



AGENDA

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

Tuesday, March 9, 2021, 9:30 A.M.

**Government Services Center
Lake Superior Room
320 West 2nd Street
Duluth, Minnesota**

NOTE: Due to the COVID-19 pandemic, this meeting is being conducted in accordance with Minnesota Statutes § 13D.021, which provides that members of the St. Louis County Board may attend the meeting by telephone or other electronic means. This statute also provides that, if telephone or other electronic means are used to conduct a meeting, to the extent practical, the county shall allow a person to monitor the meeting electronically from a remote location. For information on how to view or participate in the County Board meeting, please visit the county website at www.stlouiscountymn.gov, scroll to the County Board Meeting section, and click on the meeting date.

**FRANK JEWELL
First District**

**PATRICK BOYLE
Second District**

**ASHLEY GRIMM
Third District**

**PAUL McDONALD –
VICE-CHAIR
Fourth District**

**KEITH MUSOLF
Fifth District**

**KEITH NELSON
Sixth District**

**MIKE JUGOVICH –CHAIR
Seventh District**

County Auditor
Nancy Nilsen

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. Citizens can either appear at the meeting in person or submit comments for the public comment portion or for specific Board agenda items prior to the meeting by e-mailing them to publiccomment@stlouiscountymn.gov. 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.

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 the Administration Department 72 hours prior to the meeting at (218)726-2450.****

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

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. 21-140, adopted February 23, 2021, to consider the issuance of an Off-Sale Intoxicating Liquor License to Neighbor's BBQ, LLC dba Neighbor's BBQ, Vermilion Lake Township.
 {21-103}

CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

1. Steven Doherty settlement agreement. {21-104}

ADJOURNED:

BOARD LETTER NO. 21 - 103

FINANCE & BUDGET COMMITTEE NO.

MARCH 9, 2021 BOARD AGENDA 9:40 A.M.
PUBLIC HEARING

DATE: March 9, 2021 **RE:** Public Hearing to Consider Off-Sale Intoxicating Liquor License (Vermilion Lake Township)

FROM: Kevin Z. Gray
County Administrator

Nancy J. Nilsen
County Auditor/Treasurer

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 Neighbor's BBQ LLC dba Neighbor's BBQ, Vermilion Lake Township.

BACKGROUND:

Neighbor's BBQ LLC has made application for an Off-Sale Intoxicating Liquor License for the establishment known as Neighbor's BBQ, Vermilion Lake Township. Minn. Stat. § 340A.405, Subdivision 2(d), 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. According to the St. Louis County Fee Schedule, this establishment is applying for an Off-Sale Intoxicating Liquor License 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
(Vermilion Lake Township)**

BY COMMISSIONER _____

WHEREAS, Neighbor's BBQ LLC dba Neighbor's BBQ, Vermilion Lake Township, St. Louis County, Minnesota, has applied for an Off-Sale Intoxicating Liquor License; and

WHEREAS, Minn. Stat. § 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 March 9, 2021, at 9:40 a.m., in the Duluth Government Services Center, 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, Neighbor's BBQ LLC 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 Neighbor's BBQ LLC dba Neighbor's BBQ, Vermilion Lake Township, located in Area 3, and in accordance with the St. Louis County Fee Schedule the annual fee is \$150.00.

RESOLVED FURTHER, That said liquor license shall be effective through June 30, 2021.

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

RESOLVED FURTHER, That if the named license holder sells the licensed place of business, the County Board may, at its discretion and 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. 21 – 104

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE

MARCH 9, 2021, BOARD AGENDA NO. 1

DATE: March 9, 2021 **RE:** Steven Doherty Settlement Agreement

FROM: Kevin Z. Gray
County Administrator

Mark S. Rubin
County Attorney

RELATED DEPARTMENT GOAL:

To resolve litigation against St. Louis County and its employees.

ACTION REQUESTED:

The St. Louis County Board is requested to approve a proposed settlement in *Doherty v. St. Louis County*, Case No. 20-cv-385 (ECT/LIB), an action brought by Steven Doherty against St. Louis County and two of its employees.

BACKGROUND INFORMATION:

The parties have agreed to a proposed settlement of the action that is subject to the approval of the St. Louis County Board. Under the proposed settlement, the plaintiff will release his claims against St. Louis County and its officers, employees, and agents, and St. Louis County will make a settlement payment in the amount of \$17,500.00. The settlement amount is reasonable given the facts and circumstances of the action, and the proposed settlement will allow St. Louis County to avoid the expense and risk associated with further litigation. The settlement agreement will contain a provision stating that St. Louis County and its defendant-employees deny Doherty's allegations as set forth in their answers filed with the Court, deny any wrongdoing, and deny that Doherty is entitled to any relief, and stating that St. Louis County and its defendant-employees are entering into the settlement agreement solely to avoid the burden and expense associated with further litigation.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the proposed settlement and authorize the appropriate county officials to negotiate and execute appropriate settlement documents and to make the settlement payment contemplated by the proposed settlement in the amount of \$17,500.00.

Steven Doherty Settlement Agreement

BY COMMISSIONER _____

WHEREAS, In January 2020, Steven Doherty commenced an action against St. Louis County and two of its employees; and

WHEREAS, The action, captioned *Doherty v. St. Louis County*, Case No. 20-CV-385 (ECT/LIB), is pending in the United States District Court for the District of Minnesota; and

WHEREAS, The plaintiff and the defendants have reached agreement on a proposed settlement of the action that is subject to the approval of the St. Louis County Board; and

WHEREAS, Under the proposed settlement, the plaintiff will release his claims against St. Louis County and its officers, employees, and agents, and St. Louis County will make a settlement payment in the amount of \$17,500.00; and

WHEREAS, The St. Louis County Board wishes to approve the proposed settlement to avoid the expense and risk associated with further litigation.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the proposed settlement and authorizes the appropriate county officials to negotiate and execute appropriate settlement documents and to make the settlement payment contemplated by the proposed settlement in the amount of \$17,500.00, payable from Fund 720, Agency 720001, Expense Code 636200.