

**MOUNTAIN IRON CITY COUNCIL MEETING
COMMUNITY CENTER
MOUNTAIN IRON ROOM
MONDAY, MAY 2, 2005 - 6:30 P.M.
A G E N D A**

- I. Roll Call
 - II. Consent Agenda
 - A. Minutes of the April 18, 2005 Regular Meeting (#1-11)
 - B. Bills and Payroll
 - C. Receipts
 - D. Communications (#45-50)
 - III. Public Forum
 - IV. Committee and Staff Reports
 - A. Mayor's Report
 - 1. Presidential Freedom Scholarship (#12-14)
 - B. City Administrator's Report
 - 1. City Contributions (#15-17)
 - C. Director of Public Works Report
 - 1. Crack Sealing Quotes (#18-20)
 - D. Director of Parks and Recreations Report
 - E. Library Director
 - 1. Summer Help (#21)
 - F. Fire Department's Report
 - 1. Arrowhead Regional Meeting (#22)
 - G. City Engineers Report
 - H. Personnel Committee
 - 1. Assistant Librarian Position (#23-25)
 - I. Planning and Zoning Commission
 - 1. Conditional Use Permit (#26-30)
 - J. Liaison Reports
 - V. Unfinished Business
 - A. Ann's Acres Street Lighting Update (#31)
 - B. Locomotive Park Project Update (#32)
 - VI. New Business
 - A. Blight Ordinance Review (#33-42)
 - B. Christmas Decorations County 7/Unity Drive (#43)
 - C. Non-Mandatory Conferences, Workshops (#44)
 - D. Communications (#45-50)
 - VII. Open Discussion
 - VIII. Announcements
 - IX. Adjourn
- # Denotes page number in packet

MINUTES
MOUNTAIN IRON CITY COUNCIL
APRIL 18, 2005

Mayor Skalko called the meeting to order at 6:30 p.m. with the following members present: Joe Prebeg, Jr., Allen Nelson, Dale Irish, Ed Roskoski, and Mayor Gary Skalko. Also present were: Craig J. Wainio, City Administrator; Don Kleinschmidt, Director of Public Works; Larry Nanti, Recreation Director; Sam Aluni, City Attorney; and Rod Flannigan, City Engineer.

Mayor Skalko explained that the meetings were now being taped for television viewing and that the expense for this was being paid for by an anonymous donor and this was not an authorized expenditure by the City Council. He requested that if there were residents that did view the City Council meeting on the television to contact members of the Council to express their interest in having this consider for the 2006 budget.

It was moved by Prebeg and supported by Nelson that the consent agenda be approved as follows:

1. Add the following items to the agenda:
 - IV. A. 3. 16th Avenue Project
 4. Mountain Iron-Buhl School District
 5. EDA Director and Marketer
2. Approve the minutes of the April 4, 2005, City Council meeting as submitted.
3. Approve the minutes of the March 31, 2005, Committee-of-the-Whole meeting as submitted.
4. Approve the minutes of the March 31, 2005, Committee-of-the-Whole meeting as submitted.
5. Approve the minutes of the April 12, 2005, Board of Review meeting as submitted.
6. That the communications be accepted, placed on file, and those requiring further action by the City Council be acted upon during their proper sequence on the agenda.
7. To acknowledge the receipts for the period April 1-15, 2005, totaling \$105,614.83, (a list is attached and made a part of these minutes).
8. To authorize the payments of the bills and payroll for the period April 1-15, 2005, totaling \$215,009.34, (a list is attached and made a part of these minutes).

The motion carried unanimously on a roll call vote.

During the public forum, Wilbert Johnson, 5621 Nichols Avenue, thanked the Mayor and the Recreation Director for working on his problem with his neighbor. He asked the Mayor and the Recreation Director to come back to his house and review the situation at his neighbor's property again. Mr. Johnson also requested the City Council to have a public hearing on the proposed trail in the Parkville area rather than have the City Council take formal action on the trail.

Also during the public forum, Eugene Specht, 8395 Spruce Drive, was present and ask the Council what the plan was to take care of the abandoned pump house building next to his property. The Director of Public Works said that the Utility Advisory Board would be making a recommendation to the City Council to have the building removed, the wells sealed, and the property improved.

It was moved by Nelson and supported by Prebeg to recess the regular meeting and reconvene the Board of Review meeting. The motion carried.

It was moved by Nelson and supported by Prebeg to accept the recommendation of the County Assessor and make no change to the valuation on Glen Avikainen's property on Parcel Code 175-0055-00300. The motion carried.

It was moved by Nelson and supported by Irish to accept the recommendation of the County Assessor and reduce the improvement value on Dan and Mary Jo Miettunen's property on Parcel Code 175-0055-01450 by \$500. The motion carried.

It was moved by Irish and supported by Nelson to accept the recommendation of the County Assessor and reduce the improvement value on James and Carol Techar's property on Parcel Code 175-0063-00160 by \$1,000. The motion carried.

It was moved by Nelson and supported by Roskoski to accept the recommendation of the County Assessor and make no change to the valuation on Matthew Kishel's property on Parcel Code 175-0013-00170. The motion carried.

It was moved by Prebeg and supported by Nelson to accept the recommendation of the County Assessor and reduce the improvement value on Bradley Hamilton's property on Parcel Code 175-0071-01530 by \$21,700. The motion carried.

It was moved by Nelson and supported by Roskoski to accept the recommendation of the County Assessor and make no change to the valuation on Robert Kohler's property on Parcel Code 175-0055-01830. The motion carried.

It was moved by Prebeg and supported by Nelson to accept the recommendation of the County Assessor and reduce the improvement value on William Buria's property on Parcel Code 175-0055-02400 by \$10,100. The motion carried.

It was moved by Nelson and supported by Roskoski to accept the recommendation of the County Assessor and make no change to the valuation on Steven Papin's property on Parcel Code 175-0055-00060. The motion carried.

It was moved by Nelson and supported by Roskoski to accept the recommendation of the County Assessor and make no change to the valuation on Gale Claesson's property on Parcel Code 175-0071-05035. The motion carried.

It was moved by Prebeg and supported by Nelson to accept the recommendation of the County Assessor and reduce the improvement value by \$6,000 and the land value by \$12,400 on Susan Berglund's property on Parcel Code 175-0070-01510 for a total of \$18,400. The motion carried.

It was moved by Nelson and supported by Roskoski to accept the recommendation of the County Assessor and make no change to the valuation on Peter Cerkvnik's property on Parcel Code 175-0070-01645. The motion carried with Councilor Roskoski voting no.

It was moved by Prebeg and supported by Nelson to accept the recommendation of the County Assessor and reduce the improvement value on Ronald and Shirley Klabunde's property on Parcel Code 175-0065-01050 by \$3,700. The motion carried.

It was moved by Prebeg and supported by Nelson to accept the recommendation of the County Assessor and reduce the improvement value on Thomas Nikolanci's property on Parcel Code 175-0070-01325 by \$25,000. The motion carried.

It was moved by Nelson and supported by Prebeg to adjourn the Board of Review meeting and reconvene the City Council meeting. The motion carried.

The Mayor advised the Council that he was contacted by Mr. Sauter, Superintendent at the Mountain Iron-Buhl School District, regarding the land exchange with the City of Mountain Iron. Mr. Sauter said that there is some legislation at the state level regarding additional funding for schools and the School Board is waiting to see if this legislation is approved.

It was moved by Skalko and supported by Prebeg that if there is a death of a city employee, employee's parents, employee's spouse or the employee's child that the City will contribute up to \$50 for gift for the employee or if there is a serious illness of a city employee that the city will do the same. Mayor Skalko amended his motion to include getting an opinion from the League of Minnesota Cities regarding the legality of the contributions. Councilor Prebeg supported the amendment. The amended motion carried on the following roll call vote: Nelson, yes; Irish, no; Roskoski, no; Prebeg, yes; and Skalko, yes.

It was moved by Skalko and supported by Roskoski to direct City Staff to erect the banners in the Downtown Mountain Iron area by Monday, May 9, 2005. And further, direct City Staff to purchase wax begonias and petunias and have them planted in the planters and flower box in front of the Senior Citizens' Center by Monday, June 6, 2005. And further, it will be the responsibility of the temporary summer labor positions to water the flowers

during the months of June, July and August, every Monday and Thursday of those months. The Mayor amended his motion to include the flower bed by Nichols Town Hall. Councilor Roskoski supported the amendment. The amended motion carried.

It was moved by Skalko and supported by Prebeg to direct City Staff, preferably the City Administrator and the Director of Public Works, to meet with the Virginia City Officials to discuss the 16th Avenue Project. The motion carried with Councilor Irish and Roskoski voting no.

