



AGENDA

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

Tuesday, October 28, 2014, 9:30 A.M.

**Mesabi Station
111 Station 44 Road
Eveleth, MN 55734**

*Highway 53 North to MN-37 exit (Gilbert/Biwabik exit).
Proceed East onto MN-37, take second left onto Station 44 Road/County Road 594
(portions unpaved). Mesabi Station is straight ahead.*

**MIKE FORSMAN, Chair
Fourth District**

**FRANK JEWELL
First District**

**PATRICK BOYLE
Second District**

**CHRIS DAHLBERG
Third District**

**PETE STAUBER, Vice-Chair
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

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. PUBLIC HEARING, pursuant to Resolution No. 14-503, adopted September 28, 2014, to consider allegations of a liquor law violation by A. P. Inc. d/b/a A. P. Liquor, Gnesen Township. **{14-398}**

9:45 A.M. PUBLIC HEARING, pursuant to Resolution No. 14-524, adopted October 7, 2014, to consider allegations of a liquor law violation by Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth Township. **{14-399}**

9:50 A.M. PUBLIC HEARING, pursuant to Resolution No. 14-525, adopted October 7, 2014, to consider allegations of a liquor law violation by Grand View Golf, LLC d/b/a Grant View Golf Links, Midway Township. **{14-400}**

9:55 A.M. PUBLIC HEARING, pursuant to Resolution No. 14-526, adopted October 7, 2014, to consider allegations of a liquor law violation by Sullivan's Mercantile, Inc. d/b/a Twig General Store, Grand Lake Township. **{14-401}**

10:00 A.M. PUBLIC HEARING, pursuant to Resolution No. 14-527, adopted October 7, 2014, to consider the issuance of an Off-sale Intoxicating Liquor License to Michael Fink and Robert Pierce d/b/a Eagle's Nest Resort, Fredenberg Township. **{14-402}**

CONSENT AGENDA

Approval of business submitted on the consent agenda.

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REGULAR AGENDA

Environment & Natural Resources Committee – Commissioner Dahlberg, Chair

1. Authorize use of Aquatic Invasive Species Prevention Aid funds to develop a multi-year plan and implementation guidelines. **{14-396}**

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

2. Agreement with Madden, Galanter and Hansen, LLP of Plymouth, MN, for labor negotiations and for grievance and interest arbitration representation effective October 28, 2014 through December 31, 2016. **{14-397} [Without recommendation.]**

ADJOURNED:

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 liquor license issued to A. P. Inc. d/b/a A. P. Liquor, including but not limited to, imposition of civil penalties for the violation.

**Public Hearing to Consider Allegations of Liquor Law Violation – A.P. Liquor
(Gnesen Township)**

BY COMMISSIONER _____

WHEREAS, The St. Louis County Liquor Licensing Committee met on September 2, 2014, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on August 2, 2014, against A. P. Inc. d/b/a A. P. Liquor, Gnesen Township; and

WHEREAS, The Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000 civil penalty, with eight (8) days of the suspension and \$800 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 October 28, 2014 in the Mesabi Station, Eveleth, 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 Off-Sale Intoxicating Liquor License No. OFSL1526, issued to A. P. Inc. d/b/a A. P. Liquor, Gnesen Township, is hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with eight (8) days of the suspension and \$800 of the civil penalty stayed for one (1) year, with no same or similar violations during that period;

RESOLVED FURTHER, That the dates of suspension of the liquor license will be November 3 and 4, 2014;

RESOLVED FURTHER, That a new violation within the next year (ending October 28, 2015), 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.

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St. Louis County Board

File No. 59791

Date SEP 23 2014

Minutes

September 2, 2014

ST. LOUIS COUNTY LIQUOR LICENSING COMMITTEE MEETING

The meeting was called to order at 8:01 a.m., by Chair Keith Nelson, with the following members present: Deputy Auditor Phil Chapman, Auditor Donald Dicklich, and Lt. Dave Rolland, Sheriff Ross Litman arrived just after the meeting convened; Assistant County Attorney James Nephew, arrived at 8:12 a.m., and Commissioner Chris Dahlberg arrived at 8:33 a.m.

