevin Trappe presented a demonstration of GIS programming he has develop incorporating survey certificates and land maps connected to quarter corner locations within the county making the county parcel mapping more informative and user friendly to the public. Discussion followed. The program demonstrated is scheduled to be released to the public soon.

Assessor, Ginger Woodrum provided a review of M.S. §273.065 outlining the process for approving local assessment district extensions. Ms. Woodrum was encouraged to contact the townships and provide information regarding the timelines and guidelines for information purposes in the future.

Coordinator: Ms. Thompson provided a copy of the 2014 Mississippi Headwaters Board Annual Report for information purposes.

On motion of Mr. Johannsen, seconded by Mr. Dotta and carried unanimously, the 2015 Memorandum of Agreement with Erika Randall was approved, in the amount of \$125/month for completion of Law Library Services representing the same terms as 2014.

On motion of Mr. Dotta, seconded by Mr. Massie and carried unanimously, the appointment of Auditor/Treasurer, Kay Rave was approved and the Chairman's signature of the Oath was authorized.

Ms. Thompson reminded the Board of the upcoming 2015 Joint Legislative Conference scheduled for March 4 and March 5, 2015. The Coordinator was requested to make reservations for the Board, pending final decision of who will attend.

Commissioners Dotta, Stacey and Johannsen were reminded of the scheduled dates for negotiations as follows with both events to be held in the South Conference Room, Third Floor of the Courthouse: January 26, 2015, with the Local 49; and January 29, 2015, with the Teamsters.

Public Hearing: The public hearing for review of the proposed **Ordinance No. 42 Relating to Licensing and Regulating the Sale of Alcoholic Beverages, Intoxicating Liquor, Malt Liquor, 3.2 Percent Malt Liquor, and Wine in the Unorganized Areas of Hubbard County, MN** was called to order at 11:15 a.m. On motion of Mr. Dotta, seconded by Mr. Massie and carried unanimously, the reading of the official notice was waived. County Attorney, Don Dearstyn together with

representatives of Hubbard In Prevention (HIP) explained that the proposed ordinance had been drafted as a joint effort with HIP, reviewed by the Planning Commission and now referred to the Board for consideration of adoption. Mr. Dearstyne went on to state the proposed ordinance would incorporate three existing ordinances as follows: Ordinance 9 – Wine Licensing; 16 – Keg Beer Ordinance; and 24 – Sunday Liquor Ordinance. In addition, the proposed ordinance included an enforcement section not previously contained in the three current ordinances. Discussion followed regarding the Board acting as the “hearing officer” or the ability to designate said “hearing officer”. The public hearing was concluded at 11:31 a.m.

On motion of Mr. Johannsen, seconded by Mr. Massie and carried unanimously, the proposed **Ordinance No. 42 Relating to Licensing and Regulating the Sale of Alcoholic Beverages, Intoxicating Liquor, Malt Liquor, 3.2 Percent Malt Liquor, and Wine in the Unorganized Areas of Hubbard County, MN** was adopted with an effective date of April 1, 2015, and Ordinances 9, 16, & 24 will be rescinded effective April 1, 2015, as well. The Ordinance reads as follows:

HUBBARD COUNTY

ORDINANCE NUMBER 42

AN ORDINANCE RELATING TO LICENSING AND REGULATING THE SALE OF ALCOHOLIC BEVERAGES, INTOXICATING LIQUOR, MALT LIQUOR, 3.2 PERCENT MALT LIQUOR, AND WINE IN THE UNORGANIZED AREAS OF HUBBARD COUNTY, MINNESOTA

Adopted by the Hubbard County Board of Commissioners on the

20th day of January, 2015.