The Mayor stated that he was contacted by Carol Kostich, Mountain Iron-Buhl School, requesting the City to contribute aluminum from the recycling program to the school for a fundraiser. The Director of Public Works stated that the City has an agreement with St. Louis County to transfer all of the recyclables collected in Mountain Iron over to the County for processing. The Director of Public Works also stated that the school could set up a collection site in town for aluminum, but this can not be located by the City recycling center.

The Mayor said that Mrs. Kostich also asked about the City contributing to a scholarship in conjunction with the Presidential Freedom Scholarship through the federal government. The Mayor said that there would be a vote taken at the May 2, 2005, City Council meeting regarding the scholarship.

It was moved by Skalko and supported by Prebeg that, we as a City Council, strongly encourage the Economic Development Authority (EDA) to name our City Administrator to be the EDA Director and appoint an individual, who is interested to work on a retainer basis, as a marketer. The motion carried with Councilor Irish voting no.

It was moved by Prebeg and supported by Nelson to authorize the City Administrator to attend the 2005 Minnesota City/County Management Association Annual Conference, May 11-13, 2005, at East Gull Lake with the City paying for the registration fee of \$99 and two night's accommodation at the most reasonable available occupancy. The motion carried on the following roll call vote: Irish, no; Roskoski, no; Prebeg, yes; Nelson, yes; and Skalko, yes.

Councilor Roskoski asked if City Staff had received the paint from the Valspar Paint Grant. The City Administrator said that he attended a meeting in Duluth to order the paint and the City will have to pick up 58 gallons of paint in St. Paul.

It was moved by Nelson and supported by Irish to authorize the purchase a KSB submersible sewage pump from Quality Flow Systems at their low quoted price of \$15,617.00 to be installed at the Mud Lake Lift Station. The motion carried unanimously on a roll call vote.

It was moved by Prebeg and supported by Nelson to authorize the following advertisement to be published in the Mesabi Daily News:

The City of Mountain Iron will be accepting applications for summer labor positions in the Public Works Department and Public Utilities Department.

Applications will be available at the Mountain Iron City Hall, 8586 Enterprise Drive South, Mountain Iron MN 55768, during the hours of 7:30 a.m. to 4:00 p.m. Specify which department you are applying for. Applicants must be 18 years of age or older as of employment date. Deadline for applications will be 10:00 a.m. on Tuesday, May 10, 2005. M/H/F Equal Opportunity Employer Web Site: www.mtniron.com

The motion carried.

The Recreation Director said that the Blight Committee met and would be preparing a new ordinance to present to the City Council on May 2, 2005.

Councilor Irish questioned the Recreation Director regarding the “Movies in the Park”. The Recreation Director said that he is working with the school to use their licensing fee to bring the expense down to about 50% of what the costs were last year. He further stated that all of the movies would be shown on school property.

It was moved by Roskoski and supported by Skalko to authorize the City Engineer to prepare specifications with two options for material to be used on Heather Avenue. The first specification being from Class 3-7 and the second option being Class 3, for the quantity necessary and installed on Heather Avenue. The motion carried.

The City Engineer reviewed the curb location drawing by the Voyageur Motel with the City Council. He said that the estimate for flaring the intersection and tying the curb line into the intersection into the catch basin would be \$6,500.00. The Director of Public Works said that he would like to review this project further with the City Engineer and come back with a recommendation to the City Council.

It was moved by Nelson and supported by Prebeg to accept the recommendation of Benchmark Engineering and hire KLM Engineering Incorporated to conduct a warranty inspection for the elevated water tank and ground storage tank at a cost of \$6,800. The motion carried unanimously on a roll call vote.

It was moved by Irish and supported by Roskoski to direct City Staff to purchase the materials for a foam enclosure system for the Wastewater Treatment Plan for noise reduction at a cost of approximately \$200 to \$600 with City Staff constructing the enclosures. The motion carried on the following roll call vote: Nelson, no; Irish, yes; Roskoski, yes; Prebeg, yes; and Skalko, yes.

Councilor Roskoski said that he was out reviewing the Mashkenode Lake Roads on April 14, 2005, checking the cul de sac on the east side of the lake and he said that the road surface seemed kind of rubbery. He said that he checked the road surface on the west side and he stated that it was pretty solid until he got to the Springer Drive (access road to Perch Lake). He said that from Springer Drive to the end of Shorthair Lane the road was really rubbery. The City Engineer said that Taylor Investments is obligated to make the road acceptable to the City.

It was moved by Skalko and supported by Prebeg to adopt the Street Lighting Policy as presented and add if there is an individual that wants a security light and makes the request with the Director of Public Works and is denied, that an appeal can be made to the Utility Advisory Board and then to the City Council. After further discussion, Mayor Skalko amended his motion to allow for the residential areas local and cul-de-sac street classification light mounting height to be between 13-20 feet at the discretion of the Director of Public Works. Councilor Prebeg supported the amendment. The amended motion carried on the following roll call vote: Irish, yes; Roskoski, no; Prebeg, yes; Nelson, yes; and Skalko, yes.

Councilor Irish questioned whether the Economic Development Authority was going to be having a meeting on Wednesday, April 20, 2005. The City Administrator said that he is not in charge of scheduling the meetings and he would have to contact the Chairman of the EDA to see if there would be a meeting.

Councilor Roskoski said that the Library Board met last week and they discussed the Assistant Librarian position qualifications. The Library Board would be forwarding a letter to the City Council with the qualifications for the position that they would like to have.

It was moved by Skalko and supported by Nelson that the City of Mountain Iron honors the agreement with Calvary Cemetery Association to budget \$12,500 in 2006 for the building expansion project. The motion carried on the following roll call vote: Roskoski, no; Prebeg, yes; Nelson, yes; Irish, no; and Skalko, yes.

It was moved by Roskoski and supported by Irish to authorize Benchmark Engineering to proceed with the necessary engineering and put together all specifications needed for quotes for bidding associated with the installation of three aluminum/stainless steel street lights, similar to the lights installed in Unity Addition, at the following intersections: Spruce Drive/Aspen Lane, Balsam Drive/Aspen Lane, and Aspen Lane/Tamarack Drive. And further, have the following additional options:

- Option One: Spruce Drive between Aspen Lane and North Court
- Option Two: Balsam Drive between Aspen Lane and South Court

With the locations of options one and two being determined by Benchmark Engineering. After further discussion, Councilor Roskoski amended his motion to have this as a recommendation to the Utility Advisory Board for further consideration by the Council on May 2, 2005. Councilor Irish supported the amendment. The amended motion carried with Councilor Prebeg and Nelson voting no.

It was moved by Irish and supported by Roskoski to keep the South Grove Playground in its present location and inform the South Grove residents, by mail, of the City Council's decisions and plans to upgrade the park. The motion carried with Councilor Nelson and Prebeg voting no.

It was moved by Irish and supported by Roskoski to direct City Staff to end all assistance to the Excelsior Energy Project until future Council action is requested. The **motion failed** with Mayor Skalko, Councilor Prebeg, and Councilor Nelson voting no.

It was moved by Irish and supported by Skalko to inform the residents of Spring Park Road that no new major infrastructure improvements would be made and that City Staff would address their concerns with only minor road upgrades and maintenance. The motion carried with Councilor Prebeg and Nelson voting no.

It was moved by Skalko and supported by Nelson to direct City Staff to advertise for the sale of Lots 1 & 2 except the westerly 60 feet, Block 18, Town of Grant (previously the Bon Air property). The motion carried.

It was moved by Nelson and supported by Skalko to authorize a raffle to be conducted by The Arrowhead Chapter of Muskies Incorporated on May 11, 2005. The motion carried.

Councilor Roskoski questioned whether the community center microphone system needed to be updated or repaired. City Staff said that they would check on the system.

It was moved by Skalko and supported by Irish to authorize an additional \$1,000 for the Merritt Days celebration activities for 2005. The motion carried on the following roll call vote: Prebeg, yes; Nelson, no; Irish, yes; Roskoski, yes; and Skalko, yes.

It was moved by Irish and supported by Roskoski to allow the City Engineer to survey the Old Parkville Road (Monkey Road) from County Road 109 west for approximately one mile. The motion carried with Councilors Nelson and Prebeg voting no.

It was moved by Prebeg and supported by Nelson to go into closed session pursuant to Minnesota Statute Section 13D.05 Subdivision 2 (b), to consider charges and allegations concerning an employee of the City. The motion carried.

It was moved by Nelson and supported by Prebeg to open the closed session. The motion carried.

It was moved by Nelson and supported by Roskoski to close the closed session. The motion carried.

