

AGENDA

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



Tuesday, August 13, 2013, 9:30 A.M.

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

**CHRIS DAHLBERG, Chair
Third District**

**FRANK JEWELL
First District**

**VACANT
Second District**

**MIKE FORSMAN, Vice Chair
Fourth District**

**PETE STAUBER
Fifth District**

**KEITH NELSON
Sixth District**

**STEVE RAUKAR
Seventh District**

County Auditor
Donald Dicklich

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Phil Chapman

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 that 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. Moment of Silence
Pledge of Allegiance
Roll Call

*“St. Louis County History: People & Places” – Commissioner 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 LISTED ON THE BOARD AGENDA OR COMMITTEE OF THE WHOLE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

9:40 A.M. Pursuant to Resolution No. 13-300, adopted May 14, 2013, the St. Louis County Board is requested to consider bids received for the sale of surplus fee owned land located in Grand Lake Township and authorize the sale of the land to the party submitting the highest bid. **{13-335}**

9:45 A.M. Public hearing, pursuant to Resolution No. 13-452, adopted July 9, 2013, to consider allegations of a liquor law violation by Wilbert, Inc., d/b/a Wilbert Café & El Toro Lounge, Cotton Township. **{13-336}**

9:50 A.M. Public hearing, pursuant to Resolution No. 13-468, adopted July 30, 2013, to receive public testimony concerning the qualifications of prospective appointees to fill the vacancy existing in the office of Second District County Commissioner. After closing the public hearing, the County Board must determine whether or not to appoint an individual to fill the vacancy in the office of Second District Commissioner pending the special election, which is scheduled to occur January 14, 2014. **{13-337}**

CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Central Management & Intergovernmental Committee - Commissioner Jewell, Chair

1. Commissioner Jewell has proposed an appointment process resolution to be considered for filling the Second District Commissioner vacancy, should the County Board decide to make an interim appointment. **{13-338} [Rules must be suspended; has not been to committee.]**

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ADJOURNED:

NOTE: Because there will not be a County Board meeting until September 3, 2013, the Board will recess and reconvene to consider items passed at the Committee of the Whole meeting.



For Sale



Minimum Bid \$31,200, Bids Due August 2, 2013
For Information call 218-725-5085 or 218-343-3505

Parcel 380-0010-04730 5250 Munger Shaw Road
Part of the SW 1/4 of the NW 1/4 Section 23, T51N, R16W



Parcel is approximately 6.1 acres with approximately 630 feet of frontage on Munger Shaw Road.

Utilities: Overhead Power and Phone available.

Parcel is wooded and is predominately upland with the eastern area lying within past gravel excavation area. Parcel would make a nice building site.

For information visit www.stlouiscountymn.gov under Property Management Department / Fee Land Sale
Or Call 218-725-5085 or 218-343-3505



