

AGENDA

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF ST. LOUIS COUNTY, MINNESOTA



Tuesday, September 6, 2011, 9:30 A.M.

**County Board Room, Second Floor
St. Louis County Courthouse
100 N. 5th Avenue West
Duluth, Minnesota**

**STEVE O'NEIL, Chair
Second District**

**FRANK JEWELL
First District**

**CHRIS DAHLBERG
Third District**

**MIKE FORSMAN
Fourth District**

**PEG SWEENEY
Fifth District**

**KEITH NELSON, Vice-Chair
Sixth District**

**STEVE RAUKAR
Seventh District**

County Auditor
Don Dicklich

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Patricia Stolee

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter which does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility [County Board Resolution No. 560, adopted on September 9, 2003]. Speakers will be limited to five (5) minutes.

****In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify Property Management 72 hours prior to the meeting at (218)725-5085.****

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx>

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9:30 A.M. Pledge of Allegiance
Roll Call

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS ON THE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

9:40 A.M. Public hearing, pursuant to Resolution No. 456, adopted August 9, 2011, to consider allegations of liquor law violation at the Gnesen Convenience Store, LLC d/b/a Gnesen Convenience Store, Gnesen Township. **{11-321}**

CONSENT AGENDA: Approval of business submitted on the Consent Agenda.

REPORTS OF BOARDS AND COMMITTEES

Central Management & Intergovernmental Committee – Commissioner Raukar, Chair

1. Claim settlement – trespass. **{11-322}**

***At the conclusion of the Board meeting, the St. Louis County Housing and Redevelopment Authority (HRA) will convene.**

BOARD LETTER NO. 11 - 321

FINANCE & BUDGET COMMITTEE

SEPTEMBER 6, 2011 BOARD AGENDA 9:40 A.M.
PUBLIC HEARING

DATE: September 6, 2011 **RE:** Public Hearing to Consider
Allegations of Liquor Law
Violations – Gnesen
Convenience Store (Gnesen
Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor

Mark Rubin
County Attorney

RELATED DEPARTMENT GOAL:

Provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to consider penalties and/or suspension of liquor license for alleged violation of the liquor law by Gnesen Convenience Store, LLC d/b/a Gnesen Convenience Store, Gnesen Township.

BACKGROUND:

The County Attorney and the County Auditor have received reports from the St. Louis County Sheriff's Office concerning liquor law violation on May 2, 2011, by Gnesen Convenience Store, LLC d/b/a Gnesen Convenience Store, Gnesen Township.

On August 2, 2011, the St. Louis County Liquor Licensing Committee met to discuss the alleged liquor law violation against Gnesen Convenience Store. After consideration of the allegations and circumstances, the committee recommended a ten (10) day license suspension and \$1,000 civil penalty, with nine (9) days and \$1,000 of the civil penalty stayed for one (1) year on the condition that the licensee have no same or similar violations during that year. The date of the one (1) day suspension will be September 12, 2011.

A public hearing was scheduled before the St. Louis County Board of Commissioners on September 6, 2011. The purpose of the hearing, pursuant to St. Louis County Ordinance No. 28, Section 13.01, is for the County Board to determine whether the licensee violated any liquor laws, regulations, or provisions of Ordinance No. 28, and, if so, what consequence should be imposed upon the licensee. Ordinance No. 28 permits that a liquor license may be suspended or revoked for up to sixty days, a civil penalty of up to \$2,000 may be imposed for each violation, or a combination of any of these sanctions.

RECOMMENDATION:

It is recommended that the County Board receive testimony at the public hearing and consider suspension, revocation, or other sanctions of the Off-Sale 3.2 Percent Malt Liquor License issued to Gnesen Convenience Store, LLC d/b/a Gnesen Convenience Store, including but not limited to, imposition of civil penalties for the violation.

**Public Hearing to Consider Allegations of Liquor Law Violations –
Gnesen Convenience Store (Gnesen Township)**

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on August 2, 2011, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on May 2, 2011, against Gnesen Convenience Store, LLC d/b/a Gnesen Convenience Store, Gnesen Township; and

WHEREAS, the Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000 civil penalty, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed, for one year with no same or similar violations during that year.

WHEREAS, after hearing testimony on the matter at a public hearing conducted on September 6, 2011, at 9:40 a.m. in the Courthouse, Duluth, MN, the St. Louis County Board determined the recommendation of the St. Louis County Liquor Licensing Committee to be an appropriate penalty for the liquor law violation.

NOW, THEREFORE, BE IT RESOLVED, that the Off-Sale 3.2 Percent Malt Liquor License No. B1165, issued to Gnesen Convenience Store, LLC d/b/a Gnesen Convenience Store, Gnesen Township, is suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$1,000 of the civil penalty stayed for one (1) year, with no same or similar violations during that period.

RESOLVED FURTHER, that the date of suspension of the liquor license will be September 12, 2011.

RESOLVED FURTHER, that a new violation within the next year (ending September 6, 2012), will result in the imposition of the remainder of the suspension and civil penalty, and may also be cause for additional action against the liquor license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

BOARD LETTER NO. 11 - 322

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE

SEPTEMBER 6, 2011 BOARD AGENDA NO. 1

DATE: September 6, 2011 **RE:** Claim Settlement - Trespass

FROM: Kevin Z. Gray
County Administrator

Mark Rubin
County Attorney

RELATED DEPARTMENT GOAL:

Resolution of claims associated with trespass in placement of power line.

ACTION REQUESTED:

The St. Louis County Board is requested to approve settlement of trespass claims associated with improper placement of power lines on private property.

BACKGROUND:

St. Louis County authorized by permit the placement of power lines on property owned by Robin and Chester Cullen. Both the Cullens and Lake Country Power asserted claims against the county arising out of the issuance of the permit and placement of the power lines on the Cullen property. The County Board was informed of the claims during a closed session of the Committee of the Whole on July 26, 2011. The parties have agreed to resolve these claims by the payment of damages to the Cullens in the amount of \$23,500.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the payment of \$23,500 from the Tort Liability Fund No. 720 to Robin and Chester Cullen, and their attorney Kenneth Butler, in settlement of all claims associated with the placement of power lines on the Cullen property.

Claim Settlement – Trespass

BY COMMISSIONER _____

WHEREAS, Chester and Robin Cullen have brought a claim against St. Louis County and Lake Country Power alleging a trespass associated with the location of a power line; and

WHEREAS, the Cullens have agreed to release their claims for damages against St. Louis County and provide a power line easement to Lake Country Power in exchange for consideration in the amount of \$23,500.

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County pay to Chester and Robin Cullen the amount of \$23,500, payable from the Tort Liability Fund, Fund No. 720 upon receipt of a Release signed by Plaintiffs and approved by the County Attorney's Office.