It was moved by Nelson and supported by Roskoski to go back into an open meeting of the city council. The motion carried.

It was moved by Prebeg and supported by Nelson to accept the disciplinary summary for the employee involved as action of the City Council. The motion carried.

At 10:16 p.m., it was moved by Roskoski and supported by Skalko that the meeting be adjourned. The motion carried.

Respectfully submitted:



Jill M. Forseen, CMC/MMCA
Municipal Services Secretary

www.mtniron.com

COMMUNICATIONS

1. Minnesota Department of Health, information regarding the annual Drinking Water Report.
2. Minnesota Pollution Control Agency, forwarding a draft environmental impact statement for U. S. Steel – Minntac Project.
3. Minnesota Association of Small Cities, forwarding the April 8, 2005 Small Cities Update.
4. The Salvation Army, a letter introducing the Supper Club Coordinator for the Salvation Army.
5. League of Minnesota Cities, forwarding the April 8, 2005, Friday Fax.
6. Coalition of Greater Minnesota Cities, forwarding the April 8, 2005 Brief.

Summary By Category And Distribution

Category	Distribution	Amount
UTILITY	UTILITY	89,540.00
BUILDING RENTALS	NICHOLS HALL	85.00
CAMPGROUND RECEIPTS	FEES	200.00
METER DEPOSITS	ELECTRIC	1,050.00
BUILDING RENTALS	COMMUNITY CENTER	175.00
BUILDING RENTALS	BUILDING RENTAL DEPOSITS	850.00
MISCELLANEOUS	REIMBURSEMENTS	6,911.63
CD INTEREST	CD INTEREST 101	1,020.43
CD INTEREST	CD INTEREST 301	475.05
CD INTEREST	CD INTEREST 378	219.25
CD INTEREST	CD INTEREST 602	73.08
CD INTEREST	CD INTEREST 603	2,128.73
LICENSES	ANIMAL	25.00
MISCELLANEOUS	ASSESSMENT SEARCHES	30.00
CD INTEREST	CD INTEREST 102	13.86
CD INTEREST	CD INTEREST601	669.91
CD INTEREST	CD INTEREST 102	49.93
CD INTEREST	CD INTEREST 103	1,371.66
PERMITS	BUILDING	576.30
PERMITS	CONDITIONAL USE	150.00
Summary Totals:		<u>105,614.83</u>

Check Issue Date(s): 04/09/2005 - 04/27/2005

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/05	04/14/2005	31462	130011	MOUNTAIN IRON POSTMASTER	002-20200	286.26
04/05	04/22/2005	31463	130011	MOUNTAIN IRON POSTMASTER	002-20200	412.13
04/05	04/27/2005	31464	10008	AIRGAS NORTH CENTRAL	002-20200	120.23
04/05	04/27/2005	31465	10021	ARROWHEAD LIBRARY SYSTEM	002-20200	265.88
04/05	04/27/2005	31466	20022	BENCHMARK ENGINEERING INC	002-20200	6,800.00
04/05	04/27/2005	31467	20014	BORDER STATES ELECTRIC SUPPLY	002-20200	570.00
04/05	04/27/2005	31468	20007	BP	002-20200	2,937.48
04/05	04/27/2005	31469	4039	BRIAN & APRIL ANDERSON	002-20200	208.58
04/05	04/27/2005	31470	30061	CELLULARONE	002-20200	471.97
04/05	04/27/2005	31471	4038	CHARLES BACH	002-20200	101.86
04/05	04/27/2005	31472	220003	CITY OF VIRGINIA	002-20200	97.72
04/05	04/27/2005	31473	4046	CLAUDIA SKALKO	002-20200	100.00
04/05	04/27/2005	31474	30053	CONSOLIDATED TRADING COMPANY	002-20200	1,086.27
04/05	04/27/2005	31475	230021	CRAIG J WAINIO	002-20200	52.85
04/05	04/27/2005	31476	30062	CUTLER-MAGNER COMPANY	002-20200	164.10
04/05	04/27/2005	31477	4044	DONNA BASSO	002-20200	100.00
04/05	04/27/2005	31478	40030	DULUTH CLINIC	002-20200	100.00
04/05	04/27/2005	31479	4052	ELIZABETH KUOPPALA	002-20200	100.00
04/05	04/27/2005	31480	500012	ERA LABORATORIES INC	002-20200	299.80
04/05	04/27/2005	31481	60026	FASTENAL COMPANY	002-20200	185.54
04/05	04/27/2005	31482	60006	FISHER PRINTING	002-20200	144.84
04/05	04/27/2005	31483	80014	H R GRAPHICS	002-20200	759.00
04/05	04/27/2005	31484	80022	HAWKINS INC	002-20200	506.32
04/05	04/27/2005	31485	80002	HILLYARD	002-20200	2,032.94
04/05	04/27/2005	31486	4043	KATHY ZUBICH	002-20200	100.00
04/05	04/27/2005	31487	4050	KEITH MARSHALL	002-20200	100.00
04/05	04/27/2005	31488	110017	KELLER FENCE COMPANY	002-20200	594.00
04/05	04/27/2005	31489	110002	KRBT-AM	002-20200	50.00
04/05	04/27/2005	31490	120006	L & M SUPPLY	002-20200	982.11
04/05	04/27/2005	31491	120004	LITERARY GUILD	002-20200	41.98
04/05	04/27/2005	31492	4047	MARK BUTORAC	002-20200	50.00
04/05	04/27/2005	31493	130118	MESABI ABSTRACT COMPANY	002-20200	650.00
04/05	04/27/2005	31494	130004	MESABI DAILY NEWS	002-20200	1,235.42
04/05	04/27/2005	31495	130096	MICROMARKETING ASSOCIATES	002-20200	71.55
04/05	04/27/2005	31496	130008	MINNESOTA MUNICIPAL UTILITIES	002-20200	3,435.87
04/05	04/27/2005	31497	130066	MINNESOTA POLLUTION CONTROL AG	002-20200	180.00
04/05	04/27/2005	31498	130024	MN POLLUTION CONTROL AGENCY	002-20200	1,450.00
04/05	04/27/2005	31499	120007	MOTION INDUSTRIES INC	002-20200	20.10
04/05	04/27/2005	31500	130014	MOUNTAIN IRON FIREMENS RELIEF	002-20200	1,000.00
04/05	04/27/2005	31501	130015	MOUNTAIN IRON PUBLIC UTILITIES	002-20200	14,852.82
04/05	04/27/2005	31502	140012	NATIONAL GEOGRAPHIC SOCIETY	002-20200	15.90
04/05	04/27/2005	31503	4042	NICHOLAS SUTCH	002-20200	263.88
04/05	04/27/2005	31504	140052	NORTHEAST SERVICE COOPERATIVE	002-20200	36,874.86
04/05	04/27/2005	31505	140004	NORTHERN ENGINE & SUPPLY INC	002-20200	492.30
04/05	04/27/2005	31506	4041	OLAF JOHNSON	002-20200	320.22
04/05	04/27/2005	31507	150014	ONE CALL CONCEPTS INC	002-20200	9.45
04/05	04/27/2005	31508	160003	PERPICH TV & MUSIC INC	002-20200	40.44
04/05	04/27/2005	31509	170001	QWEST	002-20200	567.59
04/05	04/27/2005	31510	180008	RADKO IRON & SUPPLY INC	002-20200	77.70
04/05	04/27/2005	31511	180004	RANGE COOPERATIVES	002-20200	30.78
04/05	04/27/2005	31512	180001	RANGE PAPER	002-20200	41.93
04/05	04/27/2005	31513	180017	RELIABLE OFFICE SUPPLIES	002-20200	119.23
04/05	04/27/2005	31514	190067	SAINT LOUIS COUNTY	002-20200	1,080.00
04/05	04/27/2005	31515	4048	SHIRLEY SAVELA	002-20200	50.00
04/05	04/27/2005	31516	190004	SKUBIC BROS INC	002-20200	122.16
04/05	04/27/2005	31517	190024	ST LOUIS CO SHERIFF LITMAN	002-20200	34,166.66
04/05	04/27/2005	31518	4051	ST LOUIS COUNTY CDBG	002-20200	100.00

Check Issue Date(s): 04/09/2005 - 04/27/2005

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
04/05	04/27/2005	31519	4040	STACY HIBBERT	002-20200	106.20
04/05	04/27/2005	31520	4049	SUMMER WORK OUTREACH PROGRAI	002-20200	50.00
04/05	04/27/2005	31521	200031	TASTE OF HOME BOOKS	002-20200	47.96
04/05	04/27/2005	31522	200020	THE TRENTI LAW FIRM	002-20200	4,634.32
04/05	04/27/2005	31523	200028	TRI CITIES BIOSOLIDS DISPOSAL	002-20200	5,210.00
04/05	04/27/2005	31524	210001	UNITED ELECTRIC COMPANY	002-20200	760.02
04/05	04/27/2005	31525	210004	UPSTART INC	002-20200	58.56
04/05	04/27/2005	31526	220004	VIRGINIA DEPARTMENT OF PUBLIC	002-20200	19,686.51
04/05	04/27/2005	31527	4045	VIRGINIA HOOP CLUB	002-20200	100.00
04/05	04/27/2005	31528	220020	VISA	002-20200	5,017.34
04/05	04/27/2005	31529	230004	WENCK ASSOCIATES INC	002-20200	5,408.78
04/05	04/27/2005	31530	240001	XEROX CORPORATION	002-20200	629.89

Totals:

158,800.30

Payroll-PP Ending 4/8/05

56,209.04

TOTAL EXPENDITURES

\$215,009.34

COUNCIL LETTER 050205-IVA1

MAYOR SKALKO

PRESIDENT FREEDOM SCHOLARSHIP

DATE: April 27, 2005
FROM: Mayor Gary Skalko
Craig J. Wainio
City Administrator

Mayor Skalko requested this item be placed on the Agenda at the last regular meeting.

