

**MOUNTAIN IRON CITY COUNCIL MEETING
COMMUNITY CENTER
MOUNTAIN IRON ROOM
MONDAY, JUNE 19, 2006 - 6:30 P.M.
A G E N D A**

- I. Roll Call
- II. Consent Agenda
 - A. Minutes of the June 5, 2006 Regular Meeting (#1-14)
 - B. Communications (#76-86)
 - C. Receipts
 - D. Bills and Payroll
- III. Public Forum
- IV. Committee and Staff Reports
 - A. Mayor's Report
 - 1. SWOP (#15-17)
 - B. City Administrator's Report
 - 1. 16th Avenue Funding (#18-19)
 - 2. Dial A Ride (#20)
 - C. Director of Public Works Report
 - 1. One Ton Truck Sale (#21)
 - 2. Community Center Landscaping (#22-23)
 - D. Director of Parks and Recreations Report
 - 1. Mesabi Trail Advertising (#24-27)
 - E. Sheriff's Department Report (#28)
 - F. City Engineer's Report
 - G. City Attorney's Report
 - 1. P&H Minepro (#29)
 - 2. Weight Restrictions (#30-50)
 - H. City Auditor's Report
 - 1. 2005 Audit Report *
 - I. Planning and Zoning
 - 1. Conditional Use Permit– Erickson (#51-54)
 - 2. Conditional Use Permit– Todd Signs (#55-60)
 - J. Economic Development Authority
 - 1. L&M Tax Abatement (#61-63)
 - K. Liaison Reports
 - 1. Quite Zone Report (#64)
- V. Unfinished Business
- VI. New Business
 - A. Ordinance Number 03-06 (#65-67)
 - B. Library RFP Number 13 (#68-69)
 - C. Library Pay Request Number 9 (#70-73)
 - D. Reschedule Next Meeting (#74)
 - E. Communications (#76-86)
- VII. Open Discussion
- VIII. Announcements
- IX. Closed Meeting (#75) * Enclosed in packet
- X. Adjourn # Denotes page number in packet

MINUTES
MOUNTAIN IRON CITY COUNCIL
JUNE 5, 2006

Mayor Skalko called the City Council 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; Jill M. Forseen, Municipal Services Secretary; Larry Nanti, Recreation Director (entering at 6:35 p.m.); Rod Flannigan, City Engineer (entering at 6:35 p.m.); and Wade Rasch, Sergeant.

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

1. Move the following item on the agenda:
VI. A. Resolution Number 17-06 to IV. A. 2.
2. Approve the minutes of the May 15, 2006, City Council meeting as submitted.
3. 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.
4. To acknowledge the receipts for the period May 16-31, 2006, totaling \$133,470.02, (a list is attached and made a part of these minutes).
5. To authorize the payments of the bills and payroll for the period May 16-31, 2006, totaling \$182,215.09, (a list is attached and made a part of these minutes).

The motion carried unanimously on a roll call vote.

At 6:33 p.m., it was moved by Nelson and supported by Skalko to recess the regular meeting and open the public hearing on street improvements. The motion carried.

The Mayor gave a brief explanation of the special assessment process to the audience. He stated that the Council would take input on a street by street basis. He said that there are over a \$1 million in proposed projects and the City only has \$300,000 to put towards the street projects.

Public input for:

HEATHER AVENUE (Centennial Drive to the south end):

1. Dale Skinner, 5425 Heather Avenue, stated that he lives at the end of Heather Avenue and has no street frontage, but there is a turn around in his yard and he would be willing to have this turnaround paved and have the City assess him for this portion.
2. Thomas Seitz, 5435 Heather Avenue, stated that there are two different amounts listed on the proposed assessment, one with water and one without water. He

- questioned why they would be charged for the water installation when he already has water and would not need the line put in.
3. Dan Chad, 5439 Heather Avenue, would like to see the road blacktopped and the City water line extended.
 4. Bill Luzovich, 5456 Heather Avenue, would like to see the road blacktopped and if they are putting the water line in that this work should be completed prior to the road being paved.
 5. Larry Lindholm, 8430 Centennial Drive, said that his property was adjacent to Heather Avenue and he would not directly benefit from the blacktopping, but he stated that he was not opposed to it. He said that the City should have some ditching put in along Heather Avenue to have a place for the sump pump water to go. He further stated that he felt that the property owners receiving the waterline benefits should pay for it.
 6. Larry Lindholm, Representing RGGGS Lands and Minerals, they own the parcel across from Dan Chad and Tom Seitz and they have no plans to develop the property and they are not opposed to the blacktopping project. RGGGS would like to have the City complete the water line extension utilizing City Staff.