Effective April 1, 2015

TABLE OF CONTENTS

HUBBARD COUNTY ORDINANCE NUMBER 42:

SECTION 1 – TITLE

SECTION 2 – INCORPORATION

SECTION 3 – INTERPRETATION

SECTION 4 – VALIDITY

SECTION 5 – JURISDICTION

SECTION 6 – LICENSES

Subsection 1: Requirements

Subsection 2: Restrictions

SECTION 7 – LICENSE APPLICATIONS

Subsection 1: Application requirements

Subsection 2: Consideration

Subsection 3: Criterion

Subsection 4: Delinquent taxes

SECTION 8 – LICENSE PERIOD

SECTION 9 – FEES

Subsection 1: Amount

Subsection 2: Fee refund

SECTION 10 – TRANSFERABILITY

SECTION 11 – INSURANCE

Subsection 1: Requirement

Subsection 2: Lapse

SECTION 12 – HOURS

Subsection 1: Hours of sale

Subsection 2: Presence of premises

Subsection 3: Consumption on premises

SECTION 13 – GENERAL

SECTION 14 – ENFORCEMENT

Subsection 1: Penalty

Subsection 2: Enforcement
Subsection 3: Actions

SECTION 15 – LICENSE SUSPENSION OR REVOCATION

SECTION 16 – SALE OF KEG BEER

SECTION 17 – DATE OF EFFECT

HUBBARD COUNTY LIQUOR LICENSE REGULATIONS

AN ORDINANCE RELATING TO LICENSING AND REGULATING THE SALE OF ALCOHOLIC BEVERAGES, INTOXICATING LIQUOR, MALT LIQUOR, 3.2 PERCENT MALT LIQUOR, AND WINE IN THE UNORGANIZED AREAS OF HUBBARD COUNTY, MINNESOTA AND THOSE ESTABLISHMENTS LICENSED BY THE COUNTY BOARD

The Board of Commissioners for the County of Hubbard, State of Minnesota, does hereby ordain and adopt this Ordinance establishing requirements and restrictions regarding the licensing for the sale of alcoholic beverages, beer, intoxicating liquor, malt liquor, 3.2 percent malt liquor, and wine.

SECTION 1 – TITLE

This Ordinance shall be known as, and may be cited and referenced as, the “Hubbard County Liquor License Ordinance,” and, when referenced herein, shall be referenced as “this Ordinance.”

SECTION 2 – INCORPORATION

The provisions of Minnesota Statutes Chapter 340A, as amended, relating to the definition of terms; as well as the licensing, consumption, sales, distribution, and consumption of alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine; are adopted, incorporated into, and made a part of this Ordinance as if set out in full herein.

SECTION 3 – INTERPRETATION

The provisions of this Ordinance shall be controlling, unless a provision provided under Minnesota State Statutes, or other ordinance, rule, or regulation imposes more stringent requirements in which case the more stringent requirement shall be controlling. Words and phrases contained within this Ordinance are to be construed according to the rules of grammar and common and ordinary usage. Singular words include the plural, and the plural include the singular.

SECTION 4 - VALIDITY

All sections and provisions of this Ordinance are deemed severable in nature. Should a court of competent jurisdiction declare any section or provision of this Ordinance to be void, invalid, unenforceable or unconstitutional, such finding shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part found to be void, invalid, unenforceable, or unconstitutional.

SECTION 5 – JURISDICTION

This Ordinance shall apply to all unincorporated areas within the County of Hubbard, State of Minnesota.

SECTION 6 - LICENSES

Subsection 1: Requirements

No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, barter, exchange, give away, or keep for sale any alcoholic beverage, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine without a license to do so as provided in this Ordinance and state law.

Subsection 2: Restrictions

- (1) On-sale licenses for the sale of alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine may be granted in such number and to such establishments as qualify under state liquor laws as restaurants, hotels, clubs or bowling centers. Such license shall only permit consumption on the licensed premises.
- (2) Off-sale licenses for the sale of alcoholic beverage, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine may be issued only to exclusive liquor stores, and shall only permit off-sales.
- (3) An on-sale license, if issued, authorizes sales on Sundays in conjunction with the serving of food by any restaurant or club located in a township in which Sunday sales has been approved by voters of the Township, and which has facilities for serving at least thirty (30) guests at one time.
- (4) An on-sale wine license may be issued, as authorized under Minnesota Statutes Section 340A.404, Subd. 5(a), only to restaurants meeting the qualifications of Minnesota Statutes Section 340A.101, Subd. 25, and shall permit only the sale of wine for consumption on the licensed premises only in conjunction with the sale of food.

