

AGENDA

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



Tuesday, July 12, 2011, 9:30 A.M.

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

**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

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS ON THE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

9:40 A.M. Public hearing, pursuant to Resolution No. 343, adopted June 28, 2011, to consider the issuance of an Off-Sale Intoxicating Liquor license for Breeze Inn Duluth, LLC d/b/a The Breeze Inn, Lakewood Township. **{11-259}**

9:45 A.M. Public hearing, pursuant to Resolution No. 344, adopted June 28, 2011, to consider allegations of liquor law violation at Burns Bar & Grill, Inc., d/b/a Burns Bar & Grill, Inc., Rice Lake Township. **{11-260}**

9:50 A.M. Public hearing, pursuant to Resolution No. 345, adopted June 28, 2011, to consider allegations of liquor law violation at Misty, Inc., d/b/a Fredenberg Minnoette, Fredenberg Township. **{11-261}**

9:55 A.M. Public hearing, pursuant to Resolution No. 346, adopted June 28, 2011, to consider allegations of liquor law violation at Grumpy's Gas & Bait, LLC d/b/a Grumpy's Gas & Bait, LLC, Unorganized Township 63-19. **{11-262}**

10:00 A.M. Public hearing, pursuant to Resolution No. 347, adopted June 28, 2011, to consider allegations of liquor law violation at Smith Dam Company, LLC d/b/a Pequaywan Inn, Unorganized Township 54-13. **{11-263}**

10:05 A.M. Public hearing, pursuant to Resolution No. 348, adopted June 28, 2011, to consider allegations of liquor law violation at Erceg Enterprises, Inc., d/b/a Saginaw Grand Lake Station, Solway Township. **{11-264}**

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

REPORTS OF BOARDS AND COMMITTEES

Finance & Budget Committee – Commissioner Keith Nelson, Chair

1. Establish a public hearing for July 26, 2011, at 9:35 a.m. in the Floodwood City Hall, Floodwood, MN, to consider the issuance of an Off-Sale Intoxicating Liquor license for Kristina Carl d/b/a Saginaw Grand Lake Station, Solway Township, transfer. **[Rules must be suspended. Has not been to Committee.] {11-265}**

**Public Hearing to Consider Off-Sale Intoxicating Liquor License
- The Breeze Inn (Lakewood Township)**

BY COMMISSIONER _____

WHEREAS, Breeze Inn Duluth, LLC d/b/a The Breeze Inn, Lakewood Township, St. Louis County, Minnesota, has applied for an off-sale intoxicating liquor license; and

WHEREAS, Minn. Stat. Section 340A.405, Subdivision 2(d), requires that a public hearing be held prior to the issuance of an off-sale intoxicating liquor license; and

WHEREAS, a public hearing was held on July 12, 2011, at or about 9:40 A.M. in the St. Louis County Courthouse, Duluth, Minnesota, for the purpose of considering the granting of the off-sale intoxicating liquor license; and

WHEREAS, with regard to the application for said license, The Breeze Inn has complied in all respects with the requirements of Minnesota Law and St. Louis County Ordinance No. 28; and

WHEREAS, the Liquor Licensing Committee of the St. Louis County Board of Commissioners has considered the nature of the business to be conducted and the propriety of the location and has recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB12142) shall be issued to Breeze Inn Duluth, LLC d/b/a The Breeze Inn, Lakewood Township, located in Area 1, for an annual fee of \$500.00.

RESOLVED FURTHER, that said liquor license shall be effective through June 30, 2012;

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

RESOLVED FURTHER, that said license is approved contingent upon Auditor's Office receipt of certificate of liquor liability insurance, workers' compensation insurance company name, policy number and effective dates and Minnesota Department of Health Food/Beverage Service License application;

RESOLVED FURTHER, that if named license holder sells the licensed place of business, the County Board, at its discretion, may, 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. 11 - 260

FINANCE & BUDGET COMMITTEE

JULY 12, 2011 BOARD AGENDA 9:45 A.M.
PUBLIC HEARING

DATE: July 12, 2011

RE: Public Hearing to Consider
Allegations of Liquor Law
Violations – Burns Bar & Grill
(Rice Lake 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 alleged violations of the liquor law by Burns Bar & Grill, Inc. d/b/a Burns Bar & Grill, Inc., Rice Lake 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 13, 2010 by Burns Bar & Grill, Inc. d/b/a Burns Bar & Grill, Inc., Rice Lake Township.

