

## AGENDA

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



**Tuesday, July 30, 2013, 9:30 A.M.**

**Floodwood City Hall  
111 West 8<sup>th</sup> Avenue  
Floodwood, MN**

**CHRIS DAHLBERG, Chair  
Third District**

**FRANK JEWELL  
First District**

**VACANT  
Second District**

**MIKE FORSMAN, Vice Chair  
Fourth District**

**PETE STAUBER  
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>

**AGENDA**  
**St. Louis County Board**  
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9:30 A.M. Moment of Silence  
Remembrance of Corrections Officer Todd Nelson  
Pledge of Allegiance  
Roll Call

*“St. Louis County History: People & Places” – Commissioner Raukar,  
Seventh 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. 13-393 adopted July 2, 2013, to consider allegations of a liquor law violation by A. P. Inc., d/b/a A. P. Liquor, Gnesen Township. {13-291}

**CONSENT AGENDA**

Approval of business submitted on the consent agenda.

**REGULAR AGENDA**

**Finance & Budget Committee – Commissioner Raukar, Chair**

1. Adoption of a wheelage tax for St. Louis County. {13-290} [Without recommendation.]

**Central Management & Intergovernmental Committee – Commissioner Jewell, Chair**

2. Second district seat vacancy. {13-318} [Rules must be suspended; has not been to committee.]
3. Second district special election. {13-319} [Rules must be suspended; has not been to committee.]
4. Schedule a public hearing on temporary appointment to second district seat. {13-320} [Rules must be suspended; has not been to committee.]

**ADJOURNED:**

# **BOARD LETTER NO. 13 - 291**

## **FINANCE & BUDGET COMMITTEE**

### **JULY 30, 2013 BOARD AGENDA 9:40 A.M. PUBLIC HEARING**

**DATE:** July 30, 2013

**RE:** Public Hearing to Consider  
Allegations of Liquor Law  
Violation – A.P. Liquor (Gnesen  
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 penalties and/or suspension of liquor license for alleged violation of the liquor law by A. P. Inc. d/b/a A. P. Liquor, Gnesen Township.

**BACKGROUND:**

The County Attorney and the County Auditor have received reports from the St. Louis County Sheriff's Office concerning liquor law violation, sale to minor on June 3, 2013, by A. P. Inc. d/b/a A. P. Liquor, Gnesen Township.

On June 11, 2013, the St. Louis County Liquor Licensing Committee met to discuss the alleged liquor law violation against A. P. Liquor. 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 August 5, 2013.

A public hearing was scheduled before the St. Louis County Board on July 30, 2013. 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 St. Louis 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 June 11, 2013, to consider recommending action to be taken by the County Board as a result of an alleged liquor law violation, sale to minor on June 3, 2013, 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 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 July 30, 2013, at 9:40 a.m. in the Floodwood City Hall, Floodwood, 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 Off-Sale Intoxicating Liquor License No. OFSL1427, 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 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 August 5, 2013;

RESOLVED FURTHER, That a new violation within the next year (ending July 30, 2014), 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.

Minutes  
June 11, 2013

ST. LOUIS COUNTY LIQUOR LICENSING COMMITTEE MEETING

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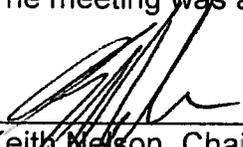
The meeting was called to order at 8:30 a.m. by Commissioner Keith Nelson, Chair, with the following members present: Phil Chapman, Deputy Auditor, Donald Dicklich, Auditor, James Nephew, Attorney's Office, and Lt. Dave Rolland, Sheriff's Office. Commissioner Chris Dahlberg arrived at 8:34 a.m.

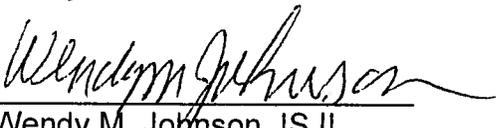
Dicklich/Rolland moved to approve the minutes of the May 7, 2013, 2013 meeting. (3-0)

There was discussion regarding the alleged liquor law violation at A. P. Inc. d/b/a A. P. Liquor, Gnesen Township. Lt. Rolland said the clerk sold alcohol to an underage person without asking for identification. He also said it is the first violation for this establishment. Attorney Nephew recommended the standard penalty, ten day suspension and \$1,000.00 fine, with nine days and \$1,000.00 stayed for one year with no same or similar violations.

At this time, Adam Riesland appeared for A. P. Inc. d/b/a A. P. Liquor, Gnesen Township, regarding a liquor law violation, sale to minor, which occurred on June 3, 2013. Chair Nelson asked if he has implemented any changes, to which Mr. Riesland answered he has daily discussions with his employees regarding checking identification and will increase in-house training. 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 July 30, 2013. The motion passed. (4-0)

The meeting was adjourned at 8:49 a.m. (Dicklich/Rolland) (4-0)

  
\_\_\_\_\_  
Keith Nelson, Chair

  
\_\_\_\_\_  
Wendy M. Johnson, IS II



solution to the county's transportation needs, the direct linkage to road maintenance funded by road users through a modest annual fee paid with license fees collected by the state appears to be straightforward and manageable.