HEATHER AVENUE (Centennial Drive to Unity Drive):

1. Larry Lee, undeveloped corner of Centennial Drive and Heather Avenue, does not want Heather Avenue blacktopped.
2. Dean Niska, 5485 Heather Avenue, stated that the blacktop would look nice there, but he is semi-retired. He stated that he was neither for nor against the project.
3. Petronilo Landicho, 5481 Heather Avenue, stated that he felt the same as Dean Niska regarding the project.
4. Mrs. Dale Petersen, 5482 Heather Avenue, stated that she was opposed to the project.

SLATE STREET:

1. Jerry Bircham, Mountain Timber Properties, 8937 Slate Street, stated that the City should put the funds into other streets that are used more. He is opposed to blacktopping Slate Street.

CITY GARAGE PARKING LOT: No comments.

CORAL STREET (from Marble Avenue to Mountain Avenue): No comments.

ENTERPRISE DRIVE NORTH (from Nichols Avenue to County Road 7):

The following letter was received:

1. Larry Nelson, Ziebart, 8425 Enterprise Drive North, requesting that he only be assessed on one of his lots rather than both because of the gas pipeline on one lot.

GRANITE STREET (from Mineral Avenue to Marble Avenue):

The following letters were received:

1. Marion Giru, 8870 Granite Street, opposing the overlay project.

2. William Mattila, 8862 Granite Street, opposing the overlay project.
3. Scott & Laurie McDermid, 5694 Marble Avenue, opposing the overlay project.
4. Mark Morin, 5691 and 5691 ½ Mineral Avenue, opposing the overlay project.

UNITY DRIVE (from Mud Lake Road to Diamond Lane):

1. Frank Falkowski, 8427 Mud Lake Road, questioned the several options listed on his special assessment letter. He questioned whether any of the property owners in Unity Addition would be paying any special assessments for using the road. He stated that he does not use Unity Drive because his access to his property is on to Mud Lake Road.
2. Larry Lindholm, Representing RGGGS Lands and Mineral, said that they received a notice for a special assessment on fronting Unity Drive and they have no street frontage on Unity Drive, this is a clerical error that the City needs to correct.
3. Silas Walters, 5499 Cameo Lane, feels that everyone in Unity Addition should pay for the special assessments on Unity Drive. He stated that he opposes the sidewalk being put in unless the sidewalk went somewhere. He requested that the City add more “Children at Play”, speed limit and/or a stop signs on Unity Drive. He said that he was not opposed to the overlay on Unity Drive.
4. Mike Fridgen, 5499 Coral Lane, feels that everyone in Unity Addition should pay for the special assessments on Unity Drive. He said that he would like to see a sidewalk down the entire length of Unity Drive, but is opposed to a sidewalk from Diamond Lane to Cameo Lane. He felt that the contractor building the assisted living project did the most damage to Unity Drive.
5. Tara Wainio, 5498 Coral Lane, stated that she was not in favor of the sidewalks and was in favor of option two, a bituminous reclamation of Unity Drive.
6. Nicole Felten, 8557 Unity Drive, would like to have the Council proceed with whatever plan that would make the road last the longest and would be in favor of the sidewalk if it goes at least to Mud Lake Road.
7. Emil Johnson, 8589 Unity Drive, stated that he has walked the road for the past 40 years without a sidewalk and he is opposed to the sidewalk. He said that the Council should overlay Unity Drive.

UNITY DRIVE (County Road 7 to the railroad tracks):

1. Nancy Henderson-Korpi, Director of the Mesabi Family YMCA, would like the street overlayed to extend the life of the road.
2. Roger Koski, 8368 Unity Drive, stated that this portion of Mountain Iron is a unique situation. He said that a study was conducted recently and in a 24 hour period there were 3,000 vehicles that had traveled on this portion of Unity Drive. He said that there are no load restrictions on the street and there are some very large trucks that travel on this road. He said that there are only five residential property owners that are paying on this area along with the businesses. He said that the street was completed approximately 13 years ago.
3. Dick Levasseur, 5498 Carnation Avenue, agrees with Mr. Koski's comments.

