



STEELE COUNTY BOARD OF COMMISSIONERS WORK SESSION AGENDA

Administration Center - 630 Florence Avenue – Owatonna, MN 55060

*Steele County's Mission:
Driven to deliver quality services in a respectful and fiscally responsible way.*

TUESDAY, FEBRUARY 27, 2024 AT 3:00 PM
County Boardroom, Steele County Administration Center

Agenda

1. Call to Order
2. Fairgrounds Easement for City Trail (pg. 2)
3. Public Land Survey System (PLSS) Monument Grant Application (n/a)
4. Other Business

Presentation:

Steele County Historical Society (pg. 12)
Jennifer Thiele, Executive Director

Tobacco & Cannabis Ordinances/Policies (pg. 30)
Gabrielle Alvarado, Health Educator-Public Health

Adjourn

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Steele County Board of Commissioners. This document does not claim to be complete and is subject to change.



Steele County Agenda Item

Request for Board Action

Subject: Fairgrounds Easement for City Trail

Department: Administration Office

Committee: Choose an item.

Committee Meeting Date: Enter a date.

Work Session Date: February 27, 2024

Board Meeting Date: February 27, 2024

Consent Agenda: ☐ Yes ☐ No

Resolution: ☐ Yes ☐ No

Policy Committee Recommendation:

Enter the recommendation from the Committee to the Board of Commissioners. This must be filled out for all Board Meeting agenda items. If the item did not go to a committee list as “N/A” or a reason why.

Recommendation:

Approve easement and authorize Administrator to sign, subject to legal review.

Background (*Including Budget Impact*):

The City of Owatonna is proposing a trail extension along the north side of 18th Street SE on the Fairgrounds property that is scheduled to be completed by the end of 2024. In order to construct this trail the City would need a temporary and perpetual easement from Cedar Avenue to Austin Road (see attached map). The County and City public works departments and Ag Society members met on January 30th to discuss the project as it relates to the south end of the track area, which will have to be removed. The City has committed to splitting in-kind services/contributions with the County to remove the south end track and to provide topsoil for the hydroseeding portion of the project.

Attachments:

Easement

Right-of-Way Parcel Map



February 23, 2024

Steele County Board of Commissioners
630 Florence Avenue
Owatonna, MN 55060

Subject: City of Owatonna - 18th Street Trail Easement Request

Dear Steele County Board of Commissioners,

The City of Owatonna has been working for trail expansion for decades and the 18th Street Trail from Linn Avenue to Austin Road is the next step. The project has been in the works since 2020 and received a significant boost when the project was awarded \$579,684 in FHWA funds through the State's Transportation Alternatives Program. The County provided a letter of support for the project in our application to the TA Program, so thanks again for your support.

Through project planning and plan development, easements were found to be needed from Steele County property. The temporary and perpetual easements are needed to facilitate trail construction and avoid significant street reconstruction. The majority of the perpetual easement requested is part of a previous request the City believes was never officially documented. This was during the reconstruction of 18th SE in 1987. Part of that project constructed the parking and loading zone adjacent to the Fairgrounds Park Softball Diamonds.

The City truly values the great working relationship we have with Steele County and has enjoyed the longstanding partnership at the Fairgrounds. We respectfully request approval of the attached easements and to be donated to the City for the great benefit this trail and future extension will provide.

Thank you again for your partnership with this project.

A handwritten signature in blue ink, appearing to read "Sean Murphy".

Sean Murphy, PE
Public Works Director

CITY OF OWATONNA EASEMENT

Project Number: 23002
MSAS or Street: 18th Street SW
PID Number: 17-015-3301

Name of Owner(s): Steele County
630 Florence Avenue
PO Box 890
Owatonna, MN 55060

Grant of Easements

Steele County, a government agency, “Grantors”, in consideration of (\$0.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby grant unto the City of Owatonna, the Grantee, hereinafter referred to as the “City”, its successors and assigns, the following easements:

1. A perpetual easement for public trail, drainage, and parking purposes over, on, across, under, and through the land situated in the County of Steele, State of Minnesota, as legally described on the attached Exhibit A, including the rights of the City, its contractors, agents, servants, and assigns, to enter upon the perpetual easement premises at all reasonable times to construct, reconstruct, inspect, repair, and maintain said public trail, drainage, and parking systems over, across, on, under, and through the perpetual easement premises, together with the right to grade, level, fill, construct, operate, maintain, use, alter, repair and remove a public trails, sidewalks, storm sewers, sanitary sewers, other public facilities or utilities, boulevards and appurtenances, including for drainage and utility purposes and for other public and/or quasi-public uses, and excavate the perpetual easement premises. The Grantors further convey all trees, bushes, undergrowth, and other obstructions within the permanent easement along with the right to

2. Temporary construction easements over, across, on, under, and through the land situated in the County Steele, State of Minnesota, as legally described on the attached Exhibit B. To have and to hold the same, unto the City, its contractors, agents, servants and assigns, commencing upon the execution of this document and expiring December 1, 2025, together with the right of ingress to and egress from the temporary easement premises, for the purpose of constructing, reconstructing, inspecting, repairing, and maintaining the property of the City, at the will of the City, its successors and assigns. Grantors hereby grant the uses herein specifies without divesting themselves of the right to use and enjoy the above-described temporary easement premises, subject only to the right of the City to use the same for the purposes herein expressed.

IN TESTIMONY WHEREOF, the Grantor hereto has signed this document this _____ day of _____, 2024.

By: _____

[illegible]

The foregoing instrument was acknowledged before ne this ____ day of _____.
20__, by Steele County, a government agency, Grantors.

Notary Public

This instrument was drafted by: City of Owatonna Engineering Department
540 West Hills Circle
Owatonna, MN 55060

EXHIBIT A

City Project 23002

PID 17-015-3301

Commencing at the Southwest Corner of the Southwest Quarter of Section 15, Township 107 North, Range 20 West, Steele County, Minnesota; thence North 00 degrees 26 minutes 54 seconds East (Note: All bearings are based on the Steele County Coordinate System, NAD'83, Adjusted 2011), along the west line of said Section 15, 33.00 feet; thence South 88 degrees 46 minutes 06 seconds East, 50.00 feet to a point on the easterly right-of-way line of South Cedar Avenue and the Point of Beginning; thence North 00 degrees 26 minutes 54 seconds East along said easterly right-of-way line, 6.59 feet; thence South 88 degrees 44 minutes 20 seconds East, 1292.39 feet; thence northeasterly 27.29 feet along a tangential curve, concave northerly having a radius of 50.00 feet, a central angle of 31 degrees 16 minutes 10 seconds, a chord bearing North 75 degrees 37 minutes 35 seconds East, and a chord length of 26.95 feet; thence northeasterly 35.39 feet along a tangential curve, concave southerly having a radius of 65.00 feet, a central angle of 31 degrees 11 minutes 54 seconds, a chord bearing North 75 degrees 35 seconds 27 seconds East, and a chord length of 34.96 feet; thence South 88 degrees 48 minutes 36 seconds East, 1112.01 feet; thence southeasterly 28.15 feet along a tangential curve, concave southerly having a radius of 40.00 feet, a central angle of 40 degrees 19 minutes 32 seconds, a chord bearing South 68 degrees 38 minutes 51 seconds East, and a chord length of 27.57 feet; thence southeasterly 27.79 feet along a tangential curve, concave northerly having a radius of 40.00 feet, a central angle of 39 degrees 48 minutes 21 seconds, a chord bearing South 68 degrees 23 minutes 15 seconds East, and a chord length of 27.23 feet; thence South 88 degrees 17 minutes 26 seconds East, 27.85 feet to the westerly right-of-way line of Austin Road; thence South 00 degrees 48 minutes 20 seconds West along said westerly right-of-way line, 4.21 feet to the southerly right-of-way line of Southeast 18th Street; thence North 88 degrees 46 minutes 06 seconds West along said southerly right-of-way line, 2543.24 feet to the Point of Beginning and there terminating.

Containing 35,119 square feet, more or less.

EXHIBIT B

City Project 23002

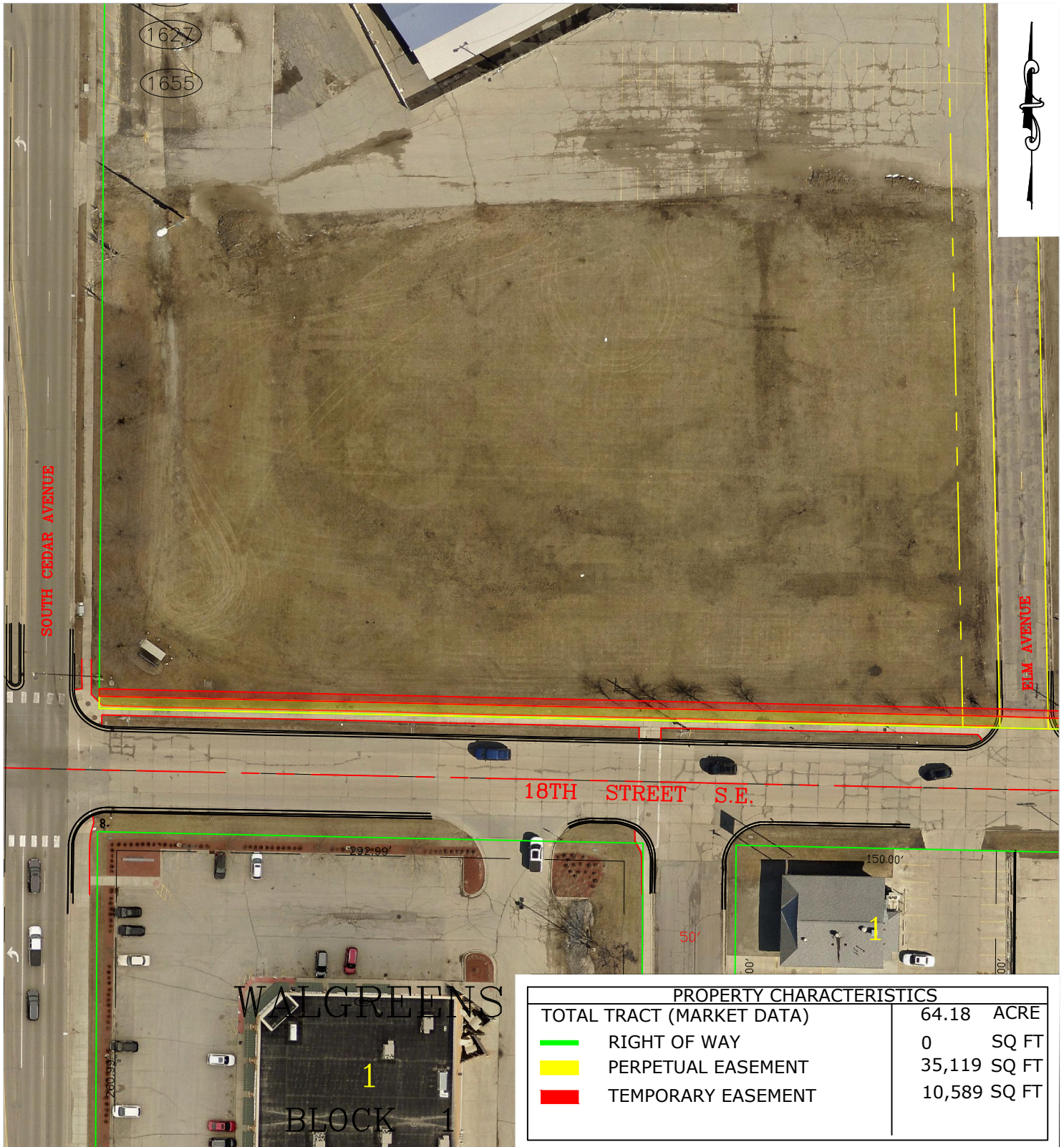
PID 17-015-3301

Commencing at the Southwest Corner of the Southwest Quarter of Section 15, Township 107 North, Range 20 West, Steele County, Minnesota; thence North 00 degrees 26 minutes 54 seconds East (Note: All bearings are based on the Steele County Coordinate System, NAD'83, Adjusted 2011), along the west line of said Section 15, 33.00 feet; thence South 88 degrees 46 minutes 06 seconds East, 50.00 feet to a point on the easterly right-of-way line of South Cedar Avenue; thence North 00 degrees 26 minutes 54 seconds East, along said easterly right-of-way line, 6.59 feet to the Point of Beginning; thence continuing along said easterly right-of-way line North 00 degrees 26 minutes 54 seconds East, 4.00 feet; thence South 88 degrees 44 minutes 20 seconds East, 1297.38 feet; thence northeasterly 19.68 feet along a non-tangential curve, concave northerly having a radius of 48.02 feet, a central angle of 23 degrees 28 minutes 51 seconds, a chord bearing North 72 degrees 42 minutes 42 seconds East, and a chord length of 19.54 feet; thence North 00 degrees 26 minutes 07 seconds East, 10.15 feet; thence South 88 degrees 52 minutes 14 seconds East, 1161.08 feet; thence southeasterly 45.57 feet along a non-tangential curve, concave northerly having a radius of 59.98 feet, a central angle of 43 degrees 31 minutes 54 seconds, a chord bearing South 59 degrees 10 minutes 19 seconds East, and a chord length of 44.49 feet; thence South 88 degrees 24 minutes 09 seconds East, 27.80 feet to a point on the westerly right-of-way line of Austin Road; thence South 00 degrees 48 minutes 20 seconds West along said westerly right-of-way line, 2.00 feet; thence North 88 degrees 17 minutes 26 seconds West, 27.85 feet; thence northwesterly 27.23 feet along a tangential curve, concave northerly having a radius of 40.00 feet, a central angle of 39 degrees 48 minutes 21 seconds, a chord bearing North 68 degrees 23 minutes 15 seconds West, and a chord length of 27.23 feet; thence northwesterly 28.15 feet along a tangential curve, concave southerly having a radius of 40.00 feet, a central angle of 40 degrees 19 minutes 32 seconds, a chord bearing North 68 degrees 38 minutes 51 seconds West, and a chord length of 27.57 feet; thence North 88 degrees 48 minutes 36 seconds West, 1112.01 feet; thence southwestwesterly 35.39 feet along a tangential curve, concave southerly having a radius of 65.00 feet, a central angle of 31 degrees 11 minutes 54 seconds, a chord bearing South 75 degrees 35 minutes 27 seconds West, and a chord length of 34.96 feet; thence southwestwesterly 27.29 feet along a tangential curve, concave northerly having a radius of 50.00 feet, a central angle of 31 degrees 16 minutes 10 seconds, a chord bearing South 75 degrees 37 minutes 35 seconds West, and a chord length of 26.95 feet; thence North 88 degrees 44 minutes 20 seconds West, 1292.39 feet; to the Point of Beginning and there terminating.

