

**SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS**

April 12, 2005

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session April 12, 2005 at 8:30 a.m. at the Courthouse in Austin, Minnesota.

All members present, viz: Raymond Tucker, Chair
 David Hillier
 Dick Lang
 Garry E. Ellingson
 Richard Cummings
 Craig Oscarson, County Coordinator

GENERAL:

Presentation by Wapiti Meadows Community on services to uninsured people.

Notice of receipt of award letter from DHS regarding regional Crest initiative.

Commissioner Lang moved and Commissioner Cummings seconded to authorize the director to sign amendments to the GRH agreements requesting verification of food purchases as required by DHS. Motion carried.

Commissioner Ellingson moved and Commissioner Lang seconded to authorize the Chair and the Director to sign the following Purchase of Service Agreements:

- a. Comfort Keepers – renew contract for Home Based Services, effective February 1, 2005 to January 31, 2006.
- b. Doyle & Linda Lindahl – renew agreement for Group Residential Housing Services, effective November 1, 2004 to June 30, 2006.
- c. REM Minnesota, Inc. (Parkwood) – approve agreement for Group Residential Housing Services, effective July 1, 2004 to June 30, 2006.

Motion carried.

Notice of cancellation of transportation contract with St. Peter effective April 29, 2005.

Commissioner Hillier moved and Commissioner Ellingson seconded to authorize the director to sign a letter of support for St. Mark's. Motion carried.

Commissioner Hillier moved and Commissioner Lang seconded to approve the destruction of designated Agency files in accordance with DHS Rules and Regulations. All previously approved files have been destroyed. Motion carried.

SOCIAL SERVICE ACTIONS:

Commissioner Cummings moved and Commissioner Hillier seconded to approve the Social Service Actions. Motion carried.

INCOME MAINTENANCE ACTIONS:

Commissioner Ellingson moved and Commissioner Hillier seconded to approve the Income Maintenance Actions. Motion carried.

Doug Groh, County Treasurer, was welcomed back by the Commissioners. Doug Groh stated he has been released from military active duty.

Mike Hanson, County Engineer presented bid information received for SAP 50-624-003 and SAP 50-616-018.

Motion made by Commissioner Cummings, seconded by Commissioner Hillier to award the bids to the lowest bidder as follows:

SAP 50-624-003 to Midwest Contracting, LLC with a bid of \$215,901.29
SAP 50-616-018 to Midwest Contracting, LLC with a bid of \$173,036.07

and have them commence the projects when the majority of farmers planting has been completed. Motion carried. Full bid abstract on file in the office of the County Auditor and County Engineer.

Commissioner Tucker and Coordinator Oscarson updated the board on the legislative hearings that they had attended last week for the Mower County Sales Tax Initiative. A letter of support has been received from the Mower County Farm Bureau.

Motion made by Commissioner Cummings, seconded by Commissioner Ellingson to authorize the chair to sign a letter to the House Tax Committee regarding HF 1903 requesting approval of the proposed legislation. Motion carried.

Motion made by Commissioner Ellingson, seconded by Commissioner Hillier to approve the bi-monthly bills for immediate payment.

GENERAL FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
766.81	ADAMS DRUG	234.00	ADAMS, RIZZI AND SWEEN
393.00	ALBERT LEA TRIBUNE	219.23	ALLIED MOLD & DIE CORP
211.12	AMERICAN SOLUTIONS FOR BUSINES	309.21	APS SERVICES INC
231.07	ARROW PRINTING	179.35	ASSEMBLED PRODUCTS CORPORAT
1214.00	ASSOCIATION OF MINN COUNTIES	507.00	AUSTIN MEDICAL CENTER ATTN:
2789.31	AUSTIN NEWSPAPERS, INC	487.17	BEAR GRAPHICS, INC
524.79	BRANDT LAW OFFICE	518.50	BUDGET OIL CO
168.81	BUNDY AUTO PARTS	376.00	RUBY CAMPOS
102.85	CARE EXPRESS PRODUCTS INC	250.27	CDW GOVERNMENT, INC.
277.52	COUNTRY INN WOODBURY	170.70	DASH MEDICAL GLOVES INC.
653.99	DONKERS HOMETOWN APPLIANCES	513.50	DANIEL DONNELLY LAW FIRM
2906.85	MUNCILITE EMERGENCY AUTOMOTIVE	123.00	ENTERPRISE JOURNAL
223.26	FINANCE;OLMSTED COUNTY HAZARDO	575.21	FOX ELECTRIC COMPANY, INC
2294.46	GOLD CROSS AMBULANCE SERVICE M	8500.00	GRAY & MALACKO LAW OFFICES