Prepared By: St. Louis County
Property Management

Source: St. Louis County, Minnesota

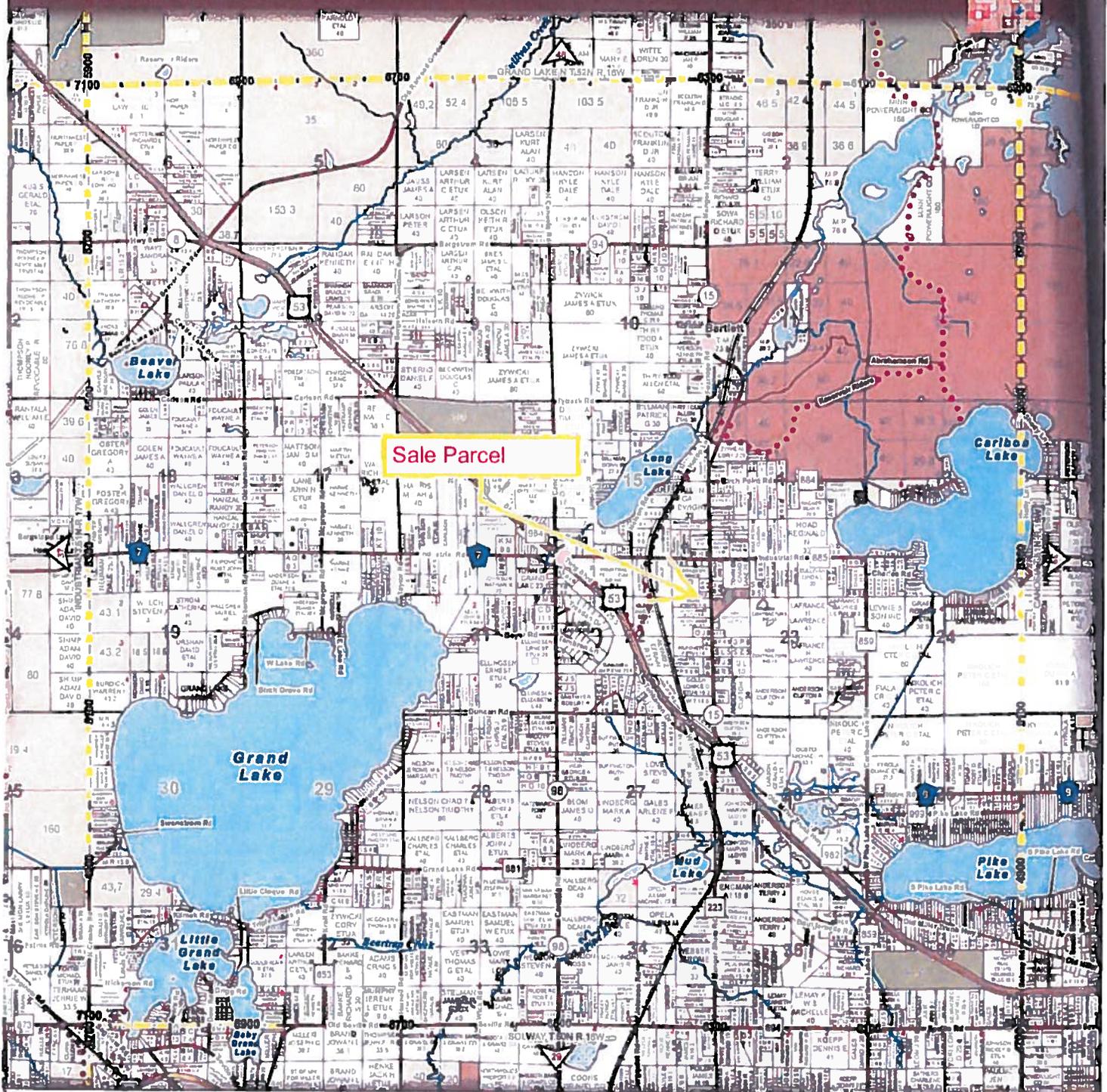
Map Created: 5/16/2013

Disclaimer: This is a compilation of records as they appear in the St. Louis County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.

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GRAND LAKE (S)

T. 51N-R. 16W



Sale Parcel

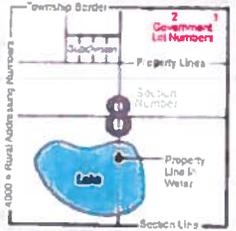
LEGEND

- | | | |
|--------------------|---------------------------|---------------------------------------|
| CITY | USA | LAKE |
| INTERSTATE HIGHWAY | STATE OF MINNESOTA | PIT LAKE |
| US HIGHWAY | STATE OF MINN TAX FORFEIT | DRY LAKE BED |
| MINN-SOTA HIGHWAY | ST. LOUIS COUNTY | RIVER'S REACH |
| COUNTY ROAD 6 | PRIVATE | VOYAGEURS NATIONAL PARK |
| LOCAL ROADS | BOMDISON | RESERVATION |
| RAIL ROAD S | 5 | NATIONAL FOREST |
| STATE TRAILS | C | STATE FOREST |
| CARRY IN | MUNICIPALITY | STATE PARK |
| BOAT LAMIN. | | BOUNDARY WATERS CANOE AREA WILDERNESS |