On June 7, 2011 the St. Louis County Liquor Licensing Committee met to discuss the alleged liquor law violation against Burns Bar & Grill, Inc. After consideration of the allegations and circumstances, the committee recommended a ten (10) day license suspension and \$1,000 civil penalty, with seven (7) days and \$750 of the civil penalty stayed for one (1) year on the condition that the licensee have no same or similar violations during that year. The date of the three (3) day suspension will be July 18, 19 and 20, 2011.

A public hearing was scheduled before the St. Louis County Board of Commissioners on July 12, 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 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 Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor Licenses issued to Burns Bar & Grill, Inc. d/b/a Burns Bar & Grill, Inc., including but not limited to, imposition of civil penalties for the violation.

**Public Hearing to Consider Allegations of Liquor Law Violations
– Burns Bar & Grill (Rice Lake Township)**

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on June 7, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on November 13, 2010 against Burns Bar & Grill, Inc. d/b/a Burns Bar & Grill, Inc., Rice Lake Township; and

WHEREAS, the Liquor Licensing Committee recommended a ten (10) day suspension and \$1,000 civil penalty, with seven (7) days of the suspension and \$750 of the civil penalty stayed, for one year with no same or similar violations during that year.

WHEREAS, after hearing testimony on the matter at a public hearing conducted on July 12, 2011 at 9:45 a.m. in the Duluth 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.

NOW, THEREFORE, BE IT RESOLVED, that the Combination On/Off-Sale Intoxicating Liquor License No. CMB1212 and Sunday On-Sale Intoxicating Liquor License No. SUN1212, issued to Burns Bar & Grill, Inc. d/b/a Burns Bar & Grill, Inc., Rice Lake Township, are hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with seven (7) days of the suspension and \$750 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 July 18, 19, and 20, 2011.

RESOLVED FURTHER, that a new violation within the next year (ending July 12, 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.

BOARD LETTER NO. 11 - 261

FINANCE & BUDGET COMMITTEE

JULY 12, 2011 BOARD AGENDA 9:50 A.M.
PUBLIC HEARING

DATE: July 12, 2011

RE: Public Hearing to Consider
Allegations of Liquor Law
Violations – Fredenberg
Minnoette (Fredenberg
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 alleged violations of the liquor law by Misty, Inc. d/b/a Fredenberg Minnoette, Fredenberg 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 December 30, 2009 and November 13, 2010 by Misty, Inc. d/b/a Fredenberg Minnoette, Fredenberg Township.

On June 7, 2011 the St. Louis County Liquor Licensing Committee met to discuss two alleged liquor law violations against Fredenberg Minnoette. After consideration of the allegations and circumstances, the committee, for each violation, recommended a ten (10) day license suspension and \$1,000 civil penalty, with nine (9) days and \$900 of the civil penalty stayed for one (1) year on the condition that the licensee have no same or similar violations during that year. The date of the one (1) day suspension, for the first violation, will be July 18, 2011 and the date of the one (1) day suspension, for the second violation will be July 19, 2011.

A public hearing was scheduled before the St. Louis County Board of Commissioners on July 12, 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 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 Off-Sale 3.2 Percent Malt Liquor License issued to Misty, Inc. d/b/a Fredenberg Minnoette, including but not limited to, imposition of civil penalties for the violation.

**Public Hearing to Consider Allegations of Liquor Law Violations
– Fredenberg Minnoette (Frendenberg Township)**

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on June 7, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on December 30, 2009 against Misty, Inc. d/b/a Fredenberg Minnoette, Fredenberg 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 \$900 of the civil penalty stayed, for one year with no same or similar violations during that year.

WHEREAS, after hearing testimony on the matter at a public hearing conducted on July 12, 2011 at 9:50 a.m. in the Duluth 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.

NOW, THEREFORE, BE IT RESOLVED, that the Off-Sale 3.2 Percent Malt Liquor License No. B1219, issued to Misty, Inc. d/b/a Fredenberg Minnoette, Fredenberg Township, is hereby suspended for ten (10) days and a \$1,000 civil penalty is due, with nine (9) days of the suspension and \$900 of the civil penalty stayed for one (1) year, with no same or similar violations during that period, for each violation.