Containing 10,589 square feet, more or less.

RIGHT OF WAY PARCEL LAYOUT

S.A.P.: 153-090-002
PROJECT: 23002 - 18TH STREET TRAIL
OWNER: STEELE COUNTY SCALE: 1"=75'
ADDRESS: 1440 ELM AVE S 55060 PARCEL ID: 17-015-3301



PROPERTY CHARACTERISTICS		
TOTAL TRACT (MARKET DATA)	64.18	ACRE
RIGHT OF WAY	0	SQ FT
PERPETUAL EASEMENT	35,119	SQ FT
TEMPORARY EASEMENT	10,589	SQ FT

LAYOUT SKETCH BY : M. SCHWERING

DATE : 1/4/2024

PARCEL NO. : _____

RIGHT OF WAY PARCEL LAYOUT

S.A.P.: 153-090-002

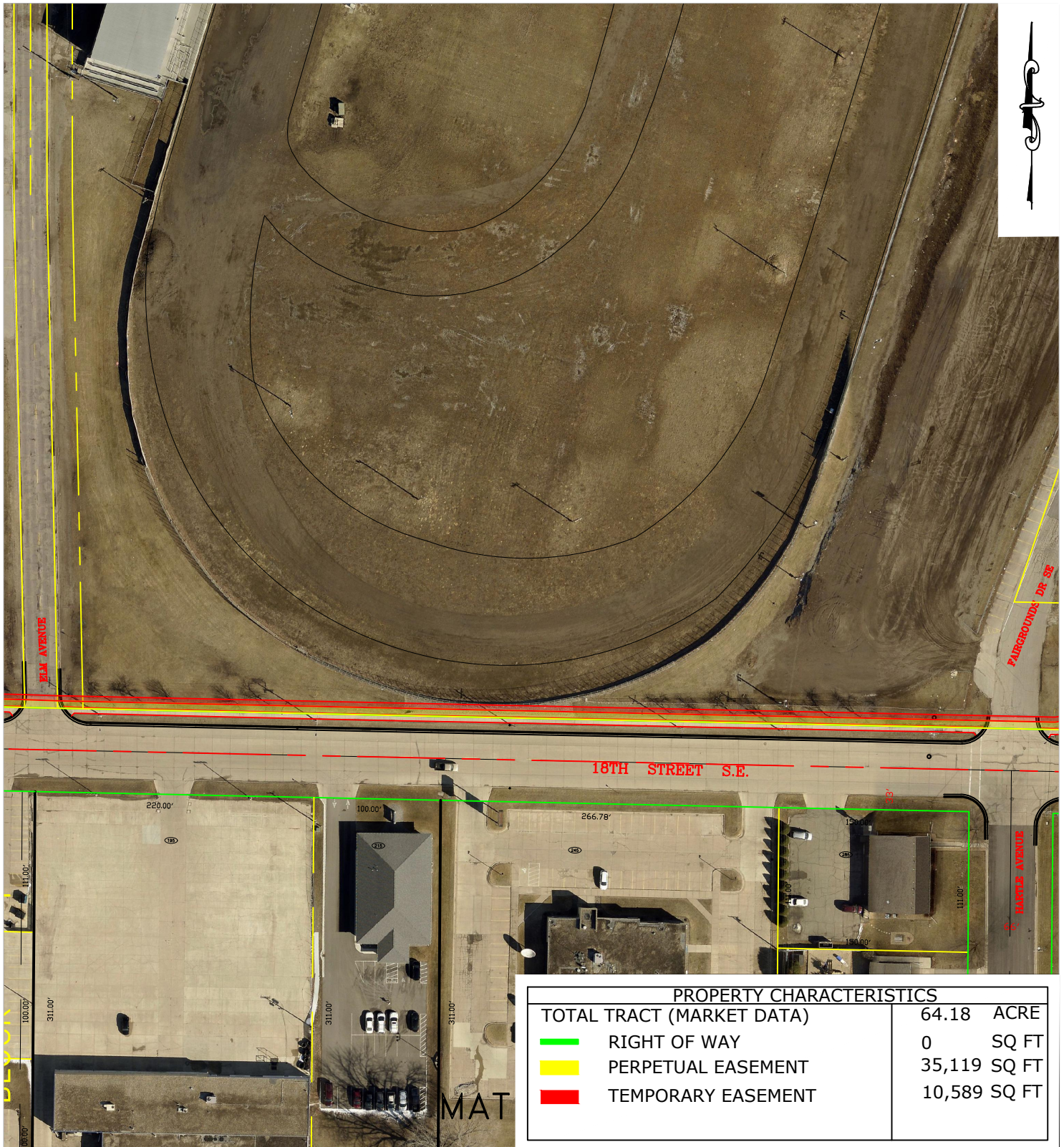
PROJECT: 23002 - 18TH STREET TRAIL

OWNER: STEELE COUNTY

ADDRESS: 1440 ELM AVE S 55060

SCALE: 1"=110'

PARCEL ID: 17-015-3301



PROPERTY CHARACTERISTICS

TOTAL TRACT (MARKET DATA)	64.18	ACRE
RIGHT OF WAY	0	SQ FT
PERPETUAL EASEMENT	35,119	SQ FT
TEMPORARY EASEMENT	10,589	SQ FT

LAYOUT SKETCH BY : M. SCHWERING

DATE : 1/4/2024

PARCEL NO. :

RIGHT OF WAY PARCEL LAYOUT

S.A.P.: 153-090-002

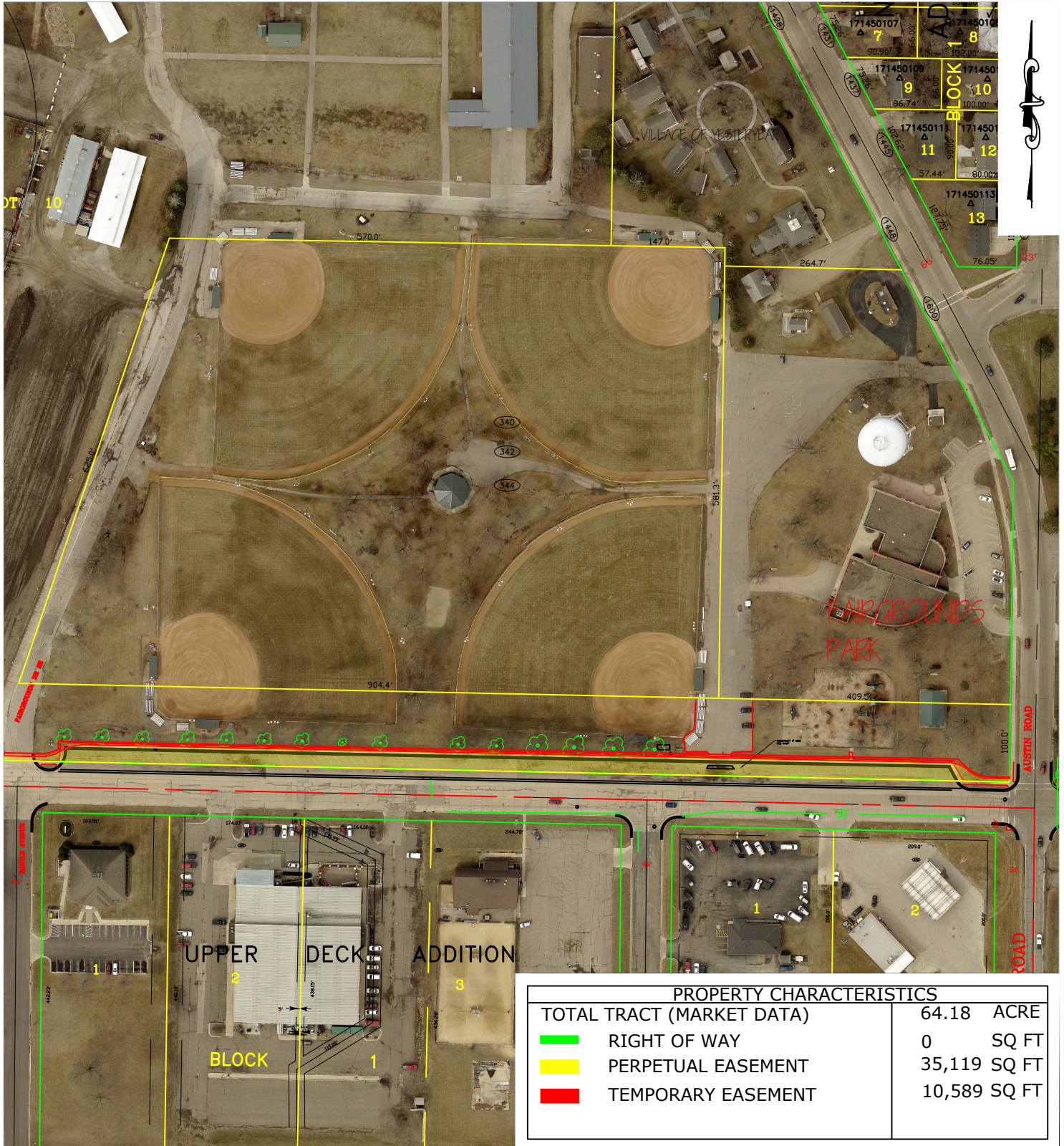
PROJECT: 23002 - 18TH STREET TRAIL

OWNER: STEELE COUNTY

ADDRESS: 1440 ELM AVE S 55060

SCALE: 1"=180"

PARCEL ID: 17-015-3301



PROPERTY CHARACTERISTICS		
TOTAL TRACT (MARKET DATA)	64.18	ACRE
RIGHT OF WAY	0	SQ FT
PERPETUAL EASEMENT	35,119	SQ FT
TEMPORARY EASEMENT	10,589	SQ FT

LAYOUT SKETCH BY : M. SCHWERING

DATE : 1/4/2024

PARCEL NO. : _____

2024 Budget

Section #	Section	2024
4000	Income	
4100	Earned Income	
4110	Gift Store Sales	
	4111- consignment sales	\$1,800.00
	4112- SCHS merchandise	\$8,750.00
	4114- Vintage & Plant Sale	\$0.00
	4110- Gift Store Sales-other	\$450.00
	Total 4110- Gift Store Sales	\$11,000.00
4120	Membership	
	4121- Business Membership \$85	\$680.00
	4122- Family- 1yr, \$65	\$6,012.50
	4123- Family - 3yr, \$185	\$4,255.00
	4124- Individual- 1yr, \$40	\$1,240.00
	4125- Individual- 3yr, \$110	\$1,650.00
	4126- Individual Senior, \$35	\$6,475.00
	4120 Membership- other	
	Pioneer, \$125	\$750.00
	Settler, \$250	\$500.00
	Trailblazer, \$500	\$1,000.00
	Total 4120 Membership-other	\$0.00
	Total 4120-membership	\$22,562.50
4130	Admission and Tours	
	4136-Orphanage	\$2,550.00
	4131-History Center	\$0.00
	4132- Village	\$1,500.00
	4133- Full Campus	\$0.00
	4134- Step Back in Time	\$550.00
	Total 4130-Admission and Tours	\$4,600.00
4140	Programming (Mission)	
	4141- Programming sponsorships	\$8,050.00
	4142- programming tickets/ registration	\$8,000.00
	4143- program food and beverage	\$0.00
	4144- program bar sales	\$0.00
	4146- merchandise	\$0.00
	4140- programming (mission) other	\$8,550.00
	Total 4140-Programming (Mission)	\$24,600.00

