

RESULTS

AGENDA



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

Tuesday, March 22, 2011, 9:30 A.M.

**Ely Recreation Center
1034 Main Street
Ely, MN**

*Highway 53 North to Highway 169 into Ely. Turn left onto N. 10th Ave. E.
Go straight 3 blocks and turn right onto E. Washington St., turn left onto N.
11th Ave. E. and travel one block to East Main St.
The Ely Recreation Center is on the left.*

**STEVE O'NEIL, Chair
Second District**

**FRANK JEWELL
First District**

**CHRIS DAHLBERG
Third District**

**MIKE FORSMAN
Fourth District**

**PEG SWEENEY
Fifth District**

**KEITH NELSON, Vice-Chair
Sixth District**

**STEVE RAUKAR
Seventh District**

County Auditor
Don Dicklich

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Patricia Stolee

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter which does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [County Board Resolution No. 560, adopted on September 9, 2003] Speakers will be limited to five (5) minutes.

****In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify Property Management 72 hours prior to the meeting at (218)725-5085.****

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx>

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

Proclamation: “Sunshine Week 2011: Your Right to Know”

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. Continuation of public hearing, pursuant to Resolution No. 553, adopted November 9, 2010, to consider the suspension of Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor Licenses issued to Kountry Krossroads, Pike Township, for failure to pay real or personal property taxes when due. **{11-82} Moved by Nelson/Forsman as amended 6-1 (Sweeney). Resolution #138**
- 9:45 A.M. Public hearing, pursuant to Resolution No. 129, adopted March 8, 2011, regarding a liquor law violation at the Elephant Lake Lodge, Inc., d/b/a Melgeorge’s Elephant Lake Lodge, Camp 5 Township. **{11-83} Moved by Nelson/Dahlberg 7-0. Resolution #139**

CONSENT AGENDA: Approval of business submitted on the Consent Agenda.

REPORTS OF BOARDS AND COMMITTEES

Finance & Budget Committee – Commissioner Nelson, Chair

1. A closed session has been requested for litigation purposes. **Moved by Dahlberg/Forsman 7-0. Resolution #140**



S A I N T
LOUIS ♦
COUNTY
M I N N E S O T A

- Proclamation -

Sunshine Week 2011

Your Right to Know

WHEREAS, James Madison, the father of our federal Constitution, wrote that “consent of the governed” requires that the people be able to “arm themselves with the power which knowledge gives;” and

WHEREAS, every citizen in our participatory democracy has an inherent right of access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people’s trust and confidence in their government and in the government’s ability to effectively serve its citizens; and

WHEREAS, the protection of every person’s right of access to public records and government meetings is a high priority of the St. Louis County Board of Commissioners; and

WHEREAS, the St. Louis County Board remains committed to openness and transparency in all aspects of its operations and seeks to set a standard in this regard.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby commits, in tribute to Sunshine Week, which commemorates the 261st anniversary of James Madison’s birth, to continue to work diligently to enhance the public’s access to government records and information, to increase information provided electronically and on-line, and to ensure that all meetings of deliberative bodies under its jurisdiction, and its committees, are fully noticed and open to the public.

BOARD LETTER NO. 11 - 82

FINANCE & BUDGET COMMITTEE

MARCH 22, 2011 BOARD AGENDA 9:40 A.M.
PUBLIC HEARING

DATE: March 22, 2011 **RE:** Continuation of Public Hearing
for Suspension/ Revocation of
Liquor Licenses for Property
Tax Non-Payment – Kountry
Krossroads (Pike Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor

Mark Rubin
County Attorney

RELATED DEPARTMENT GOAL:

Provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to consider the suspension of a liquor license for non-payment of taxes by the license holder.

BACKGROUND:

Pursuant to St. Louis County Ordinance No. 28 (Liquor Ordinance), past due or delinquent real or personal property taxes assessed to the licensed premises must be paid in full at the time of application and thereafter must be paid when due. Failure to pay real estate or personal property taxes when due shall result in suspension of any liquor license until such time as the taxes are paid or the license expires or revocation.

On November 9, 2010, the County Board held a public hearing to consider the suspension of the liquor license for Kountry Krossroads, Pike Township, for failure to pay the required property taxes. The hearing was continued to March 22, 2011 for consideration at that time.

RECOMMENDATION:

It is recommended that the St. Louis County Board consider suspension of the liquor license for Kountry Krossroads, Pike Township, which has failed to pay the required property taxes.

Amended Resolution to provide 45 days before liquor license suspension

BY COMMISSIONER _____

WHEREAS, St. Louis County Ordinance No 28. (Liquor Ordinance), Section 4.15, requires all licensed establishments to pay all real and personal property taxes when due; and

WHEREAS, Kountry Krossroads, Pike Township, was issued combination on/off-sale and Sunday on-sale intoxicating liquor licenses for the period July 1, 2010 through June 30, 2011; and

WHEREAS, the establishment has past due or delinquent real or personal property taxes for 2010; and

WHEREAS, a public hearing was held on November 9, 2010 and was continued to March 22, 2011, to consider suspension of the intoxicating liquor license for the establishment for failure to pay real or personal property taxes when due.

NOW, THEREFORE, BE IT RESOLVED, that the combination on/off-sale and Sunday on-sale intoxicating liquor licenses for Kountry Krossroads, Pike Township, are hereby suspended effective **May 6, 2011**; and

RESOLVED FURTHER, said license will remain suspended until such time as the taxes are paid in full or the license expires or is revoked.

BOARD LETTER NO. 11 - 83

FINANCE & BUDGET COMMITTEE

MARCH 22, 2011 BOARD AGENDA 9:45 A.M.
PUBLIC HEARING

DATE: March 22, 2011 **RE:** Public Hearing to Consider
Liquor Law Violations –
Melgeorge's Elephant Lake
Lodge (Camp 5 Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor

Mark Rubin
County Attorney

RELATED DEPARTMENT GOAL:

Provide mandated and discretionary licensing services in a timely manner.