Dicklich/Rolland moved to approve the minutes of the August 5, 2014 meeting. (3-0)

There was discussion regarding the alleged liquor law violation at A. P. Inc. d/b/a A. P. Liquor, Gnesen Township, sale to minor on August 2, 2014. Laura Beron appeared on behalf of owner Adam Riesland, who is currently on active military duty. Sheriff Litman asked if the violator was the same as for the prior violation. Discussion of this item was tabled to allow Lt. Rolland to research Sheriff Litman's question.

There was discussion regarding the alleged liquor law violation at The Auto Club Group d/b/a AAA Minnesota/Iowa, Canosia Township, sale to minor on August 2, 2014. Paul Laulunen, club manager, appeared for The Auto Club Group d/b/a AAA Minnesota/Iowa, Canosia Township. Auditor Dicklich made a motion, supported by Sheriff Litman, to recommend to the County Board a ten (10) day suspension and \$1,000.00 fine with nine (9) days and \$900.00 stayed if no same or similar violations occur within one year, subject to additional penalties that may be imposed by the County Board. After further discussion, Auditor Dicklich amended the motion to a ten (10) day suspension and \$1,000.00 fine with 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 October 7, 2014. The motion passed. (4-0)

Discussion of the previously tabled alleged liquor law violation at A. P. Liquor continued. Lt. Rolland informed the committee the violator was not the same person as the previous violator. Auditor Dicklich made a motion, supported by Sheriff Litman, to recommend to the County Board a ten (10) day suspension and \$1,000.00 fine with eight (8) days and \$800.00 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 October 28, 2014. The motion passed. (4-0)

There was discussion regarding the alleged liquor law violation at Alborn Rail Station, Alborn Township, sale to minor, on August 2, 2014. Shane Clemens and Kristina Clemens appeared for Alborn Rail Station, Alborn Township. Sheriff Litman made a motion, supported by Auditor Dicklich, to recommend to the County Board a ten (10) day suspension and \$1,000.00 fine with 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 October 7, 2014. The motion passed. (4-0) Commissioner Dahlberg abstained because he wasn't present for discussion of the alleged violation.

At the request of Sheriff Litman, there was discussion concerning various events occurring at Bayview Lodge, Greenwood Township. Alissa Sundberg appeared for Bayview Lodge. Sheriff Litman expressed concern that Bayview Lodge has been open and operating under the liquor license and caterer's permit issued to Sawmill even though the Bayview Lodge liquor license was surrendered in September of 2013. Sheriff Litman asked Ms. Sundberg if she was aware of the requirement to notify local law enforcement before a catered event occurs. Ms. Sundberg said she notified Sgt. Backman by e-mail for three of the catered public events, but not for the private events. Attorney Nephew said that MN Statute § 340A.404, Subd. 12, states that law enforcement shall be notified regardless if the event is public or private. Chair Nelson asked Sheriff Litman to work with the County Attorney to draft an official communication to Greenwood Township.

Discussion continued regarding a recently built patio adjacent to Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19; the item was tabled at the August 5, 2014, meeting. The motion on

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the table was made by Commissioner Dahlberg, supported by Sheriff Litman, to recommend to the County Board, a ten (10) day suspension and \$1,000.00 fine with nine (9) days and \$800.00 stayed if no violations occur for sale/service outside the designated serving area for one (1) year. Mark and Lynette Hraban appeared for Ash-Ka-Nam Resort & Lodge, LLC d/b/a Ash-Ka-Nam, Unorganized Township 68-19.

Attorney Nephew stated that his opinion is that this offense is not a same or similar offense as the violation that occurred on August 30, 2013. Chair Nelson asked for the record to reflect that this is a first offense of Ordinance No. 28, not necessarily a liquor law violation, sale to minor.