-
- (5) Pursuant to Minnesota Statutes Section 340A.404, Subd. 5(b), the Hubbard County Board may authorize the on-sale of malt liquor to a holder of an on-sale wine license issued under Minnesota Statutes Section 340A.404, Subd. 5(a) and Section 6, Subsection 2(4) of this Ordinance who is also licensed for on-sale of 3.2 percent malt liquors pursuant to Minnesota Statutes Section 340A.411, and whose gross receipts are at least 60 percent attributable to the sale of food, without an additional license.
 - (6) An on-sale wine license may be issued to a licensed bed and breakfast facility as authorized under Minnesota Statutes Section 340A.404, Subd. 5(c), and shall permit the facility to furnish wine only to registered guests.
 - (7) 3.2 percent malt liquor on- and off-sale licenses may be issued as authorized under Minnesota Statutes Section 340A.403.
 - (8) A club, or a charitable, religious, or nonprofit organization duly incorporated as a nonprofit or religious corporation under the laws of Minnesota and having its registered office and principal place of activity within the County, may qualify for a temporary on-sale 3.2 percent malt liquor license for a period not to exceed five (5) days. Such temporary license shall comply, in all respects, with all other state laws, County Ordinances, this Ordinance, rules, and regulations governing the sale of 3.2 percent malt liquor within the County.
 - (9) A caterer's permit may be issued pursuant to the restrictions and requirements set forth at Minnesota Statutes Section 340A.404, Subdivision 12, as amended, to a restaurant that holds an on-sale intoxicating liquor license. The holder of a caterer's license may sell intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine as an incidental part of food service that serves prepared meals at a location other than the premises for which the on-sale intoxicating liquor license is granted. The caterer's license is auxiliary to the primary on-sale license held by the licensee. Additionally, the holder of a caterer's permit must conduct all on-sales in full compliance with all applicable provisions of this Ordinance and all other state statutes, laws, rule and regulations.

SECTION 7 – LICENSE APPLICATION

Subsection 1: Application requirements

- (1) The Hubbard County Auditor-Treasurer is designated as the License Authority for all licenses applied for, issued, or renewed under this Ordinance.
- (2) The application for either on- or off-sale of alcoholic beverages, intoxicating liquor, malt liquor, wine, and/or 3.2 percent malt liquor shall be obtained from the License Authority, and shall consist of an Application to Sell, License Application Information Form, Minnesota Worker's Compensation Form, and certificate of liability insurance required pursuant to Section 11 of this

Ordinance. Failure to provide any required form or information is a basis for automatic denial of the license application.

- (3) At the time of filing an application for either an initial or renewed license the applicant shall submit the completed application, all required forms, a certificate of liability insurance, and shall pay an investigation background fee and all other applicable fees as set by the County Board. All fees are considered the minimum amounts necessary to reimburse the County for costs incurred in processing the application and investigating the applicant and the proposed premises and are, therefore, non-refundable.
- (4) Every applicant, at the time of filing an application for an initial license, shall also submit a drawing of the property on which the premises is located, showing and identifying all adjacent streets, buildings and residences, parking, road accesses, and entry and exit into the building; as well as a floor plan of the interior of the premise and any outdoor areas in which the applicant intends to serve alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine. No outdoor on-sales or service is permitted unless the applicant clearly indicates on an application for a new or renewed license of the intent to conduct outdoor on-sales.
- (5) An application shall not be considered submitted unless completed in full; all required forms, attachments and/or additional information is attached or otherwise provided in a form acceptable to the licensing authority; the certificate or binder for the required liability insurance is provided; and all required fees are paid in full.
- (6) The applicant shall also sign a verification, under oath, attesting that all information set forth on the application is true and correct. No person shall knowingly make a false statement in an application. Any knowing false statement or information shall be grounds for rejection of an initial application, rejection of an application for license renewal, revocation of an existing license, and/or criminal prosecution.
- (7) A completed application for either an initial or a renewed license must be presented at least 60 days prior to the requested effective date or, for license renewal applications, the expiration date of the current license. Late renewals applications for existing licenses shall pay an additional late fee as determined by the County Board, which must accompany the completed application.
- (8) The applicant must obtain the written comments of the County Sheriff, and the County Attorney with regards to the application. This requirement pertains to both original and renewal applications. The County Sheriff's comments should include the applicant's performance with regards to past alcohol sales compliance checks.