0 0.5 1 MILES
ONE SECTION = ONE MILE (APPROXIMATE)

- OWNERSHIP ABBREVIATIONS**
- | | |
|-------------------|------------------------------|
| ETAL = OTHERS | TRS = TRUSTEES |
| ETAL AND TRUST | TR = TRUST |
| ETAL AND HUSBAND | REV TR = REVOCABLE TRUST |
| PTN = PARTNERSHIP | IRREV TR = IRREVOCABLE TRUST |
- ROAD NAME ABBREVIATIONS**
- | | | |
|------------------|------------------|--------------|
| AV = AVENUE | EXP = EXPRESSWAY | ST = STREET |
| BLVD = BOULEVARD | HWY = HIGHWAY | TR = TERRACE |
| CL = CIRCLE | LN = LANE | TR = TRAIL |
| CT = COURT | PKY = PARKWAY | PL = PLACE |
| DR = DRIVE | PL = PLACE | WY = WAY |
| LP = LOOP | RD = ROAD | |



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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 St. Louis County Board receive testimony at the public hearing and consider suspension, revocation, or other sanctions of the liquor licenses issued to Wilbert, Inc. d/b/a Wilbert Café & El Toro Lounge, including but not limited to, imposition of civil penalties for the violation.

**Public Hearing to Consider Allegations of Liquor Law Violation –
Wilbert Café & El Toro Lounge (Cotton Township)**

BY COMMISSIONER _____

WHEREAS, The St. Louis County Liquor Licensing Committee met on July 2, 2013, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation, sale to minor on June 18, 2013, against Wilbert, Inc. d/b/a Wilbert Café & El Toro Lounge, Cotton Township; and

WHEREAS, The Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000.00 civil penalty, with nine (9) days of the suspension and \$1,000.00 of the civil penalty stayed, for one year with no same or similar violations during that year; and

WHEREAS, After hearing testimony on the matter at a public hearing conducted on August 13, 2013, at 9:45 a.m. in the St. Louis County 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;

THEREFORE, BE IT RESOLVED, That the Combination On/Off-Sale Intoxicating Liquor License No. CMB1485 and Sunday On-Sale Intoxicating Liquor License No. SUN1485, issued to Wilbert, Inc. d/b/a Wilbert Café & El Toro Lounge, Cotton Township, are hereby suspended for one (1) day and a \$1,000.00 civil penalty is due, with nine (9) days of the suspension and \$1,000.00 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 licenses will be August 19, 2013;

RESOLVED FURTHER, That a new violation within the next year (ending August 13, 2014) 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 licenses of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

Minutes
July 2, 2013

ST. LOUIS COUNTY LIQUOR LICENSING COMMITTEE MEETING

The meeting was called to order at 8:31 a.m. by Commissioner Keith Nelson, Chair, with the following members present: Phil Chapman, Deputy Auditor, Donald Dicklich, Auditor, Ross Litman, Sheriff, Kim Maki, Attorney's Office, and Lt. Dave Rolland, Sheriff's Office; Commissioner Chris Dahlberg arrived after the meeting was called to order.

Dicklich/Rolland moved to approve the minutes of the June 11, 2013 meeting. (4-0)

Martin Hintz and Robert Hargraves appeared for Ballz Deep, Inc. d/b/a The Other Place Bar and Grill, Rice Lake Township, requesting Special Event Permit to expand the designated serving area for August 3, 2013. After discussion of the rules and regulations of Ordinance No. 28 and security measures to be taken, the application was recommended to the Board for approval, contingent on Rice Lake Township approval. (Dahlberg/Dicklich) (4-0)

Mr. Hintz started a discussion regarding a possibility of changing Ordinance No. 28 with regard to vacating all patrons from the licensed premises by 1:20 a.m. He said that 20 minutes was not enough time for cabs to reach his establishment to give rides for patrons requesting this service. He said that if the time was changed to 2:00 a.m., giving 40 minutes to vacate, it would be more realistic. He said the primary reason is safety issues. To clarify, Mr. Hintz was not asking for alcohol sales between 1:00 a.m. and 2:00 a.m. Chair Nelson asked to have this as a discussion item at a future meeting and requested that Sheriff Litman and Attorney Rubin be in attendance.