For St. Louis County, the opportunity to implement a wheelage fee is the equivalent of a 1.5% levy increase, and would allow the county to double its Gravel Road Investment Program, more than double its Highway Safety Improvement Program, including high visibility striping so important to senior drivers in particular, and increase overall investment in preventative maintenance activities.

For the tax to be implemented by 2014, St. Louis County must notify the Minnesota Department of Public Safety by August 1, 2013. Commissioners will take up the issue again at the Committee of the Whole meeting scheduled for Tuesday, July 9, 2013.

**RECOMMENDATION:**

Commissioners are being provided with two resolutions to consider based upon discussion held at the July 2, 2013 Committee of the Whole meeting. The first option has been requested by Commissioner Raukar, Finance & Budget Chair, which calls for adoption of a wheelage tax, effective January 1, 2014, and requests the State of Minnesota Registrar of Motor Vehicles to collect the tax.

The second option has been proposed by Commissioner Nelson, who has requested that the County Board delay implementation of a wheelage tax until June 1, 2014, to allow completion of the 2014 Legislative Session.

## **Resolution Authorizing a Wheelage Tax**

BY COMMISSIONER RAUKAR \_\_\_\_\_

WHEREAS, St. Louis County's transportation infrastructure forms the backbone of the county's economy and has a direct impact on future economic development; and

WHEREAS, Funding for highway and bridge systems in Minnesota has remained stagnant and is failing to keep pace with growing demands; and

WHEREAS, Local governments throughout the state are challenged with maintaining local transportation systems and local property taxes are a regressive form of taxation and sole source of funding for the local county road system; and

WHEREAS, Proceeds generated by a wheelage tax would support critical investments in gravel roads, safety improvements and preventative maintenance on our local and state aid highway systems; and

WHEREAS, The Minnesota State Legislature's 2013 Transportation Appropriation Bill (Chapter 117, Article 3, Section 4) included expansion of authority for all 87 Minnesota counties to impose a wheelage tax at a \$10 per vehicle rate to provide additional revenue for highways and bridges; and

WHEREAS, A county board may provide for the collection of the wheelage tax by resolution, or it may request that the tax be collected by the state registrar of motor vehicles, and that if the tax is made collectible by the state registrar, it needs to be certified by the county auditor to the registrar no later than August 1 in the year before the calendar year for which the tax is levied; and

WHEREAS, Minn. Stat. 163.051, Subd. 4, provides that the treasurer of each county receiving proceeds from the wheelage tax is to deposit such proceeds in the county road and bridge fund, expenditures from which shall be used for the purposes authorized by law which are highway purposes within the meaning of the Minnesota Constitution, Article 14; and

WHEREAS, The St. Louis County Board desires to implement such a wheelage tax and have the state registrar of motor vehicles collect the tax to help improve the quality of the county road system, prolong the useful life of county roads and provide a smoother driving surface and a safer highway system;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes the imposition of a wheelage tax as provided for in the Minnesota State Legislature's 2013 Transportation Appropriation Bill (Chapter 117, Article 3, Section 4), of \$10 for the year 2014 and subsequent years thereafter, on each motor vehicle, except those specifically exempted by law, which is kept in St. Louis County when not in operation, and which is subject to taxation and registration under Chapter 168.

RESOLVED FURTHER, That the county request the State of Minnesota Registrar of Motor Vehicles to collect the tax.

# **BOARD LETTER NO. 13 – 318**

## **CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO.**

### **JULY 30, 2013 BOARD AGENDA NO. 2**

**DATE:** July 30, 2013 **RE:** Second District Seat Vacancy

**FROM:** Kevin Z. Gray  
County Administrator

Mark Rubin  
County Attorney

#### **RELATED DEPARTMENTAL GOAL:**

To schedule a special election to fill the vacancy seat for second district county commissioner.

#### **ACTION REQUESTED:**

The St. Louis County Board is requested to adopt a resolution declaring a vacancy in the office of County Commissioner for the Second District County Board seat.

#### **BACKGROUND:**

St. Louis County Commissioner Steve O'Neil passed away on July 16, 2013. His death creates a vacancy in the office of County Commissioner for the Second District. Because more than one year is left on the term of office, a special election is required by Minn. Stat § 375.101. The special election is to fill the unexpired term of office. Although a special election must be scheduled, and the elected candidate will serve the remainder of the unexpired term, the County Board may, but is not required to, appoint someone to fill the vacancy pending the special election. Before making such an appointment, however, the County Board must hold a public hearing to take testimony concerning the qualifications of prospective appointees. The public hearing must be held not more than 30 days after the vacancy occurs (July 16, 2013).

#### **RECOMMENDATION:**

It is recommended that the St. Louis County Board direct that a vacancy exists in the second district commissioner seat.