Attorney Nephew provided clarification that this situation was permitting alcohol outside the serving area vs. service outside the serving area, which in his opinion is different than serving to an individual who's sitting at a table. Attorney Nephew discussed the following:

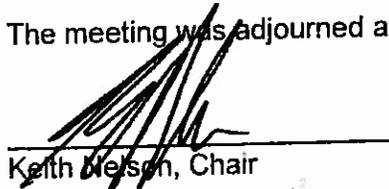
1. The committee has stepped up enforcement action of the underage drinking policy, which includes compliance checks and a distinct and clear set of consequences.
2. If the committee is starting a regime on establishments serving outside the serving area, then perhaps it would be a good idea to consider if the same penalties apply for this nature of offense vs. serving to an underage person; in other words, whether permitting a person to walk outside has the same gravity as serving to a minor.
3. This circumstance is complicated because it was on/near a public roadway, causing safety issues.
4. If the committee is creating precedence, we are inviting other private individuals/parties, law enforcement from other jurisdictions, etc., to report anytime they observe a business allowing serving or permitting alcohol out of their designated serving area, we would be beholden to enforce equally to all those other businesses just as well.

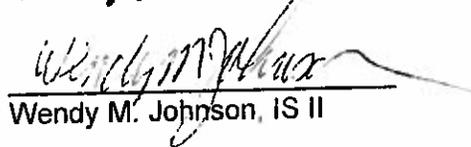
After further discussion, Chair Nelson said he would be willing to support the motion on the table if Commissioner Dahlberg would be willing to reduce the penalty to a \$100.00 fine. Commissioner Dahlberg amended the motion, supported by Sheriff Litman, to a ten (10) day suspension and \$1,000.00 fine with nine (9) days and \$900.00 stayed if no violations occur for sale/service outside the designated serving area within one year, subject to additional penalties that may be imposed by the County Board. A public hearing will be scheduled for October 7, 2014. The motion passed. (5-0)

Phil Chapman left the meeting at 9:25 a.m.

Chair Nelson said there needs to be further discussion on serving areas.

The meeting was adjourned at 9:28 a.m. (Dahlberg/Dicklich) (5-0)


Keith Nelson, Chair


Wendy M. Johnson, IS II

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 liquor licenses issued to Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, including but not limited to, imposition of civil penalties for the violation.

Public Hearing on Allegations of Liquor Law Violation – Clearwater Grille & Event Center (Duluth Township)

BY COMMISSIONER _____

WHEREAS, The St. Louis County Liquor Licensing Committee met on September 9, 2014, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on August 2, 2014, against Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth 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; and

WHEREAS, After hearing testimony on the matter at a public hearing conducted on October 28, 2014 in the Mesabi Station, Eveleth, 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. CMB15157 and Sunday On-Sale Intoxicating Liquor License No. SUN15157, issued to Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth 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 licenses will be November 3, 2014;

RESOLVED FURTHER, That a new violation within the next year (ending October 28, 2015), 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.

ST. LOUIS COUNTY LIQUOR LICENSING COMMITTEE MEETING

The meeting was called to order at 8:07 a.m., by Chair Keith Nelson, with the following members present: Deputy Auditor Phil Chapman, Auditor Donald Dicklich, Sheriff Ross Litman, Assistant County Attorney James Nephew, Commissioner Chris Dahlberg arrived at 8:09 a.m.

Dicklich/Litman moved to approve the minutes of the September 2, 2014 meeting. (4-0)

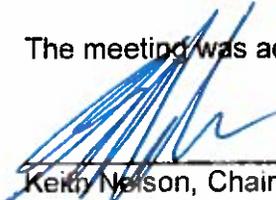
Michael Fink and Robert Pierce appeared for Eagle's Nest Resort, Fredenberg Township, requesting transfer of Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor Licenses. The applicants were asked relevant questions from the Liquor Licensing Checklist. The application was recommended to the Board for approval, contingent on proof of liquor liability and workers' compensation insurance, Minnesota Department of Health Food/Beverage Service License application, and Minnesota and Federal Tax Identification numbers. A copy of the checklist was added to the applicant's file. A public hearing for the Off-Sale Intoxicating Liquor License will be held on October 28, 2014. (Litman/Dahlberg) (5-0)