There was discussion regarding the alleged liquor law violation at Cape Superior Bottle Shop, LLC d/b/a Cape Superior Bottle Shop, Duluth Township, sale to minor on June 6, 2013.

William and Suzanne Lannon appeared for Cape Superior Bottle Shop, LLC d/b/a Cape Superior Bottle Shop, Duluth Township. Chair Nelson asked Mr. Lannon to explain what occurred. Mr. Lannon explained he was in his office in the back of the motel and saw the individuals enter the building on the security system. He went up to the male and asked what he wanted. The male replied his girlfriend wanted to use the restroom. Mr. Lannon returned to his office, believing that the individuals just wanted to use the facilities, as many people stop by for that purpose. The male proceeded into the liquor store. The newly hired manager for the motel saw the male and went to offer help. The male then picked out a six pack of beer and placed it on the counter, where the female met up with the male. The clerk asked for the male's identification and then asked the individuals what the legal drinking age was, 18 or 21 years of age. The individuals did not know how to act so they shrugged their shoulders. The clerk sold the alcohol and the individuals left the building. The clerk immediately went to Mr. Lannon and asked what the legal drinking age was. Mr. Lannon said after learning of the sale he immediately exited the bottle shop and approached the deputy vehicle outside the bottle shop. He said he admitted to the illegal sale, and stated the following:

1. The clerk was a new employee of the motel
2. Was not familiar with the operations of the bottle shop
3. Did not know how to operate the cash register
4. Clerk was attempting to be helpful

Mr. Lannon stated he would normally handle the cash register duties inside the bottle shop. Chair Nelson asked if any changes had been implemented. Mrs. Lannon stated the following:

1. The clerk is now completely trained
2. A sign has been posted on the door stating "If you are not 21, don't come in"
3. All clerks must card everyone

Commissioner Dahlberg clarified that the clerk was not trained on the cash register. Chair Nelson said the goal is compliance and doesn't want this to happen again. He said that everyone gets treated the same. Auditor Dicklich made a motion, supported by Commissioner Dahlberg, to recommend to the committee that the establishment be given a warning. Commissioner Dahlberg said in some cases the committee makes discretionary decisions, but wanted to clarify for the record that this decision wasn't based on Mr. Lannon's former occupation. Motion passed. (4-0)

There was discussion regarding the alleged liquor law violation at Wilbert, Inc. d/b/a Wilbert Café & El Toro Lounge, Cotton Township, sale to minor on June 18, 2013. Lt. Rolland said that two individuals, one 18 and one 19 year old, purchased a six pack of beer from a clerk that did not ask for identification.

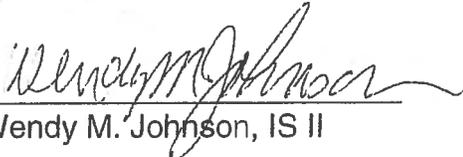
Sandra and Steven Simek, owners, and Nancy Carey, alleged violator, appeared for Wilbert, Inc. d/b/a Wilbert Café & El Toro Lounge, Cotton Township. Lt. Rolland said that if Ms. Carey is to be charged, maybe she shouldn't be in attendance. Chair Nelson asked Mrs. Simek to explain what occurred. Mrs. Simek said a male and female entered the establishment. The male got a six pack and went to the counter, while the female stood around. She said the female purchased the alcohol. After the sale the deputy sheriff entered the premises and located the clerk. The deputy showed the identification to Ms. Carey and said the person is only 19 years old. Ms. Carey said she didn't sell the alcohol to the male; she sold it to the female. Mrs. Simek added that all employees are given safe/serve training on a regular basis and if a person looks under 35 years old, the employee must ask for identification. She said they have owned the business for nine years. Chair Nelson said the license holder is responsible for every employee.