RESOLVED FURTHER, that the dates of suspension of the liquor license will be July 18 and 19, 2011.

RESOLVED FURTHER, that a new violation within the next year (ending July 12, 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.

BOARD LETTER NO. 11 - 262

FINANCE & BUDGET COMMITTEE

JULY 12, 2011 BOARD AGENDA 9:55 A.M.
PUBLIC HEARING

DATE: July 12, 2011

RE: Public Hearing to Consider
Allegations of Liquor Law
Violations – Grumpy's Gas &
Bait (Unorganized Township
63-19)

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 alleged violations of the liquor law by Grumpy's Gas & Bait, LLC, Unorganized Township 63-19.

BACKGROUND:

The County Attorney and the County Auditor have received reports from the St. Louis County Sheriff's Office concerning liquor law violation on November 20, 2010 by Grumpy's Gas & Bait, LLC d/b/a Grumpy's Gas & Bait, LLC, Unorganized Township 63-19.

On June 7, 2011 the St. Louis County Liquor Licensing Committee met to discuss the alleged liquor law violation against Grumpy's Gas & Bait, LLC. After consideration of the allegations and circumstances, the committee recommended a ten (10) day license suspension and \$1,000 civil penalty, with nine (9) days and \$1,000 of the civil penalty stayed for one (1) year on the condition that the licensee have no same or similar violations during that year. The date of the one (1) day suspension will be July 18, 2011.

A public hearing was scheduled before the St. Louis County Board on July 12, 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 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 Off-Sale 3.2 Percent Malt Liquor License issued to Grumpy's Gas & Bait, LLC d/b/a Grumpy's Gas & Bait, LLC, including but not limited to, imposition of civil penalties for the violation.

**Public Hearing to Consider Allegations of Liquor Law Violations
– Grumpy’s Gas & Bait (Unorganized Township 63-19)**

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on June 7, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on November 20, 2010 against Grumpy's Gas & Bait, LLC d/b/a Grumpy's Gas & Bait, LLC, Unorganized Township 63-19; 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.

WHEREAS, after hearing testimony on the matter at a public hearing conducted on July 12, 2011 at 9:55 a.m. in the 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.

NOW, THEREFORE, BE IT RESOLVED, that the Off-Sale 3.2 Percent Malt Liquor License No. B1294, issued to Grumpy's Gas & Bait, LLC d/b/a Grumpy's Gas & Bait, LLC, Unorganized Township 63-19, 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 July 18, 2011.

RESOLVED FURTHER, that a new violation within the next year (ending July 12, 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.

BOARD LETTER NO. 11 - 263

FINANCE & BUDGET COMMITTEE

JULY 12, 2011 BOARD AGENDA 10:00 A.M.
PUBLIC HEARING

DATE: July 12, 2011

RE: Public Hearing to Consider
Allegations of Liquor Law
Violations – Pequaywan Inn
(Unorganized Township 54-13)

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 alleged violations of the liquor law by Smith Dam Company, LLC d/b/a Pequaywan Inn, Unorganized Township 54-13.

BACKGROUND:

The County Attorney and the County Auditor have received reports from the St. Louis County Sheriff's Office concerning liquor law violations on December 13, 2010 by Smith Dam Company, LLC d/b/a Pequaywan Inn, Unorganized Township 54-13.

On June 7, 2011 the St. Louis County Liquor Licensing Committee met to discuss the alleged liquor law violation against Pequaywan Inn. After consideration of the allegations and circumstances, the committee recommended a ten (10) day license suspension and \$1,000 civil penalty, with nine (9) days and \$1,000 of the civil penalty stayed for one (1) year on the condition that the licensee have no same or similar violations during that year. The date of the one (1) day suspension will be July 18, 2011.

A public hearing was scheduled before the St. Louis County Board of Commissioners on July 12, 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 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 Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor Licenses issued to Smith Dam Company, LLC d/b/a Pequaywan Inn, including but not limited to, imposition of civil penalties for the violation.

**Public Hearing to Consider Allegations of Liquor Law Violations
- Pequaywan Inn (Unorganized Township 54-13)**

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on June 7, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on December 13, 2010 against Smith Dam Company, LLC d/b/a Pequaywan Inn, Unorganized Township 54-13; 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.