4150	GAR Center Services	
	4154- collections care	\$0.00
	4151- GAR Services	\$250.00
	4152- Photographs and Copies	\$775.00
	4153-Donations to GAR	\$550.00
	4150- GAR Center Services- Other	\$0.00
	Total 4150- GAR Center Services	\$1,575.00
4160	Rentals	
	4161- History Center	\$15,700.00
	4163- Food and Beverage Sales	\$300.00
	4165- Village	\$2,000.00
	Total 4160-Rentals	\$18,000.00
	Total Earned Income	\$82,337.50
4210	Events (Fundraising)	
	4211- Event Sponsorship	\$9,000.00
	4212- Event Ticket and Admission	\$14,500.00
	4213- Event Food and Beverage	\$9,250.00
	4214- Event Bar Sales	\$1,700.00
	4215- Event Donation	\$700.00
	4216- Event merchandise	\$450.00
	4210- Events- Fundraising - other	\$0.00
	Total 4210 Events (Fundraising)	\$35,600.00
4220	Grants and Appropriations	
	4221-Township	\$0.00
	4226-Foundation/corporation	\$42,298.70
	4222- City	\$5,000.00
	4223- County	\$8,000.00
	4224- State	\$14,500.00
	Total 4220 Grants and Appropriations	\$69,798.70
4230	Sponsorship	
	4231- Exhibit sponsorship	\$5,750.00
	4232- Newsletter sponsorship	\$7,500.00
	4233- Village Building sponsorship	\$8,450.00
	4234- Other sponsorship	\$0.00
	Total 4230 Sponsorship	\$21,700.00
4240	Annual Fund	
	4247- donation jar, orphanage	\$6,000.00
	4245- designated	\$1,375.00

	4241 & 4242- annual appeal & undesignated	\$55,500.00
	4242- undesignated	
	4243- give to the max day (state program- no cont	\$0.00
	4244- memorials	\$6,500.00
	4246- donation jar	\$1,850.00
	4240- annual fund- other	\$0.00
	Total 4240 Annual Fund	\$71,225.00
	Total Contributed Income	\$198,323.70
4300	Other Income	
4310	Interest	
	4311- United Prairie Bank	\$25.00
	4310- Interest-Other	\$75.00
	Total 4310- Interest	\$100.00
4320	Investments	
	4325- Gain (loss) on Investment sales	\$0.00
	4321- Degner Trust Distribution	\$102,612.00
	4322- Legacy Fund Distribution	\$21,600.00
	4329- Dividends	\$122.00
	Total 4320- Investments	\$124,334.00
4330	Miscellaneous	
	4331- Cash over (short)	\$0.00
	4330- Miscellaneous-other	\$0.00
	Total 4330- Miscellaneous	\$0.00
	Total Other Income	\$124,434.00
4400	Non Operational Income	
4410	Event- Gus' Car Show	
	4111- Sponsorship	
	4413- Food and Beverage Sales	
	4414- Gus'Car Show/ Cruise	
	Total 4410- Event- Gus' Car Show	\$0.00
4420	Collections/ Deaccession Income	
	4421- deaccession income sale of item	\$500.00
	4420- collections/deaccession income-other	\$0.00
	Total 4420 Collections/ deaccession income	\$500.00
4430	Non-Operational Restricted	
	4431- Donations to Legacy Fund 53660	\$7,500.00

	4432- Restricted Donations	\$1,500.00
	4430- Non-Operational Restricted- Other	\$0.00
	4440- Donations to Children Remember	\$2,500.00
	Total 4430- Non-Operational Restricted	\$11,500.00
	Total 4400- Non-Operational Income	\$12,000.00
4900	Released and In Kind	
	4940- In Kind Donations	
	4943- Printing	\$1,350.00
	4945- window cleaning	\$800.00
	4947- other	\$100.00
	4940- In Kind Donations- other	\$0.00
	Total 4900- In Kind Donations	\$2,250.00
	Total Released and In Kind	\$2,250.00
	Gross Profit	\$419,345.20
5000	Expenses	
5100	Administration	
5110	Salaries and Wages	
	5110- Salaries and Wages	
	5111-5111	\$173,320.60
	Bookkeeper	\$19,416.00
	Assistant OM Manager	\$16,640.00
	Future tbd position	
	5114- Staff gifts and honorariums	\$0.00
	5113- non-grant contract labor	\$0.00
	5112- payroll tax (abv)	\$14,000.00
	Health Insurance	\$7,623.60
	Total 5110- Salaries and Wages	\$231,000.20
5120	Board and Volunteer Management	
	5121- Board Development	\$0.00
	5122- Board Retreat	\$0.00
	5123- Volunteer Support/ Recognition	\$150.00
	5124- Volunteer Events	\$325.00
	5125- Name Tags and Apparel	\$100.00
	5120- Board and Volunteer Mgt.- Other	\$0.00
	Total 5120- Board and Volunteers Mgt.	\$575.00
5130	Professional Services	
	5131- Accounting	\$9,500.00
	5132- Bank and Payroll Fees	\$3,000.00

	5134- Insurance	\$26,000.00
	5135- Legal	\$0.00
	Total 5130- Professional Services	\$38,500.00
5140	Miscellaneous Expenses	
	5141- Office supplies	\$2,400.00
	5142- Postage and Shipping	\$1,750.00
	5143- Licenses and Subscriptions	
	5143a- Orphanage	\$170.00
	5143- Licenses and Subscriptions- other	\$2,050.00
	5144- CRM Software	\$0.00
	5140- Miscellaneous Expenses- Other	\$0.00
	Total 5140- Miscellaneous Expenses	\$6,370.00
5150	Information Technology	
	5151- Computers and Equipment	\$4,250.00
	5152- Equipment Lease	\$1,950.00
	5153- Software as Service	\$60.00
	5156- IT Support	\$14,400.00
	Total 5150- Information Technology	\$20,660.00
5160	Professional Development	
	5161-Dues & Membership	\$960.00
	5162- Conference and Workshops	\$750.00
	5164- Mileage Expense	\$125.00
	Total 5160- Professional Development	\$1,835.00
5100	Administration- Other	\$0.00
	Total Administration	\$298,940.20
5200	Occupancy	
5210	Utilities	
	5211- Dunnell House	\$6,850.00
	5212- History Center	\$25,250.00
	5213- Phone and Internet	\$4,150.00
	5214- Village	\$1,525.00
	Total 5210- Utilities	\$37,775.00
5220	Rental Expense	
	5221- Food and Beverage Service	\$0.00
	5223-Deputy Services	\$200.00
	5220- Rental Expense- Other	\$0.00
	Total 5220- Rental Expense	\$200.00
5230	Building Maintenance	
	5231- HVAC	\$4,725.00

	5232- Fire Extinguishers	\$200.00
	5233- Fire Suppression System Inspect	\$2,950.00
	5234- Janitorial	\$3,500.00
	5235- Garbage and Recycling	\$1,340.00
	5236- Security	\$2,163.00
	5237- Pest Control	\$1,205.00
	5239- Miscellaneous	\$750.00
	5230- Building Maintenance- Other	\$0.00
	Total 5230- Building Maintenance	\$16,833.00
5240	Site Interior Maintenance	
	5243- Hardware	\$852.00
	5244- Kitchen Equipment	\$750.00
	5245- Lighting	\$620.00
	5240- Site Interior Maintenance-Other	\$0.00
	Total 5240- Site Interior Maintenance	\$2,222.00
5250	Village Buildings	
	5257- Brick Paver	\$75.00
	5251 Dunnell House	\$2,500.00
	5252- Log Cabins	\$0.00
	5253- Other Village Buildings	\$5,000.00
	5258- Other Village Items	\$150.00
	5259- Boardwalk	\$650.00
	Total 5250- Village of Yesteryear	\$8,375.00
5260	Grounds Maintenance	
	5261- Mowing	\$1,700.00
	5262- Snow removal	\$4,750.00
	5263- signs	\$175.00
	5264- gardens and plants	\$750.00
	5265- grounds maintenance other	\$0.00
	Total 5260- Grounds maintenance	\$7,375.00
	Total 5200- Occupancy	\$72,780.00
5300	Programming	
5310	Gift Shop	
	5314- Orphanage Merchandise	\$2,500.00
	5311- Museum Store Supplies	\$150.00
	5313- Consignment fees paid	\$1,450.00
	5312- Museum Store Merchandise	\$850.00
	5310- Museum Store-other	\$0.00
	Total 5310- Gift Shop	\$4,950.00

5320	Mission Driven Programming	
	5321- advertising	\$75.00
	5322- cost of food	\$3,500.00
	5324-entertainment	\$1,200.00
	5325- supplies	\$625.00
	5326- program printing	\$0.00
	5327- speaker fees	\$0.00
	5328- rental fees	\$1,800.00
	5320- mission drive programs-other	\$400.00
	Total 5320- Mission Driven Programming	\$7,600.00
5330	Fundraising Events	
	5331- event advertising	\$175.00
	5332- event cost of food	\$7,000.00
	5333- event cost of bar	\$450.00
	5334- event entertainment	\$2,300.00
	5335- event supplies	\$1,050.00
	5336- event printing fees	\$200.00
	5338- event rental and permit fees	\$275.00
	5339- boardwalk plank expense	\$350.00
	5330-fundraising events-other	\$0.00
	Total 5330- Fundraising Events	\$11,800.00
5340	Collections	
	5341- Archival supplies	\$250.00
	5343- collections contract labor	\$0.00
	5344- conservation treatments	\$0.00
	5345- artifact purchase	\$0.00
	Total 5340- Collections	\$250.00
5350	Exhibits	
	5357.5-Project Fund	\$0.00
	5352- Exhibit research travel	\$0.00
	5353- exhibit construction materials	\$750.00
	5354- exhibit printing	\$3,250.00
	5355- exhibit technology	\$500.00
	5356- exhibit supplies	\$1,200.00
	Total 5350- Exhibit	\$5,700.00
5360	GAR & Oral Histories	
	5361- GAR Office Supplies	\$80.00
	5362- GAR Technology Expenses	\$275.00
	Total 5360- GAR and Oral Histories	\$355.00

5370	Printing	
	5371- Newsletter	\$7,500.00
	5372- Annual Appeal	\$45.00
	5374- Brochures	\$1,200.00
	5375- Printing, other	\$2,250.00
	5370-Printing- other	\$0.00
	Total 5370- Printing	\$10,995.00
5380	Marketing	
	5381- print advertising	\$4,750.00
	5382- broadcast advertising	\$850.00
	5383- social media	\$0.00
	5384- content creation	\$100.00
	5380- marketing-other	\$0.00
	Total 5380- Marketing	\$5,700.00
5390	Grant Expenses	
	Total 5300 Programming	\$47,350.00
5600	Non Operational Expense	
	5615- Jerry's Mural	\$0.00
	5610- Non-Op Event-Gus' Car Show	\$0.00
	5611- Marketing	\$0.00
	5612- Food Costs	\$0.00
	5613- Other Costs	\$0.00
	5620- Service Bay	\$275.00
	5610- Non-Op Event- Gus' Car Show- Other	\$0.00
	Total 5610- Non-Op Event- Gus' Car Show- Other	\$275.00
	5600- Non-Operational Expense- Other	\$0.00
	Total 5600 Non-Operational Expense	\$275.00
	Total 5000- Expenses	\$419,345.20
6100	Depreciation Expense	\$0.00
	Total Expense	\$419,345.20
	Net Ordinary Income	\$0.00

Steele County Historical Society

Profit & Loss Prev Year Comparison

December 2023

	Dec 23	Dec 22
Ordinary Income/Expense		
Income		
4000 · INCOME		
4100 · EARNED INCOME		
4110 · Gift Store Sales		
4111 · Consignment Sales	646.00	352.00
4112 · SCHS Merchandise	360.25	458.72
4110 · Gift Store Sales - Other	51.84	11.08
Total 4110 · Gift Store Sales	1,058.09	821.80
4120 · Membership		
4121 · Business Membership	0.00	235.57
4122 · Family - 1 yr	61.51	448.02
4124 · Individual - 1yr	40.00	37.54
4125 · Individual - 3 yr	0.00	105.00
4126 · Individual Senior	170.60	167.80
Total 4120 · Membership	272.11	993.93
4130 · Admission & Tours		
4136 · Orphanage	0.00	174.00
Total 4130 · Admission & Tours	0.00	174.00
4140 · Programming (Mission)	100.00	0.00
4150 · GAR Center Services		
4152 · Photographs & Copies	20.00	0.00
Total 4150 · GAR Center Services	20.00	0.00
4160 · Rentals		
4161 · History Center	1,150.00	1,110.00
4165 · Village	0.00	200.00
Total 4160 · Rentals	1,150.00	1,310.00
Total 4100 · EARNED INCOME	2,600.20	3,299.73
4200 · CONTRIBUTED REVENUE		
4210 · Events - Fundraising		
4211 · Event Sponsorship	300.00	1,800.00
4212 · Event Tickets and Admission	130.00	215.00
4213 · Event Food and Beverage	0.00	2,610.44
4215 · Event Donations	455.00	0.00
4216 · Event Merchandise	58.00	0.00
Total 4210 · Events - Fundraising	943.00	4,625.44
4220 · Grants & Appropriations		
4223 · County	0.00	4,000.00
4224 · State	0.00	11,870.01
Total 4220 · Grants & Appropriations	0.00	15,870.01
4230 · Sponsorship		
4233 · Village Building Sponsorship	5,000.00	6,000.00
Total 4230 · Sponsorship	5,000.00	6,000.00
4240 · Annual Fund		
4247 · Donation Jar, Orphanage	560.56	1,067.00
4245 · Designated	0.00	50.00
4241 · Annual Appeal	2,111.88	85,714.28
4242 · Estate Gifts	269.82	110,553.00
4244 · Memorials	1,680.00	530.00
4246 · Donation jar	787.54	25.96
Total 4240 · Annual Fund	5,409.80	197,940.24