There was discussion regarding the alleged liquor law violation at Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth Township, sale to minor on August 2, 2014. Molly and Robert Dollar appeared for at Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth Township. 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 October 28, 2014. The motion passed. (5-0)

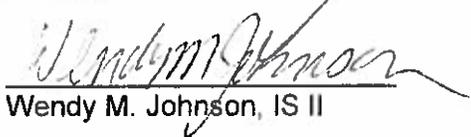
There was discussion regarding the alleged liquor law violation at Grand View Golf, LLC d/b/a Grand View Golf Links, Midway Township, sale to minor on August 2, 2014. Mark Klatt appeared for Grand View Golf, LLC d/b/a Grand View Golf Links, Midway Township. Commissioner Dahlberg made a motion, supported by Sheriff Litman, 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 October 28, 2014. The motion passed. (5-0)

There was discussion regarding the alleged liquor law violation at Sullivan's Mercantile, Inc. d/b/a Twig General Store, Grand Lake Township, sale to minor on August 2, 2014. David Sullivan appeared for Sullivan's Mercantile, Inc. d/b/a Twig General Store, Grand Lake Township. Auditor Dicklich made a motion, supported by Commissioner Dahlberg, 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 October 28, 2014. The motion passed. (5-0)

The meeting was adjourned at 9:12 a.m. (Dahlberg/Dicklich) (5-0)



Keith Nelson, Chair



Wendy M. Johnson, IS II

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 liquor licenses issued to Grand View Golf, LLC d/b/a Grand View Golf Links, including but not limited to, imposition of civil penalties for the violation.

**Public Hearing on Allegations of Liquor Law Violation – Grand View Golf Links
(Midway Township)**

BY COMMISSIONER _____

WHEREAS, The St. Louis County Liquor Licensing Committee met on September 9, 2014, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on August 2, 2014, against Grand View Golf, LLC d/b/a Grand View Golf Links, Midway 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; and

WHEREAS, After hearing testimony on the matter at a public hearing conducted on October 28, 2014, in the Mesabi Station, Eveleth, 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 Seasonal On-Sale Intoxicating Liquor License No. SES1511 and Seasonal Sunday On-Sale Intoxicating Liquor License No. SES1511, issued to Grand View Golf, LLC d/b/a Grand View Golf Links, Midway 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 licenses will be May 4, 2015;

RESOLVED FURTHER, That a new violation within the next year (ending October 28, 2015), 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.

ST. LOUIS COUNTY LIQUOR LICENSING COMMITTEE MEETING

The meeting was called to order at 8:07 a.m., by Chair Keith Nelson, with the following members present: Deputy Auditor Phil Chapman, Auditor Donald Dicklich, Sheriff Ross Litman, Assistant County Attorney James Nephew, Commissioner Chris Dahlberg arrived at 8:09 a.m.

Dicklich/Litman moved to approve the minutes of the September 2, 2014 meeting. (4-0)

Michael Fink and Robert Pierce appeared for Eagle's Nest Resort, Fredenberg Township, requesting transfer of Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor Licenses. The applicants were asked relevant questions from the Liquor Licensing Checklist. The application was recommended to the Board for approval, contingent on proof of liquor liability and workers' compensation insurance, Minnesota Department of Health Food/Beverage Service License application, and Minnesota and Federal Tax Identification numbers. A copy of the checklist was added to the applicant's file. A public hearing for the Off-Sale Intoxicating Liquor License will be held on October 28, 2014. (Litman/Dahlberg) (5-0)

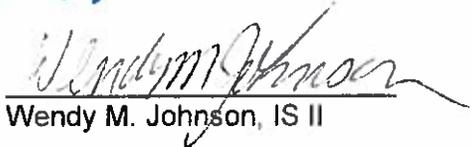
There was discussion regarding the alleged liquor law violation at Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth Township, sale to minor on August 2, 2014. Molly and Robert Dollar appeared for at Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth Township. Commissioner 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 October 28, 2014. The motion passed. (5-0)