-
- (9) The applicant for either an initial or renewed license in a Town that exercises powers under 368.01 M.S.A. must first obtain the approval from the Town Board in which the proposed license premises is to be located. The License Authority, if requested, will forward the statements of the County Sheriff, and the County Attorney to the Township Board in advance of their consideration of the application.

Subsection 2: Consideration

- (1) All applications for liquor licenses will be considered by the County Board. The County Board shall decide whether to deny or grant an application. The County Board may, as a condition of granting a license application, impose reasonable restrictions on the nature and/or operation of the business. These restrictions include, without limitation, reasonable restrictions on conducting on-sales in outdoor areas adjacent to the licensed premise including parking, lighting, noise abatement, restroom facilities, hours of operation, and whether amplified entertainment is permitted.
- (2) The County Board must consider an application within sixty (60) days after a completed application is considered submitted pursuant to Section 7, Subsection 1(4) of this Ordinance. The License Authority may extend this period by an additional sixty (60) days provided the applicant is notified, in writing, of the reason for the extension. The applicant may also consent to an extension of this period, in writing, for any period as agreed to by the applicant and the License Authority.
- (3) The State of Minnesota may issue the license if the application is approved by the County Board.
- (4) The License Authority shall notify the Minnesota Commissioner of Public Safety when a 3.2 percent malt liquor or intoxicating liquor license application is approved.

Subsection 3: Criterion

In deciding whether to grant a particular license, the County Board shall consider all relevant factors bearing on both the applicant and the premises including but not limited to:

- (1) The applicant's characteristics, including but not limited to financial integrity, including but not limited to the ability to provide the required liability insurance; responsibility; moral character, including but not limited to criminal history; and reputation.
- (2) The written comments of the Town Board if that Board exercises powers under 368.01 M.S.A., the County Sheriff, the County Zoning Administrator, and the County Attorney.

-
- (3) Past record of compliance, including sale compliance checks, if the application is for a license renewal;
 - (4) Compatibility of the premises with surrounding land uses, including but not limited to whether the establishment is a prohibited, conditional, or permitted use under current zoning restrictions.
 - (5) Characteristics of the proposed licensed premises, including but not limited to size, setbacks, parking, screening, lighting, security, garbage removal, access, and rest room facilities.
 - (6) The County Board may deny a license for a premises in an area where such a land use is prohibited by zoning ordinances or other land use controls, except licenses may be issued to restaurants in areas which were restricted against commercial uses after the establishment of the restaurant.
 - (7) The County Board may deny any application on the sole basis the applicant failed to comply with any provision of this Ordinance, State statutes, or other applicable ordinance, law, rule or regulation in the application process.
 - (8) No license shall be granted for a building within 1,000 feet of any school or within 1,000 feet of any church.

Subsection 4: Delinquent taxes

No on- or off-sale license shall be granted or renewed for any premises on which federal, state, County, or local taxes, assessments, or other financial claims of any kind are delinquent and unpaid regardless whether the license applicant is the owner or lessee of the premises.

SECTION 8 – LICENSE PERIOD

All licenses are issued for a period not to exceed one (1) year. A license may be issued subject to a shorter expiration date if issued for the purpose of coordinating a common expiration date of multiple licenses, in which case a *pro rata* license fee shall be assessed. The license period for 3.2 percent malt liquor licenses shall be January 1 through December 31 of the same calendar year, and for all alcoholic beverages, intoxicating liquor, malt liquor and wine shall be August 19 through August 18 of the subsequent calendar year.

SECTION 9 - FEES

Subsection 1: Amount

The fees for licenses shall be established by resolution of the County Board pursuant to Minnesota Statutes Section 340A.408.

