

- Call to Order The Champlin City Council Tobacco Compliance Hearing was called to order by Mayor Mark Uglem at 6:45 p.m.
- Roll Call Present were Mayor Mark Uglem, Councilmembers ArMand Nelson Greg Payer, Eric Johnson and Julia Whalen.
- Absent: none.
- Also present were City Administrator Bret Heitkamp, City Police Chief David Schwarze, Police Investigator Weston Rolf, City Attorney Darrell Jensen, City Engineer Tim Hanson, Assistant City Engineer Todd Tuominen and City Clerk Roberta Colotti.
- Approval of Agenda Motion by Councilmember Whalen and seconded by Councilmember Payer to approve the agenda for the April 12, 2010 tobacco compliance hearing as presented. Voting in favor were Mayor Uglem, Councilmembers Nelson, Johnson, Payer and Whalen. Voting against: none. Motion carried.
(April 12, 2010)
Motion
- Tobacco Compliance The Police Chief reported that on March 10, 2010 the Champlin Police Department conducted a tobacco
Hearing for Champlin BP compliance check of all licensed businesses within the City of Champlin. Champlin BP was the only business that sold tobacco to a minor during the compliance check. Champlin BP management was advised of the violation and has requested a hearing in front of the Champlin City Council to contest the civil financial penalty assessed as a result of the violation.
- Penalties are stated as follows under City Ordinance 30-490 sub h:
- First Violation: The City Council may impose a civil fine not to exceed \$500.
 - Second Violation within Twelve Months: The City Council may impose a civil fine not to exceed \$1,000.
 - Third Violation within Twelve Months: The City Council may impose a civil fine not to exceed \$2,000 and/or suspend the license for a period not to exceed seven (7) days.
- Champlin BP owner/operator Jason Seitz stated that he had only been operating the business for five days when they were cited. He stated that he had his son working for him, during spring break, when the compliance check was conducted. He stated that there is the possible \$500 business fine and a \$200 personal fine that he is facing. He asked for sympathy from the Council as he had only been in business for five days.
- Mayor Uglem stated that the City takes the prevention of the sale of tobacco to minors very seriously. He understands that the owner just started his business so he has sympathy for him. But the old adage “ignorance of the law is no excuse” still applies. He noted that this was the only business that failed.
- Councilmember Johnson asked the Police Chief if he knew the owner had only been in business for five days when the compliance check was conducted.
- The Police Chief stated that the compliance checks were all done on the same date and that he did not know how long the owner had been in business.
- Councilmember Payer referenced the fact that the owners’ son was only 13 and asked if there was a minimum age to sell tobacco in the state.
- The Police Chief stated that they are still reviewing that matter as it was thought to have been 16. But it is also important that employees be trained.
- Councilmember Payer stated that the City Council has been consistent in enforcing the rules regarding illegal sale of tobacco to minors. So, unfortunately for this owner, whether it’s your first day, last day, or some day in-between you have a business responsibility to know the rules. If we do not support the fee as

presented then we would not be supporting our Police Department.

Councilmember Johnson asked if the son was an employee.

Mr. Seitz stated that his son is not really an employee and was just helping out.

Councilmember Johnson stated that since his son was not a trained employee he could see levying a fee at half the amount proposed.

Mayor Uglem confirmed that the City Council is allowed to levy a fine up to the \$500 amount. He asked if the owner had ever owned a gas station before.

Mr. Seitz stated that while he has not owned a store before he did manage one.

Councilmember Whalen asked if he was trained on selling tobacco, when he was a manager.

Mr. Seitz stated that he was trained on the sale of tobacco as a manager. He added that he no longer allows his son to sell tobacco at his store.

Councilmember Nelson stated that if the Council reduces the fee for this owner then they will need to do the same for future violators.

Councilmember Whalen, referencing the owners letter in which he stated that he requested to see the undercover representatives drivers license to teach his son and was denied and referred to a website, that it would be helpful for the Police Department to assist with the education after.

Councilmember Whalen stated that she believes the fine of \$500 should stand.

Motion

Motion by Councilmember Nelson and seconded by Councilmember Whalen to uphold the \$500 civil fine for a first violation of the tobacco ordinance by Champlin BP. Voting in favor: Mayor Uglem, Councilmembers Payer, Nelson and Whalen. Voting against: Councilmember Johnson. Motion passed this 12th day of April 2010.

Adjournment

The Champlin City Council adjourned the tobacco compliance hearing at 6:52 p.m.

Mark W. Uglem, Mayor

Attest:

Roberta Colotti, CMC, City Clerk