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

388.38 HARTY MECHANICAL INC	519.26 HOLIDAY INN ARDEN HILLS
2530.05 HOLIDAY INN AUSTIN	434.41 IKON OFFICE SOLUTIONS
175.00 INDEPENDENT EMERGENCY SERVICES	965.00 INTERTECHNOLOGIES GROUP
1731.27 INTERTECHNOLOGIES GROUP-ADMIN	508.85 J & K WINONA
740.69 JAKOBSON DRUG & HALLMARK SHOP	156.34 K MART
1794.66 KEY MUNICIPAL FINANCE INC	656.94 LASER PRODUCT TECHNOLOGIES
252.50 ROSEMARY LINDERMAN	640.10 LYNN PEAVEY CO
579.32 MARTIN BROS	869.15 MEDDIRECT
331.50 MELCHERT HUBERT SJODIN	315.24 MIDTOWN AUTO CLINIC
6595.28 MINNESOTA COUNTIES COMPUTER CO	7564.00 MINNESOTA COUNTIES INFORM.S
727.45 MINNESOTA ELEVATOR, INC	202.40 MITCHELL COUNTY REGIONAL HE
119.00 MOWER COUNTY SHOPPER	200.00 GARY NYQUIST
109.00 OSAGE DENTAL ARTS	2940.76 PARAGON PRINTING & MAILING
1398.00 PLUNKETT & ASSOCIATES INC	158.69 PRESTO-X-COMPANY INC
1080.84 RADISSON RIVERFRONT HOTEL ST P	124.46 RATWIK, ROSZAK & MALONEY, A
131.25 RICHARDSON LAW OFFICE	179.55 RS EDEN INC
274.78 RUTTIGERS BAY LAKE LODGE	1386.66 SCHILLING SUPPLY COMPANY
958.50 SERVICEMASTER CLEAN	120.00 SHERIFF FILLMORE COUNTY
135.00 SHERIFF FREEBORN COUNTY	24330.00 SHERIFF MITCHELL COUNTY
100.00 SHERIFF NICOLLET COUNTY	225.00 SHERIFF OLMSTED COUNTY
120.00 SHERIFF RICE COUNTY	238.51 SHOPKO PHARMACY
262.50 PAUL SPYHALSKI	518.17 STAPLES CREDIT PLAN
3158.38 OFFICE STATE AUDITOR	631.18 CJIS STATE OF MINN
200.00 U.S. CHARMADE ACCESSORIES INC.	242.53 UNIFORMS UNLIMITED INC
304.87 MARGY VOSS	288.62 WELLS FARGO FINANCIAL LEAS
4294.16 WEST GROUP	100.00 WOODBURY POLICE ASSOCIATION
36 PAYMENTS LESS THAN \$100	1,549.24
GENERAL FUND	\$100,278.42 * TOTAL

ROAD & BRIDGE FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
177.50	AUSTIN NEWSPAPERS, INC	236.00	JAMES BLOMGREN
141.66	BOYER TRUCK PARTS	258.23	BOYER TRUCKS SO. ST. PAUL
1170.32	CONTINENTAL RESEARCH CORP.	453.12	DEXTER LP, INC
5903.78	L.R. FALK CONSTRUCTION CO.	128.95	GLOBAL EQUIPMENT COMPANY
1138.34	HANSON TIRE SERVICE	131.96	INTERSTATE BATTERY SYSTEMS
283.30	LAWSON PRODUCTS, INC	193.14	LEEF BROS., INC.
133.10	THE LIGHTING CONNECTION	361.04	MANTEK
226.46	MISSISSIPPI WELDERS SUPPLY CO.	467.46	MOTOR SUPPLY COMPANY
208.02	NAPA AUTO PARTS	3803.08	NEWMAN TRAFFIC SIGNS
278.29	PERSINGER'S EQUIPMENT, INC.	518.52	PETROBLEND CORP.
291.46	PROLINE DIST., INC	387.44	RAK INDUSTRIES
2243.31	ROCHESTER SAND AND GRAVEL, INC	306.61	RONCO ENGINEERING SALES, I
105.79	DAVE SYVERSON FORD	861.52	TERMINAL SUPPLY CO.
8386.88	UNIVAR USA, INC	1688.20	ZACK'S, INC.
533.25	ZIEGLER, INC	926.55	3D SPECIALTIES, INC.
15 PAYMENTS LESS THAN \$100		697.91	
ROAD & BRIDGE FUND		\$32,641.19	* TOTAL