Subsection 2: Fee refund

A monthly *pro rata* share of the annual license fee for an on-sale intoxicating liquor license, less \$500.00, may be refunded to the licensee or to the licensee's estate, if: (1) the business ceases to operate because of destruction or damage; (2) the licensee dies; (3) the business ceases to be lawful for a reason other than a license revocation; or (4) the licensee ceases to carry on the licensed business under the license.

SECTION 10 - TRANSFERABILITY

Any license issued under this Ordinance is granted solely to the applicant and the business entity named in the application and for the premises named in the license application. No license of any sort granted pursuant to this Ordinance is transferable to any other person or premises. If a change of ownership or control of any licensed premises occurs, whether pursuant to sale, transfer, assignment, or otherwise, the new owner must complete a new application subject to approval pursuant to this Ordinance. A change of ownership or control includes, but is not limited to:

- (1): The sale of all or substantially all of the company assets;
- (2): Sale or acquisition of forty (40) percent or more of the controlling interest (voting) stock if the company stock is publicly traded;
- (3): Sale of fifty-one (51) percent of the voting stock if a non—publicly traded stock or closely held corporation;
- (4): Execution of a management agreement; or
- (5): The change of any officer or majority stockholder if the company is a closely-held corporation.

Applications for licensing when there is a change of ownership of an existing licensed premise shall be assessed a *pro rata* share of the annual license fee.

SECTION 11 – INSURANCE

Subsection 1: Requirement

- (1) Prior to the issuance or renewal of any license for the on- or off-sale sale of alcoholic beverage, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine, the applicant shall file with the County Auditor-Treasurer a certificate for a liability insurance policy that meets all requirements as set forth in Minnesota Statutes Section 340A.409.

-
-
- (2) For outdoor on-sale, the license holder's liability insurance shall specifically include the outdoor area where sales will take place.
 - (3) A certificate of liability insurance is not required for:
 - (a). A holder of a temporary license issued pursuant to Section 6, Subsection 2(8) of this Ordinance if total sales during the preceding year were less than \$25,000.00 for on-sale and less than \$50,000.00 for off-sale; or
 - (b). A holder of a temporary wine license.

Subsection 2: Lapse

Lapse, cancellation, or the failure to renew a policy of the insurance required pursuant to Subsection 1 of this Section shall result in an immediate suspension of any license issued pursuant to this Ordinance, without further action of the County Board.

SECTION 12 - HOURS

Subsection 1: Hours of sale

Sales of all alcoholic beverages, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine are prohibited between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, unless the applicant was granted a specific permit or license authorizing sales until 2:00 a.m. on designated days. Sunday on-sale hours of sale shall be between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Mondays but only in conjunction with the sale of food and if permitted by the Township.

Subsection 2: Presence on premises

It is unlawful for any person to enter or remain on the licensed premises 30 minutes after the time authorized for sale expires. This Subsection does not apply to law enforcement, the licensee, or any employee or contractor of the licensee who is actually working or otherwise preparing to open or close the licensed premises.

Subsection 3: Consumption on premises

It is unlawful for any person, whether patron, employee, owner, contractor, or other, to consume any alcoholic beverage, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine on a licensed premises after the time authorized for sale expires.

SECTION 13 - GENERAL

-
- (1) No alcoholic beverage, intoxicating liquor, malt liquor, 3.2 percent malt liquor, or wine shall be consumed by any person in the outdoor areas adjacent to any licensed premises at any time unless outdoor on-sales was included in the permit application.
 - (2) Any outdoor area in which the licensee shall conduct on-sales shall be enclosed by a fence or other structure sufficient to control access to and from the area of sale.
 - (3) No licensee shall knowingly cause or permit any lewd conduct on the premises including, but not limited to, public nudity, strip tease act, exotic dancing, or any type or form of sexually-orientated activity or entertainment.

SECTION 14 - ENFORCEMENT

Subsection 1: Penalty

Any person, firm, organization, partnership or corporation who violates any provision of this Ordinance, fails to comply with any provision of this Ordinance, or who makes a knowing false statement in any application hereunder, shall be guilty of a misdemeanor and, upon conviction, shall be punished according to law. A separate offense shall be deemed committed upon each day during or on which any violation occurs or continues.