ACTION REQUESTED:

The St. Louis County Board is requested to consider the suspension of a liquor license for violations of the liquor law by Elephant Lake Lodge, Inc., Camp 5 Township.

BACKGROUND:

The County Attorney and the County Auditor have received reports from the St. Louis County Sheriff's Office concerning liquor law violations on November 20, 2010 by Elephant Lake Lodge, Inc. d/b/a Melgeorge's Elephant Lake Lodge, Camp 5 Township. The owner of Elephant Lake Lodge, Inc. pleaded guilty and was convicted of a Gross Misdemeanor Furnishing Alcohol to an Underage Person, in violation of Minn. Stat. § 340A.503, subd 2 (1) on January 18, 2011.

On March 8, 2011 the St. Louis County Liquor Licensing Committee met to discuss the liquor law violation against the owners of Elephant Lake Lodge, Steven and Carla Koch. After consideration of the circumstances, the committee recommended a thirty (30) day license suspension and \$1,000 civil penalty, with twenty seven (27) days and the \$1,000 civil penalty stayed for one (1) year on the condition that the licensee have no same or similar violations during that year. The recommended dates of license suspension are April 4, 5, and 6, 2011.

A public hearing was scheduled before the St. Louis County Board of Commissioners on March 22, 2011. The purpose of the hearing, pursuant to St. Louis County Ordinance No. 28, Section 13.01, is for the County Board to determine whether the licensee violated any liquor laws, regulations, or provisions of Ordinance 28, and, if so, what consequence should be imposed upon the licensee. Ordinance 28 permits that a liquor license may be suspended or revoked for up to sixty days, and 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 a public hearing on Tuesday, March 22, 2011 at 9:45 a.m., in the Ely Recreation Center, Ely, Minnesota, to consider suspension, revocation, or other sanctions on the intoxicating liquor license issued to Elephant Lake Lodge, Inc. d/b/a Melgeorge's Elephant Lake Lodge, including but not limited to, imposition of civil penalties for the violation. A resolution based on the recommendation of the Liquor Licensing Committee is attached for the Board's consideration.

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on March 8, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation against Steven and Carla Koch, owners of Elephant Lake Lodge, Inc. d/b/a Melgeorge's Elephant Lake Lodge, Camp 5 Township; and

WHEREAS, the Liquor Licensing Committee recommended a thirty (30) day suspension and \$1,000 civil penalty, with twenty seven (27) days of the suspension and the \$1,000 civil penalty stayed, for one year with no same or similar violations during that year, with the dates of suspension of the liquor license to be April 4, 5, and 6, 2011; and

WHEREAS, after hearing testimony on the matter at a public hearing conducted on March 22, 2011 at 9:45 a.m. in the Ely Recreation Center, Ely, MN, the St. Louis County Board determined the recommendation of the St. Louis County Liquor Licensing Committee to be an appropriate penalty for the liquor law violation.

NOW, THEREFORE, BE IT RESOLVED, that the Combination On/Off-Sale Intoxicating Liquor License No. CMB11101 and Sunday On-Sale Intoxicating Liquor License No. 11101, issued to Elephant Lake Lodge, Inc. d/b/a Melgeorge's Elephant Lake Lodge, Camp 5 Township, are hereby suspended for thirty (30) days and a \$1,000 civil penalty is due, with twenty seven (27) days of the suspension and the \$1,000 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 licenses are to be April 4, 5, and 6, 2011.

RESOLVED FURTHER, that a new violation within the next year (ending March 22, 2012), will result in the imposition of the remainder of the suspension and civil penalty, and may also be cause for additional action against the liquor license of the licensee pursuant to St. Louis County Ordinance Number 28, Section 13.

RESULTS

CONSENT AGENDA

FOR THE MEETING OF ST. LOUIS COUNTY BOARD OF COMMISSIONERS

March 22, 2011

Ely Recreation Center, 1034 Main Street, Ely, Minnesota

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

RESOLUTIONS FOR APPROVAL: **Moved by Sweeney/Dahlberg 7-0**

Minutes of March 1, 2011. **Resolution #130**

Minutes of March 8, 2011. **Resolution #131**

Health & Human Services Committee – Commissioner Dahlberg, Chair

1. Renewal of agreement with Lutheran Social Services Bethany Crisis Nursery to provide child protections services for the period January 1, 2011 to December 31, 2011 and authorize payment of \$37,182, payable from Fund 230, Agency 232008, Expense Object 601200. **Resolution #132**

Environment & Natural Resources Committee – Commissioner Jewell, Chair

2. Approve the sale of state tax forfeited land to the City of Virginia for alley and utility purposes for the appraised value of \$4,500 plus fees, for a total of \$4,870.85, to be deposited into Fund 240 (Forfeited Tax Fund); and further, the County Auditor shall offer the land for public auction if the City of Virginia does not purchase the land by June 1, 2011. **Resolution #133**

Finance & Budget Committee – Commissioner Nelson, Chair

3. Application for permit authorizing the consumption and display of intoxicating liquors approved for Ely Golf Club Corp., Inc., d/b/a Ely Golf Club, Morse Township, change of officers. **Resolution #134**
4. Applications for permit authorizing the consumption and display of intoxicating liquors, as submitted by the County Auditor, renewals. **Resolution #135**
5. Approval of claims and accounts for February 2011. **Resolution #136**

Central Management & Intergovernmental Committee – Commissioner Raukar, Chair

6. Workers' Compensation report dated March 11, 2011, as submitted by Safety & Risk Management. **Resolution #137**