SOLID WASTE/RECYCLING FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
375.00	WALLACE BUSTAD	252.16	JOHNSON ELECTRIC
1071.35	THE LIGHTING CONNECTION	175.00	MOWER COUNTY FAIR BOARD
237.00	MOWER COUNTY SHOPPER	234.28	STAPLES CREDIT PLAN
427.12	WASTE MANAGEMENT OF SO MINNESO		
3 PAYMENTS LESS THAN \$100		81.14	
SOLID WASTE/RECYCLING FUND		\$2,853.05	* TOTAL

BUILDING FUND

AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
1501.25	JONES, HAUGH & SMITH, INC.		
0 PAYMENTS LESS THAN \$100		.00	
BUILDING FUND		\$1,501.25	* TOTAL

COMMISSIONERS' RECORD MOWER COUNTY, MINNESOTA

DITCH FUND			
AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
	1 PAYMENTS LESS THAN \$100	40.00	
DITCH FUND		\$40.00	* TOTAL
COUNTY LIBRARY FUND			
AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
4504.50	SOUTHEASTERN LIBRARIES COOP		
	0 PAYMENTS LESS THAN \$100	.00	
COUNTY LIBRARY FUND		\$4,504.50	* TOTAL
FAMILY CONNECTIONS			
AMOUNT	VENDOR NAME	AMOUNT	VENDOR NAME
480.00	AUSTIN MEDICAL CENTER ATTN:CAS		
	1 PAYMENTS LESS THAN \$100	39.53	
FAMILY CONNECTIONS		\$519.53	* TOTAL
****	FINAL TOTAL.....	\$142,337.94	****

Motion carried.

Motion made by Commissioner Ellingson, seconded by Commissioner Lang to approve the out of state travel request for Jeremy Clinefelter, Assistant County Attorney, to attend a trial course in South Carolina. The course expenses including course registration, travel and lodging are paid by the National District Attorneys Association. Motion carried.

One person from the public appeared before the board to voice his objection to a sales tax and increases in property taxes for the Judicial Center.

At this time a Public Hearing was held in regard to a new ordinance for the regulation of the sale of controlled dangerous substances used in the manufacture of METH. The new ordinance shall limit the purchase and sale of any drug product, mixture, or preparation containing pseudophedrine or phenylpropanolamine, or their salts, isomers or salts of isomers. County Attorney, Patrick Flanagan, reviewed the proposed ordinance and detailed the cold method of producing meth to demonstrate the need to limit the sale and purchase of these dangerous substances.

Five people spoke in favor of the new ordinance and no one spoke against.

Date: April 12, 2005

Ord. #01-05

Ordinance

On motion of Commissioner Ellingson, seconded by Commissioner Cummings, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held April 12, 2005 at the Courthouse, Austin, Minnesota.

WHEREAS, a Notice of Intention to consider a new ordinance of the Mower County Code by the Mower County Board of Commissioners was published in the Austin Daily Herald on April 1, 2005.

WHEREAS, the County Board held a public hearing on said ordinance on April 12, 2005.

BE IT ORDAINED that the following Ordinance of the Mower County Code be adopted as follows:

CHAPTER 16
AN ORDINANCE TO REGULATE THE SALE OF CONTROLLED DANGEROUS
SUBSTANCES

ARTICLE I. TITLE

SECTION 16.100 This Section shall be known as the Mower County Registration for Controlled Substance Ordinance

ARTICLE II. DEFINITIONS

SECTION 16.200 "Manufacturer" means any person within Mower County, Minnesota who produces, compounds, packages, or in any manner initially prepares for sale or use, any drug product described in this section.

SECTION 16.210 "Wholesaler" means any person within Mower County, Minnesota, other than a manufacturer, who sells, transfers, or in any manner furnishes a drug product in this section to any other person in Mower County, Minnesota for the purpose of being resold.