4. Harold Moe, 5499 Daffodil Avenue, agrees with Mr. Koski and Mr. Levasseur's comments. He felt that the street improvement costs should be divided and charged to the businesses and the people that use the street.

CENTENNIAL DRIVE (west end to approx. 400 feet east of Heather Avenue):

1. Jack Zollar, 8426 Centennial Drive, questioned the Council as to why just 400 feet were being completed. He stated that he is for the overlay project.
2. Larry Lee, undeveloped corner of Centennial Drive and Heather Avenue, does not want Centennial Drive blacktopped.
3. Larry Lindholm, 8430 Centennial Drive, was against the overlay project.

TAMARACK DRIVE (from County Road 7 to approx. 600 feet east):

The Mayor said that the following people contacted him:

1. Tim Kovich, 8393 Tamarack Drive, is opposed to the overlay project.
2. Larry Johnson, Tamarack Drive, is opposed to the overlay project.
3. John Nordlinder, 8394 Tamarack Drive, is opposed to the overlay project.

Spoke during the public hearing:

4. Bob Voss, 8397 Tamarack Drive, would like the Council to wait on the project.

LOCOMOTIVE STREET (Mountain Avenue to west edge of Town of Grant plat):

1. Peter Skogman, 5757 Mesabi Avenue, said that he is against the project. He said that the City does not have funds to complete the project. He said that the street is barely used and the street ends in a dirt road and is used by 4-wheelers and snowmobilers. He feels that if this road was worked on it would have to be totally reconstructed, as an overlay would not hold. He felt that his assessment of 75% was incorrect, because he was assessed on Mesabi Avenue and he is on a corner lot and the amount was not reduced for the second assessment.

UNITY DRIVE (west from Emerald): No comments.

PARK RIDGE DRIVE (from Nichols Avenue to the east edge of Park Ridge Plat):

1. Councilor Roskoski felt that the Economic Development Authority should be paying for the special assessments and not the property owners.

At 8:04 p.m., it was moved by Nelson and supported by Skalko that the public hearing be adjourned and the regular meeting be reconvened. The motion carried.

At 8:06 p.m., Councilor Roskoski left the meeting.

The Mayor reviewed some economic development projects that are being completed or proposed in the City. He stated that the Assisted Living Facility is currently under constructed behind the Community Center on Unity Drive; a Walgreens Store will be constructed in the area by the Voyageur North Motel on Mountain Iron Drive; and the Park Ridge Development Agreement was officially signed last week by a developer from Wisconsin with the possible construction of a motel, a restaurant, and possibly a big box type of development. The Mayor

said that there are two existing businesses that are considering a major expansion in Mountain Iron. He also said that one business in town is looking to relocate and the Mayor is hoping they will stay in Mountain Iron.

At 8:07 p.m., Councilor Roskoski returned to the meeting.

The Mayor updated the Council regarding residential development in Mountain Iron. He said the Unity Second Addition is being considered.

The Mayor said that he would like to thank the following people for working as a team in the City of Mountain Iron to bring development to the area: the Planning and Zoning Commission, the Economic Development Authority, the City Administrator, and Gary Cerkvenik.

The Mayor informed the Council that the City of Mountain Iron was awarded the \$500,000 grant for the renewable energy park. He said that the City is still in the running for the manufacturing business for the wind blades, the business is deciding between Mountain Iron and a City in the southern United States.

It was moved by Skalko and supported by Prebeg to refer the overtime time sheet forms to the Personnel Committee to develop a more simplified, shorter, and condensed form for the City Staff to use. The motion carried.

It was moved by Skalko and supported by Prebeg to adopt Resolution #17-06, ordering improvements and preparation of plans to include the following projects: Enterprise Drive North from Nichols Avenue to County Road 7, Unity Drive from Mud Lake Road to Diamond Lane, Option Number 2; and to have a waterline properly installed across Heather Avenue near 5439 Heather Avenue and overlay Heather Avenue as one of the next project in the future. The **motion failed** 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 Prebeg to adopt Resolution #17-06, ordering improvements and preparation of plans, (a copy is attached and made a part of these minutes) to include the following projects: Unity Drive from Mud Lake Road to Diamond Lane, Option Number 2; and to have a waterline installed across Heather Avenue near 5439 Heather Avenue and overlay Heather Avenue as one of the next projects in the future. After further discussion, the Mayor amended the motion to have Heather Avenue blacktopped, following a public hearing, when the City has completed the waterline extension. Councilor Prebeg supported the amendment. The amended motion carried unanimously on a roll call vote.

