

AGENDA

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



Tuesday, October 25, 2011, 9:30 A.M.

**McDavitt Town Hall
9042 Zim Road
Zim, Minnesota 55738**

North on Highway 53 to Cotton; turn left (west) on Highway 52 and go approx. 6 miles; in Kelsey, turn right on Highway 7 and go approx. 9 miles; in Zim, turn left on Zim Road and go 1 ½ miles to the McDavitt Town Hall, on the left.

**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>

AGENDA
St. Louis County Board
October 25, 2011
Page 2

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. 537, adopted October 11, 2011, to consider the issuance of an Off-Sale Intoxicating Liquor license to Steven G. Swanstrom d/b/a Blue Max, Fredenberg Township. **{11-393}**

CONSENT AGENDA

Approval of business submitted on the Consent Agenda.

REPORTS OF BOARDS AND COMMITTEES

BOARD LETTER NO. 11 - 393

COMMITTEE NO.

OCTOBER 25, 2011 BOARD AGENDA 9:40 A.M.
PUBLIC HEARING

DATE: October 25, 2011 **RE:** Public Hearing to Consider Off-Sale Intoxicating Liquor License (Fredenberg Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor

RELATED DEPARTMENT GOAL:

Provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to consider an off-sale intoxicating liquor license for an establishment in Fredenberg Township.

BACKGROUND:

Steven G. Swanstrom has made application for an off-sale intoxicating liquor license for the establishment known as Blue Max, Fredenberg Township.

M.S. 340A.405, subdivision 2d, relating to the issuance of off-sale intoxicating liquor licenses provides that "No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, and the character and reputation of the applicant, and the propriety of the location."

The County Liquor Licensing Committee considered and approved the application and recommends Board approval. This establishment is located in Area 3 and the annual license fee is \$150.

RECOMMENDATION:

It is recommended that the St. Louis County Board consider the testimony at the public hearing and barring any valid objection, approve the issuance of the off sale license.

**Public Hearing to Consider Off-Sale Intoxicating
Liquor License (Fredenberg Township)**

BY COMMISSIONER _____

WHEREAS, Steven G. Swanstrom d/b/a Blue Max, Fredenberg Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minnesota Statute, Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on October 25, 2011, at 9:40 a.m. in the McDavitt Town Hall, Zim, Minnesota, for the purpose of considering the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for the license, Blue Max has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that off-sale intoxicating liquor license (License Number CMB12144) shall be issued to Steven G. Swanstrom d/b/a Blue Max, located in Area 3, for an annual fee of \$150.

RESOLVED FURTHER, that the license is approved contingent upon license holder paying real estate or personal property taxes when due.

RESOLVED FURTHER, that the license is approved contingent upon license holder complying in all respects with the controlling liquor, health, environmental and sanitary laws, rules and regulations for the liquor license, Fredenberg Township approval, certificate of liquor liability insurance, proof of workers' compensation insurance, and Minnesota Department of Health Food/Beverage Service License application.

RESOLVED FURTHER, that if named license holder sells the licensed place of business, the County Board, after an investigation, may transfer the license to a new owner, but without pro-rated refund of license fee to the license holder.