SECTION 16.220 "Distributor" means any person within Mower County, Minnesota, other than a manufacturer or wholesaler, who sells, delivers, transfers, or in any manner furnishes a drug product described in this section to any person.

SECTION 16.230 "Readily retrievable" means available for inspection without prior notice at the registration address if that address is within Mower County, Minnesota.

SECTION 16.240 "Business day" means a twenty-four (24) hour period on a specific calendar day; twelve o'clock a.m. (12:00 a.m.) until eleven o'clock and fifty-nine minutes p.m. (11:59 p.m.).

SECTION 16.250 "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.

ARTICLE III. PROHIBITED CONDUCT

SECTION 16.300 No person shall purchase, receive, or otherwise acquire more than six (6) grams of any drug product, mixture, or preparation containing pseudoephedrine or phenylpropanolamine, or their salts, isomers, or salts of isomers within any business day.

SECTION 16.310 No person shall sell any drug product, mixture, or preparation containing pseudoephedrine or phenylpropanolamine, or their salts, isomers, or salts of isomers to a person under the age of eighteen (18) years.

SECTION 16.320 This limit shall not apply to any quantity of such drug product, mixture or preparation containing pseudoephedrine or phenylpropanolamine, or their salts, isomers, or salts of isomers dispensed pursuant to a valid prescription.

SECTION 16.330 This section does not apply to compounds, mixtures, or preparations which are in liquid, liquid capsule, or gel capsule form if pseudoephedrine is not the only active ingredient.

ARTICLE IV. DISTRIBUTION AND PURCHASE REQUIREMENTS

SECTION 16.400 Any wholesaler, manufacturer, or distributor of drug products containing pseudoephedrine or phenylpropanolamine, or their salts, isomers, or salts of isomers shall keep complete records of all transactions involving such drug products including the date of transaction, the names of all parties involved in the transaction and amount of the drug products involved.

SECTION 16.410 Any wholesaler, manufacturer, or distributor of drug products containing pseudoephedrine or phenylpropanolamine, or their salts, isomers, or salts of isomers shall ensure that all such products are:

- (a) behind a checkout counter where the public is not permitted; or
- (b) inside a locked display case requiring the assistance of an employee for retrieval; or

SECTION 16.420 Any person purchasing, receiving, or otherwise acquiring any compound, mixture, or preparation shall produce a photo identification showing the date of birth of the person and shall sign a written log, receipt or other program or mechanism showing the date of the transaction, name of the person, and the amount of the compound, mixture or preparation.

SECTION 16.430 The records, logs, programs and mechanisms referred to in this section shall be kept readily retrievable and separate from all other invoices or records of transactions not involving such drug products, and shall be maintained for not less than three (3) years.

SECTION 16.440 The information required by this section shall be confidential and shall not be open to the public. Access shall be limited to:

- (a) State certified Peace Officers;
- (b) The United States Drug Enforcement Administration;
- (c) The Board of Podiatric Medical Examiners;
- (d) The Board of Dentistry;
- (e) The Board of Pharmacy;
- (f) The State Board of Medical Licensure and Supervision;

- (g) The State Board of Osteopathic Examiners; and
- (h) The State Board of Veterinary Medical Examiners.
- (i) The County Coroner

SECTION 16.450 This section shall not prevent the disclosure of investigative information to peace officers and investigative agents of federal, state, county or municipal law enforcement agencies, county attorneys and the Attorney General in furtherance of criminal investigations or prosecutions within their respective jurisdictions and to registrants in furtherance of efforts to guard against the diversion of controlled dangerous substances.

ARTICLE V. PENALTY

SECTION 16.500 The person who is convicted of this section is guilty of a misdemeanor, punishable by a fine of \$1,000.00, 90 days in jail or both.

ARTICLE VI. DEFENSES

SECTION 16.600 It is an affirmative defense to a charge under this section if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6 of Minnesota Statutes.

ARTICLE VII. EFFECTIVE DATE

SECTION 16.700 This ordinance shall become effective May 1, 2005.

Passed and approved this 12th day of April, 2005 as amended by the following motion passed prior to adopting this ordinance in reference to the effective date.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Ellingson to amend the proposed ordinance revising the effective date from September 1, 2005 to May 1, 2005. Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Ellingson to adjourn the meeting at 11:56 until April 26, 2005 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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