Steele County Historical Society

Profit & Loss Prev Year Comparison

December 2023

	Dec 23	Dec 22
Total 4200 · CONTRIBUTED REVENUE	11,352.80	224,435.69
4300 - OTHER INCOME		
4310 · Interest		
4311 · United Prairie Bank	0.00	2.08
4310 · Interest - Other	17.96	0.00
Total 4310 · Interest	17.96	2.08
4320 · Investments		
4321 · Degner Trust Distribution	8,955.83	9,192.00
4322 · Legacy Fund Distribution	2,500.00	1,800.00
Total 4320 · Investments	11,455.83	10,992.00
4330 · Miscellaneous		
4331 · Cash Over (Short)	-2.24	-2.75
Total 4330 · Miscellaneous	-2.24	-2.75
Total 4300 - OTHER INCOME	11,471.55	10,991.33
4400 - NON OPERATIONAL INCOME		
4410 · Event - Gus' Car Show		
4411 · Sponsorship	500.00	0.00
Total 4410 · Event - Gus' Car Show	500.00	0.00
4430 · Non-Operational Restricted		
4440 · Donations to Children Remember	25,035.00	0.00
4431 · Donations to Legacy Fund 53660	13,150.00	21,025.00
4430 · Non-Operational Restricted - Other	0.00	0.00
Total 4430 · Non-Operational Restricted	38,185.00	21,025.00
Total 4400 - NON OPERATIONAL INCOME	38,685.00	21,025.00
Total 4000 · INCOME	64,109.55	259,751.75
Total Income	64,109.55	259,751.75
Gross Profit	64,109.55	259,751.75
Expense		
5369 · Grant Expense- Memory Cafe	102.96	0.00
5000 · EXPENSES		
5100 · ADMINISTRATION		
5110 · Salaries & Wages		
5112 · Payroll Tax		
MN UI	37.76	22.29
Federal Payroll Taxes	1,444.13	482.83
Total 5112 · Payroll Tax	1,481.89	505.12
5113 · Non-grant Contract Labor	0.00	1,687.50
5115 · Wages	18,878.07	6,311.40
Total 5110 · Salaries & Wages	20,359.96	8,504.02
5120 · Board & Volunteer Mgt		
5123 · Volunteer Support/ Recognition	8.99	30.00
Total 5120 · Board & Volunteer Mgt	8.99	30.00
5130 · Professional Services		
5131 · Accounting	905.00	400.00
5132 · Bank & Payroll Fees	658.60	179.84
5134 · Insurance	2,934.00	4,168.62
Total 5130 · Professional Services	4,497.60	4,748.46
5140 · Miscellaneous Expenses		

Steele County Historical Society

Profit & Loss Prev Year Comparison

December 2023

	Dec 23	Dec 22
5141 · Office Supplies	264.90	258.66
5142 · Postage & Shipping	1,433.89	189.90
5143 · Licenses and Subscriptions		
5143a · Orphanage	20.00	11.99
5143 · Licenses and Subscriptions - Other	175.99	161.00
Total 5143 · Licenses and Subscriptions	195.99	172.99
Total 5140 · Miscellaneous Expenses	1,894.78	621.55
5150 · Information Technology		
5152 · Equipment Lease	209.00	131.00
5153 · Software As Service	4,634.99	0.00
5154 · Software Purchase	92.16	0.00
5156 · IT Support	1,230.00	0.00
Total 5150 · Information Technology	6,166.15	131.00
Total 5100 · ADMINISTRATION	32,927.48	14,035.03
5200 · OCCUPANCY		
5210 · Utilities		
5211 · Dunnell House	191.72	372.73
5212 · History Center	1,064.92	1,541.26
5213 · Phone & Internet	50.00	272.38
5214 · Village	136.52	108.14
Total 5210 · Utilities	1,443.16	2,294.51
5230 · Building Maintenance		
5231 · HVAC	507.00	0.00
5233 · Fire Suppression System Inspect	468.00	0.00
5234 · Janitorial	200.73	318.46
5235 · Garbage & Recycling	91.64	91.64
5236 · Security	325.29	0.00
5239 · Miscellaneous	127.50	6.01
Total 5230 · Building Maintenance	1,720.16	416.11
5240 · Site Interior Maintenance		
5245 · Lighting	138.45	0.00
Total 5240 · Site Interior Maintenance	138.45	0.00
5250 · Village of Yesteryear		
5253 · Other Village Buildings	0.00	1,142.88
Total 5250 · Village of Yesteryear	0.00	1,142.88
5260 · Grounds Maintenance		
5261 · Mowing	307.00	0.00
5262 · Snow Removal	112.50	1,240.20
5264 · Gardens and plants	60.99	0.00
Total 5260 · Grounds Maintenance	480.49	1,240.20
Total 5200 · OCCUPANCY	3,782.26	5,093.70
5300 · PROGRAMMING		
5310 · Museum Store		
5314 · Orphanage Merchandise	0.00	7,463.46
5313 · Consignment Fees Paid	92.06	118.50
Total 5310 · Museum Store	92.06	7,581.96
5320 · Mission Driven Programs		
5322 · Cost of Food	115.99	108.12
5325 · Supplies	0.00	23.56
5326 · Program Printing	0.00	20.64

Steele County Historical Society

Profit & Loss Prev Year Comparison

December 2023

	Dec 23	Dec 22
Total 5320 · Mission Driven Programs	115.99	152.32
5330 · Fundraising Events		
5335 · Event Supplies	621.76	202.02
5339 · Boardwalk plank expense	88.60	0.00
Total 5330 · Fundraising Events	710.36	202.02
5340 · Collections		
5341 · Archival Supplies	16.10	313.47
5344 · Conservation Treatments	25.49	0.00
Total 5340 · Collections	41.59	313.47
5350 · Exhibit		
5356 · Exhibit Supplies	1,102.84	0.00
Total 5350 · Exhibit	1,102.84	0.00
5370 · Printing		
5375 · Printing, Other	0.00	599.73
Total 5370 · Printing	0.00	599.73
5380 · Marketing		
5381 · Print Advertising	346.88	318.70
5382 · Broadcast Advertising	200.00	0.00
Total 5380 · Marketing	546.88	318.70
5390 · GRANT EXPENSES	0.00	1,257.44
Total 5300 · PROGRAMMING	2,609.72	10,425.64
Total 5000 · EXPENSES	39,319.46	29,554.37
6100 · Depreciation Expense	0.00	88,463.00
Total Expense	39,422.42	118,017.37
Net Ordinary Income	24,687.13	141,734.38
Other Income/Expense		
Other Income		
7300 · TRANSFER INCOME OFFSET		
7310 · Legacy Fund Operating Transfer	-2,500.00	-1,800.00
Total 7300 · TRANSFER INCOME OFFSET	-2,500.00	-1,800.00
7100 · LEGACY FUND INVESTMENT INCOME		
7125 · Capital Gain Distribution	0.00	10,333.24
7120 · Legacy Fund Dividends	0.00	15,557.44
7140 · Unrealized Gain/Loss Stock	0.00	36,996.28
Total 7100 · LEGACY FUND INVESTMENT INCOME	0.00	62,886.96
7200 · DONOR DESIGNATED INCOME		
7210 · Boardwalk Income	400.00	0.00
7221 · Service Bay	1,000.00	0.00
Total 7200 · DONOR DESIGNATED INCOME	1,400.00	0.00
Total Other Income	-1,100.00	61,086.96
Other Expense		
8200 · SCHS Legacy Fund Expense		
8210 · Investment Advisory Fees	0.00	2,426.27
Total 8200 · SCHS Legacy Fund Expense	0.00	2,426.27
Total Other Expense	0.00	2,426.27

Steele County Historical Society
Profit & Loss Prev Year Comparison
December 2023

	Dec 23	Dec 22
Net Other Income	-1,100.00	58,660.69
Net Income	23,587.13	200,395.07



SCHS STAFF

JENNIFER THIELE
EXECUTIVE DIRECTOR

MARYANNE HIGGINS
VOLUNTEER, RENTAL, EVENTS, &
TOUR COORDINATOR

ANNE PETERSON
ORPHANAGE MUSEUM
MANAGER

AMY LOWERY
ARCHIVES AND
COLLECTIONS MANAGER

HENRY SANFORD
CUSTODIAN

COMING SOON
ORPHANAGE MUSEUM
ASSISTANT MANAGER

BOARD MEMBERS

Deb Lustig, President, 2021-2024
Samona Grubish, Vice President, 2021-2024
Jerry Ganfield, Treasurer, 2021-2024
Jane Middlestadt, Secretary, 2021-2024
Elizabeth Anselmo, 2021-2024
Tom Bonacci, 2022-2025
Dave Effertz, 2022-2025
Dan Gorman, 2021-2024

Keith Holman, 2022-2025
Patty Jessop, 2022-2025
Jerry Lewison, 2020-2023
Andy McGuire, 2022-2025
Deanne Nelson, 2021-2024
Char Ost, 2022-2025
Nancy Vaillancourt, 2022-2025
Rick Gnemi, County Commissioner Liaison



Thank you to our wonderful community, volunteers, and supporters who made 2023 a success.

STEELE COUNTY HISTORICAL SOCIETY

Annual Report

20
23



Preserving and Sharing History
Today for Tomorrow

Old Business 2022 Annual Meeting Minutes

Steele County Historical Society held its Annual Meeting Thursday, November 17, 2022, at Torey’s Restaurant and Bar, in Owatonna, MN. Approximately 75 members attended this meeting. Deborah Lustig, Board President, welcomed everyone to the meeting. Jerry Ganfield gave the invocation and recognized members who passed away since the 2021 Annual Meeting. The Steele County Color Guard presented the colors and Deb Lustig led the Pledge of Allegiance. Attendees enjoyed a meal catered by Torey’s.

President Lustig called the meeting to order at 6:29 and welcomed guests. Jane Middlestadt, Secretary, announced there was a quorum. Samona Grubish moved to dispense with the reading of the 2021 minutes; it was seconded by Jerry Lewison, and passed by the membership since the minutes were in the Annual Report.

Treasurer Jerry Ganfield presented the balance sheet from November 2021 to present day to the membership. The status of the Legacy Fund was summarized. Legacy Donors from November 2021 through October 22 were recognized.

Board President Lustig summarized a year-end review for members. SCHS staff and its accomplishments were recognized.

Presentations of Awards:

- 2022 Volunteers of the Year: Gus’ Car Show Committee
 - Troy Garris, Terry Hansen, Terry Prokopec, Mike Schaffner, and Don Thiede.
- 2022 GAR Volunteers of the Year
 - Cody Lee and Alison Lueck
- Community Partners
 - SE Minnesota Rendezvous Group
- 2022 Friends of C-11
 - Tom Bonacci

Lustig introduced the 2022 SCHS current Board Members. Out-going SCHS Board Members Annie Harman, Jim Gunderson, and Ken Henricksen were recognized for their service and presented with a certificate of appreciation. The Governance Committee presented the following nominees to the 2023 board positions Tom Bonacci, Patty Jessop, Andy McGuire, and Nancy Vaillancourt. President Lustig asked for the nominations from the floor, none were made. Keith Holman motioned to accept the nominations, seconded by Grubish. Lustig called for a vote which passed unanimously. The meeting was adjourned at 7:15 pm.

2024 EVENTS AND PROGRAMS

January

- 2- Genealogy
- 9-Memory Café
- 11- Community Show and Tell- Zoom
- 18- Genealogy
- 20- Rendezvous Day in the Life
- 23- Memory Café
- 26- Bold and Cold Soup Supper

February

- 6- Genealogy
- 10- Adult Victorian Tea
- 13- Memory Café
- 15- Genealogy
- 24- State Public School Genealogy at Owatonna Arts Center
- 27- Memory Café & Business After Hours

March

- 5-Genealogy
- 12-Memory Café
- 21-History Uncorked
- 26-Memory Café
- 28-Owatonna State School Presentation at Owatonna Arts Center

April

- 2-Genealogy
- 4-Crandall Center Exhibit Capstone Reception
- 9- Memory Café
- 11- Genealogy Craft Night
- 13- Volunteer Orientation and Training
- 15-Volunteer Appreciation
- 18-Genealogy
- 23- Memory Café
- 26- 75th Anniversary Dinner

May

- 7- Genealogy
- 9-Community Show and Tell
- 14- Memory Café
- 16-Genealogy
- 23- State Public School Discussion Panel at Owatonna Art Center
- 28- Memory Café

June

- 4-Genealogy
- 11- Memory Café
- 20-Genealogy
- 22- Junior Genies workshop
- 23- Jazz Jam on the Patio
- 25-Memory Café
- 27-30- Ellendale Days
 - Medford Straight River Days

July

- 2-Genealogy
- 4- Blooming Prairie Parade
- 9- Memory Café
- 13- Chuck Wagon Supper
- 14- Extravaganza
- 18- Genealogy
- 23- Memory Café

August

- 6-Genealogy
- 13-Memory Café
- 13-18- Steele County Free Fair
- 15- Genealogy
- 27- Memory Café
- 29- Community Show and Tell

September

- 3- Genealogy
- 7- Onward & Upward: Our Rural Heritage Brunch
- 10- Memory Café
- 19- Genealogy
- 21- Orphanage Museum Fall Celebration
- 24- Memory Café
- 28- Steele County Cultural Celebration

October

- 1- Genealogy
- 8-Memory Café
- 17-Genealogy
- 22- Memory Café
- 26- A Haunting We Will Go

November

- 5- Genealogy
- 12-Memory Café
- 16-Children’s Victorian Tea
- 26-Memory Café
- 28- Holiday Light Cruise Begins

December

- 3- Genealogy
- 4 & 5- Holiday Cookie Sale
- 6 & 7- Christmas in the Village
- 9- Volunteer Potluck
- 10-Memory Café
- 19-Genealogy
- 31- Memory Café *Special date for the holidays.