It was moved by Prebeg and supported by Skalko to send Enterprise Drive North to the Street and Alley Committee to develop a recommendation or proposal for the first City Council meeting in July. The motion carried.

At 8:31 p.m., Councilor Prebeg left the meeting.

During the Administrator's report, Councilor Roskoski asked the Administrator how many people came in to review the Minnesota Department of Natural Resources mining map. The Administrator said numerous people reviewed the map.

It was moved by Irish and supported by Nelson to award the crack sealing services to Bergman Companies Incorporated at their low quote of \$0.55 per foot installed with costs not to exceed \$10,000.

At 8:33 p.m., Councilor Prebeg returned to the meeting.

The motion carried unanimously on a roll call vote.

It was moved by Skalko and supported by Irish to award the repainting quote of the Baldwin Locomotive located at Locomotive Park to Ultimate Body and Frame from Aurora in the amount of \$23,739.11. The motion carried unanimously on a roll call vote.

It was moved by Prebeg and supported by Skalko to authorize the Recreation Director to advertise for the Merritt Day's celebration and the Mountain Iron 4th of July activities in the usual and customary manners in the Manney Shopper and the Mesabi Daily News. The motion carried unanimously on a roll call vote.

It was moved by Prebeg and supported by Skalko to authorize the Recreation Director to hire a contractor who meets all the contractor's conditions to cut blighted areas to cut properties and then assess the fees on the property owner's real estate taxes. The motion carried unanimously on a roll call vote.

It was moved by Skalko and supported by Roskoski to hire the following individuals for temporary summer labors to work for the Mountain Iron Recreation Department:

1. Michael Thompson
2. James Haugen
3. Michael Schultz
4. Britini Felix
5. Colin Gettle
6. Caly Dobberstein
7. Matt Moesenthin
8. Jada Strumbell

The motion carried.

It was moved by Prebeg and supported by Skalko to authorize the Recreation Director to place an advertisement in the Mesabi Daily News for the South Grove Park construction days set for June 20th and 21st. The motion carried unanimously on a roll call vote.

It was moved by Nelson and supported by Irish to authorize the final payment request number four to Hibbing Excavating Incorporated for the Water Treatment Plant Backflush Tank in the amount of \$1,856.10. The motion carried unanimously on a roll call vote.

It was moved by Nelson and supported by Skalko to authorize payment request number two to Hibbing Excavating Incorporated for the Mountain Iron Storm Drainage Improvements Project in the amount of \$14,832.35. The motion carried on the following roll call vote: Nelson, yes; Irish, yes; Roskoski, no; Prebeg, yes; and Skalko, yes.

It was moved by Nelson and supported by Skalko to accept the recommendation of the Planning and Zoning Commission and approve the Conditional Use Permit to Dale L. Sprague, 4859 Butler Road, Mountain Iron, to conduct a home business (snowmobile and ATV repair shop) on parcel 175-0071-05058. The motion carried.

It was moved by Nelson and supported by Skalko to adopt the Memo of Understanding between the City of Mountain Iron and AFSCME Local 453 in regards to temporary assignment of personnel and increased duties and responsibilities, (a copy is attached and made a part of these minutes), contingent on the City Attorney reviewing and approving the agreement. The motion carried with Councilors Irish and Roskoski voting no.

It was moved by Skalko and supported by Roskoski to direct the City Administrator to forward the list of Library Board concerns to the Library Architect:

1. New main entrance light standards are too tall.
2. New rest room tile grout is badly cracked.
3. A new roof tile has come loose.
4. New rear entrance sidewalk slabs are uneven.
5. No elevator telephone yet.

The motion carried.

It was moved by Prebeg and supported by Irish to refer the property sale request from Mr. and Mrs. Klimek to the Park and Recreation Board for a recommendation to the City Council and have City Staff supplying a map and dimensions for the property to the Park and Recreation Board. The motion carried.

It was moved by Nelson and supported by Skalko to adopt the City of Mountain Iron Former Dump Relocation Agreement, (a copy is attached and made a part of these minutes). The motion carried with Councilor Roskoski voting no.

It was moved by Roskoski and supported by Nelson to direct the City Attorney to review the applicable statutes that may be used to help the Council to potentially form a seasonal and/or yearly road/load policy. The motion carried.

