

## AGENDA

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



**Tuesday, June 12, 2012, 9:30 A.M.**

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

**KEITH NELSON, Chair  
Sixth District**

**FRANK JEWELL  
First District**

**STEVE O'NEIL  
Second District**

**CHRIS DAHLBERG  
Third District**

**MIKE FORSMAN  
Fourth District**

**PEG SWEENEY, Vice-Chair  
Fifth District**

**STEVE RAUKAR  
Seventh District**

County Auditor  
Donald 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. 12-281, adopted May 22, 2012, to consider the issuance of an off-sale intoxicating liquor license for Back Country Bar, Inc., d/b/a Hugo's, Ault Township. **{12-238}**

9:45 A.M. Public hearing, pursuant to Resolution No. 12-282, adopted May 22, 2012, to consider the issuance of an off-sale intoxicating liquor license for Porkorny's, LLC d/b/a Gappa's Landing Resort & Campground, Kabetogama Township. **{12-239}**

9:50 A.M. Public hearing, pursuant to Resolution No. 12-283, adopted May 22, 2012, to consider the issuance of an off-sale intoxicating liquor license for The Shack, Inc., d/b/a The Shack, Unorganized Township 59-16. **{12-240}**

**CONSENT AGENDA**

Approval of business submitted on the consent agenda.

**REGULAR AGENDA**

**Central Management & Intergovernmental Committee – Commissioner Jewell, Chair**

1. A closed session is requested for litigation purposes.



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

BY COMMISSIONER \_\_\_\_\_

WHEREAS, Back Country Bar, Inc., d/b/a Hugo's, Ault Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minn. Stat., 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 June 12, 2012, at 9:40 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for the license, Hugo's 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 of Commissioners 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 OFSL1326) shall be issued to Back Country Bar, Inc., d/b/a Hugo's, Ault Township, located in Area 3, for an annual fee of \$500.00.

RESOLVED FURTHER, that said liquor license shall be effective July 1, 2012, through June 30, 2013.

RESOLVED FURTHER, that said liquor license is approved contingent on proof of liquor liability insurance.

RESOLVED FURTHER, that said license is approved contingent upon payment of real estate taxes when due.

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



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

BY COMMISSIONER \_\_\_\_\_

WHEREAS, Porkorny's, LLC d/b/a Gappa's Landing Resort & Campground, Kabetogama Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minn. Stat. 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 June 12, 2012, at 9:45 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for the license, Gappa's Landing Resort & Campground 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 an Off-Sale Intoxicating Liquor License shall be issued to Porkorny's, LLC d/b/a Gappa's Landing Resort & Campground, Kabetogama Township, located in Area 3, for an annual fee of \$150.00.

RESOLVED FURTHER, that said liquor license shall be effective upon compliance with all contingencies through June 30 of license term.

RESOLVED FURTHER, that said license is approved contingent upon payment of real estate taxes when due.

RESOLVED FURTHER, that said license is approved contingent upon approval from Minnesota Department of Health (MDH), proof of liquor liability insurance, Federal tax identification number and MDH Food/Beverage Service License application.

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



**Public Hearing to Consider Off-Sale Intoxicating Liquor License  
(Unorganized Township 59-16)**

BY COMMISSIONER \_\_\_\_\_

WHEREAS, The Shack, Inc., d/b/a The Shack, Unorganized Township 59-16, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minn. Stat. 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 June 12, 2012, at 9:50 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for the license, The Shack 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 an Off-Sale Intoxicating Liquor License shall be issued to The Shack, Inc., d/b/a The Shack, Unorganized Township 59-16, located in Area 2, for an annual fee of \$250.00.

RESOLVED FURTHER, that said liquor license shall be effective upon compliance with all contingencies through June 30 of license term.

RESOLVED FURTHER, that said license is approved contingent upon payment of real estate taxes when due.

RESOLVED FURTHER, that said license is approved contingent upon approval from Minnesota Department of Health (MDH), proof of liquor liability insurance, State and Federal tax identification numbers, MDH Food/Beverage Service License application and payment of past due and delinquent real estate taxes.

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

**RESOLUTION FOR A CLOSED SESSION OF THE COMMITTEE OF WHOLE**

BY COMMISSIONER \_\_\_\_\_

WHEREAS, pursuant to Minn. Stat § 13D.05, Subd. 3(b), the St. Louis County Board may close a meeting as permitted by the attorney/client privilege; and

WHEREAS, St. Louis County has received a settlement demand in a claim arising from an automobile accident; and

WHEREAS, the County Attorney requires discussion on potential settlement and litigation strategy with the County Board in a closed session of the Committee of the Whole.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board will convene in a closed meeting of the Committee of the Whole on June 12, 2012, for the purpose of discussing settlement litigation strategy immediately following the Board meeting.