Commissioner Dahlberg made a motion, supported by Auditor Dicklich, to recommend to the County Board, a ten (10) day suspension and \$1,000.00 fine, nine (9) days and \$1,000.00, stayed, if no same or similar violations occur within one year, subject to additional penalties that may be imposed by the County Board. A public hearing will be scheduled for August 13, 2013. The motion passed. (4-0)

The meeting was adjourned at 9:25 a.m. (Dahlberg/Dicklich) (4-0)



Keith Nelson, Chair



Wendy M. Johnson, IS II

BOARD LETTER NO. 13 – 337

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE

AUGUST 13, 2013 BOARD AGENDA 9:50 A.M. PUBLIC HEARING

DATE: August 13, 2013

RE: Public Hearing to Receive
Testimony on the Qualifications
of Prospective Appointees to Fill
Second District Commissioner
Vacancy

FROM: Kevin Z. Gray
County Administrator

Mark Rubin
County Attorney

ACTION REQUESTED:

The St. Louis County Board has scheduled a public hearing to take testimony concerning the qualifications of prospective appointees to fill the vacancy existing in the office of Second District County Commissioner.

BACKGROUND INFORMATION:

St. Louis County Commissioner Steve O'Neil passed away on July 16, 2013. His death creates a vacancy in the office of County Commissioner for the Second District. Because more than one year is left on the term of office, a special election is required by Minn. Stat. § 375.101. The special election is to fill the unexpired term of office.

Although a special election has been scheduled for January 14, 2014, the County Board may, but is not required to, appoint someone to fill the vacancy pending the special election. Before making such an appointment, the County Board must hold a public hearing to take testimony concerning the qualifications of prospective appointees (pursuant to Minn. Stat. § 375.101, subd. 5). The County Board scheduled a public hearing on this matter for August 13, 2013 at 9:50 a.m. in the County Board Room, St. Louis County Courthouse, Duluth, MN (Resolution No. 13-468).

At the public hearing, the Board will invite public testimony relating to the qualifications of prospective appointees to fill the vacancy. Notice of this public hearing has been given consistent with the notice requirements for a special meeting of the County Board as defined in Minn. Stat. § 13D.04, Subd. 2. Before making an appointment, the Board will enter into the record the names and addresses of the public officials notified of the hearing as required in the statute.

RECOMMENDATION:

It is recommended that the County Board hold the public hearing as described above. After closing the public hearing, the County Board must determine whether or not to appoint an individual to fill the vacancy in the office of Second District Commissioner pending the special election, which is scheduled to occur January 14, 2014.

2013 Commissioner Special Election – 2nd District (Primary Possible)

- July 30, 2013** Board of Commissioners declare vacancy
- August 6, 2013 Publish / Post Filing Notice
- August 13, 2013 Publish / Post Filing Notice – Note: due to the 2-week notice requirement, the filing period wouldn't open until August 20, 2013.
- August 20, 2013** Filing period begins - open for filing at 8:00 a.m. (filing period is 14-days)
- September 3, 2013** Close filing period at 5:00 p.m.
- September 5, 2013** Close of withdrawal period (2-days after close of filing) at 5:00 p.m.
- September 6, 2013 Elections Department submits candidate names to the ballot vendor.
- September 19, 2013 Receive printed Primary Election ballots from vendor.
- September 20, 2013** Open Absentee voting period (must be 46-days before Primary Election)
- October 22 – November 4, 2013 Publish notice of public accuracy testing (notice must be published a minimum of 2-days prior to testing). Conduct public accuracy testing (14-days prior to Primary Election).
- November 5, 2013** Primary Election. Elections Department stays late to review results.
Duluth's General Election is November 5th
- November 6, 2013 Canvass election results. Results are sent to ballot vendor to print General Election ballots.
- November 13, 2013 Receive printed General Election ballots from vendor.
- November 5 – November 15, 2013 Complete PVC mailing to 3% random sampling of primary election-day registrants (must complete within 10-days after the Primary Election).
- November 27, 2013** Open Absentee voting period (must be 46-days before the General Election). Due to the Thanksgiving Holiday, the opening of Absentee voting has been changed to November 27th from November 29th.
- December 17, 2013 All voter history from Primary Election, including Election Day registration must be posted in State Voter Registration System (must complete within 6-weeks after the Primary Election).