Background information is enclosed in packet.

Staff Note: The City Attorney has advised against making this type of contribution.



WHAT IS A PRESIDENTIAL FREEDOM SCHOLARSHIP?

The Presidential Freedom Scholarship recognizes outstanding leadership in community service by high school juniors and seniors! Your high school can select up to two students to receive the \$1,000 scholarship—\$500 of which is provided by the Corporation for National and Community Service with funds appropriated by Congress, and \$500 of which is secured from your community.

HOW CAN SCHOOLS NOMINATE STUDENTS?

Using the attached certification form, high school officials **MUST** determine which student or students to submit for the Scholarship and must certify all information contained in the scholarship certification form for each selected student. Students are not permitted to apply directly. The high school is the only entity eligible to certify a student.

Schools must secure at least \$500 in matching funds for the Scholarship from a community or civic organization, a local business, a school booster association, or other source. For tips on securing matching funds, please visit our website: www.cns.gov/scholarships.

WHAT ARE THE ELIGIBILITY REQUIREMENTS?

- ▶ Has not been a recipient of this scholarship previously.
- ▶ Is a high school junior or senior during the 2004-2005 academic year.
- ▶ Has contributed at least 100 hours of community service within the 12 months prior to applying (For complete guidelines on qualifying service activities, please refer to our website www.cns.gov/scholarships).
- ▶ Is a U.S. citizen or permanent resident.
- ▶ Attends a public, private, charter, or parochial school located within one of the 50 states, the District of Columbia, an Indian tribe, a U.S. territory, or a Department of Defense school.
- ▶ Plans to attend an eligible institution of higher education in the U.S. as defined in the Higher Education Act of 1965 as amended, 20 USC 1001 (a).

WHAT ARE THE DEADLINES?

April 1, 2005 – Early notification
July 1, 2005 – Final postmark deadline. We will not accept certification forms after the final postmark deadline.

Submit your forms early—we will award up to **7,800** Scholarships this year.

For more information, additional copies of the form, and **to submit your nominations online**, please visit www.cns.gov/scholarships.

Mail or fax the completed certification forms to:

Presidential Freedom Scholarships
1150 Connecticut Avenue, NW, Suite 1100
Washington, DC 20036
(866) 291-7700 (toll-free)
(202) 742-5390 (local)
(202) 742-5393 (fax)

Please remember to keep a copy for your records.

**CERTIFICATION FORM CHECKLIST
HAVE YOU...**

- Filled out the certification form completely and legibly?
Note: Forms with missing or illegible information are ineligible and will not be processed.
 - Completed no more than two (2) certification forms for students who have not previously received this scholarship in the past?
 - Secured a local matching scholarship of at least \$500 for each student?
 - Made a copy of each certification form for your records?**
-
- ▶ Type or print clearly and legibly using black or blue ink
 - ▶ Fill in all blanks completely (please do not use abbreviations)
 - ▶ The final postmark deadline for submitting certification forms is **July 1, 2005**. We strongly encourage you to submit your school's certification forms as early as possible.

EXAMPLES OF STUDENT SERVICE

Every recipient of the Scholarship must complete at least 100 hours of service. Past recipients have served their community in numerous ways:

.....
As a student leader in an after-school service program, Steven, a junior from Oklahoma, rallied his fellow students to participate in a food drive for the homeless that became much more. After delivering a truckload of donated food and serving in the shelter's kitchen, Steven noticed that the shelter residents lacked adequate winter clothing, so he organized a clothing drive at his school. With the success of that drive, he motivated other students in school and in his service program to visit nearby schools to encourage other students to get involved in the food and clothing drives. These efforts led to ongoing support for the needs of the homeless throughout the community.

.....
Alicia's social studies class in Texas was assigned to watch national news programs for class discussion. Deeply affected by the news about the war in Iraq, Alicia was determined to do more than just discuss the events. She led her classmates in writing letters to soldiers to let them know that their service was valued and appreciated. In order to pay for postage, Alicia solicited donations from local community organizations and businesses. She and her fellow students also gathered enough phone cards and stamps to help hundreds of soldiers keep in touch with their families.

.....
In one Florida school, Kayla and her classmates in a Spanish language class used their newly acquired skills to help teach English to children who had immigrated from Central and South America. In this service-learning activity, the high school students increased their Spanish language ability as they worked with the younger children. Working with the children and their families, Kayla learned that English language skills were a barrier to employment for many of the parents. This led Kayla to create and teach formal and informal English language classes for adults after school.

April 15, 2005

City of Mt. Iron
Mt Iron, MN 55768

Dear Sirs:

Each year the Mt. Iron-Buhl School District has the opportunity to give two students matching grant scholarships through the Presidential Freedom Scholarships Program. For each dollar donated, up to \$1,000.00, the federal government will match another dollar.

The Mt. Iron - Buhl Parent-Teacher-Student-Community Association (PTSCA) has started a scholarship account to help fund scholarships including theses.

Please consider participating in the program by becoming a sponsor in the scholarship fund. Your organization and the funds donated will be recognized during the presentation of scholarships at the school's awards celebration on May 11, 2005.

If you have specific questions regarding the matching fund scholarship program, or if you have general questions as to how your group may sponsor its own scholarship, please feel free to contact Ms. Pat Meglich, the guidance counselor at the high school, at 735-8216. If you would like to send a scholarship donation please mail it directly to the Mt. Iron Buhl High School Office, c/o Pat Meglich, 5720 Marble Avenue, Mt Iron, MN 55768. Please include a contact name and phone number for a member of your organization. If your funds are to be specifically allocated to the Presidential Freedom Scholarships Program please note this directly on your check or in a cover letter.

Thank you for your consideration and your anticipated participation.

Sincerely,


PTSCA Member

COUNCIL LETTER 050205-IVB1

ADMINISTRATION

CITY CONTRIBUTIONS

DATE: April 27, 2005
FROM: Craig J. Wainio
City Administrator

As directed at the last City Council meeting, the City Administrator has contacted the League of Minnesota Cities concerning the purchase of flowers. Due to the fact that Minnesota Statute does not explicitly allow this expenditure they are advising against and future purchase. Further information is enclosed.

or town may insure or protect its retired officers and employees under a group life, health, accident, medical and surgical benefits, or hospitalization insurance or benefits.

§ 471.66

- ◆ **Vacation leave.** Any city council may grant paid vacations to its regularly employed employees and officers. Vacation policies may be adopted by ordinance or resolution. The council may determine the terms and conditions under which vacations are granted.

2. Miscellaneous items

Cities often ask if it is proper to spend money on the following miscellaneous items for their officers and staff

Minn. Stat. § 418.251

See League research memo *Bonds and Oaths of City Officers and Employees* (LMC 65.2)

Minn. Stat. § 471.895

- ◆ **Bonds.** City councils may pay to provide fidelity or faithful performance bonds for city officers and employees who are required to furnish them.
- ◆ **Flowers.** There is no specific authority for purchasing flowers for a staff member or city official who is ill or has lost a family member. Although city staff might contribute their own money to buy flowers, there is a problem with employees purchasing gifts for a supervisor under the state's gift law. The gift law prohibits a person from giving a gift to an elected or appointed official if the official has the power to make a decision that is of financial interest to the person giving the gift.
- ◆ **Recognition events (plaques, dinners, parties).** Cities often ask if they may hold a holiday party for their employees. This is a difficult question to answer. Since there is no direct statutory authority for cities to spend money on a party for their staff, cities should seek a legal opinion from their city attorneys or the attorney general before setting up any type of recognition events for their staff that will be paid for with public funds.

