



AGENDA

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

Tuesday, May 10, 2016, 9:30 A.M.

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

**STEVE RAUKAR, Chair
Seventh District**

**FRANK JEWELL, Vice-Chair
First District**

**PATRICK BOYLE
Second District**

**CHRIS DAHLBERG
Third District**

**TOM RUKAVINA
Fourth District**

**PETE STAUBER
Fifth District**

**KEITH NELSON
Sixth 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

“Words of Wisdom” – Commissioner Patrick Boyle, Second 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. PUBLIC HEARING, pursuant to Resolution No. 16-274, adopted April 26, 2016, to consider the issuance of an Off-Sale Intoxicating Liquor License to BVL Properties, LLC d/b/a Bayview Lodge, Greenwood Township. {16-202}

9:45 A.M. PUBLIC HEARING, pursuant to Resolution No. 16-280, adopted April 26, 2016, to receive evidence and testimony regarding proposed “St. Louis County Ordinance No. 64: The Management and Permitting of All-Terrain Vehicles within the Public Right-of-Way of Roads under the County’s Jurisdiction”. {16-203}

CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

1. The County’s Labor Relations Negotiator and Human Resources Director have requested a closed session of the Committee of the Whole for labor negotiation purposes. It is requested that the County Board convene a closed session immediately after the Board meeting adjourns.

ADJOURNED:

Off-Sale Intoxicating Liquor License (Greenwood Township)

BY COMMISSIONER _____

WHEREAS, BVL Properties, LLC d/b/a Bayview Lodge, Greenwood Township, St. Louis County, MN, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minn. Stat. § Section 340A.405, Subd. 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 May 10, 2016 in the St. Louis County Courthouse, Duluth, MN, for the purpose of considering the off-sale intoxicating liquor license; and

WHEREAS, With regard to the application for said license, Bayview Lodge 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;

THEREFORE, BE IT RESOLVED, That an Off-Sale Intoxicating Liquor License shall be issued to BVL Properties, LLC d/b/a Bayview Lodge, Greenwood Township, located in Area 3, and in accordance with the St. Louis County Fee Schedule, the annual fee is \$150;

RESOLVED FURTHER, That said liquor license shall be effective through June 30, 2016;

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.

BOARD LETTER NO. 16 – 203

PUBLIC WORKS & TRANSPORTATION COMMITTEE

MAY 10, 2016 BOARD AGENDA 9:45 A.M. PUBLIC HEARING

DATE: May 10, 2016 **RE:** Public Hearing for Proposed “St. Louis County Ordinance No. 64: The Management and Permitting of All-Terrain Vehicles within the Public Right-of-Way of Roads under the County’s Jurisdiction”

FROM: Kevin Z. Gray
County Administrator

James T. Foldesi
Public Works Director/Highway Engineer

RELATED DEPARTMENT GOAL:

To provide a safe, well-maintained road and bridge system.

ACTION REQUESTED:

It is requested that the St. Louis County Board receive evidence and testimony regarding the proposed St. Louis County Ordinance No. 64: The Management and Permitting of All-Terrain Vehicles within the Public Right-of-Way of Roads under the County's Jurisdiction” (ATV Ordinance).

BACKGROUND:

Upon direction from the County Board and County Administration, in early 2016 members of the Public Works Department met with representatives of several political subdivisions and held a number of public meetings to gather information and have discussions regarding a proposed ordinance for the regulation of all-terrain vehicle operation on county roads.

From the information gathered, the Public Works Department drafted a proposed ATV Ordinance that was released to the public for a 45-day comment period on April 8, 2016. By County Board Resolution No. 16-240 dated April 12, 2016, the County Board established a public hearing on the ATV Ordinance to occur on Tuesday, May 24, 2016 at 9:40 a.m. in the Hibbing City Hall, Hibbing, MN.

After the county's release of the ATV Ordinance for public comment, the Duluth City Council passed a resolution requesting that the County Board hold an additional public

hearing on the ATV Ordinance in the city of Duluth. By County Board Resolution No. 16-280, an additional public hearing on the ATV Ordinance was established for Tuesday, May 10, 2016, at 9:45 a.m. in the St. Louis County Courthouse, Duluth, MN. The public hearing on the ATV Ordinance will then be continued to the already-established time and date of Tuesday, May 24, 2016, at 9:40 a.m. in the Hibbing City Hall, Hibbing, MN.

RECOMMENDATION:

It is recommended that the St. Louis County Board hear and consider the testimony regarding Ordinance No. 64 and continue the public hearing to the established time of Tuesday, May 24, 2016 at 9:40 a.m. in the Hibbing City Hall, Hibbing, MN.

