

RESULTS

AGENDA

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



Tuesday, April 26, 2011, 9:30 A.M.

**Northland Town Hall
7271 Highway 53
Canyon, MN 55717**

**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
April 26, 2011
Page 2

9:30 A.M. Pledge of Allegiance
Roll Call – **All members present.**
Recognition of Excellence in the Arts & Sciences – Commissioner Keith Nelson, Sixth District

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.

9:35 A.M. Public hearing, pursuant to Resolution No. 188, adopted April 12, 2011, to consider granting an Off-Sale Intoxicating Liquor License to Crane Lake Bar & Grill, LLC, d/b/a Crane Lake Bar & Grill, Crane Lake Township. **{11-144} Resolution #218 Moved by Forsman/Nelson 7-0**

9:40 A.M. Public hearing, pursuant to Resolution No. 156, adopted April 5, 2011, to consider alleged liquor law violations at Vermilion Club, Inc., d/b/a Vermilion Club, Inc., Greenwood Township. **{11-145} Resolution #219 Moved by Nelson/Dahlberg as amended. 7-0**

9:45 A.M. Public hearing, pursuant to Resolution No. 157, adopted April 5, 2011, to consider alleged liquor law violations at Gateway Store d/b/a Gateway Store, LLC, Unorganized Township 68-21. **{11-146} Resolution #220 Moved by Nelson/Dahlberg as amended. 7-0**

9:50 A.M. Public hearing, pursuant to Resolution No. 191, adopted April 12, 2011, to consider alleged liquor law violations at Knudson & Son, Inc., d/b/a Jim's Ash Trail Store, Unorganized Township 68-21. **{11-147} Resolution #221 Moved by Nelson/Dahlberg as amended. 7-0**

9:55 A.M. Public hearing, pursuant to Resolution No. 196, adopted April 12, 2011, to consider alleged liquor law violations at 5717, Inc., d/b/a Crossroads Store, Brevator Township. **{11-148} Resolution #222 Moved by Nelson/Dahlberg as amended. 7-0**

CONSENT AGENDA: Approval of business submitted on the Consent Agenda. **Moved by Forsman/Sweeney 7-0**

REPORTS OF BOARDS AND COMMITTEES

Public Works & Transportation Committee – Commissioner Forsman, Chair

1. Highway project bid awarded to **Hoover Construction Co.**, Virginia, MN, on their low bid of **\$5,599,994.89** for SP 69-604-060, CP 9282, Grading, Aggregate Base, Curb & Gutter, and Bituminous Surfacing on County State Aid Highway 4 near Markham, MN. **[Tabled from the April 12, 2011, meeting. Without recommendation.] {11-124R}**
Tabled to May 3, 2011. Forsman/Sweeney 7-0

Finance & Budget Committee – Commissioner Nelson, Chair

2. Assessment for an unpaid septic loan on property currently operated as Kountry Crossroads, Pike Township. **{11-149} Resolution #223 Moved by Forsman/Nelson 7-0**

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on March 8, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on December 16, 2009 against Vermilion Club, Inc., d/b/a Vermilion Club, Inc., Greenwood 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 April 26, 2011 at 9:40 a.m. in the Northland Town Hall, Canyon, 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 Combination On/Off-Sale Intoxicating Liquor License No. CMB1152 and Sunday On-Sale Intoxicating Liquor License No. SUN1152, issued to Vermilion Club, Inc. d/b/a Vermilion Club, Inc., Greenwood Township, are hereby 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 **May 2, 2011**.

RESOLVED FURTHER, that a new violation within the next year (ending April 26, 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.

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on April 26, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on November 20, 2010 against Gateway Store, LLC d/b/a Gateway Store, LLC, Unorganized Township 68-21; 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 April 26, 2011 at 9:45 a.m. in the Northland Town Hall, Canyon, 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 Intoxicating Liquor License No. OFSL113 issued to Gateway Store, LLC d/b/a Gateway Store, LLC, Unorganized Township 68-21, is hereby 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 **May 2, 2011**.

RESOLVED FURTHER, that a new violation within the next year (ending April 26, 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.

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on April 26, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on November 20, 2010 against Knutson & Son, Inc. d/b/a Jim's Ash Trail Store, Unorganized Township 68-21; 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 April 26, 2011 at 9:50 a.m. in the Northland Town Hall, Canyon, 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 Intoxicating Liquor License No. OFSL1114, issued to Knutson & Son, Inc. d/b/a Jim's Ash Trail Store, Unorganized Township 68-21, is hereby 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 **May 2, 2011**.

RESOLVED FURTHER, that a new violation within the next year (ending April 26, 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.

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on April 26, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on December 13, 2010 against 5717, Inc. d/b/a Crossroads Store, Brevator 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 April 26, 2011 at 9:55 a.m. in the Northland Town Hall, Canyon, 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. B1110, issued to 5717, Inc. d/b/a Crossroads Store, Brevator Township, is hereby 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 **May 2, 2011**.