A.G. Op 59a-22, Nov. 23, 1966

Although the law is rather unclear, the state auditor once criticized a public entity for its practice of providing a brunch for employees who had met certain attendance and performance standards. The attorney general also once concluded that a Christmas party for city employees was not an allowed public expenditure for the following reasons:

- There was no statutory or charter authority to make such an expenditure.

Part V. Public purpose expenditure chart

This chart is intended to provide a summary of tests a public expenditure should meet in order to be valid. Please note the answers to all questions should be "yes" in order for the expenditure to be valid. If an expenditure does not pass all of the following questions, the expenditure may be doubtful. In this case, a city should consult its city attorney before making such an expenditure.

(Also see Part II for a discussion of the criteria for public purpose expenditures.)

<i>Test</i>	<i>Answer</i>	<i>Public expenditure NOT authorized</i>	<i>Public expenditure authorized</i>
1. Does a statute or charter provision specifically or implicitly authorize the specific expenditure?	Yes		•
	No	•	
2. Does the expenditure benefit the community as a whole?	Yes		•
	No	•	
3. Is the expenditure directly related to the functions of government?	Yes		•
	No	•	
4. Does the expenditure have as its primary objective the benefit of a private interest?	Yes	•	
	No		•

COUNCIL LETTER 050205-IVC1

PUBLIC WORKS

CRACK SEALING

DATE: April 27, 2005
FROM: Don Kleinschmidt
Director of Public Works

Craig J. Wainio
City Administrator

The following quotes were received for furnishing \$10,000.00 worth of crack sealing.

Northwest Asphalt	\$.527/unit price per pound installed
Bergman Companies Inc.	\$1.04/unit price per pound installed

Staff recommends the quote award for crack sealing services to Northwest Asphalt at their low quote of \$.527/unit price per pound.

QUOTE OPENING
TUESDAY, APRIL 26, 2005
AT 10:00 A.M.
MOUNTAIN IRON CITY HALL

2005 PROPOSALS FOR
FURNISHING AND DELIVERING
ASPHALTIC/CONCRETE SURFACE MAINTENANCE SERVICES
TO THE CITY OF MOUNTAIN IRON

Honorable Mayor and City Council

The undersigned, being familiar with your local conditions, and being familiar with all other factors affecting the conditions and cost as per the Specifications herewith, hereby propose to furnish and deliver Asphaltic/Concrete Surface Maintenance Services to the City of Mountain Iron, Minnesota, according to the unit costs and schedule hereafter set forth:

LOCATION: 2004 Overlaid Streets

QUANTITY: Furnished and Delivery by Vendor:
Approximate Total: \$10,000.00 more or less

\$1.04 /unit price per pound installed.

It is understood that the Vendor shall not tie his Quote from one item to another and that the City may select items of any Quote as it deems to be in the best interest of the City.

The final amount of the Contract shall be determined by multiplying the final furnished and delivered quantities by the Unit Prices stated therefore.

It is understood that the quotes may not be withdrawn for a period of thirty (30) days after the date and time set for the opening of quotes.

In submitting this quote, it is understood that the City Council reserves the right to reject any and all quotes, to waive irregularities therein, and to award the Contract based on the best interests of the City.

Respectfully submitted,

Bergman Companies, Inc.
(Name of Vendor)

~~(A Corporation)~~
(An Individual)
(A Partnership)

P O Box 659, Eau Claire, WI 54702
(Address)

By: 

Title: Greg Tolander, VP Sales

QUOTE OPENING
TUESDAY, APRIL 26, 2005
AT 10:00 A.M.
MOUNTAIN IRON CITY HALL

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FURNISHING AND DELIVERING
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The final amount of the Contract shall be determined by multiplying the final furnished and delivered quantities by the Unit Prices stated therefore.

It is understood that the quotes may not be withdrawn for a period of thirty (30) days after the date and time set for the opening of quotes.

In submitting this quote, it is understood that the City Council reserves the right to reject any and all quotes, to waive irregularities therein, and to award the Contract based on the best interests of the City.

Respectfully submitted,

Northwest Asphalt
Maintenance, Inc.

(A Corporation)
(An Individual)
(A Partnership)

(Name of Vendor)

18584 360th Ave NE, Goodridge, MN 56725

(Address)

By:  Brian Solberg

Title: President

COUNCIL LETTER 050205-IVE1

LIBRARY DEPARTMENT

SUMMER HELP

DATE: April 27, 2005

FROM: Karen Louma
Library Director

Craig J. Wainio
City Administrator

Staff is requesting City Council authorization to advertise and hire one temporary worker for 2005. The worker would be assigned to the library and work for a six-week period beginning June 13th and ending July 21st.

COUNCIL LETTER 050205-IVF1

FIRE DEPARTMENT

ARROWHEAD REGIONAL MEETING

DATE: April 27, 2005

FROM: Tom Cvar
Fire Chief

Craig J. Wainio
City Administrator

The Fire Department is requesting authorization to allow up to three firefighters to attend the Arrowhead Regional Meeting on May 7th at a cost of \$15 per firefighter.

COUNCIL LETTER 050205-IVH1

PERSONNEL COMMITTEE

ASSISTANT LIBRARIAN

DATE: April 27, 2005

FROM: Personnel Committee

Craig J. Wainio
City Administrator

The Personnel Committee has taken input from the Library Board and the Union concerning the Position Analysis for the Assistant Librarian. All suggestions were incorporated into the Position Analysis being presented here.

It is recommended that the City Council approve the Position Analysis as presented and authorize the internal posting of the Assistant Librarian position.

CITY OF MOUNTAIN IRON POSITION ANALYSIS

POSITION TITLE: Assistant Librarian

SUPERVISOR: Library Director

PRIMARY OBJECTIVE OF POSITION:

The primary objective of this position is to perform a variety of routine clerical and manual work in processing, classifying, circulating and cataloging library materials and providing services to library patrons.

RESPONSIBILITIES:

- ◆ Reviews materials to be classified, selects classification numbers and descriptive heading according to the Dewey-decimal classification system; inputs information containing author, title and classification number; stamps and pastes card into books, or applies bar code onto library materials.
- ◆ Types cards, correspondence, memoranda and other material; files materials; files cards or inputs data into computer and necessary operating records.
- ◆ Processes inter-library loans and in-house reference work.
- ◆ Performs routine maintenance on books and other materials, library collections and facilities.
- ◆ Answers telephone calls and provides information or otherwise assists or refers patrons in the selection of library materials and provides reference guidance.
- ◆ Checking library materials in and out; processes overdue charges and fines.
- ◆ Assists in the conducting of special programs for patrons.
- ◆ Other duties as apparent or as delegated.

KNOWLEDGE, SKILLS AND ABILITIES:

- ◆ Knowledge of the principles and practices of modern library systems and programs.
- ◆ Knowledge of library circulation, classification and processing techniques.
- ◆ Ability to accurately maintain library filing systems.
- ◆ Skills in library computer system; calculator; copy and fax machine; phone.
- ◆ Ability to perform light physical activity.
- ◆ Experience dealing with the public.

TRAINING AND EXPERIENCE:

- ◆ High school diploma or equivalent.
- ◆ 2 years post secondary education library science degree preferred.
- ◆ Minimum two years library work experience.
- ◆ Computer training or experience.
- ◆ Valid Minnesota Class D driver's license.

CITY OF MOUNTAIN IRON
INTERNAL JOB POSTING
ASSISTANT LIBRARIAN

The City of Mountain Iron has an immediate opening for the part-time position of Assistant Librarian. This position reports to the Library Director.

Responsibilities of this position are described in the Assistant Librarian position analysis.

The position is Job Class 8 at \$19.07 per hour.

Applications will be accepted until 10:00 a.m., May 13, 2005. Submit letter of application to Craig J. Wainio, City Administrator.

This notification is to be posted on the employee bulletin board at the City Hall, Library, Wastewater Plant and City Garage.

COUNCIL LETTER 050205-IVII
PLANNING AND ZONING
CONDITIONAL USE PERMIT

DATE: April 27, 2005
FROM: Planning and Zoning Commission
Craig J. Wainio
City Administrator

The Planning and Zoning Commission held a public hearing on a Conditional Use Permit application for Mr. Pohia on April 25th. At the conclusion of the hearing, the Commission voted to approve the Conditional Use Permit for Mr. Pohia.

It is recommended that the City Council approve the Conditional Use Permit for Mr. Pohia.



