

**OFFICIAL PROCEEDINGS  
PENNINGTON COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MAY 12<sup>TH</sup>, 2020, 10:00 A.M.**

Pursuant to adjournment, the Pennington County Board of Commissioners met in the Pennington County Board Room in Thief River Falls, MN, on Tuesday, May 12<sup>th</sup>, 2020 at 10:00 a.m. Members Present: Darryl Tveitbakk,, Donald Jensen, and Neil Peterson. Also present via Zoom were Bruce Lawrence and Cody Hempel. Absent: None.

The meeting was called to order by Chairman Tveitbakk and the Pledge of Allegiance was recited.

William “Bill” Barthold met with the County Board to answer any questions regarding the 2<sup>nd</sup> Amendment Resolution as presented. Chairman Tveitbakk stated he had shared with Mr. Barthold the revised resolution the County Board had considered at an earlier meeting. The 2<sup>nd</sup> Amendment Coalition preferred the original draft. The following resolution was introduced by Commissioner Jensen, seconded by Commissioner Peterson, and upon vote was carried by a roll call vote. Commissioner Lawrence – Aye, Commissioner Hempel – Aye, Commissioner Jensen – Aye, Commissioner Tveitbakk – Aye, Commissioner Peterson – Aye, resulting in 5 Ayes, 0 Nays.

**RESOLUTION  
Pennington County Board of Commissioners**

Whereas, the Commissioners of Pennington County Minnesota, have each taken an oath to support and defend the Minnesota State Constitution and the United States Constitution; and

Whereas, the Second Amendment of the Individual Bill of Rights of the United States Constitution reads “ A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed”; and

Whereas, The United States Supreme Court in District of Columbia v. Heller, 554 U.S. 570 (2008), affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

Whereas, The United States Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states: and

Whereas, the People of Pennington County, Minnesota, derive economic benefit from all safe forms of firearm recreation, hunting, and shooting conducted within Pennington County, using all types of firearms allowable under the United States Constitution; and

Whereas, certain legislation, beyond existing laws to date, that has or may be introduced in the Minnesota legislature in the future, and certain legislation which has or may be introduced in the United States Congress in the future, could have the effect on infringing on the Constitutional rights of law abiding citizens to keep and bear arms, as protected by the Second Amendment of the United States Constitution; and

Whereas, the Pennington County Board of Commissioners is concerned about the passage of any new legislation containing language which could be interpreted as infringing the Constitutional rights of the citizens of Pennington County, including the individual right to keep and bear arms; and

Whereas, the Pennington County Board of Commissioners wishes to express its deep commitment to the Constitutional rights of all citizens of Pennington County, including the individual right to keep and bear arms; and

Whereas, the Pennington County Board of Commissioners wishes to express opposition to any law in the future, beyond existing laws to date, that would unconstitutionally restrict the rights of the citizens of Pennington County, including the right to keep and bear arms; and

Whereas, the Pennington County Board of Commissioners wishes to express its intent to stand as a County Dedicated to the Constitutional rights of the citizens, including Second Amendment rights, and to oppose, within the limits of the Constitution of the United States and the State of Minnesota.

Now Therefore, Be it Resolved, by the Pennington County Board of Commissioners: That the Pennington County Board of Commissioners hereby declares Pennington County, Minnesota, as a "Second Amendment Dedicated County", and

Be It Further Resolved That the Pennington County Board of Commissioners hereby expresses its intent to uphold the Constitutional rights of the citizens of Pennington County, Minnesota, including all rights under the Second Amendment of the United States Constitution: and

Be It Further Resolved That the Pennington County Board of Commissioners hereby declares its intent to oppose any infringements on the Constitutional rights of law-abiding citizens, including the individual right to keep and bear arms.

County Sheriff Ray Kuznia made a recommendation to hire Kayla Dunwoody for the position of full-time Corrections Officer effective May 13<sup>th</sup>, 2020. Kayla is presently employed as a part-time Corrections Officer and would be transferring from that position. Moved by Commissioner Lawrence, seconded by Commissioner Jensen, to approve the transfer of Kayla Dunwoody from the part-time Corrections Officer position to a full-time Corrections Officer position effective May 13<sup>th</sup>, 2020. Upon roll call, vote was

unanimously carried with ayes from Commissioners Lawrence, Hempel, Jensen, Tveitbakk, and Peterson.

County Sheriff Kuznia also recommended that Jordin Gunderson be transferred to a full-time Corrections Officer Position. Moved by Commissioner Jensen, seconded by Commissioner Peterson, to approve the transfer of Jordin Gunderson from a part-time Corrections Officer position to a full-time Corrections Officer position effective May 13<sup>th</sup>, 2020. Upon roll call, vote was unanimously carried with ayes from Commissioners Lawrence, Hempel, Jensen, Tveitbakk, and Peterson.