Summary By Category And Distribution

Category	Distribution	Amount
UTILITY	UTILITY	85,822.21
MISCELLANEOUS	BASEBALL/SOFTBALL FEES	1,490.00
PERMITS	BUILDING	633.75
CHARGE FOR SERVICES	REFUSE REMOVAL-CHG FOR SERVICE	840.00
BUILDING RENTALS	BUILDING RENTAL DEPOSITS	550.00
METER DEPOSITS	ELECTRIC	2,200.00
BUILDING RENTALS	COMMUNITY CENTER	300.00
MISCELLANEOUS	ASSESSMENT SEARCHES	30.50
MISCELLANEOUS	BLUE CROSS/BLUE SHIELD PAYABLE	28,728.88
CD INTEREST	CD INTEREST 101	200.10
CD INTEREST	CD INTEREST 301	2,576.43
CD INTEREST	CD INTEREST 378	1,779.39
CD INTEREST	CD INTEREST 602	212.71
CD INTEREST	CD INTEREST 603	361.64
LICENSES	ANIMAL	20.00
MISCELLANEOUS	SEPTIC APPLICATIONS	550.00
BUILDING RENTALS	NICHOLS HALL	75.00
CAMPGROUND RECEIPTS	FEES	2,529.50
CHARGE FOR SERVICES	ELECTRIC-CHG FOR SERVICES	2,236.17
PERMITS	CONDITIONAL USE	300.00
SALE OF PROPERTY	SALE OF PROPERTY	1,000.00
MISCELLANEOUS	CHARITABLE GAMBLING PROCEEDS	58.87
FINES	CRIMINAL	712.59
CHARGE FOR SERVICES	SEWER-CHARGE FOR SERVICES	262.28
Summary Totals:		<u>133,470.02</u>