CITY OF MOUNTAIN IRON

"TACONITE CAPITAL OF THE WORLD"

PHONE: 218-748-7570 • FAX: 218-748-7573 • www.mtniron.com
8586 ENTERPRISE DRIVE SOUTH • MOUNTAIN IRON, MN • 55768-8260

NOTICE OF PUBLIC HEARING

The Planning and Zoning Commission of the City of Mountain Iron will hold a public hearing on Monday, April 25, 2005 at 7:05 p.m. in the Mountain Iron Room of the Mountain Iron Community Center.

The purpose of the public hearing is to consider a request made by Wayne Pohia for a Conditional Use Permit as required by the Zoning Ordinance to construct an accessory building that would be in excess of 900 square feet. The property is legally described as follows:

Section 15, Township 58 North, Range 18 West

Part of Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) commencing at a point on the East line 33.01 feet South of the Northeast corner of said Northeast Quarter of the Northeast Quarter thence South 88 degrees 07' 52" West assigned bearing parallel to the North line of said Northeast Quarter of the Northeast Quarter 231.80 feet to the point of beginning; thence continue South 88 degrees 07' 52" West 231.81 feet; thence South 01 degrees 52' 08" East 418.00 feet; thence North 88 degrees 07' 52" East 227.79 feet; thence North 01 degrees 19' 09" West 418.02 feet to the point of beginning.

Parcel Code 175-0070-01487

The public can present its opinions at the public hearing or by letter addressed to the Zoning Administrator, City of Mountain Iron, City Hall, 8586 Enterprise Drive South, Mountain Iron, Minnesota 55768-8260.

By Order of the Planning and Zoning Commission
Jerry D. Kujala
Zoning Administrator

www.mtniron.com

**CITY OF MOUNTAIN IRON
CONDITIONAL USE PERMIT APPLICATION ***

Name of Applicant Wayne Pokia Signature of Applicant (Wayne Pokia) Date of Applications 4-12-05
Unity Drive

Legal Description:
 (Sec) Lot 15 (Twp) Block 58 (Rge) Subd 18 Parcel Code # 175-0070-01487

see attached legal

Description of Proposed Use

Storage / workshop

Statement as to why proposed use will not cause injury to value of adjoining property.

all adjoining property is vacant

Statement as to how proposed use is to be designed, arranged and operated in order to permit development and use of neighboring property.

*Steel building with 5 ft frost footings, building is to be located to the east of house.
(see site plan)*

* Applicant is required to submit documentation required in Section 22.24, Subd 4 of the Zoning Ordinance along with this application for a Conditional Use Permit. Applicant is also required to submit a Vicinity Map, drawn to scale, showing applicant's and adjoining property including existing and proposed buildings or uses. Use reverse side of this form.

PD #15000 Rec. # 055253
 4/13/05

OFFICE USE ONLY

ITEM	ACTION	DATE	INITIAL
Zoning Administrator Review	Sent to JDK	4-13-05	JmZ
Public Hearing Set	Set for 4-25-05 7:05	4-13-05	JmZ
Hearing Notice Published	Mesabi Daily News	4-15-05	JmZ
Planning & Zoning Recommendation	P+Z rec. Approval	4-25-05	JmZ
Council Action			
Filed with County Recorder			

Conditions Attached _____

FIRST AMERICAN TITLE INSURANCE COMPANY

SCHEDULE C

LEGAL DESCRIPTION

Loan No.:

0342341322

The land referred to is situated in the State of MN, County of St. Louis, and is described as follows:

That part of the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4), Section Fifteen (15), Township Fifty-Eight (58) North, Range Eighteen (18) West of the Fourth Principal Meridian, in the City of Mountain Iron, St. Louis County, Minnesota described as follows:

Commencing at a point on the East line 33.01 feet South of the Northeast corner of said Northeast Quarter of the Northeast Quarter thence South 88°07'52" West assigned bearing parallel to the North line of said Northeast Quarter of the Northeast Quarter 231.80 feet to the point of beginning; thence continue South 88°07'52" West 231.81 feet; thence South 01°52'08" East 418.00 feet; thence North 88°07'52" East 227.79 feet; thence North 01°19'09" West 418.02 feet to the point of beginning.

COUNCIL LETTER 050205-VA

COUNCILOR ROSKOSKI

ANN'S ACRES STREET LIGHTING UPDATE

DATE: April 27, 2005
FROM: Councilor Roskoski
Craig J. Wainio
City Administrator

Councilor Roskoski requested that this item be placed on the agenda with the following background information:

Eight City Council meetings, eight potential UAB meetings – where are we now?

COUNCIL LETTER 050205-VB

COUNCILOR ROSKOSKI

LOCOMOTIVE PARK PROJECT UPDATE

DATE: April 27, 2005
FROM: Councilor Roskoski
Craig J. Wainio
City Administrator

Councilor Roskoski requested that this item be placed on the agenda with the following background information:

Earliest spring in recent memory – are we/ when are we going to start on this 30 day project?

Staff Note: This project was started during the week of April 18th.

**COUNCIL LETTER 050205-VIA
BLIGHT COMMITTEE
REVISED BLIGHT ORDINANCE**

DATE: April 27, 2005

FROM: Blight Committee

Larry Nanti
Director of Parks & Recreation

Craig J. Wainio
City Administrator

The Blight Committee has completed the review of Chapter Number 52, Defining and Prohibiting Nuisances and Providing a Penalty for Violation.

This new ordinance will be presented at the May 2nd City Council meeting for approval. The City Attorney has the ordinance for review and will be at the meeting to answer any questions.

CHAPTER NUMBER 52

DEFINING AND PROHIBITING NUISANCES AND PROVIDING A PENALTY FOR VIOLATION

Section 52.01 Public Nuisance Defined. Whoever by his or her act of failure to perform a legal duty or intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- Subd. 1. Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- Subd. 2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right of way, or waters used by the public; or
- Subd. 3. Is guilty of any other act or omission declared by law or this Chapter to be public nuisance and for which no sentence is specifically provided.

Section 52.03 Blighting Factors.

- Subd. 1. Causes of Blight or Blighting Factors. It is hereby determined that the uses, structures, and activities and cause of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health, and safety. The purpose of this Chapter is to protect the character and stability of the properties within the City of Mountain Iron and to avoid blight and blight conditions. The owner and occupant shall comply with the regulations contained herein.
- Subd. 2. Exterior Property Areas; Vacant Properties.
 - A. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.
 - B. All exterior property areas and vacant areas located within an Urban Residential-Sewered and Urban Residential-Unsewered zoning district, shall be kept free from species of weeds, plant growth, rodents, vermin, or other pests, which are noxious or detrimental to the public health. Any weeds or grasses growing upon any lot or parcel of land, or boulevard abutting such land; within an area of the City of Mountain Iron in which the weeds or grasses grow to a height greater than six (6) inches, or which have gone or about to go to seed, are a nuisance. The owner or occupant shall abate or prevent such nuisance on such property, or on the boulevard abutting such property. Neighborhood standard would be to cut and trim around buildings in a manner to match neighborhood surroundings.

(Excluded from grass height limits are all lake and river lots and any lots that are more than 50% forested throughout the entire lot.)

SECTION 3. AMENDING SECTION 52.03. The following sentences in Section 52.03 Subd. 2C, Junk automobiles and equipment, of the Mountain Iron City Code are hereby deleted:

In any area not zoned for junkyards or salvage yards, the storage of junk automobiles is prohibited. For the purpose of this Chapter, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open, which is currently unlicensed, unregistered or inoperable. As long as above-mentioned vehicles are covered that is accepted, covered meaning not observable.

SECTION 4. INCONSISTENT ORDINANCES. All Ordinances or portions thereof inconsistent with this Ordinance shall be repealed and replaced with the provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective according to State Statute.

Subd. 3. Exterior of Structures.

- A. The exterior of all structures and accessory structures including detached garages shall be maintained in a workman-like state of maintenance and repair.
- B. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco.
- C. All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes.

Subd. 4. Interior Areas of Structures, Including Residential Dwellings.

- A. The interior of every structure shall be maintained in clean and sanitary conditions, free of accumulations of garbage and refuse.
- B. The interior of every structure shall be maintained free from infestation of noxious insects, rodents or other pests.
- C. All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks and defects.
- D. The storage of excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.

Subd. 5. NUISANCE PARKING AND STORAGE.

(A) Declaration of nuisance. The outside parking and storage on residentially-zoned property of large numbers of vehicles and vehicles, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

(B) Unlawful parking and storage.

(1) A person must not place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residential property unless more than 100 feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property, unless screened from public view by a fence or as provided for in Chapter 22 of the City Code.