Stay tuned for dates on:

- Cemetery Tour
- Spring Bus Tour
- The Exaggerated History of Steele County Bus Trip
- Holiday Bus Tour



2024 BUDGET

INCOME	
EARNED INCOME	\$82,337.50
CONTRIBUTED REVENUE	\$198,323.70
OTHER INCOME	\$124,434.00
NONOPERATIONAL INCOME	\$12,000.00
RELEASED AND IN-KIND	\$2,250.00
TOTAL INCOME	\$419,345.20

EXPENSE	
ADMINISTRATION	\$298,940.20
OCCUPANCY	\$72,780.00
PROGRAMMING	\$47,350.00
NONOPERATIONAL EXPENSE	\$275.00
TOTAL EXPENSE	\$419,345.20

PRESENTING A BALANCED BUDGET
DURING A CAPITAL CAMPAIGN

COMING IN 2024

7 NEW EDUCATIONAL PROGRAMS
1 NEW COMMUNITY EVENT
1 NEW FUNDRAISING EVENT
4 EXHIBITS

The SCHS Education, Programs, and Events Committees are creating several new educational opportunities.

- Evening History Programs at the Owatonna Arts Center
- Junior Genealogists a.k.a. “Junior Genies”
- Steele County Cultural Celebration
- Return of the Chuck Wagon Supper



2023 BUDGET BREAKDOWN
JANUARY-OCTOBER

INCOME		EXPENSE	
EARNED INCOME	\$55,800.37	ADMINISTRATION	\$170,222.27
CONTRIBUTED REVENUE	\$118,500.34	OCCUPANCY	\$70,008.10
OTHER INCOME	\$117,121.54	PROGRAMMING	\$45,496.92
NONOPERATIONAL INCOME	\$41,580.42	NONOPERATIONAL EXPENSE	\$2,295.39
RELEASED AND IN-KIND	\$1,464.59	TOTAL EXPENSE	\$288,920.45
TOTAL INCOME	\$334,467.26	NET ORDINARY INCOME	\$45,546.81

45,000 Visitors

525 Volunteers donated
12,000 hours

Tours

23 Orphanage Museum
14 Village of Yesteryear
11 School Groups

Collections

- 361 Items Cataloged
- 130 Items Declined
- 24 Items Accessioned
- 30 Research Requests
- 4 New Oral Histories

722 Members

61
Educational Programs

4 Exhibits

8 Community Events
29 Community Outreach Activities

2024-2029 STRATEGIC PLAN

OUR GOALS AND OBJECTIVES

- Build a Home for the SCHS Automotive History and Collections
- Increase Youth Programming and Outreach Efforts
- Financial Stability
- Develop the Organization to Attract Diverse Demographics



2023 YEAR IN REVIEW

2023 has been a busy year for SCHS. MaryAnne, Anne, and Jerry G. led the organization for the first part of the year as the Board of Directors continued the search for a new Executive Director. In May, Jennifer Thiele stepped into the position. Amy Lowery joined the organization in July as our new Archives and Collections Manager. Our wonderful cleaning duo, Dennis and Becky Kelm, left the organization this summer to spend more time RVing and we recently recruited Henry Sanford as our new Custodian.

This year SCHS featured new programs including the History of Brewing from Mineral Springs Brewery, Genealogy with Jeri Fuller, a presentation on women of the Supreme Court, and a discussion panel on the changing roles of women in the workplace to name a few. An ongoing program, Memory Café which MaryAnne developed and continues to grow, has gained statewide attention for its inclusive and positive health benefits to people battling dementia and their caregivers. MaryAnne has given 14 programs locally and was invited to the Mayo Clinic Brain Health and Dementia Conference in early November. Attendance at Memory Café has soared to about 50 people and has expanded to include families outside of Steele County.

SCHS also hosted several concerts including Austin Big Band, Barefoot Winos, Jazz Jam on the Patio, IPolka Band, and several musical performances at Extravaganza and on the Village Stage during the Steele County Free Fair. During these events and many more, SCHS welcomed thousands of visitors to all three of our campuses.

Over the summer months, SCHS worked with the Owatonna School District to have our volunteers bring the History on Wheels program to area schools and the public library during the free lunch program. Our volunteers also helped assemble cookbooks, repair the Village boardwalk, clean the Village throughout the year, construct a new exhibit, assisted with the Orphanage Museum Fall Celebration, clean cemetery headstones, and repair vandalism damage to the historic train caboose.

This year has been a transitional period for the organization, and we look forward the new opportunities 2024 brings.

LEGACY FUNDS

SCHS FUND DONORS

Del and Connie Cass
Curt's Truck and Diesel Service, Inc.
Vilnis and Joanne Giga
David and Rita Goodnature
Werner and Jacquelin Knuth
David and Jean Krause
Gladys Lueders
Berniece Schroht
Gary and Salie Schuweiler
Tom and Stephanie Shea
Rita Stillwell
LeRoy and Judy Svenby
Myra Theimer
Ken and Norma Wilcox



Year-to-date:
\$1,101,079.39

CHILDREN REMEMBERED FUND DONORS

Joan Graham Butsch	Trudy Pierce
Sandy Dinse	Deb Ronglein
Silvan Durben	Richard Schaefer
Rodney and Suzanne Erickson	Gary and Salie Schuweiler
Fred and Len Fritz	Warren Slagle
Lisa M. Harper	Stephanie A. Staebell
Conrad Leon Heusinkveld	Tom and Lina Zum
Larry and Shelly Hutchinson	
Donald and Jan Johnson	
Laurie J. Johnson	
Diane and Robert Jungbluth	
Richard and Karen Knutson	
Mark Livingston	
Don and Vivian Manthe	
Janet Mealey	
Barry Peterson	



Year-to-date:
\$114,223.45

2-Genealogy
 9-Memory Café
 11- Community Show and Tell- Zoom
 18-Genealogy
 20- Life and Times of the Mountain Man Era
 23-Memory Café
 26- Bold and Cold Soup Supper

6-Genealogy
 10- Adult Victorian Tea
 13-Memory Café
 15-Genealogy
 24- Genealogy Games Live at OAC
 27-Memory Café & Business After Hours with OBW

5-Genealogy
 12-Memory Café
 21- History Uncorked
 26-Memory Café
 30- OSS Presentation at OAC

2-Genealogy
 9-Memory Café
 11- Genie Craft Night
 13- Volunteer Orientation & Training
 15- Volunteer Appreciation
 18-Genealogy
 23-Memory Café
 26-75th Anniversary

7-Genealogy
 9- Community Show and Tell
 14-Memory Café
 18- Deerfield Township Cemetery Bus Tour
 16-Genealogy
 23- State Public School Discussion Panel at OAC
 28-Memory Café

4-Genealogy
 11-Memory Café
 20-Genealogy
 22- Junior Genies
 23- Jazz Jam on the Patio
 25-Memory Café
 27-30- Ellendale Days
 - Medford Straight River Days

2-Genealogy
 4- SCHS @ Blooming Prairie Parade
 9-Memory Café
 13- Chuck Wagon Supper
 14- Extravaganza
 18-Genealogy
 23-Memory Café

6-Genealogy
 13-Memory Café
 13-18 Steele County Fair
 15-Genealogy
 27-Memory Café
 29- Community Show and Tell

3-Genealogy
 7- Onward and Upward: Our Rural Heritage
 10-Memory Café
 19-Genealogy
 21- Orphanage Museum Fall Celebration
 24-Memory Café
 28- Steele County Cultural Celebration

1-Genealogy
 8-Memory Café
 17-Genealogy
 22-Memory Café
 26-A Haunting We Will Go

5-Genealogy
 12-Memory Café
 16- Children's Victorian Tea
 26-Memory Café
 28- Holiday Light Cruise Begins

3-Genealogy
 4&5- Holiday Cookie Sale
 6&7- Christmas in the Village
 9-Volunteer Potluck
 10-Memory Café
 19-Genealogy
 31-Memory Café (Special date due to the holidays)

A Day Away Bus Tour
 The Exaggerated History of Steele County
 Holiday Bus Tour

*2024 Annual Meeting will be held March 20, 2025.



COMMERCIAL TOBACCO AND RECREATIONAL CANNABIS



Commercial tobacco prevention and treatment advocates have worked for many years to implement policies that reduce the burden of commercial tobacco and address tobacco-related health disparities in all Minnesota communities.

There are many public health lessons and policies learned from commercial tobacco work that the legislature can consider in 2024 to amend the recreational cannabis law to promote public health, protect kids, and advance health equity

CANNABIS AND THE TOBACCO INDUSTRY

- Tobacco companies are investing heavily in the cannabis industry (NYT, 2018). This is concerning given what we know about the tobacco industry's predatory marketing practices that target youth, low-income communities, and communities of color (Truth, 2021).
- Altria (Philip Morris - Marlboro) is a founding member of the Coalition for Cannabis Policy, Education, and Regulation, a coalition focused on federal cannabis regulation that provides lawmakers with 'trusted, science-driven resources.'
- The tobacco industry has worked hard to weaken smoke-free air laws in other states.
- The cannabis industry is borrowing from Big Tobacco's Playbook by:
 - Manipulating potency thereby increasing the risk of addiction and psychosis, similar to manipulating nicotine levels.
 - Creating flavored and other highly appealing products aimed at attracting young people[1] and masking the harshness of a product.
 - Targeted and misleading marketing of products "and masking the harshness of the product."

CANNABIS POLICY CONSIDERATIONS

PROHIBIT THE SALE OF FLAVORED CANNABIS THAT IS BURNED, INHALED, OR VAPORIZED

- Cannabis policy should be established with protections for children, young people, low-income communities, and communities of color.
- We know that the tobacco industry has long used flavored products to attract kids and to target communities of color. This tactic makes their products more appealing and seemingly less harmful. We cannot allow the cannabis industry to replicate these tactics because we know the immense public health impact they have.
- Minnesotans for a Smoke-Free Generation supports legislation to prohibit the sale of flavored cannabis that is burned, inhaled, or vaporized *without penalties for purchase, use, or possession*.



Photo Credit: ANSR Minnesota



MAINTAIN STRONG CLEAN INDOOR AIR

- Smoke is smoke. Smoke from cannabis contains many of the same toxins, irritants and carcinogens as found in tobacco smoke and secondhand smoke can be a serious health hazard (Marijuana and Lung Health, 2021).
- Minnesotans expect and deserve the right to breathe clean air in indoor spaces. Minnesota's Clean Indoor Air Act prohibits the use of all heated and combustible products intended for inhalation, including tobacco, nicotine, cannabis and other smoking and aerosol products in all workplaces where cigarette smoking is already prohibited.
- Burned, inhaled, or vaporized cannabinoid products (recreational or medicinal) should not be used where smoking is prohibited, following state and local clean indoor air laws and ordinances.
- Minnesotans for a Smoke-Free Generation supports legislation to ensure all public workplaces, including cannabis retailers, follow state and local clean-indoor air laws to ensure no rollbacks of existing clean indoor air.

CANNABIS, COMMERCIAL TOBACCO, AND SMOKE-FREE HOUSING

- Secondhand smoke (whether from commercial tobacco or cannabis) disproportionately impacts children, low wage earners, and Black, Indigenous, and People of Color. All Minnesotans deserve the right to breathe clean air at home.
- Enforcement of smoke-free multiunit housing policies should balance the goal of protecting residents from secondhand and thirdhand smoke exposure with the goal of ensuring housing stability for all residents.
- It is pertinent that property owners, managers, common interest communities, and local jurisdictions have the authority to adopt smoke-free policies (stronger than current state law) that prohibit the smoking of cannabis and commercial tobacco products in and on multi-unit housing property to protect residents, staff, and guests from harmful secondhand exposure.
- MSFG Recommendation:
 - Replace 'multifamily housing' with 'multiunit residence' and 'Multiunit residence means a building or portion thereof designed or used for residential occupancy by two or more households in separate dwelling units.' [Smoke-free multiunit housing ordinance](#) (Public Health Law Center)
 - Revise \$250 fine to ability to pay, community service, or other noncriminal sanctions.
 - Local jurisdictions should be allowed to regulate smoke-free housing, even if the smoke-free housing provision is removed. Local regulations should include guardrails to protect housing stability and ensure any local action does not include criminal sanctions.



MINNESOTA'S NEW CANNABIS LAW

Maximizing Local Authority to Protect Public Health



This document summarizes core provisions of local regulatory authority under Minnesota's new cannabis law¹ and how local units of government can best protect the public health, safety, and welfare of their residents.

It is divided into two sections: the first lays out how local government can promote public health by maximizing express authority provided in the state law, and the second presents regulatory options for local government to explore in areas that are not explicitly spelled out or preempted in the law but are, nevertheless, important for safeguarding public health and protecting youth.

Implementation of the law

Implementation of Minnesota's cannabis law will be phased in over the next several years. Many provisions in the law are subject to interpretation by the Office of Cannabis Management and may be fleshed out through the regulatory rulemaking process. This document is meant to provide a snapshot analysis of what is known and understood about the operation of the law. This document will be updated periodically as more information comes to light through OCM interpretation and implementation.