Subsection 2: Enforcement

The Hubbard County Sheriff's Department and/or their designees, and/or any state or federal law enforcement or administrative agency, will conduct inspections as needed to ensure compliance with the terms of this Ordinance, state law, state administrative rules, federal law, other regulations, as well as the terms and conditions of individual licenses.

Subsection 3: Administrative Penalties

The Licensing Authority or their designee may issue the following administrative penalties for violations of this ordinance.

14.3.1 First violation. Any Licensee found to have violated this ordinance shall be charged an administrative penalty of five hundred dollars (\$500.00); the sum of \$250.00 will be waived if all the licensee's employees attend Alcohol Awareness Training within 3 months of the violation.

14.3.2 Second violation. Any Licensee found to have violated this ordinance two (2) times within a twenty-four (24) month period will be subject to a \$750.00 administrative penalty. the sum of \$250.00 will be waived if all

the licensee's employees attend Alcohol Awareness Training within 3 months of the violation.

14.3.3 Third violation. Any Licensee found to have violated this ordinance three (3) times within a twenty-four month period will be subject to a one thousand dollar (\$1000.00) administrative penalty. In addition, a two day, suspension of the liquor license shall be imposed.

14.3.4 Fourth violation. Any Licensee found to have violated this ordinance four (4) times within a twenty-four month period will be subject to a one thousand five hundred dollar (\$1500.00) administrative penalty. In addition, a four day, suspension of the liquor license shall be imposed.

14.3.5 Fifth violation. Any Licensee found to have violated this ordinance five (5) times within a twenty-four (24) month period shall have their liquor license revoked.

14.3.6 A Licensee may appeal the imposition of an administrative penalty under this ordinance to the Hubbard County Board or its authorized representative, pursuant to sections 14.57 to 14.69 of the Minnesota Administrative Procedures Act.

14.3.7 A Licensee may appeal a suspension or revocation of a license to the Hubbard County Board pursuant to sections 14.57 to 14.69 of the Minnesota Administrative Procedures act. No suspension or revocation shall take effect until the time for appeal has expired or, if an appeal is brought, until the County Board has rendered a decision.

An authorized representative under this section may take testimony, make evidentiary findings, and make recommendations to the Board.

SECTION 15 – LICENSE SUSPENSION OR REVOCATION

The County Board may revoke or suspend any license issued hereunder for violation of this Ordinance and the statutes incorporated hereunder. Prior to any revocation or suspension, the license holder shall be given at least 10 days written notice, by mail sent to the license holder at the address provided in the license application, or personal service, of the charges against the license holder, and a hearing shall be conducted before the County Board or the Board's designee. The licensee and the License Authority may be represented by counsel, and both may submit all relevant evidence or arguments. The County Board or the Board's designee shall make written findings within a reasonable time after the close of said hearing. The licensee may appeal the written decision and/or resolution of the County Board or its designee to the District Court within 30 days of the date the written decision is served upon the licensee at the address provided in the license application.

SECTION 16 – LICENSE DENIALS

Any person denied either an original or renewed license may appeal to the County Board or its designee by serving, within 10 days of receiving written notice of such denial, a written notice of appeal upon the License Authority. The Board, or its designee shall then hear the appeal within 30 days after the license Authority is served with the notice of appeal. The licensee and the License Authority may be represented by counsel, and both may submit all relevant evidence or arguments. The County Board or its authorized representative shall make written findings within a reasonable time after the close of said hearing. The licensee may appeal the written decision and/or resolution of the County Board or its designee to the District Court within 30 days of the date the written decision is served upon the licensee

SECTION 17 – SALE OF KEG BEER

For each and every retail sale of a keg of beer, the licensee selling such keg shall require valid identification of the person to whom the keg is sold, record the date and time of such sale, and record the serial number of each keg. The Licensee shall maintain a log that lists the sale of each and every keg of beer to the public. Such log shall be made available to any law enforcement officer upon request.

SECTION 18 – DATE OF EFFECT

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law. The effective date of the Ordinance shall be the 1st day of April, 2015.