December 31, 2013 – January 13, 2014 Publish notice of public accuracy testing (notice must be published a minimum of 2-days prior to testing). Conduct public accuracy testing (14-days prior to the General Election).

January 14, 2014 General Election

January 15, 2014 Canvass election results.

January 14, 2014 – January 24, 2014 Complete PVC mailing to 3% random sampling of General Election-day registrants (must complete within 10-days after the General Election).

February 25, 2014 All voter history from General Election, including Election Day registration must be posted in State Voter Registration System (must complete within 6-weeks after the General Election).

2013 Commissioner Special Election – 2nd District (Primary Not Necessary)

- July 30, 2013** Board of Commissioners declare vacancy
- August 6, 2013 Publish / Post Public Filing Notice
- August 13, 2013 Publish / Post Public Filing Notice
- August 20, 2013** Filing period begins - open for filing at 8:00 a.m. Since there isn't a Primary Election required, the filing period opens 98-days before the General Election & closes 84-days before the General Election (filing period is 14-days).
- September 3, 2013** Close filing period at 5:00 p.m.
- September 5, 2013** Close of withdrawal period (2-days after close of filing) at 5:00 p.m.
- September 6, 2013 Elections Department submits candidate names to ballot vendor.
- September 19, 2013 Receive printed General Election ballots from vendor.
- November 27, 2013** Open Absentee voting period (must be 46-days before General Election). Due to the Thanksgiving Holiday, the opening of Absentee voting has been changed to November 27th from November 29th.
- December 31, 2013 – January 13, 2014 Publish notice of public accuracy testing (notice must be published a minimum of 2-days prior to testing). Conduct public accuracy testing (14-days prior to the General Election).
- January 14, 2014** General Election
- January 15, 2014 Canvass election results.
- January 14, 2014 – January 24, 2014 Complete PVC mailing to 3% random sampling of primary election-day registrants (must complete within 10-days after the General Election).
- February 25, 2014 All voter history from General Election, including Election Day registration must be posted in State Voter Registration System (must complete within 6-weeks after the General Election).
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Second District Commissioner Vacancy Appointment Process

BY COMMISSIONER _____

WHEREAS, According to Minn. Stat. § 375.101, subd. 5, the St. Louis County Board has scheduled a public hearing for August 13, 2013, to receive testimony from persons relating to the qualifications of prospective appointees to fill the vacancy in the office of Second District Commissioner; and

WHEREAS, The County Board has determined that is in the best interest of the citizens of the Second Commissioner District to make an appointment to fill the vacancy until a special election can be held on January 14, 2014; and

WHEREAS, Minn. Stat. § 375.101, subd. 5, does not clearly describe the process that a county board may use to develop a the list of prospective appointees;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board determines that individuals wishing to be considered as prospective appointees to fill the Second District Commissioner vacancy submit a letter of intent to the County Auditor's Office describing their qualifications and reasons for wanting an appointment to the vacancy;

RESOLVED FURTHER, That all letters must be received by the County Auditor no later than 4:30 p.m. Friday, August 23, 2013;

RESOLVED FURTHER, That the St. Louis County Board will review the prospective appointees and make the appointment to the vacancy from this group of applicants at the September 10, 2013 County Board meeting, with the appointee serving as the Second District Commissioner until a special election is held on January 14, 2014.