*BUSINESS ONLY
COMMERCIAL*

(3) A person must not cause, undertake, permit or allow the outside parking and storage of licensed and operable vehicles on residential property unless it complies with the following requirements:

(a) Vehicles that are ^{*}stored^x outside in the front-yard area must be on a paved or graveled parking or driveway area.

(b) Vehicles, watercraft and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.

(C) These provisions are in addition to any provisions provided for in Chapter 22 of the Mountain Iron City Code.

SECTION 2. AMENDING SECTION 52.03. Section 52.03, Blighting Factors, is hereby amended to include the following as Section 52.03 Subdivision 6:

Subd. 6. INOPERABLE MOTOR VEHICLES.

- (A) It shall be unlawful to keep, park, store or abandon any motor vehicle which is not licensed and in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed for operation with the state, pursuant to M.S. § 168B.011, Subd. 3, as it may be amended from time to time.
- (B) This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road or alley by a fence allowed under Chapter 22 of the City Code, and which does not foster complaint from a resident of the city or as identified in Section 52.09. A privacy fence is permissible, also natural barriers or other suitable screening devices that prohibit viewing.
- (C) Any motor vehicles described in this section constitute a hazard to the health and welfare of the residents of the community in that such vehicles can harbor noxious diseases, furnish a shelter and breeding place for vermin and present physical danger to the safety and well-being of children and citizens; and vehicles containing fluids which, if released into the environment, can and do cause significant health risks to the community.
- (D) These provisions are in addition to any provisions provided for in Chapter 22 of the Mountain Iron City Code.

Section 52.05 Public Nuisances Affecting Health. The following are hereby declared to be nuisances affecting health:

- Subd. 1. Exposed accumulation of decayed or unwholesome food or vegetable matter;
- Subd. 2. All diseased animals running at large;
- Subd. 3. All ponds or pools of stagnant water unless designated or defined as wetlands including all unnatural occurring ponds, pools, tires, swimming pools, buckets, etc.;
- Subd. 4. Carcasses of animals not buried or destroyed within 24 hours after death;
- Subd. 5. Accumulations of manure, refuse or other debris.
- Subd. 6. Privy vaults and garbage cans which are not rodent free or fly-tight on which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

- Subd. 7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;
- Subd. 8. All noxious weeds or other rank growth of vegetation upon public or private property;
- Subd. 9. Dense smoke, noxious fumes, gas or soot, or cinders in unreasonable quantities;
- Subd. 10. Any offensive trade or business as defined by statute not operating under local license.

Section 52.07 Public Nuisance Affecting Peace And Safety. The following are declared to be nuisances affecting public peace and safety:

- Subd. 1. All trees, hedges, billboards, or other obstructions, which prevent people from having a clear view of all traffic approaching an intersection;
- Subd. 2. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- Subd. 3. All excessive noises and/or annoying vibrations;
- Subd. 4. Obstruction and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;
- Subd. 5. Radio aerials or television antennae erected or maintained in a dangerous manner.
- Subd. 6. Any use of property abutting on a public street or sidewalk of any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;
- Subd. 7. All hanging signs, awnings, and other similar structures over streets and sidewalks, or such situation so as to endanger public safety or not constructed and maintained as provided by ordinance;
- Subd. 8. The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk
- Subd. 9. Any barbed wire fence less than six feet above ground and within three feet of a public sidewalk or way;
- Subd. 10. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

- Subd. 11. Waterwaste/graywater cast upon or permitted to flow upon streets or other public properties;
- Subd. 12. Accumulations of discarded or disused machinery, household appliances, automobile bodies or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated or in a manner creating fire, health, or safety hazards from such accumulation;
- Subd. 13. Any well, hole, or similar excavation which is left uncovered or such other conditions as to constitute a hazard to any child or other person coming on to the premises where it is located.
- Subd. 14. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- Subd. 15. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances which may injure any person or animal or damage any pneumatic tires when passing over such a substance;
- Subd. 16. The depositing of garbage or refuse on a public right of way or an adjacent private property of anyone.

Section 52.09 Duties Of City Officers. Any persons designated by the City Council Resolution shall constitute the enforcement officer, and it is the enforcement officer's duty to enforce the provisions of this Chapter. Law Enforcement shall assist the enforcement officer, when requested, in the enforcement of provisions related to blight and nuisance. Such Officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisance.

Section 52.11 Abatement.

- Subd. 1. Notice. Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council, notice of City Council order, and notice of motion for summary enforcement hearing shall be given as set for in this subdivision.
 - A. Notice of Violation. Written notice of violation shall be served by the officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record or occupant refuses to accept notice of violations, notice of violation shall be served by posting it on the premises.
 - B. Notice of Council Hearing. Written notice of any City Council hearing to determine or abate nuisances shall be served on the owner of record and

occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of Council hearing, notice of Council hearing shall be served by posting it on the premises.

- C. Notice of City Council Order. Except for those cases determined by the City to require summary enforcement, written notice of any City Council order shall be made as provided in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).
- D. Notice of Motion for Summary Enforcement. Written notice of any motion for summary enforcement shall be made as provided for in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

Subd. 2. Procedure. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify, in writing, the owner of record or occupant of the premises of such fact and order that such nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the enforcing officer shall report the fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that the nuisance is not abated within the time prescribed by the Council, the City may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.

Subd. 3. Emergency Procedure; Summary Enforcement. In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in Subdivision 1 and 2 above will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The enforcement officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the City's intention to seek summary enforcement and the time and place of the Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedures set forth in subdivision 1 above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

Subd. 4. Immediate Abatement. Nothing in Section 52.11 of this Chapter shall prevent the City without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Section 52.13 Recovery Of Cost.

Subd. 1. Personal liability. The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Administrator or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Administrator.

Subd. 2. Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets or unsound, or insect infested trees, the City Administrator shall on or before September 1, next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. 429-101 against each separate lot or parcel to which the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in an annual installment not exceeding, 10, as the Council may determine in each case.

Section 52.13 Penalty. Any person convicted of violating any provision of this Chapter is guilty of a misdemeanor and shall be punished by a fine not to exceed \$500 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

SECTION 3. AMENDING SECTION 52.03. The following sentences in Section 52.03 Subd. 2C, Junk automobiles and equipment, of the Mountain Iron City Code are hereby deleted:

In any area not zoned for junkyards or salvage yards, the storage of junk automobiles is prohibited. For the purpose of this Chapter, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open, which is currently unlicensed, unregistered or inoperable. As long as above-mentioned vehicles are covered that is accepted, covered meaning not observable.

SECTION 4. INCONSISTENT ORDINANCES. All Ordinances or portions thereof inconsistent with this Ordinance shall be repealed and replaced with the provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective according to State Statute.

DULY ADOPTED BY THE CITY COUNCIL THIS 2nd DAY OF MAY, 2005.

Mayor Gary Skalko

Attested:

City Administrator

COUNCIL LETTER 050205-VIB

MAYOR SKALKO

**CHRISTMAS DECORATIONS FOR
HIGHWAY 7/UNITY DRIVE**

DATE: April 27, 2005
FROM: Mayor Gary Skalko
Craig J. Wainio
City Administrator

Mayor Skalko requested this item be placed on the Agenda with the following background information:

Approximately 20 decorations would need to be purchased to cover this area.

COUNCIL LETTER 050205-VIC

MAYOR SKALKO

NON MANDATORY CONFERENCES/WORKSHOPS

DATE: April 27, 2005

FROM: Mayor Gary Skalko

Craig J. Wainio
City Administrator

Mayor Skalko requested this item be placed on the Agenda with the following background information:

Look at on an individual basis. Let department heads make recommendation regarding attendance before bringing to the Council.

COMMUNICATIONS
MAY 2, 2005

1. Darlene Anderson, a thank you.
2. League of Minnesota Cities, forwarding the April 22, 2005, Friday Fax.

Dear Gary & City Council,

How nice of you
to think of us at
this difficult time.

The plant that you
sent was beautiful
& greatly appreciated.

Thank you sincerely for
sharing our sorrow.

Your kindness is deeply
appreciated and will
always be remembered.

The family of

Richard M Anderson
Darlene



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An especially elusive session ending?

On May 23, the Legislature will be required under the state's constitution to adjourn the 2005 regular legislative session. Every year around this time, legislators, staff and lobbyists start to speculate about whether the Legislature will be able to finish their work before the mandated adjournment date. This year is certainly no exception. Although the Legislature finally passed a capital projects bill several weeks ago, progress on the major appropriations bills and the omnibus tax bills has not been as rapid. And with recent partisan battles over each other's budget targets, the end of the session seems to be moving toward June—or later.