Passed and approved this 20th day of January 2015.

/s/ Daniel Stacey
Daniel Stacey, Chairman
Hubbard County Board of Commissioners

/s/ Debbie Thompson
Debbie Thompson, Coordinator
Hubbard County
Effective Date

Soil & Water Conservation (SWCD): On motion of Mr. Dotta, seconded by Mr. Smith and carried unanimously, the Joint Powers Agreement between the SWCD and the County was approved outlining the SWCD provision of the Wetland Conservation Act, as recommended by SWCD District Manager, Julie Kingsley.

Heritage Living Center (HLC): Nursing Home Administrator, Kurt Hansen reviewed the process necessary for approving the HLC construction project expenses. On motion of Mr. Dotta, seconded by Mr. Smith and carried unanimously, the

payment of Heritage Construction Project Exhibit B Disbursement #2 in the amount of \$239,927.04 was approved and the signature of same by the Chairman and the Coordinator.

Extension: University of Minnesota representatives of the Extension Office provided information regarding the proposed Office Assistant I position. Discussion followed. On Mr. Johannsen, seconded by Mr. Dotta and carried unanimously, the filling of the Office Assistant I position, up to 50% part time, per proper procedure was approved as discussed.

Committee Reports: Board members provided information regarding the following committee meetings to be scheduled or attended: HIP meeting, upcoming AMC new commissioner training; Heartland Trail Committee; MAHUBE-OTWA; SWCD, Regional Radio Board, and Kitchigami Regional Library Board meetings.

Coordinator: On motion of Mr. Dotta, seconded by Mr. Johannsen and carried unanimously, Phase II Courthouse Construction PR #28 in the amount of \$15,909 representing changes to the 1st floor work area and the amendment of PR #26 to include additional \$2,658 representing required wiring corrections in Court Administration Office were approved for payment.

Closed Session: On motion of Mr. Dotta, seconded by Mr. Johannsen and carried unanimously, the meeting was closed at 1:10 p.m. pursuant to M.S. §13D.03 for completion of union strategy. At 1:53 the meeting was re-opened.

There being no further action before the Board, the Chairman recessed the meeting at 1:53 p.m.

GENERAL REVENUE:

E-911 Inc.	8,542.22	Caterpillar Financial Services Cor	18,229.67
MCIT	461,876.00	Compass Minerals America	20,283.80
Minnesota Sheriffs' Association	7,508.60	Hubbard Co. Treasurer	3,021.20
New Life Communications	3,418.05	29 Payments Less Than \$2,000	12,268.17
Northwoods Press	3,234.01		
Park Rapids Enterprise	4,271.30	SOLID WASTE:	
Reliance Telephone Inc.	2,209.80	Maney International Inc. – St. Cloud	5,344.53
Turnkey Corrections	6,063.72	14 Payments Less Than \$2,000	5,773.99
Warnick's Janitorial Service	7,470.00	FORFEITED LAND:	
67 Payments Less Than \$2,000	27,844.45	7 Payments Less Than \$2,000	1,452.32
		SOCIAL SERVICES:	

ROAD & BRIDGE:

Barthorpe, Tia 2,869.05

Catholic Charities	6,841.08	Nelson In-Home Services Inc.	20,226.25
Edwards, Tanya or Terry	2,247.89	Northwestern MN Juvenile Center	15,469.00
Heartland Homes SILS	3,400.53	Snyder Group Foster Home	3,286.00
Heartland Ranch Inc.	3,835.00	30 Payments Less Than \$2,000	18,217.49
HRA of Bemidji	3,193.00	DHS – Swift	4,352.27
Kindred Family Focus	2,099.32	Hubbard County Auditor-Treasurer	12,500.00
Krueckeberg, Lydia	2,689.56	50 Payments Less Than \$2,000	11,593.01
Lighthouse Group Foster Home	3,441.00		

/s/Daniel Stacey
Daniel Stacey, Chairman
Hubbard County Board of Commissioners

ATTEST: /s/Debbie Thompson
Debbie Thompson
Hubbard County Coordinator