Local Regulation: Maximize Explicit Local Authority

Authority to: *adopt an interim ordinance to regulate cannabis businesses until Jan. 1, 2025*

Options

- ☐ Moratorium on all cannabis businesses until Jan. 1, 2025.
- ☐ May regulate, restrict, or prohibit the operation of a cannabis business until Jan. 1, 2025.

Public health rationale

- ☒ Allows time to pause establishment of cannabis businesses, to protect the planning process, and to study time/place/manner restrictions before cannabis businesses are up and running.

Authority to: *restrict or prohibit public use*

Options

- ☐ May prohibit all public use of cannabis products, except in the following areas:
 - A private residence, including person's curtilage or yard
 - Private property not generally accessible by the public, unless prohibited by property owner
 - On the premises of establishment or event licensed for on-site consumption.
- ☐ May limit public use of any cannabis products (smoking/vaping/edible/other) similar to prohibitions on public consumption of alcohol
- ☐ May limit smoking and vaping in specific areas to avoid secondhand smoke exposure.
- ☐ Local government may define what constitutes "public place" (but cannot include as public place the above exceptions). Considerations of "public place" include parks, city/county buildings or property, trails, streets, and sidewalks.

Public health rationale

- ☒ Restricting use in public helps reduce normalization of product use, protects against secondhand smoke exposure, and protects youth from exposure and access to products.

Authority to: *limit number of cannabis retail business registrations*

Options

- ☐ May limit number of licensed cannabis retailers and cannabis mezzobusinesses and microbusinesses with retail operations endorsements to no fewer than one registration for every 12,500 residents.
- ☐ If a county has one cannabis retailer registration per 12,500 residents, a city or town located in that county is not obligated to register a cannabis retailer.
- ☐ Note: these limitations apply only to cannabis businesses that are endorsed as retailers, not to lower-potency hemp edible² retailers.
- ☐ Local governments are not required to register lower-potency hemp retailers.

Public health rationale

- ☒ Limiting the number and density of cannabis retail businesses avoids overconcentration of retail outlets, exposure to cannabis businesses which by their very presence and signage act as a marketing tool, and normalization of product use.

Authority to: *enact zoning ordinances*

Options

- ☐ May prohibit the operation of cannabis businesses within:
 - 1,000 feet of a school;
 - 500 feet of a day care facility;
 - 500 feet of a residential treatment facility;
 - 500 feet of a public park attraction regularly used by minors (playgrounds, athletic fields).
- ☐ Additional limitations on location and operations of cannabis and hemp businesses may be allowed under local zoning authority.

Public health rationale

- ☒ Zoning restrictions help ensure that inconsistent property uses, such as residential areas, youth-oriented areas, or places of worship, are not located near one another and play an important role in minimizing youth exposure and access.

Authority to: *further restrict retail hours of operation*

Options

- ☐ May further restrict hours of operation for retail sales of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products beyond the state minimum restrictions, but hours cannot be reduced beyond these state minimum hours of operation.
- ☐ Operating (open) hours may be reduced to 10 a.m. to 9 p.m., seven days a week.

Public health rationale

- ☒ Restricting hours of operation reduces opportunities for increased use and attendant normalization, access by underage persons, and combined consumption with alcoholic beverages.

Authority to: *prohibit or restrict on-site cannabis events*

Options

- ☐ May approve or deny applications for permits for on-site cannabis events.
- ☐ May restrict hours or number of days for events.
- ☐ If jurisdiction approves on-site event, it may prohibit consumption of cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products or any combination of products.
- ☐ If jurisdiction permits on-site consumption, it may further restrict consumption beyond state-mandated restrictions for these events. (For example, prohibit use of certain types of products, or prohibit all smoking or vaping of products.)

Public health rationale

- ✓ Prohibiting or restricting cannabis events can minimize attendant normalization of products and youth access and use.
- ✓ Prohibiting or restricting cannabis events protects nearby properties from inconsistent uses.
- ✓ Prohibiting on-site consumption can best protect individuals from secondhand smoke or involuntary exposure to aerosol or vapor from electronic delivery devices.

Authority to: *maximize enforcement authority*

Options

- ☐ May expedite complaints about business violations to the OCM to initiate inspections.
- ☐ May conduct additional compliance checks beyond the state-mandated once per calendar year.
- ☐ May establish a complaint system that can trigger OCM inspections, as needed.

Public health rationale

- ✓ Regular and multiple checks ensure retail compliance with age verification requirements, applicable operation requirements, and applicable limits on types of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products that are being sold.
- ✓ Establishing a complaint process assists with focusing attention of the local jurisdiction and, in turn, the OCM, on cannabis businesses that may not be following state law.

Local Regulation: Explore Further Areas for Local Control

A local unit of government cannot prohibit the establishment or operation of a “cannabis business” licensed by the OCM, nor can it prohibit the possession, transportation, or use of cannabis flower, cannabis products, lower-potency hemp edibles or hemp-derived consumer products. Notably, the cannabis law explicitly sets forth limits on the restrictions local government may enact with respect to “cannabis businesses” (i.e., hours of operation, zoning, density limits, and “time, place, and manner” restrictions). Note that there may be more room for local regulation of hemp manufacturers, wholesalers, and retailers (i.e., those selling and manufacturing lower-potency hemp edibles), because these businesses are not included in some of the express limitations for local regulation of “cannabis businesses” under the law.

Absent explicit preemption, the law may allow for additional local regulation under local jurisdictions’ public health authority and police powers. See Minn. Stat. § 145A.05. Local units of government could explore policies to reduce youth exposure and access and act as a counterweight to industry presence and increased commercialization and consumption. As with any new laws and regulations, the limits of authority and interaction of new laws with existing laws are yet untested in the courts so there is risk that local laws could be challenged or otherwise trigger opposition. As local governments begin to explore options for more stringent local policies, they should always consult with their attorneys to ensure any proposed ordinances are compliant with state and federal law.

Explore authority to: *restrict higher potency cannabis products*

Options	Public health rationale
☐ May be able to restrict higher potency cannabis products that can be harmful to adults and youth.	☒ Even lower-potency products can have adverse health effects for individuals, especially when combined with alcohol. Additional risks include use during pregnancy, psychosis, unintended poisoning, and other adverse effects. ³
☐ Restrictions could include product categories, limitations on servings/package size, or potency limits.	☒ Restricting higher potency products in the marketplace will reduce the risks associated with overdosing, combined consumption with alcohol, impaired driving, and other adverse health and safety effects.

Explore authority to: *restrict flavors*

Options

- ☐ May be able to restrict flavored products, including electronic smoking devices (vapes), that are appealing to children.
- ☐ May be able to prohibit sales of flavored products entirely.

Public health rationale

- ☒ Research on flavored commercial tobacco products has demonstrated that they are especially attractive to youth.⁴
- ☒ Flavored cannabis and hemp edible products are likewise appealing to youth, especially when edibles are sold as gummy bear figures and other food and candy products that are enticing to children and adolescents.

Explore authority to: *restrict advertising and display in stores*

Options

- ☐ May be able to enact more stringent restrictions on point-of-sale advertising than the state statutory restrictions.
- ☐ A local unit of government considering more stringent regulations would want to consult with attorneys to ensure compliance with both state and federal constitutional protections and other applicable laws.
- ☐ Restrictions for hemp edibles could include that the products, including beverages, be sold behind the counter to reduce visibility to youth and access to the products.

Public health rationale

- ☒ Targeting advertising at the point of sale, both inside and outside grocery stores, convenience stores, pharmacies, gas stations and other retail settings, exposes youth to these products and normalizes their use.
- ☒ Restrictions on quantity or size of signs can help reduce eye-catching advertising easily visible to the public.

Explore authority to: *restrict access to and require secure packaging for lower-potency hemp beverages*

Options

- ☐ The law requires restricted and secured access to cannabis products and food edibles; however, it does not require lower-potency hemp beverages for sale to be kept in a locked shelf or cooler behind the counter or other secure location. May restrict access to lower-potency hemp beverages in retail settings by requiring sale behind the counter.
- ☐ The law requires child-resistant packaging for cannabis products and lower-potency hemp edibles, but does not require it for lower-potency hemp beverages. May require the same safer packaging standards for these beverages.

Public health rationale

- ☒ The presence of lower-potency hemp beverages on grocery, convenience, and gas station store shelves normalizes use of these products. Restricting retail sales to face-to-face transactions and keeping these beverages securely stored will safeguard against youth access.
- ☒ Child resistant packaging will help reduce accidental ingestion by children.

Explore authority to: *prohibit price promotions and product discounts*

Options

- ☐ May be able to restrict or outright prohibit price promotions and discounts for cannabis products and hemp edible products.

Public health rationale

- ☒ In the commercial tobacco field, studies have suggested that the more products cost, the less likely youth are to start or keep using them. The tobacco industry invests billions of dollars in this marketing technique. The regulation of retail value-added promotions and other marketing techniques, especially for flavored products, would play an important role in preventing youth initiation and use.

Explore authority to: *prohibit sales of lower-potency hemp edibles or limit availability to 21+ stores*

Options

- ☐ May be able to prohibit sales of lower-potency hemp edible products since 21+ stores are not listed as “cannabis businesses” in which local units of government are otherwise not permitted to prohibit the establishment or operation of those businesses.
- ☐ May be able to restrict the sale of consumer hemp THC products to stores restricted to individuals 21 years of age and older.

Public health rationale

- ☒ Limiting the sale of these products to retail settings in which underage persons are prohibited from entering is an important measure to ensure youth are not able to easily access these products.
- ☒ Easy availability and display of these products in stores where people under age 21 are allowed access provides an opportunity for point-of-sale advertising and exposure to these products.

This publication was prepared by the Public Health Law Center at Mitchell Hamline School of Law, St. Paul, Minnesota, and made possible by the financial support of the Minnesota Regional Prevention Coordinators. The Public Health Law Center provides information and legal technical assistance on issues related to public health. The Center does not provide legal representation or advice. This document should not be considered legal advice.

Endnotes

- 1 MINN. STAT. § 343 (2023), <https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/63>.
- 2 MINN. STAT. § 342.01, subd. 50 defines “lower-potency hemp edible” to include any product that, in part, is intended to be eaten or consumed as a beverage, contains hemp concentrate or an artificially derived cannabinoid in combination with food ingredients, and consists of servings no more than five milligrams of delta-9 tetrahydrocannabinol or other combinations of cannabidiol, cannabigerol, or cannabinoids not exceeding regulated amounts. Several terms have been used synonymously to describe these products, such as Delta-9, THC edibles, hemp edibles, and the like. For purposes of consistency, this document will utilize the statutorily defined term “lower-potency hemp edible” throughout.
- 3 *What You Need to Know (And What We’re Working to Find Out) About Products Containing Cannabis or Cannabis-derived Compounds, Including CBD*, U.S. FOOD & DRUG ADMIN., <https://www.fda.gov/consumers/consumer-updates/what-you-need-know-and-what-were-working-find-out-about-products-containing-cannabis-or-cannabis> (last reviewed Mar. 5, 2020).
- 4 See, e.g., Andrea C. Villanti et al., *Flavored Tobacco Product Use in Youth and Adults: Findings from the First Wave of the PATH Study (2013–2014)*, 53 AM. J. PREV. MED. 139 (2017), <https://www.ncbi.nlm.nih.gov/pubmed/28318902>; Shari P. Feirman et al., *Flavored Tobacco Products in the United States: A Systematic Review Assessing Use and Attitudes*, 18 NICOTINE TOBACCO RES. 739 (2015).

Ordinance Number 26

Steele County, Minnesota

AMENDING STEELE COUNTY TOBACCO ORDINANCE

An ordinance relating to the sale of tobacco, tobacco-related devices, electronic smoking devices, and nicotine or lobelia delivery products in the County and to reduce the illegal sale of such items to persons under age 21.

The County Board of Steele County Ordains:

Section 1. Findings of Fact and Purpose.

Section 2. Applicability and Jurisdiction.

Section 3. Definitions.

Section 4. License.

Section 5. Fees.

Section 6. Basis for Denial of License.

Section 7. Prohibited Sales.

Section 8. Responsibility.

Section 9. Compliance Checks and Inspections.

Section 10. Prohibited Furnishing or Procurement.

Section 11. Violations and Penalties.

Section 12. Exceptions and Defenses.

Section 13. Severability and Savings Clause.

Section 14. Effective Date.

Section 1. Findings of Fact and Purpose.

Because the county recognizes that the sale of commercial tobacco, tobacco-related devices, electronic smoking devices, and nicotine or lobelia delivery products to persons under the age of 21 violates both state and federal laws; and because studies, which the county accepts and adopts, have shown that youth use of any commercial tobacco products has increased to 26.4% in Minnesota; and because nearly 90% of smokers being smoking before they have reached the age of 18 years, and that almost no one starts smoking after age 25; 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 smoking 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. *Preventative 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). Tobacco town: computational modeling of policy options to reduce tobacco retailer density. *American Journal of Public Health*, 107(5), 740-746; Minnesota Department of Health (2018). Data highlights from the 2017 Minnesota Youth Tobacco Survey. Saint Paul, MN; Tobacco Control Legal Consortium. (2006). The verdict is in: findings from *United States v. Phillip Morris*. The hazards of smoking. University of California—San Francisco. Truth Tobacco Industry Documents; 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 Preventative Medicine*, 48(3), 326-333., copies of which are adopted by reference.