There was discussion regarding the alleged liquor law violation at Grand View Golf, LLC d/b/a Grand View Golf Links, Midway Township, sale to minor on August 2, 2014. Mark Klatt appeared for Grand View Golf, LLC d/b/a Grand View Golf Links, Midway Township. Commissioner Dahlberg made a motion, supported by Sheriff Litman, 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 October 28, 2014. The motion passed. (5-0)

There was discussion regarding the alleged liquor law violation at Sullivan's Mercantile, Inc. d/b/a Twig General Store, Grand Lake Township, sale to minor on August 2, 2014. David Sullivan appeared for Sullivan's Mercantile, Inc. d/b/a Twig General Store, Grand Lake Township. Auditor Dicklich made a motion, supported by Commissioner Dahlberg, 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 October 28, 2014. The motion passed. (5-0)

The meeting was adjourned at 9:12 a.m. (Dahlberg/Dicklich) (5-0)


Keith Nelson, Chair


Wendy M. Johnson, IS II

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 liquor license issued to Sullivan's Mercantile, Inc. d/b/a Twig General Store, including but not limited to, imposition of civil penalties for the violation.

**Public Hearing on Allegations of Liquor Law Violation – Twig General Store
(Grand Lake Township)**

BY COMMISSIONER _____

WHEREAS, The St. Louis County Liquor Licensing Committee met on September 9, 2014, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on August 2, 2014, against Sullivan's Mercantile, Inc. d/b/a Twig General Store, Grand Lake 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; and

WHEREAS, After hearing testimony on the matter at a public hearing conducted on October 28, 2014 in the Mesabi Station, Eveleth, 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 Off-Sale 3.2 Percent Malt Liquor License No. B1547, issued to Sullivan's Mercantile, Inc. d/b/a Twig General Store, Grand Lake 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 November 3, 2014.

RESOLVED FURTHER, That a new violation within the next year (ending October 28, 2015), 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.

ST. LOUIS COUNTY LIQUOR LICENSING COMMITTEE MEETING

The meeting was called to order at 8:07 a.m., by Chair Keith Nelson, with the following members present: Deputy Auditor Phil Chapman, Auditor Donald Dicklich, Sheriff Ross Litman, Assistant County Attorney James Nephew, Commissioner Chris Dahlberg arrived at 8:09 a.m.

Dicklich/Litman moved to approve the minutes of the September 2, 2014 meeting. (4-0)

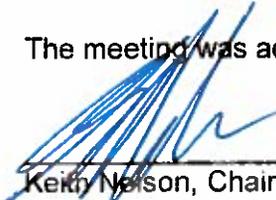
Michael Fink and Robert Pierce appeared for Eagle's Nest Resort, Fredenberg Township, requesting transfer of Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor Licenses. The applicants were asked relevant questions from the Liquor Licensing Checklist. The application was recommended to the Board for approval, contingent on proof of liquor liability and workers' compensation insurance, Minnesota Department of Health Food/Beverage Service License application, and Minnesota and Federal Tax Identification numbers. A copy of the checklist was added to the applicant's file. A public hearing for the Off-Sale Intoxicating Liquor License will be held on October 28, 2014. (Litman/Dahlberg) (5-0)

There was discussion regarding the alleged liquor law violation at Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth Township, sale to minor on August 2, 2014. Molly and Robert Dollar appeared for at Red Swan Catering, LLC d/b/a Clearwater Grille & Event Center, Duluth Township. 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 October 28, 2014. The motion passed. (5-0)

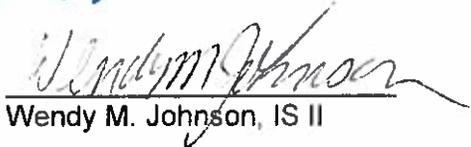
There was discussion regarding the alleged liquor law violation at Grand View Golf, LLC d/b/a Grand View Golf Links, Midway Township, sale to minor on August 2, 2014. Mark Klatt appeared for Grand View Golf, LLC d/b/a Grand View Golf Links, Midway Township. Commissioner Dahlberg made a motion, supported by Sheriff Litman, 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 October 28, 2014. The motion passed. (5-0)