RESOLVED FURTHER, that a new violation within the next year (ending April 26, 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.

RESULTS

CONSENT AGENDA **FOR THE MEETING** **OF** **ST. LOUIS COUNTY BOARD OF COMMISSIONERS**

April 26, 2011

Northland Town Hall, 7271 Highway 53, Canyon, Minnesota

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a commissioner requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

RESOLUTIONS FOR APPROVAL: Moved by Forsman/Sweeney 7-0

Minutes of April 5, 2011. Resolution #198

Minutes of April 12, 2011. Resolution #199

Environment & Natural Resources Committee – Commissioner Jewell, Chair

1. Authorize the County Auditor to dispose of abandoned personal property from certain state tax forfeited properties. **Resolution #200**
2. Application for repurchase of state tax forfeited land by Robert Rodenwald, Duluth, MN, for a total payment of \$5,997.24, to be deposited into Fund 240 (Forfeited Tax Fund). **Resolution #201**
3. Sale of state tax forfeited land to the City of Duluth for street and utility purposes for the appraised price of \$25,000 plus fees for a total payment of \$27,653.50, to be deposited into Fund 240 (Forfeited Tax Fund); and further, the County Auditor shall offer the land for sale at public auction if the City of Duluth does not purchase the land by July 1, 2011. **Resolution #202**
4. Appraisal reports for the sale of timber to be offered at public oral timber auction (totaling \$902,252.94) as submitted by the Land Commissioner. **Resolution #203**

Public Works & Transportation Committee – Commissioner Forsman, Chair

5. Authorize the County Auditor to grant a necessary highway easement over state tax forfeited land for the reconstruction of part of County Road 267 (Laine Road) and replacement of County Bridge 849 (County Project MP 267-78113) over McCarthy Creek located in the NE ¼ of SW ¼, Section 12, Township 53 North, Range 12 West (Alden Township). **Resolution #204**
6. Authorize contracts for the purchase of bituminous materials from Ulland Brothers, Inc., of Cloquet, MN; Mesabi Bituminous, Inc., of Gilbert, MN; Monarch Paving Company of Superior, WI; Northland Constructors of Duluth, LLC; and KGM Contractors, Inc., of Angora, MN, at prices submitted on Bid No. 4949. **Resolution #205**

ST. LOUIS COUNTY BOARD

Consent Agenda

April 26, 2011

Page 2

Finance & Budget Committee – Commissioner Nelson, Chair

7. Abatement List for Board approval. **Resolution #206**
8. Approval of claims and accounts for March 2011. **Resolution #207**
9. Application for On/Off-Sale 3.2 percent malt liquor license approved for The Bear's Den, LLC, d/b/a The Bear's Den, Grand Lake Township, new. **Resolution #208**
10. Application for permit authorizing the consumption and display of intoxicating liquors approved for The Bear's Den, LLC, d/b/a The Bear's Den, Grand Lake Township, new. **Resolution #209**
11. Application for license to sell tobacco at retail approved for The Bear's Den, LLC, d/b/a The Bear's Den, Grand Lake Township, new. **Resolution #210**
12. Application to sell/serve outside the designated serving areas of the County Liquor License approved for Riverside Inn of Side Lake, Inc., d/b/a Riverside Inn of Side Lake, Inc., French Township, for the date of July 4, 2011. **Resolution #211**
13. Application to sell/serve outside the designated serving areas of the County Liquor License approved for Buffalo Valley, Inc., d/b/a Buffalo House, Midway Township, for the dates of August 19 and 20, 2011. **Resolution #212**

Central Management & Intergovernmental Committee – Commissioner Raukar, Chair

14. Approve the 2010/2011 County Attorney Investigators Unit bargaining agreement and authorize county officials to execute a written agreement consistent with negotiations. **Resolution #213**

Public Safety & Corrections Committee – Commissioner Sweeney, Chair

15. Authorize an agreement with St. Mary's/Duluth Clinic Health Systems to provide medical services at the County Jail from January 1, 2011 through December 31, 2011, payable from Fund 100, Agency 137002, Object 626400. **Resolution #214**
16. Authorize application for the 2010 Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Grant in the amount of \$68,967 in federal funding, with a 25% local match of \$22,989, to update the St. Louis County Hazard Mitigation Plan, with funds to be accounted for in Fund 100, Agency 132999, Grant 13206, Year 2010. **Resolution #215**

17. Authorize acceptance of a grant deadline extension from the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, for the 2008 Homeland Security Northern Border grant and authorize St. Louis County to continue to serve as fiscal agent on behalf of the Northern Border counties. **Resolution #216**
18. Workers' Compensation report dated April 8, 2011, as submitted by Safety & Risk Management. **Resolution #217**