Section 2. Applicability 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 Steele County and in any city or town located in Steele 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. Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term “shall” means mandatory and the term “may” means permissive. For the purpose of this ordinance, the following definitions apply unless the context clearly indicates or requires a different meaning:

Child-Resistant Packaging. “Child-Resistant Packaging” shall mean any packaging that meets the definition set forth in Code of Federal Regulations, title 16, section 1500.15(b) as in effect on

January 1, 2015, when tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

Cigar. “Cigar” shall mean 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.

Compliance Checks. “Compliance Checks” shall mean 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 may also be **conducted by the County or other units of government** for educational, research, and training purposes as authorized by state and federal laws. Compliance checks may be conducted by other units of government for the purpose of investigating or enforcing appropriate Tribal, federal, state, or local laws and regulations relating to **licensed products**.

Delivery Sale. “Delivery Sale” shall mean the sale of any licensed product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the counter sales transaction in a licensed retail establishment. Delivery sale includes but is not limited to the sale of any licensed product when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery sale includes delivery by licensees or third parties by any means, including curbside pick-up.

Electronic Smoking Devices. “Electronic Smoking Devices” shall mean 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 smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, vapes, mods, tank systems, disposables, or under any other product name or descriptor. Electronic smoking device includes any component part of a product, whether or not marketed or sold separately. Electronic smoking device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

Imitation Tobacco Product. “Imitation Tobacco Product” shall mean any edible non-tobacco product designed to resemble a tobacco product, or any non-edible tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. Imitation tobacco product includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, and shredded beef jerky in containers resembling tobacco snuff tins. Imitation tobacco product does not include electronic delivery devices or nicotine or lobelia delivery products.

Indoor Area. “Indoor area” shall mean 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.

Licensed Products. “Licensed product” refers to any tobacco, tobacco-related device, electronic smoking device, or nicotine or lobelia delivery product.

Loosies. “Loosies” shall mean single or individually packaged single cigarettes, cigars, and any other licensed products that have been removed from their original 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. Loosies does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor.

Moveable Place of Business. “Moveable Place of Business” shall refer to any form of business operated out of a truck, van, automobile, kiosk, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for over-the-counter sales transactions.

Nicotine or Lobelia Delivery Product. “Nicotine or Lobelia Delivery Product” shall mean any product containing or delivering nicotine or lobelia, whether natural or synthetic, intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section. Nicotine or lobelia delivery product does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

Pharmacy. “Pharmacy” shall mean a place of business at which prescription drugs are prepared, compounded, or dispensed by or under the supervision of a pharmacist and from which related clinical pharmacy services are delivered.

Retail Establishment. “Retail Establishment” shall mean any place of business where licensed products are available for sale to the public. Retail establishments shall include, but not be limited to, grocery stores, tobacco product shops, convenience stores, liquor stores, gasoline service stations, bars, and restaurants.

Sale. “Sale” shall mean any transfer of goods for money, trade, barter, or other consideration.

Self-Service Display. “Self-Service Display” shall refer to 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 and where a physical exchange of the licensed product from the licensee or the licensee’s employee to the customer is not required to access the licensed products.

Smoking. “Smoking” shall mean 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 smoking device.

Tobacco Product. “Tobacco Product” shall mean any product containing, made, or derived from commercial 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 product does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

Tobacco-Related Device. “Tobacco-Related Device” shall mean any rolling papers, wraps, pipes, or other device intentionally designed or intended to be used with tobacco products. Tobacco-related device shall include components of tobacco-related devices or tobacco products which may be marketed or sold separately. Tobacco-related devices may or may not contain tobacco.

Vending Machine. “Vending Machine” shall mean any mechanical, electric or electronic, or other type of device that dispenses licensed products upon payment by any form by the person seeking to purchase the licensed product.

Youth-Oriented Facility. “Youth-Oriented Facility” shall refer to 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, houses of worship, and parks.

Section 4. License.

No person shall sell or offer to sell any licensed product without first having obtained a license to do so from the County.

401. **Application.** An application for a license shall be made on a form provided by the County. The application shall 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 Steele County Auditor shall forward the application to the County Board for action at its next regularly scheduled Board meeting. If the Auditor determines that an application is incomplete, they shall return the application to the applicant with notice of the information necessary to make the application complete.

402. **Action.** The Steele County Board may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary. If the County Board approves the license, the Auditor shall issue the license to the applicant. If the County Board denies the license, notice of the denial shall be given to the applicant along with notice of the applicant’s right to appeal the decision.

403. **Term.** All licenses issued under this ordinance shall be valid for one calendar year from the date of issue.

404. **Revocation or Suspension.** Any license issued under this ordinance may be suspended or revoked as provided in the Violations and Penalties sections of this ordinance.
405. **Transfers.** All licenses issued under this ordinance shall be valid for only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid.
406. **Moveable Place of Business.** No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this ordinance.
407. **Display.** All licenses shall be posted and displayed in plain view of the public on the licensed premise.
408. **Renewals.** The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least thirty days but not more than sixty days before the expiration of the current license.
409. **Proximity to Youth-Oriented Facilities.** No license shall be granted under this section to any person for any retail sales of **licensed products** within 1000 feet of any **youth-oriented facility**, as measured by the shortest line between the space to be occupied by the proposed licensee and the occupied space of the youth-oriented facility, unless that person has been in business of selling such products in that location before the date this section was enacted into law.
410. **Sales Prohibited by Pharmacies.** The sale of **licensed products** shall be prohibited in any pharmacy and in any retail establishment that operates or contains an on-site pharmacy. Any pharmacy or retail establishment that operates or contains a pharmacy and that possesses a tobacco retailer license as of the date this ordinance is enacted shall not be eligible for renewal of that license.
411. **Issuance as Privilege and Not a Right.** The issuance of a license under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.
412. **Minimum Clerk Age.** Individuals employed by a licensed retail establishment under this ordinance must be at least 21 years of age to sell licensed products.

413. **Smoking Prohibited.** Smoking, including smoking for the purpose of the sampling of licensed products is prohibited within the indoor area of any retail establishment licensed under this ordinance.

414. **Samples Prohibited.** No person shall distribute samples of any licensed product free of charge or at a nominal cost.

415. **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.

Section 5. Fees.

No license shall be issued under this ordinance until the appropriate license fee shall be paid in full. The fee for a license under this ordinance shall be in accordance with the fee schedule adopted by the Steele County Board of Commissioners, as it may be amended from time to time.

Section 6. Basis for Denial of License.

601. The following shall be grounds for denying the issuance or renewal of a license under this ordinance:

- a. The applicant is under the age of twenty-one years.
- b. The applicant has been penalized within the past five years for any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products.
- c. The applicant has had a license to sell licensed products suspended or revoked within the preceding 12 months of the date of application.
- d. The applicant fails to provide any information required on the application or provides false or misleading information.
- e. The applicant is prohibited by Tribal, federal, state, or other local law, ordinance, or other regulation, from holding such a license.

- f. The business for which the license is requested is a moveable place of business. Only fixed-location retail establishments are eligible to be licensed.
- g. Any other suitable reason that the granting of a license to the applicant is inconsistent with public health, safety, and welfare, including the applicant's history of noncompliance with this ordinance and other laws relating to the sale of licensed products.

602. If a license is mistakenly issued or renewed to a person, it shall 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.

Section 7. Prohibited Sales.

701. **In General.** It shall be a violation of this ordinance for any person to sell or offer to sell any licensed product.

- a. By means of any type of vending machine.
- b. By means of loosies as defined in Section 3. of this ordinance.
- c. Containing opium, morphine, jimsonweed, bella donna, strychnos, cocaine, 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.
- d. By means of self-service display. 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 public.
- e. By means of delivery sales. All sales of licensed products must be conducted in person, in a licensed retail establishment, in over-the-counter sales transactions.
- f. By any other means, to any other person, or in any other manner or form prohibited by Tribal, federal, state, or other local law, ordinance provision, or other regulation.

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

- a. **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 shall not constitute a defense to a violation of this subsection.
- b. **Signage.** Notice of the legal sales age, age verification requirement, and possible penalties for underage sales 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.

703. **Cigars.** No person shall sell or offer to sell:

- a. Any cigar unless it is within a package containing a minimum of five cigars; and
- b. Any package of cigars for a sales price of less than \$15.00 per package, after any discounts are applied and before sales taxes are imposed.

This provision does not prohibit the sale of a single cigar with a sales price of at least \$4.00, after any discounts are applied and before sales taxes are imposed.

704. **Imitation tobacco products.** No person shall sell or offer to sell any imitation tobacco products within the county.

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

706. **Coupon and price promotion.** No person shall accept or redeem any coupon, price promotion, 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.

Section 8. 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.

Section 9. Compliance Checks and Inspections.

901. All licensed premises must be open to inspection by law enforcement or other authorized County officials during regular business hours.

902. From time to time, but at least twice per year, the County will conduct compliance checks to ensure compliance with all provisions of this ordinance.

903. 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 of 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.

904. Nothing in this section shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law.

Section 10. 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 or older to coerce or attempt to coerce persons under the age of 21 to illegally purchase or attempt to purchase any licensed product.

Section 11. Violations and Penalties.

1101. Violations.

- a. **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

violation 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.

b. **Hearings.**

i. Upon issuance of a citation, a person accused of violating this ordinance may request in writing a hearing on the matter. Hearing requests must be made within 10 business days of the issuance of the citation and delivered to the County Auditor or other designated County officer. Failure to properly request a hearing **within 10 business days** of the issuance of the citation will terminate the person's right to a hearing.

ii. The County Auditor or other designated County officer will set the time and place for the hearing. Written notice of the hearing time and place will be mailed or delivered to the accused violator **at least 10 business days prior** to the hearing.

c. **Hearing Officer.** The Steele County Board of Commissioners shall serve as the hearing officer.

d. **Decision.** A decision will be issued by the hearing officer **within 10 business days of the hearing**. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed, will be recorded in writing, a copy of which will be provided to the County and the accused violator by in-person delivery or mail **as soon as practicable**. If the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, those findings will be recorded and a copy will be provided to the County and the acquitted accused violator by in-person delivery or mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in Section 11.1101.d. of this Ordinance.

e. **Costs.** If the citation is upheld by the hearing officer, the county's actual expenses in holding the hearing up to a maximum of \$1,000 must be paid by the person requesting the hearing.

f. **Appeals.** Appeals of any decision made by the hearing officer shall be filed in Steele County district court **within 10 business days of the date of the decision**.

g. **Continued Violation.** Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

1102. **Administrative Penalties.**

- a. **Licensees.** Any licensee found to have violated this ordinance, or whose employee shall have violated this ordinance, shall be charged an administrative fine of \$300 for a first violation of this ordinance; \$600 for a second offense at the same licensed premise within a thirty-six month period; and \$1000 for a third offense or subsequent offense at the same location within a 36-month period from the first violation. Upon the third violation, the license will be suspended for a period of not less than 30 consecutive days and may be revoked. Upon a fourth violation within a 36-month period from the first violation, the license will be revoked.
- b. **Employees of Licensees and Other Individuals.** Individuals 21 years of age and older who are found to be in violation of this ordinance may be charged an administrative fine of no more than \$50 or required to attend an instructional program regarding the requirements of the tobacco retail licensing ordinance.
- c. **Persons Under the Age of 21.** Persons under the age of 21 who violate this ordinance may only be subject to noncriminal, 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 County Board will consult with court personnel, educators, parents, youth, and other interested parties to determine an appropriate consequence for persons under the age of 21 in the County. The penalty may be established by ordinance and amended from time to time.
- d. **Misdemeanor.** Nothing in this section shall prohibit the County from seeking prosecution as a misdemeanor for any violation of this ordinance by persons age 21 or older.
- e. **Failure to Pay Fine.** Failure to pay a fine within the time ordered by the County Board shall be grounds for revocation or suspension of the license.
- f. **Statutory penalties.** If the administrative penalty for violations against licensed retailers under Section 11.B.1 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.

Section 12. Exceptions and Defenses.

1201. **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.

1202. **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.

Section 13. Severability and Savings Clause.

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or effect the validity and enforceability of any other section or provision of this ordinance.

Section 14. Effective Date.

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 375.51, subd. 3, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Dated this (twentieth) day of (month), YYYY.

ATTEST

STEELE COUNTY BOARD OF COMMISSIONERS

Chairman

Administrator

Ordinance Number 39

Steele County, Minnesota

PROHIBITING SMOKING IN PUBLIC PLACES AND PLACES OF WORK

The County Board of Steele County Ordains:

Section 1. Title.

Section 2. Purpose, Findings, and Jurisdiction.

Section 3. Definitions.

Section 4. Smoking Prohibited.

Section 5. Responsibilities of Proprietors

Section 6. Traditional Native American Ceremonies.

Section 7. Other Applicable Laws.

Section 8. Violation and Penalties.

Section 9. Injunctive Relief.

Section 10. Retaliation Prohibited.

Section 11. Severability.

Section 12. Effective Date.

Section 1. Title.

This Ordinance shall be known and referenced as Steele County Ordinance Number 39 **Prohibiting Smoking in Public Places and Places of Work.**

Section 2. Purpose, Findings, and Jurisdiction.