WHEREAS, after hearing testimony on the matter at a public hearing conducted on July 12, 2011 at 10:00 a.m. in the Duluth 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.

NOW, THEREFORE, BE IT RESOLVED, that the Combination On/Off-Sale Liquor License No. CMB12133 and Sunday On-Sale Intoxicating Liquor License No. SUN12133, issued to Smith Dam Company, LLC d/b/a Pequaywan Inn, Unorganized Township 54-13, 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 July 18, 2011.

RESOLVED FURTHER, that a new violation within the next year (ending July 12, 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.

BOARD LETTER NO. 11 - 264

FINANCE & BUDGET COMMITTEE

JULY 12, 2011 BOARD AGENDA 10:05 A.M.
PUBLIC HEARING

DATE: July 12, 2011

RE: Public Hearing to Consider
Allegations of Liquor Law
Violations – Saginaw Grand
Lake Station (Solway 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 alleged violations of the liquor law by Erceg Enterprises, Inc. d/b/a Saginaw Grand Lake Station, Solway Township.

BACKGROUND:

The County Attorney and the County Auditor have received reports from the St. Louis County Sheriff's Office concerning liquor law violation on December 13, 2010 by Erceg Enterprises, Inc. d/b/a Saginaw Grand Lake Station, Solway Township.

On June 7, 2011 the St. Louis County Liquor Licensing Committee met to discuss the alleged liquor law violation against Saginaw Grand Lake Station. After consideration of the allegations and circumstances, the committee recommended a ten (10) day license suspension and \$1,000 civil penalty, with nine (9) days and \$1,000 of the civil penalty stayed for one (1) year on the condition that the licensee have no same or similar violations during that year. The date of the one (1) day suspension will be imposed at a time to be established by the Liquor Licensing Committee pending re-application.

A public hearing was scheduled before the St. Louis County Board of Commissioners on July 12, 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 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 Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor Licenses issued to Erceg Enterprises, Inc. d/b/a Saginaw Grand Lake Station, including but not limited to, imposition of civil penalties for the violation.

**Public Hearing to Consider Allegations of Liquor Law Violations
- Saginaw Grand Lake Station (Solway Township)**

BY COMMISSIONER _____

WHEREAS, the St. Louis County Liquor Licensing Committee met on June 7, 2011 to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation on December 13, 2010 against Erceg Enterprises, Inc. d/b/a Saginaw Grand Lake Station, Solway 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.

WHEREAS, after hearing testimony on the matter at a public hearing conducted on July 12, 2011 at 10:05 a.m. in the Duluth 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.

NOW, THEREFORE, BE IT RESOLVED, that the Combination On/Off-Sale and Sunday On-Sale Intoxicating Liquor Licenses, issued to Erceg Enterprises, Inc. d/b/a Saginaw Grand Lake Station, Solway 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 imposed by the Liquor Licensing Committee pending re-application.

RESOLVED FURTHER, that a new violation within the next year (ending July 12, 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.

BOARD LETTER NO. 11 - 265

FINANCE & BUDGET COMMITTEE

JULY 12, 2011 BOARD AGENDA NO. 1

DATE: July 12, 2011

RE: Establish Public Hearing to Consider Off-Sale Intoxicating Liquor License – Saginaw Grand Lake Station (Solway 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 establish a public hearing to consider an off-sale intoxicating liquor license for Saginaw Grand Lake Station, an establishment in Solway Township.

BACKGROUND:

Kristina Carl has made application for an Off-Sale Intoxicating Liquor License for the establishment known as Saginaw Grand Lake Station, Solway Township.

M.S. 340A.405, subdivision 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 Board approval. This establishment is located in Area 1 and the annual license fee is \$500.

RECOMMENDATION:

It is recommended that the St. Louis County Board establish a public hearing at 9:35 a.m. on July 26, 2011 in the Floodwood City Hall, Floodwood, MN, to consider the matter.

Establish Public Hearing to Consider Off-Sale Intoxicating Liquor License –Saginaw Grand Lake Station (Solway Township)

BY COMMISSIONER _____

RESOLVED, that a public hearing will be held at 9:35 A.M. on July 26, 2011, in the Floodwood City Hall, Floodwood, Minnesota, for the purpose of considering the granting of an Off-Sale Intoxicating Liquor License to Kristina Carl d/b/a Saginaw Grand Lake Station, Solway Township.