St. Louis County Ordinance Number 64

THE MANAGEMENT AND PERMITTING OF ALL-TERRAIN VEHICLES WITHIN THE PUBLIC RIGHT-OF-WAY OF ROADS UNDER THE COUNTY'S JURISDICTION

Subdivision 1. Purpose and Intent

WHEREAS, Minnesota Statutes §§ 84.92 – 84.928 regulate the operation of all-terrain vehicles; and

WHEREAS, Minnesota Statutes §§ 84.928 Subd. 1(a) and 84.928 Subd. 1(k) authorize counties to enact an ordinance which provides for the operation of all-terrain vehicles on a public road or street under its jurisdiction to access businesses and residences and to make trail connections; and

WHEREAS, Minnesota Statutes § 84.928 Subd. 6(c)(2) authorizes county board action to enact an ordinance which provides for the operation of all-terrain vehicles on the road right-of-way shoulder, or inside bank or slope of a county highway or county state aid highway if safe operation in the ditch or outside slope is impossible and the county posts the appropriate notice, notwithstanding any law to the contrary; and

WHEREAS, Minnesota Statutes § 84.928 Subd. 1a(h) authorizes a road authority as defined in section 160.02, subdivision 25, to by permit designate corridor access trails on public road rights-of-way for the purposes of accessing established all-terrain vehicle trails; and

WHEREAS, St. Louis County has a general interest in allowing expanded use by all-terrain vehicles of the public road right-of-way of roads under the county's jurisdiction to (1) make connections to businesses, residences and trail connections, and (2) because most ditches and outside slopes are impassible; and

WHEREAS, St. Louis County has an interest in establishing a permit process which allows limited permissive operation of all-terrain vehicles on certain public road right-of-way of roads under the county's jurisdiction in a manner set forth in this ordinance.

Subdivision 2. Definitions

All-terrain vehicle. "All-terrain vehicle" or "vehicle" means a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

ATV Club. "ATV Club" means an organization which meets the following criteria:

- a. A Non-profit organization duly organized under the laws of the State of Minnesota and recognized by the Minnesota Secretary of State.
- b. Has adopted by-laws, including the election of officers, such as President, Vice President, Secretary, and Treasurer.
- c. Is a member, in good standing, of the ATV Association of Minnesota.

City. "City" means a home rule charter or statutory city.

Class 1 all-terrain vehicle. "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.

Class 2 all-terrain vehicle. "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

Corridor access trail. "Corridor access trail" means:

- a. For Class 1 all-terrain vehicles, the outside slope, ditch bottom, inside slope, shoulder or where no shoulder exists, the extreme right-hand side of the driving surface, of a county road which connects two established all-terrain vehicle trails; Federal, state or county forest roads designated open to all-terrain vehicle use; designated Federal, state or county all-terrain vehicle trails or trails established and designated as all-terrain vehicle trails by another political subdivision, and which have been permitted pursuant to Minnesota Statutes 84.928 subdivision 1a(h).
- b. For Class 2 all-terrain vehicles, the shoulder or where no shoulder exists, the extreme right-hand side of the driving surface, of a county road which connects two established all-terrain vehicle trails; Federal, state or county forest roads designated open to all-terrain vehicle use; designated Federal, state or county all-terrain vehicle trails or trails established and designated as all-terrain vehicle trails by another political subdivision, and which have been permitted pursuant to Minnesota Statute 84.928 subdivision 1a(h).

County. "County" means St. Louis County, Minnesota.

County road. "County road" means a road that is under the jurisdiction of St. Louis County and is classified as a "county-state-aid-highway", "county road" or "unorganized township road".

Established all-terrain vehicle trail. "Established All-Terrain Vehicle Trail" means an all-terrain vehicle trail that has been designated as a Federal, State, County or other political subdivision all-terrain vehicle trail.

Executive ATV Permit Committee. “Executive ATV Permit Committee” means a committee that is composed of the St. Louis County Public Works Director (or their designee), the St. Louis County Land Commissioner (or their designee), the St. Louis County Sheriff (or their designee) and two (2) members of the St. Louis County Board of Commissioners.

Person. “Person” means an individual or an organization as defined in Minnesota Statutes § 336.1-201 (b)(27).

Public road right-of-way. “Public road right-of-way” means the entire width of a public roadway, including the traveled lanes, banks, ditches, shoulders and medians of a roadway, that is not privately owned.

Public Works Director. “Public Works Director” means the department head of the St. Louis County Public Works Department.