201. Purpose and Findings.

Whereas, smoke from commercial tobacco is a leading cause of disease in nonsmokers and a major source of indoor air pollution. There is no safe level of exposure to commercial tobacco smoke. Secondhand smoke causes heart disease, lung cancer, respiratory infections, decreased respiratory function, low birthweight or pre-term deliveries, and other health problems. Neither the separation of smokers and nonsmokers, nor the introduction of new ventilation systems, can eliminate the health hazards caused by secondhand smoke; and

Whereas, electronic smoking devices, more commonly referred to as electronic cigarettes, e-cigarettes, or vapes closely resemble and purposefully mimic the act of smoking as users inhale aerosolized liquid nicotine, THC, and other substances heated by an electronic ignition system. Their use in workplaces and public places where smoking is prohibited creates concern and confusion and leads to difficulties in enforcing smoking prohibitions; and

Whereas, scientific research has shown negative health effects related to secondhand exposure to e-cigarette aerosol. In 2014, the American Society for Heating, Refrigeration, and Air Conditioning Engineering published a risk assessment of electronic smoking devices and concluded that “e-cigarettes emit harmful chemicals into the air and need to be regulated in the same manner as tobacco smoking.” They can contain nicotine or THC and detectable levels of known carcinogens and toxic chemicals, like nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. In December 2016, the Surgeon General released a comprehensive review of the public health impact of e-cigarettes on U.S. youth and young

adults, finding, in part, that the nicotine contained in e-cigarettes can cause addiction and can harm the developing adolescent brain. In Minnesota, a 2017 Youth Tobacco Survey by the Minnesota Department of Health revealed that 46.2% of non-smoking youth had been exposed to secondhand smoke over the past 7 days; and

Whereas, restricting smoking in places of work and public places can help to reduce youth exposure to secondhand smoke and model smoke-free behavior; and

Whereas, the only way to completely protect workers and the public from the health threats of secondhand emissions from electronic cigarettes and other smoking products is to create 100% smoke-free workplaces and public places.

Whereas, a Minnesota county board of health has the power and duty to adopt ordinances to regulate actual or potential threats to the public health, define public health nuisances, and provide for their prevention;

Accordingly, the Steele County Board finds and declares that the purpose of this Ordinance is to: (1) protect the health, safety, and welfare of the people of Steele County from the adverse effects of secondhand smoke and aerosol and (2) affirm that the right to breathe clean air has priority over allowing people to smoke or use electronic smoking devices.

202. Authority and Jurisdiction.

Pursuant to Minn. Stat. §§ 145A.04-.05, this Ordinance shall apply throughout all of Steele County including the municipalities and unincorporated areas therein. Nothing in this Ordinance shall prevent other local levels of government within Steele County from adopting more stringent measures to protect citizens from smoking as defined in this Ordinance.

Section 3. Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For this Ordinance, the following definitions shall apply (terms defined in the Minnesota Clean Indoor Air Act but not in this Ordinance have the meaning given to them in the Minnesota Clean Indoor Air Act):

Electronic Smoking Devices. “Electronic Smoking Devices” shall mean 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 smoking device includes, but is not limited to, devices manufactured, marketed, or sold as **e-cigarettes, e-cigars, e-pipes, vape pens, vapes, mods, tank systems, disposables, or under any other product name or descriptor.** Electronic smoking device includes any component part of a product, whether or not marketed or sold separately.

Indoor Area. “Indoor area” shall mean 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.

Minnesota Clean Indoor Air Act. “Minnesota Clean Indoor Air Act” shall mean Minn. Stat. §§

144.411-.417, as it may be amended from time to time.

Place of Employment. "Place of employment" shall mean any indoor area at which two or more individuals perform any type of a service for consideration of payment under any type of contractual relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual, or government agency. Place of employment includes any indoor area where two or more individuals gratuitously perform services for which individuals are ordinarily paid. A place of employment includes, but is not limited to, public conveyances, factories, warehouses, offices, retail stores, restaurants, bars, banquet facilities, theaters, food stores, banks, financial institutions, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, and rooms or areas containing photocopying equipment or other office equipment used in common. Vehicles used in whole or in part for work purposes are places of employment during hours of operation if more than one person is present. An area in which work is performed in a private residence is a place of employment during hours of operation if:

- (1) the homeowner uses the area exclusively and regularly as a principal place of business and has one or more on-site employees; or
- (2) the homeowner uses the area exclusively and regularly as a place to meet or deal with patients, clients, or customers in the normal course of the homeowner's trade or business.

Proprietor. "Proprietor" shall mean the party, regardless of whether the party is owner or lessee of the public place, who ultimately controls, governs, or directs the activities within the public place. The term does not mean the owner of the property unless the owner ultimately controls, governs, or directs the activities within the public place. The term "proprietor" may apply to a corporation as well as an individual.

Public Place. "Public Place" shall mean any indoor area used by the public, including, but not limited to, restaurants, bars, any other food or liquor establishment, retail stores and other commercial establishments, schools and other educational facilities, hospitals, nursing homes, daycares, auditoriums, arenas, public transportation, public meetings, meeting rooms, and common areas of rental apartment and condominium buildings.

Smoking. "Smoking" shall mean 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 smoking device.

Section 4. Smoking Prohibited.

No person shall smoke:

- a. In public places or places of employment, or;
- b. Within 25 feet of entrances, exits, windows and ventilation intakes of public places and places of employment.

Section 5. Responsibilities of Proprietors

501. The proprietor or other person, firm, limited liability company, corporation, or other entity that owns, leases, manages, operates, or otherwise controls the use of a public place or place of employment shall make reasonable efforts to prevent smoking in the public place or place of

employment by:

- a. Posting appropriate signage on or immediately inside of all outside entrances to the public place or place of work. Signs must be placed at an unobscured location, at a height that will be easily seen by persons entering the establishment; and
- b. Refusing to serve or service any person acting in violation of this Ordinance.
- c. Ensuring that no ashtrays, lighters, matchbooks, smoking papers, pipes (including hookahs), or similar smoking paraphernalia are provided in any area where smoking is prohibited; and
- d. Asking any person who smokes in an area where smoking is prohibited to refrain from smoking, and, if the person does not refrain from smoking after being asked to do so, asking the person to leave. If the person refuses to leave, the proprietor shall handle the situation consistent with lawful methods for handling other persons acting in a disorderly manner or as a trespasser.

502. The proprietor or other person or entity in charge of a public place, public meeting, public transportation, or place of employment must not provide any equipment that facilitates smoking where smoking is prohibited.

503. Nothing in this Ordinance shall prohibit the proprietor or other person or entity in charge from taking more stringent measures than those contained in this Ordinance or the Minnesota Clean Indoor Air Act to protect individuals from secondhand smoke or aerosol.

504. The proprietor or other person or entity in charge of a restaurant or bar may not serve an individual who is in violation of this Ordinance.

Section 6. Traditional Native American Ceremonies.

Smoking of traditional, non-commercial tobacco by a Native American as part of a traditional Native American spiritual or cultural ceremony is allowed under this ordinance. For purposes of this ordinance, a Native American is a person who is a member of an Indian tribe as defined in Minn. Stat. § 260.755, subd. 12.

Section 7. Other Applicable Laws.

This Ordinance is intended to complement the Minnesota Clean Indoor Air Act, as amended from time to time. Nothing in this Ordinance authorizes smoking, including the use of an electronic smoking device in any location that is restricted by other applicable laws or regulations.

Section 8. Violation and Penalties.

A person of or over the age of twenty-one (21) who violates any provision of this Ordinance shall be guilty of a petty misdemeanor and subject to a fine of up to three-hundred dollars (\$300.00) for the first offense. Each violation and every day in which a violation occurs or continues, constitutes a separate offense. A person of or over the age of twenty-one (21) who violates any provision of this Ordinance within one year of a previous violation may be subject to misdemeanor prosecution.

Section 9. Injunctive Relief.

In addition to the penalties provided in Section 8., the County Attorney may bring a civil action against a proprietor or other person in charge of public place or place of work to enjoin repeated or continuing violations of this Ordinance.

Section 10. Retaliation Prohibited.

No proprietor, person, or entity in charge of a public place or place of employment may retaliate or take adverse action against an employee or other person who, in good faith, reports a violation of this Ordinance.

Section 11. Severability.

If any portion of this Ordinance is held unenforceable, then such provision will be modified to reflect the purpose of this Ordinance. All remaining provisions of this Ordinance shall remain in full force and effect.

Section 12. Effective Date.

This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Dated this (twentieth) day of (month), YYYY.

ATTEST

STEELE COUNTY BOARD OF COMMISSIONERS

Chairman

Administrator

STEELE COUNTY SMOKE-FREE POLICY

Section 1. Findings of Fact and Purpose.

Section 2. Definitions.

Section 3. Applicability and Jurisdiction.

Section 4. Policy.

Section 5. Dissemination.

Section 6. Cessation.

Section 7. Compliance and Enforcement.

Section 8. Evaluation.

Section 9. Effective Date.

Section 1. Findings of Fact and Purpose.

Steele County is committed to providing safe and healthy environments. **Commercial** tobacco use is a major cause of preventable disease and death. Smoking, other tobacco use, and exposure to second-hand smoke have been found to cause heart disease, cancer, asthma, bronchitis, and other respiratory problems. Electronic smoking devices, more commonly referred to as electronic cigarettes, e-cigarettes, or vapes, closely resemble and purposefully mimic the act of smoking as users inhale **aerosolized liquid nicotine**, THC, and other substances heated by an electronic ignition system. Their use in locations where smoking is prohibited creates concern and confusion and makes policy enforcement more difficult.

Steele County believes the use of **commercial** tobacco products and electronic smoking devices on County property is detrimental to the health and safety of its employees, residents, clients, and other visitors.

The purpose of this policy is to outline Steele County's policy regarding **staff** and visitors smoking and use of **commercial** tobacco products and electronic smoking devices.

Section 2. Definitions.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term "shall" means mandatory and the term "may" means permissive. For the purpose of this policy, the following definitions apply unless the context clearly indicates or requires a different meaning:

All Times. "All times" shall mean 24 hours a day, seven days a week.

Electronic Smoking Devices. "Electronic Smoking Devices" shall mean 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 smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, vapes, mods, tank systems, disposables, or under any other product name or descriptor. Electronic smoking device includes any component part of a product, whether or not marketed or sold separately. Electronic smoking device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

Property. “Property” shall mean all facilities, grounds, parks, recreational areas, 4 Seasons Centre, county fairgrounds, and property (including vehicles) owned, leased, rented, contracted, used, or controlled by Steele County. Property does NOT include Steele County Highway right of way.

Smoking. “Smoking” shall mean 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 smoking device.

Staff. “Staff” shall mean any person employed by Steele County in a full- or part-time capacity, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by Steele County, or any person working on a volunteer basis. The term includes but is not limited to elected and appointed officials, personnel, volunteers, contractors, consultants, and vendors.

Tobacco Product. “Tobacco Product” shall mean any product containing, made, or derived from commercial 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 product does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

Visitor. “Visitor” shall mean any person who is not a staff person, including customers and clients, during such time as the person is on county property.

Working Hours. “Working Hours” shall mean an employee’s paid worktime including paid work breaks. Working hours includes paid travel or paid time for off-site conferences, events, and meetings.

Section 3. Applicability and Jurisdiction.

- A. This policy applies to all visitors and staff on or in Steele County property at all times.
- B. Organizers and attendees at public or private events on Steele County property are required to abide by this policy. Event organizers are also responsible for communicating and enforcing this policy.

- C. When County events are conducted off County property, County staff will work with the owner to prohibit smoking and other tobacco use throughout the property.
- D. This policy also applies to private vehicles parked on Steele County property or parking lots.

Section 4. Policy.

- A. Smoking and other commercial tobacco product use is prohibited at all times in or on all Steele County property.
- B. The distribution, sale, advertising, sponsorship, and promotion of tobacco products is prohibited at all times within and on Steele County property.
- C. Staff are prohibited from smoking and other tobacco use during working hours and while in the course of their employment.
- D. There may be no areas designated for smoking or other tobacco use on Steele County property.

Section 5. Dissemination.

- A. Steele County will inform all staff and visitors of this policy and will support compliance with this policy by providing staff with access to tobacco cessation support.
- B. Steele County will post appropriate signs to communicate this policy, including contact information to report any violation of this policy.

Section 6. Cessation.

Upon request, Steele County Public Health will provide cessation information to those staff to quit. Human Resources will supply an explanation of cessation benefits under the insurance plan.

Section 7. Compliance and Enforcement.

- A. All staff are authorized and encouraged to communicate the terms of this policy with courtesy and diplomacy and to report any violations of this policy to their immediate supervisor or other appropriate manager.
- B. Any person in violation of this policy will be informed of the policy and asked to comply.
- C. Staff in violation of this policy may be subject to discipline in accordance with the Steele County employee handbook. Employees may be referred to Human Resources to review cessation benefits and resources. Disciplinary measures may include a verbal or written reprimand, a negative report in an employee's record, a suspension, or termination of employment.
- D. Steele County will make use of several tools to investigate an alleged violation of this policy including but not limited to direct observation of use of a tobacco product by staff, testimony of witnesses, or the presence of a strong odor of tobacco or aerosol, or visible tobacco smoke or aerosol.
- E. Visitors who do not comply with this policy will be informed of the policy and may be asked to leave the property if they refuse to comply.

Section 8. Evaluation.

This policy will be periodically assessed for effectiveness and revised accordingly.

Section 9. Effective Date.

This policy shall take effect in full on this (DATE) day of (MONTH), (YEAR).