There was discussion regarding the alleged liquor law violation at Sullivan's Mercantile, Inc. d/b/a Twig General Store, Grand Lake Township, sale to minor on August 2, 2014. David Sullivan appeared for Sullivan's Mercantile, Inc. d/b/a Twig General Store, Grand Lake Township. Auditor Dicklich made a motion, supported by Commissioner Dahlberg, 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 October 28, 2014. The motion passed. (5-0)

The meeting was adjourned at 9:12 a.m. (Dahlberg/Dicklich) (5-0)



Keith Nelson, Chair



Wendy M. Johnson, IS II

BOARD LETTER NO. 14 - 402

FINANCE & BUDGET COMMITTEE

OCTOBER 28, 2014 BOARD AGENDA 10:00 A.M. PUBLIC HEARING

DATE: October 28, 2014 **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 Michael Fink and Robert Pierce d/b/a Eagle's Nest Resort, Fredenberg Township.

BACKGROUND:

Michael Fink and Robert Pierce have made application for an Off-Sale Intoxicating Liquor License for the establishment known as Eagle's Nest Resort, Fredenberg Township. Minn. Stat. § 340A.405, Subd. 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 County Board approval. According to the St. Louis County Fee Schedule, this establishment is applying for an Off Sale Intoxicating Liquor License located in Area 3 and the annual license fee is \$150.00.

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.

Off-Sale Intoxicating Liquor License (Fredenberg Township)

BY COMMISSIONER _____

WHEREAS, Michael Fink and Robert Pierce d/b/a Eagle's Nest Resort, Fredenberg Township, St. Louis County, Minnesota, have applied for an off-sale intoxicating liquor license; and

WHEREAS, Minn. Stat. § 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 28, 2014 in the Mesabi Station, Eveleth, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, With regard to the application for said license, Eagle's Nest Resort 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.

THEREFORE, BE IT RESOLVED, That Off-Sale Intoxicating Liquor License (License Number CMB15163) shall be issued to Michael Fink and Robert Pierce d/b/a Eagle's Nest Resort, Fredenberg Township, located in Area 3, and in accordance with the St. Louis County Fee Schedule the annual fee of \$150.00.

RESOLVED FURTHER, That said liquor license shall be effective through June 30, 2015;

RESOLVED FURTHER, That said license is approved contingent upon proof of liquor liability and workers' compensation insurance, Minnesota Department of Health Food/Beverage Service License application, and Minnesota and Federal Tax Identification numbers;

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.

establish a technical advisory committee including lake associations, tribal governments, river alliance, soil and water conservation districts, and other interested parties. Committee members will provide input and comments to Sea Grant to develop the plan and guidelines. Throughout the process, Planning and Community Development will maintain a website and notify interested cities, townships and interested parties of the program and process. The final plan and guidelines will be submitted to the County Board for approval and adoption.

Once the plan is established, Planning and Community Development will solicit proposals for the use of the remaining 2014 and 2015 funds. Funding recommendations will be provided to the County Board for consideration in spring 2015.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize the use of Aquatic Invasive Species Prevention Aid funds to develop a multi-year plan and implementation guidelines, using a portion of the funds to pay for the plan and administrative costs. It is further recommended that the remaining 2014 funds be combined with 2015 funds. Funds to be deposited into Fund 100, Agency 109999, Grant 10910.

2014 Aquatic Invasive Species Prevention Aid

BY COMMISSIONER: _____

WHEREAS, The 2014 Minnesota Legislative Session established the Aquatic Invasive Species Prevention Aid Program, Minnesota Session Law Chapter 308; and

WHEREAS, It is the intent of St. Louis County to accept the allocation and implement an Aquatic Invasive Species Prevention Program in accordance with Minn. Stat. § 477A.19; and

WHEREAS, St. Louis County's allocation for 2014 is \$306,356 and it is estimated that the 2015 allocation will be over \$600,000; and

WHEREAS, It is the intent of St. Louis County to develop a multi-year Aquatic Invasive Species Prevention plan and implementation guidelines using a portion (not to exceed 10 percent) of the Aquatic Invasive Species Prevention Aid to cover development and administrative costs associated with these activities;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the Planning and Community Development Department to develop a multi-year Aquatic Invasive Species Prevention plan and implementation guidelines, to be provided to the County Board for final approval and adoption; and