Check Issue Date(s): 05/20/2006 - 06/09/2006

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
05/06	05/31/2006	33298	5046	VOID - LUANNE GOERDT	002-20200	100.00 -M
06/06	06/06/2006	33336	10008	AIRGAS NORTH CENTRAL	002-20200	381.32
06/06	06/06/2006	33337	6056	ANNETTE JOHNSON	002-20200	25.00
06/06	06/06/2006	33338	140026	AQUILA	002-20200	1,867.81
06/06	06/06/2006	33339	10001	ARROWHEAD ECONOMIC OPPORTUNI	002-20200	300.00
06/06	06/06/2006	33340	5007	ASSURANT EMPLOYEE BENEFITS	002-20200	562.67
06/06	06/06/2006	33341	4016	BECKA AHRENS	002-20200	100.00
06/06	06/06/2006	33342	30017	CARQUEST (MOUNTAIN IRON)	002-20200	857.99
06/06	06/06/2006	33343	6065	CHERYL ALUNI	002-20200	100.00
06/06	06/06/2006	33344	40017	DISPLAY SALES	002-20200	586.82
06/06	06/06/2006	33345	6059	DONNA MAKI	002-20200	50.00
06/06	06/06/2006	33346	6054	DOUG ERICKSON	002-20200	25.00
06/06	06/06/2006	33347	60029	FERGUSON ENTERPRISES INC	002-20200	376.87
06/06	06/06/2006	33348	70029	GUARDIAN PEST CONTROL INC	002-20200	62.62
06/06	06/06/2006	33349	80022	HAWKINS INC	002-20200	506.88
06/06	06/06/2006	33350	80018	HELENA CHEMICAL COMPANY	002-20200	955.94
06/06	06/06/2006	33351	80017	HENRY'S WATERWORKS INC	002-20200	250.49
06/06	06/06/2006	33352	80008	HIBBING EXCAVATION INC	002-20200	16,688.45
06/06	06/06/2006	33353	80002	HILLYARD	002-20200	1,003.74
06/06	06/06/2006	33354	6058	JANET SKINNER	002-20200	100.00
06/06	06/06/2006	33355	6061	JANINE OAKMAN	002-20200	50.00
06/06	06/06/2006	33356	6060	JEANNE DEBELTZ	002-20200	100.00
06/06	06/06/2006	33357	6069	JENNIFER REBHOLZ	002-20200	114.05
06/06	06/06/2006	33358	6066	KAREN DALL	002-20200	50.00
06/06	06/06/2006	33359	120032	LAKE COUNTRY POWER	002-20200	130.00
06/06	06/06/2006	33360	120002	LAWSON PRODUCTS INC	002-20200	1,262.16
06/06	06/06/2006	33361	120039	LEEF SERVICES	002-20200	27.89
06/06	06/06/2006	33362	120014	LUNDGREN MOTORS	002-20200	37.50
06/06	06/06/2006	33363	6055	LYNETTE/BRIAN LOVEJOY	002-20200	25.00
06/06	06/06/2006	33364	6067	LYNN GIGLIOTTI	002-20200	100.00
06/06	06/06/2006	33365	6062	MARY ROZIER	002-20200	100.00
06/06	06/06/2006	33366	130026	MESABI SIGN COMPANY	002-20200	284.23
06/06	06/06/2006	33367	6068	MICHELLE ANDERSON	002-20200	72.46
06/06	06/06/2006	33368	130040	MIDWEST SPORTSWEAR	002-20200	2,803.78
06/06	06/06/2006	33369	130116	MINNESOTA CITY/CO MGMT ASSOC.	002-20200	80.00
06/06	06/06/2006	33370	130044	MINNESOTA DEPT OF HEALTH	002-20200	1,286.00
06/06	06/06/2006	33371	130009	MINNESOTA POWER	002-20200	42,795.63
06/06	06/06/2006	33372	130067	MINNESOTA REVENUE	002-20200	411.00
06/06	06/06/2006	33373	130015	MOUNTAIN IRON PUBLIC UTILITIES	002-20200	12,062.76
06/06	06/06/2006	33374	130037	M-R SIGN	002-20200	1,099.19
06/06	06/06/2006	33375	6071	NATHAN RADOUSH	002-20200	40.56
06/06	06/06/2006	33376	6057	NATURE'S TREASURER	002-20200	100.00
06/06	06/06/2006	33377	140020	NEW LONDON WAREHOUSE	002-20200	86.43
06/06	06/06/2006	33378	140004	NORTHERN ENGINE & SUPPLY INC	002-20200	95.80
06/06	06/06/2006	33379	40032	OFFICE OF ENTERPRISE TECHNOLOG	002-20200	395.68
06/06	06/06/2006	33380	160045	PHILLIPS 66-CONOCO-76	002-20200	3,384.96
06/06	06/06/2006	33381	160005	PLAZA HARDWARE	002-20200	11.12
06/06	06/06/2006	33382	170005	QUALITY FLOW SYSTEMS INC	002-20200	560.66
06/06	06/06/2006	33383	170007	QUILL CORPORATION	002-20200	409.31
06/06	06/06/2006	33384	180004	RANGE COOPERATIVES	002-20200	14.38
06/06	06/06/2006	33385	180001	RANGE PAPER	002-20200	8.96
06/06	06/06/2006	33386	180045	RESERVE ACCOUNT	002-20200	500.00
06/06	06/06/2006	33387	180005	ROAD MACHINERY AND SUPPLY	002-20200	311.83
06/06	06/06/2006	33388	180031	RRHS UCMC MESABA CLINICS	002-20200	233.00
06/06	06/06/2006	33389	6063	SANDRA JOHNSON	002-20200	100.00
06/06	06/06/2006	33390	6064	SANDRA NURMI	002-20200	100.00
06/06	06/06/2006	33391	6070	SARAH PATTERSON	002-20200	211.22

Check Issue Date(s): 05/20/2006 - 06/09/2006

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
06/06	06/06/2006	33392	190045	SERVICE SOLUTIONS	002-20200	358.96
06/06	06/06/2006	33393	190014	SHERWIN WILLIAMS	002-20200	892.47
06/06	06/06/2006	33394	1244	ST LOUIS COUNTY SOCIAL SRV	002-20200	100.00
06/06	06/06/2006	33395	190030	STRATEGIC INSIGHTS INC	002-20200	479.25
06/06	06/06/2006	33396	200003	TACONITE TIRE SERVICE	002-20200	1,286.20
06/06	06/06/2006	33397	6072	TERRILL PAAVOLA	002-20200	85.98
06/06	06/06/2006	33398	200009	TROPHY SHOP	002-20200	97.45
06/06	06/06/2006	33399	210009	USA BLUE BOOK	002-20200	589.41
06/06	06/06/2006	33400	220025	VERIZON WIRELESS, BELLEVUE	002-20200	16.04
06/06	06/06/2006	33401	220009	VERNS GREENHOUSE	002-20200	71.53
06/06	06/06/2006	33402	220026	VIRGINIA HOME CENTER	002-20200	31.24
06/06	06/06/2006	33403	220002	VIRGINIA SURPLUS	002-20200	139.96
06/06	06/06/2006	33404	230010	WILBUR & VIOLET BALL	002-20200	1,100.00
06/06	06/06/2006	33405	230028	WISCONSIN ENERGY CONSERVATION	002-20200	96.80
06/06	06/06/2006	33406	240001	XEROX CORPORATION	002-20200	386.80
06/06	06/06/2006	33407	260005	ZEP MANUFACTURING COMPANY	002-20200	153.43

