

AGENDA

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



Tuesday, November 6, 2012, 9:30 A.M.

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

**KEITH NELSON, Chair
Sixth District**

**FRANK JEWELL
First District**

**STEVE O'NEIL
Second District**

**CHRIS DAHLBERG
Third District**

**MIKE FORSMAN
Fourth District**

**PEG SWEENEY, Vice-Chair
Fifth District**

**STEVE RAUKAR
Seventh District**

County Auditor
Donald Dicklich

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Roberta Museta

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. 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. 12-584, adopted October 23, 2012, to consider the issuance of an off-sale intoxicating liquor license for the Dawghouse Bar & Grill, LLC d/b/a Dawghouse Bar & Grill, Northland Township. {12-423}

CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

1. A closed session has been requested for litigation purposes.

ADJOURNED:

BOARD LETTER NO. 12 - 423

FINANCE & BUDGET COMMITTEE

**NOVEMBER 6, 2012 BOARD AGENDA 9:40 A.M.
PUBLIC HEARING**

DATE: November 6, 2012 **RE:** Public Hearing to Consider Off-Sale Intoxicating Liquor License (Northland Township)

FROM: Kevin Z. Gray
County Administrator

Donald Dicklich
County Auditor

RELATED DEPARTMENT GOAL:

To 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 Dawghouse Bar & Grill, LLC d/b/a Dawghouse Bar & Grill, Northland Township.

BACKGROUND:

Dawghouse Bar & Grill, LLC, has made application for an Off-Sale Intoxicating Liquor License for the establishment known as Dawghouse Bar & Grill, Northland 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 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.

**Public Hearing to Consider Off-Sale Intoxicating Liquor License
(Northland Township)**

BY COMMISSIONER _____

WHEREAS, Dawghouse Bar & Grill, LLC d/b/a Dawghouse Bar & Grill, Northland 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 November 6, 2012, at 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, Dawghouse Bar & Grill 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.

NOW, THEREFORE, BE IT RESOLVED, that Off-Sale Intoxicating Liquor License (License Number CMB13150) shall be issued to Dawghouse Bar & Grill, LLC d/b/a Dawghouse Bar & Grill, Northland Township, located in Area 3, for an annual fee of \$150.00.

RESOLVED FURTHER, that said liquor license shall be effective November 6, 2012, through June 30, 2013.

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 after an investigation may transfer the license to a new owner, but without pro-rated refund of license fee to the license holder.

Resolution for a Closed Session of the Committee of the Whole

BY COMMISSIONER _____

WHEREAS, pursuant to Minn. Stat § 13D.05, Subd. 3(b), the St. Louis County Board may close a meeting as permitted by the attorney/client privilege; and

WHEREAS, the County Attorney requires discussion on potential settlement and litigation strategy with the County Board in a closed session of the Committee of the Whole.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board will convene in a closed meeting of the Committee of the Whole on November 6, 2012, for the purpose of discussing settlement litigation strategy immediately following the Board meeting.