The House is crafting a budget that coincides with the Governor's plan and will include increased resources for schools without increasing taxes but possibly relying on new revenue from a state/tribal casino partnership. The Senate appears to be moving toward a larger state budget package with significant new resources for schools. The Senate budget plan will be funded with yet-to-be-identified tax increases.

The House Republican majority is adamantly opposed to increases in state taxes while the Senate DFL majority is adamantly opposed to an expansion of gambling to fund state operations. Given these two very different budget approaches, an obvious compromise state budget package does not immediately present itself.

On the House side, the major appropriations bills have been moving through the finance committees this week. Today on the floor, the House is taking final action on their versions

of the state departments bill and the higher education bill. Next week, we expect the House to give final floor approval to the K-12 finance bill, transportation bill, health and human services bill, the economic development bill, the agricultural and environment bill and the public safety bill.

Although progress has been made on the House budget front, the House Tax Committee has not yet begun to compile its bill. The Tax Committee had several long agendas this week, including a Thursday meeting that was supposed to focus on the three bills that would restrict city and county levy authority—the property tax freeze, the turbo-charged truth-in-taxation proposal and traditional levy limits. However, on Wednesday afternoon, Chair Phil Krinkie (R-Shoreview) abruptly adjourned the committee and cancelled the meetings for the rest of the week. At this point, it is unclear if the committee will reschedule those bills or if the soon-to-be-unveiled House omnibus tax bill will simply include one of the three levy restriction alternatives.

In the Senate this week, Sen. Dean Johnson (DFL-Willmar) released the DFL outline of their spending priorities for the 2006-2007 biennial budget. The targets include more than \$1 billion in additional spending above the current law state budget levels. The targets did not include any identified source of revenue and when pressed by reporters at a press conference, Sen. Johnson simply said that they would not use accounting gimmicks, gambling revenue or property taxes to fund the increase. The details of the Senate Tax plan will be developed over the next couple of weeks in the Tax Committee.



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The major Senate appropriations bills are also taking shape. This week, Senate budget committees also began to wrap up their work with their versions of the omnibus bills. After hearings in the individual budget committees, the bills will go to the full Senate Finance Committee. From there, we expect these bills to be considered on the floor sometime next week.

The process of drafting omnibus appropriations bills is always entertaining but also disheartening. Although the omnibus bills are generally compilations of bills that were heard during the previous months of committee hearings, it is not unusual to find all sorts of "new ideas" that have magically appeared. This year, the House state departments bill as it was unveiled by the committee included two provisions that we believe were never previously discussed or included in other introduced bills. One provision would require cities and counties over 15,000 population to provide the names and salaries of the three highest paid individuals on their web site or as part of a publication distributed to all residents. The other provision would require the governing board of a local unit of government to take a roll call vote to approve any out-of-state travel estimated to exceed \$1,000 in total cost.

We will provide highlights from these omnibus bills on issues of city interest in next week's *Cities Bulletin*.

Questions? Contact Gary Carlson at 651.281.1255 or at gcarlson@lmnc.org

Gun bill to be heard in House committee next week

The House Civil Law and Elections Committee will hear a bill next Wednesday that would put the 2003 Citizens Personal Protection Act back into place regardless of the outcome of a pending Supreme Court decision.

The hearing may provide an opportunity to add language to the law that would provide local authority to regulate handguns in city-owned buildings and parks. Members who support this change should contact members of the [House Civil Law and Elections Committee](#).

The bill that will be heard, [HF 2428](#) (Howes, R-Walker), retroactively reenacts the Minnesota Citizens Personal Protection Act of 2003 upon a finding of unconstitutionality by an appellate court and makes a change that would allow private property owners to ban guns on premises by posting a sign *or* giving verbal notice. The 2003 law requires both written *and* verbal notice.

Rep. Larry Howes introduced HF 2428 after an appeals court upheld a 2004 decision by Ramsey County District Judge John Finley that overturned the controversial 2003 law. Finley ruled the law unconstitutional because it was passed after being amended onto an unrelated bill dealing with the Department of Natural Resources (DNR). The Minnesota Constitution prohibits laws that involve more than one subject. Finley criticized the



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legislative maneuver used to amend the DNR bill because it allowed the controversial measure to avert the committee process in the Senate.

Despite a challenge by Minnesota Attorney General Mike Hatch, an appellate court upheld Finley's ruling in recent weeks. Hatch is now seeking a Minnesota Supreme Court ruling on the matter. In light of the uncertainty regarding when and how the Supreme Court will rule, supporters of the 2003 law want it re-passed. The bill has some procedural hurdles to overcome because legislative policy committee deadlines have passed.

The League did not oppose the 2003 law, but did raise concerns about implications on local control. The law prohibits guns in schools and gives private entities the right to ban guns, but preserves the longstanding law prohibiting local units of governments from restricting permit holders from bringing weapons to local public places. City officials unsuccessfully sought authority to ban guns from city halls, parks, municipal recreation centers, libraries, convention centers, and sports arenas.

The House Civil Law and Elections Committee will hear the bill on **Wednesday, April 27, at 9:00 a.m. in the basement hearing room of the State Office Building**. The Senate companion, SF 2221 (Pariseau, R-Farmington), has not been scheduled for a hearing.

Questions? Contact Anne Finn at 651.281.1263 or afinn@lmnc.org

Strong anti-meth bill passes the House

On Thursday, the House passed legislation on a vote of 127-4 dealing with the methamphetamine problem. The bill is HF 572 (Jeff Johnson, R-Plymouth). Debate went on for over 2 ½ hours with the focus on the regulation of the precursor drugs like Sudafed, which are used in the production of meth. The bill came onto the floor with stiff regulations on how Sudafed and like cold-fighting medicines containing ephedrine or psuedoephedrine, could be sold.

HF 572's last committee stop before the floor vote was Ways & Means where the bill had been weakened to allow for the sale of "personal packs" in convenience stores. This committee also weakened the bill by adding preemption language that would void out any local ordinances cities or counties had passed dealing with precursor drug regulation. Rep. Johnson amended the bill on the floor to take out the "personal pack" language, and make the drug of ephedrine and psuedoephedrine Schedule V. The preemption language stayed in the bill with no floor discussion.

Some rural legislators spoke against the Johnson amendment citing the hardship this would present for their constituents who would now have to drive to a pharmacy to obtain Sudafed. Support for Johnson's strong regulations came from both rural and metro legislators, citing the importance of reducing the number of meth labs in communities statewide.

An amendment to ban the pill form entirely by August 1, 2006 passed. This was offered



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by Rep. Mike Charron (R-Woodbury). This would not effect liquid, gel, or pediatric forms of the drug, which are currently not used right now to make meth in this state according to BCA investigators.

The bill also establishes a meth lab clean up revolving loan for cities and counties, requires offenders to pay restitution when the crime involves a emergency response and clean up, and criminalizes various meth-related activities that may impact children and vulnerable adults.

On the Senate side, the companion bill, SF 51 (Berglin, DFL-Minneapolis) passed off the floor in early March with a vote of 67-0. Other aspects of the meth problem exist in a number of bills in both bodies that will be worked out in the weeks to come.

Questions: Contact Jennifer O'Rourke at 651.281.1261 or at jorourke@lmnc.org

Hearing on annexation moratorium likely next week

An annexation moratorium bill, HF 2437, was introduced this week by Rep. Bruce Anderson (R-Buffalo Township) that would place a moratorium on contested case annexations and annexations by ordinance until July 31, 2006. The moratorium applies to annexation proceedings pending or commenced on or after the effective date of the law. The only exclusions to the moratorium are annexations by order occurring in the seven-county metropolitan area and proposed annexations in a job opportunity building zone (JOBZ). Although

two hearings on the bill were cancelled this week, the bill will likely be heard before the House Local Government Committee this Tuesday (4/26/05). Exact time and location are not clear. City officials are urged to contact members of the House Local Government Committee immediately and urge them to oppose HF 2437.

Questions? Contact Craig Johnson at 651.281.1259 or at cjohnson@lmnc.org

Legislative meetings in your city

District and town hall meetings are a great chance to meet with your legislators and tell your city story close to home. Upcoming meetings in a city near you include:

April 23 in Minnetonka (Glen Lake Activity Center, 14350 Excelsior Blvd, 9:30-11am) with Rep. Maria Ruud

April 25 in Mendota (Dupuis House, Sibley House Site, 7:30-8:30am) with Reps Rick Hansen, Joe Atkins, and Matt Entenza

Check your local newspaper or radio station for additional dates. To receive e-mail notice of upcoming town hall meetings near you, subscribe online at <http://www.house.leg.state.mn.us/maillist/maillinglist.asp>