## **Second District Seat Vacancy**

BY COMMISSIONER \_\_\_\_\_

WHEREAS, Steve O'Neil, representing the Second District on the St. Louis County Board of Commissioners, passed away on July 16, 2013; and

WHEREAS, In the circumstance of the death of a commissioner of the county board, the Board must declare a vacancy in the seat previously held by the deceased;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board, acting pursuant to its authority found in Minn. Stat. §375.101 and other relevant statutes and law, does hereby direct that a vacancy exists in the County Commissioner seat for the Second District.

# **BOARD LETTER NO. 13 – 319**

## **CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO.**

### **JULY 30, 2013 BOARD AGENDA NO. 3**

**DATE:** July 30, 2013 **RE:** Second District Special Election

**FROM:** Kevin Z. Gray  
County Administrator

Mark Rubin  
County Attorney

#### **RELATED DEPARTMENTAL GOAL:**

To schedule a special election to fill the vacancy seat for second district county commissioner.

#### **ACTION REQUESTED:**

The St. Louis County Board is requested to schedule a special election no sooner than 120 days after the date a vacancy was declared and no later than 12 weeks prior to the next regularly scheduled primary election in 2014.

#### **BACKGROUND INFORMATION:**

St. Louis County Commissioner Steve O'Neil passed away on July 16, 2013. His death creates a vacancy in the office of County Commissioner for the Second District. Because more than one year is left on the term of office, a special election is required by Minn. Stat § 375.101. The special election is to fill the unexpired term of office. The special election must be held no sooner than 120 days following the date the vacancy is declared, but no later than 12 weeks prior to the next regularly scheduled primary election in 2014.

#### **RECOMMENDATION:**

It is recommended that the St. Louis County Board schedule a special election no sooner than 120 days following the date a vacancy was declared and no later than 12 weeks prior to the next regularly scheduled primary election in 2014.

## Second District Special Election

BY COMMISSIONER \_\_\_\_\_

WHEREAS, Steve O'Neil, representing the Second District on the St. Louis County Board of Commissioners, passed away on July 16, 2013; and

WHEREAS, The St. Louis County Board of Commissioners determined that a vacancy in the office of County Commissioner for the Second District of St Louis County, Minnesota, has occurred and that it is in the best interest of the public to plan for the special election to fill that vacancy as soon as possible; and

WHEREAS, It is the duty of the County Board to schedule a date for a special election not less than 120 days following the date the vacancy is declared, and no later than 12 weeks prior to the date of the next regularly scheduled primary election, pursuant to Minn. Stat. §375.101, Subd. 1;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board, acting pursuant to its authority found in Minn. Stat. §375.101 and other relevant statutes and law, does hereby direct:

1. That a vacancy exists in the County Commissioner seat for the Second District and a special election to fill that vacancy is needed, said election to be held in the Second District on December 31, 2013.
2. That a special primary, if necessary, for the nomination of candidates for the office be held in the Second District on November 5, 2013.
3. That affidavits and petitions of candidacy be filed with the St. Louis County Auditor from 8:00 a.m. on August 20, 2013 until 5:00 p.m. on September 3, 2013. The last day to withdraw as a candidate shall be on September 5, 2013 at 5:00 p.m.
4. If a special primary is needed, absentee voting shall commence on September 20, 2013.
5. The canvass of any special primary results shall occur on November 6, 2013.
6. That absentee voting for the special election shall commence on November 15, 2013.
7. That the canvass of the special election results shall occur on January 2, 2014. Thereupon, an election certificate shall be issued and the new Board member shall be sworn into office.

8. That proper notices of this special election and any special primary needed be given, that the nomination and election of candidates be conducted and that all things pertaining thereto be done as provided by relevant Minnesota law.



## **Schedule a Public Hearing on Temporary Appointment to Second District Seat**

BY COMMISSIONER \_\_\_\_\_

WHEREAS, Steve O'Neil, representing the Second District on the St. Louis County Board of Commissioners, passed away on July 16, 2013; and

WHEREAS, The St. Louis County Board determines that a vacancy in the office of County Commissioner for the Second District of St Louis County, Minnesota, has occurred and a special election to fill the vacancy has been scheduled; and

WHEREAS, The County Board may decide whether or not to make an interim appointment to fill the open seat in the Second District pending the outcome of the special election pursuant to Minn. Stat. §375.101, Subd. 4, 5;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board, acting pursuant to its authority found in Minn. Stat. § 375.101 and other relevant statutes and law, does hereby direct: that a public hearing to consider an interim appointment to the vacant seat will be held on August 13, 2013 at 9:50 a.m. in the Fredenberg Town Hall, Duluth, MN. Notice of this public hearing shall be given consistent with the notice requirements for a special meeting of the County Board as defined in Minn. Stat. § 13D.04, Subd. 2. At the public hearing, the Board will invite public testimony from persons residing in the Second District relating to the qualifications of prospective appointees to fill the vacancy. Before making an appointment, the Board will notify public officials in the Second District on the appointment, including Duluth City Council members, and will enter into the record at the board meeting in which the appointment is made the names and addresses of the public officials notified.