RESOLVED FURTHER, That the County Board approves the expenditure of a portion (not to exceed 10 percent) of the 2014 and 2015 Aquatic Invasive Species Prevention Aid for administrative costs to develop a multi-year plan and implementation guidelines; and

RESOLVED FURTHER, That the remaining 2014 Aquatic Invasive Species Prevention Aid will be combined with the 2015 Aquatic Invasive Species Prevention Aid with funds deposited to and payable from:

Fund 100, Agency 109999, Grant 10910, Year 2014 and

Fund 100, Agency 109999, Grant 10910, Year 2015.

BOARD LETTER NO. 14 - 397

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO. 1

OCTOBER 28, 2014 BOARD AGENDA NO. 2

DATE: October 14, 2014 **RE:** Labor Relations Services Award

FROM: Kevin Z. Gray
County Administrator

Mark S. Rubin
County Attorney

James R. Gottschald, Director
Human Resources

RELATED DEPARTMENT GOAL:

To play a key role on behalf of the county in negotiations with employees represented by bargaining units, including final written labor agreements.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the execution of an agreement with Madden, Galanter & Hansen of Plymouth, Minnesota for labor negotiations and for grievance and arbitration proceedings effective October 28, 2014 through December 31, 2016.

BACKGROUND:

St. Louis County has used the services of Steven C. Fecker of Johnson, Killen & Seiler, P.A. as its labor negotiator for over 37 years. Mr. Fecker notified the county of his intent to transition into retirement and take on no new labor relations matters effective September 30, 2014. As a result, a request for proposals for labor relations services was conducted.

Competitive proposals were received from eight Minnesota law firms. The county conducted a thorough analysis of the proposals, and four finalists were invited to interview with the county. At the end of the process, it was concluded that Madden, Galanter & Hansen offered the best alternative in terms of labor relations expertise, experience and overall value.

Madden, Galanter & Hansen proposed a flat hourly fee of \$135 per hour for labor relations matters and \$140 per hour for representation in grievance arbitration cases, interest arbitration proceedings and other administrative hearings through December 31, 2016. Madden, Galanter & Hansen has been successful in representing Greater Minnesota and Twin Cities public employers in labor negotiations, grievance and interest arbitrations and veterans preference cases for over 36 years. The firm is highly regarded by employers in the public sector and their attorneys frequently present at Minnesota Public Employer Labor Relations Association (MPELRA), Minnesota Employment Law Institute and Association of Minnesota Counties (AMC) conferences. Current clients include counties, cities and joint powers organizations. The firm serves as chief negotiator and labor relations advisor and also handles approximately 10 – 15 interest arbitration proceedings per year on behalf of clients.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize a contract with Madden, Galanter & Hansen for labor negotiations and for grievance and interest arbitration representation effective October 28 through December 31, 2016, payable from Fund 100, Agency 107001, Object 629900.

Labor Relations Services Award

BY COMMISSIONER _____

WHEREAS, The county received notice of retirement from its former labor negotiator and subsequently solicited competitive proposals from firms interested in providing labor relations and arbitration representation services to St. Louis County; and

WHEREAS, Competitive proposals were received from eight Minnesota law firms and four finalists were invited to interview with the county; and

WHEREAS, It was concluded that Madden, Galanter & Hansen of Plymouth, MN, offered the best proposal in terms of public sector labor relations experience and overall value; and

WHEREAS, The county expects to enter into labor negotiations with bargaining units for 2015 and 2016;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the appropriate county officials to execute an agreement with Madden, Galanter and Hansen, LLP of Plymouth, MN, to act as the exclusive labor negotiator for St. Louis County, effective October 28, 2014 – December 31, 2016, at the hourly fee of \$135 for labor relations matters and at the hourly fee of \$140 for grievance and interest arbitrations and other administrative hearings, payable from Fund 100, Agency 107001, Object 629900.