County Sheriff Kuznia made a request to purchase two tasers from Axon Enterprises for the Sheriff's Department for a total of \$3,218.00. Moved by Commissioner Jensen, seconded by Commissioner Peterson, to approve the purchase of two tasers from Axon Enterprises. Upon roll call, vote was unanimously carried with ayes from Commissioners Lawrence, Hempel, Jensen, Tveitbakk, and Peterson.

County Sheriff Kuznia then discussed purchasing a power drain auger and carpet cleaner for the Justice Center. The power drain auger could pay for itself in a short time and could be paid for out of the Canteen Fund. Cost of the power drain auger is \$3,120.00. Commissioner Lawrence moved, seconded by Commissioner Hempel, to approve the purchase of a power drain auger out of the Canteen Fund. Upon roll call, vote was unanimously carried with ayes from Commissioners Lawrence, Hempel, Jensen, Tveitbakk, and Peterson. The carpet cleaner was not approved at this meeting.

County Attorney Seamus Duffy and County Sheriff Ray Kuznia presented a draft letter of support of Pennington County's application for a Drug Court Grant. Pennington County has seen the impact that specialty courts can make and has an extremely successful DWI Court. Moved by Commissioner Lawrence, seconded by Commissioner Jensen, to approve the Chairman, County Sheriff, and County Attorney to sign and send a letter in support of Pennington County's application for a Drug Court Grant. Upon roll call, vote was unanimously carried with ayes from Commissioners Lawrence, Hempel, Jensen, Tveitbakk, and Peterson.

County Engineer Mike Flaagan asked to purchase a used belly dump trailer from Thygeson Construction, Inc. for \$9,500.00. Moved by Commissioner Lawrence, seconded by Commissioner Jensen, to purchase a used belly dump trailer from Thygeson Construction, Inc. Upon roll call, vote was unanimously carried with ayes from Commissioners Lawrence, Hempel, Jensen, Tveitbakk, and Peterson.

County Engineer Flaagan gave an update on these current projects: Roundabouts, Bridge over the Red Lake River, and Red Lake Watershed District West Side Drainage Project.

County Auditor-Treasurer Ken Olson noted that he had received one request to waive late penalties for the first-half real estate tax due to the COVID-19 Emergency. The County Board took no action to waive penalties.

County Auditor – Treasurer Kenneth Olson then presented to the County Board of Commissioners a letter announcing his retirement effective June 30<sup>th</sup>, 2020.

Commissioner Jensen moved, seconded by Commissioner Peterson, to accept the retirement of County Auditor – Treasurer Kenneth Olson with regrets, and thanked him for nearly 41 years of service to Pennington County. Upon roll call, vote was unanimously carried with ayes from Commissioners Lawrence, Hempel, Jensen, Tveitbakk, and Peterson.

Erik Beitel, Emergency Management Director, gave a COVID-19 statistics report for Minnesota. At this time there is no active cases in Pennington County. He also discussed the need for a reopening plan. He will be filing through FEMA for reimbursements.

Kayla Jore, Inter County Nursing Service Director, had no further update and is waiting to hear what the Governor says on Thursday.

Moved by Commissioner Jensen, seconded by Commissioner Peterson, to approve the minutes of the April 28<sup>th</sup>, 2020 County Board Meeting and the April 28<sup>th</sup>, 2020 Minutes of the County five Year Road & Bridge Plan Hearing as written. Upon roll call, vote was unanimously carried with ayes from Commissioners Lawrence, Hempel, Jensen, Tveitbakk, and Peterson.

Motioned by Commissioner Hempel, seconded by Commissioner Lawrence, to approve payment of the Human Services warrants totaling \$ 107,621.43, and the following Commissioner warrants. Upon roll call, vote was unanimously carried with ayes from Commissioners Lawrence, Hempel, Jensen, Tveitbakk, and Peterson.

WARRANTS

County Revenue	\$ 62,535.25
Road & Bridge	\$ 35,671.24
Solid Waste Facility	\$ 40.00
Ditch Funds	\$ 50.34

Per diems and meal reimbursements in the amount of \$2,592.82 were also approved.

Motioned by Commissioner Jensen, seconded by Commissioner Peterson, to adjourn the Board meeting to Tuesday, May 26<sup>th</sup>, 2020 at 5:00 p.m. Motion carried.

ATTEST:

Kenneth Olson, Auditor-Treasurer  
Pennington County

Darryl Tveitbakk, Chairman  
Board of Commissioners