Official All-Terrain Vehicle Map. “Official All-Terrain Vehicle Map” means the map that identifies county roads on which all-terrain vehicles are allowed to operate on the right-hand shoulder or extreme right-hand side of a county road in accordance with this ordinance.

Subdivision 3. General Operation

- A. On certain county roads, as set forth in Subdivisions 3(B) and 3(C), all-terrain vehicles may operate on the on the right-hand shoulder or the extreme right-hand side of a county road in addition to where all-terrain vehicles are permissible to operate under § 84.928 Subdivision 1, and left-hand turns may be made from any part of the county road if it is safe to do so under the prevailing conditions.
- B. All-terrain vehicle operation as set forth in Subdivision 3(A) shall be allowed on all county roads not located within a city.
- C. All-terrain vehicle operation as set forth in Subdivision 3(A) shall not be allowed on all county roads within a city, except as permitted with the county through an ATV Club. See Subdivision 4(B).
- D. After the enactment of this Ordinance, the County Board of Commissioners may by resolution close or restrict any specific county road to all-terrain vehicle use. In addition to the county's customary publication requirements, the county will designate such closure on the Official All-Terrain Vehicle Map which shall fulfill the legal requirements of appropriate public notice.
- E. The Public Works Director may in its sole discretion close roads to all-terrain vehicle use if damage to the roadway results or where public safety is adversely affected as a result of all-terrain vehicle use. Actions under this section may be reviewed by the County Board of Commissioners.

- F. Except as provided in this Ordinance, all operation of all-terrain vehicles shall be in compliance with Minnesota Statutes §§ 84.92 – 84.928 and Minnesota Rules Chapter 6102, as well as any other applicable Federal, state or local statute, law, rule, regulation or ordinance.

Subdivision 4. Permitting

- A. The county may by permit, and upon application by an ATV Club, authorize a corridor access trail within the county road public right-of-way to allow for the operation of all-terrain vehicles on the right-hand shoulder or extreme right-hand side of a county road.
- B. The county may by permit, and upon application from an ATV Club, authorize all-terrain vehicle operation as set forth in Subdivision 3(A) on county roads within a city. The county shall confer with the city prior to the issuance of the permit.
- C. Any permit issued under this subdivision shall be approved by the Executive ATV Permit Committee.
- D. Any permit issued under this subdivision may be suspended, modified, terminated or cancelled, by the Public Works Director, in its sole discretion if damage to the roadway results or where public safety is adversely affected as a result of all-terrain vehicle use. Actions under this section may be reviewed by the Executive ATV Permit Committee and are subject to the appeals process set forth in Subdivision 6(A).

Subdivision 5. Official All-Terrain Vehicle Map

- A. The map shall be maintained on the county website.
- B. The map shall be updated from time to time through action by the Executive ATV Permit Committee or as a result of changes approved by the County Board of Commissioners.

Subdivision 6. Executive ATV Permit Committee

- A. Permit Policies and Procedures. The Committee shall develop policies and procedures for (1) the acceptance, review, approval and issuance of the permits discussed in Subdivision 4; and (2) the appeal of permit decisions.
- B. Official All-Terrain Vehicle Map. The Committee shall be responsible for the development, maintenance and updating of the Official All-Terrain Vehicle Map.

Subdivision 7. Effective Date

- A. This ordinance shall be and is hereby declared to be in full force upon, from and after its passage and publication according to law.

Passed by the Board of Commissioners of St. Louis County, Minnesota this 24th day of May, 2016.

COUNTY BOARD CHAIR

_____ Date _____

COUNTY AUDITOR

_____ Date _____

APPROVED AS TO FORM:

COUNTY ATTORNEY

_____ Date _____

Resolution Calling for a Closed Session of the Committee of the Whole for Labor Negotiations

BY COMMISSIONER _____

WHEREAS, Minn. Stat. § 13D.03 allows meetings of the governing body of a public employer to be closed to consider strategy for labor negotiation; and

WHEREAS, The County Labor Relations Negotiator has requested to meet with the County Board in a closed session of the Committee of the Whole to discuss labor negotiations on May 10, 2016, at the St. Louis County Courthouse, 100 N. 5th Ave. W., Duluth, MN;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners will hold a closed meeting of the Committee of the Whole after the County Board meeting held on May 10, 2016, in the St. Louis County Courthouse, Duluth, MN, for the purpose of discussing labor negotiations in accord with Minn. Stat. § 13D.03;

RESOLVED FURTHER, That no other pending public business will be discussed at this closed session.