Totals:

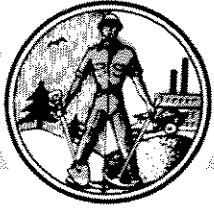
100,042.66

Payroll-PP Ending 5/19/06

82,172.43

TOTAL EXPENDITURES

\$182,215.09



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

RESOLUTION NUMBER 17-06

ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a Resolution of the City Council adopted the 15th day of May, 2006, fixed a date for a Council Hearing on the proposed improvement of those streets identified in Exhibit A by overlayment or reconstruction, and;

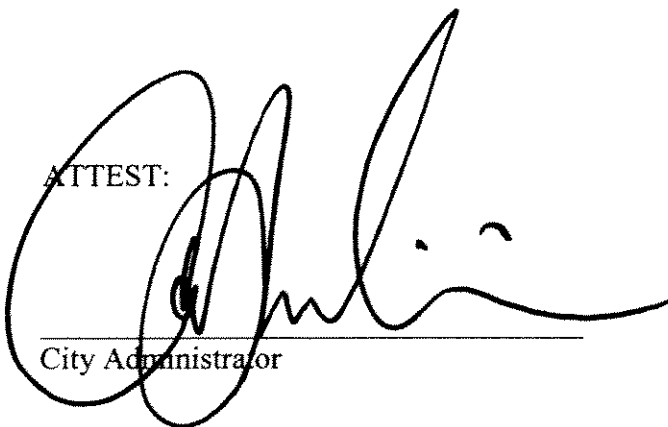
WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 5th day of June, 2006, at which all persons desiring to be heard were given an opportunity to be heard thereon.

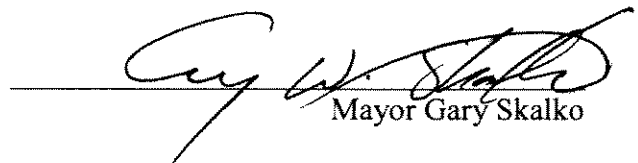
NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOUNTAIN IRON, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the Council Resolution adopted the 1st day of May, 2006.
3. Benchmark Engineering is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
4. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of the tax-exempt bond.

DULY ADOPTED BY THE CITY COUNCIL THIS 5TH DAY OF JUNE, 2006.

ATTEST:



City Administrator

Mayor Gary Skalko

EXHIBIT A

Unity Drive from Mud Lake Road to Diamond Lane



CITY OF MOUNTAIN IRON

"TACONITE CAPITAL OF THE WORLD"

PHONE: 218-248-7570 • FAX: 218-248-7573 • WWW.CITYOFMOUNTAINIRON.MN
8586 ENTERPRISE DRIVE SOUTH • MOUNTAIN IRON, MN • 55768-0260

May 31, 2006

Mr. Steve Giorgi
AFSCME Business Agent
118 Central Avenue
Nashwauk, MN 55769

RE: MEMORANDUM OF UNDERSTANDING / ADDITIONAL DUTIES

Dear Mr. Giorgi:

This correspondence will serve as a memorandum of understanding (MOU) between the City of Mountain Iron and AFSCME Local 453 in regards to temporary assignment of personnel and increased duties and responsibilities.

The parties, heretofor agree that Mr. Michael Downs will be temporarily assigned to Job Class 22 and undertake more responsibilities and duties formerly assigned to the Foreman position. The temporary assignment will conclude when the City hires a permanent employee to fulfill the position of foreman. This MOU does not affect Mr. Downs standing as a member of the AFSCME Local 453 nor any benefits or seniority granted through the labor agreement between the City of Mountain Iron and AFSCME Local 453.

Failure to uphold these conditions shall result in removal from Job Class 22 pay grade upon formal notification from the City.

On behalf of the Union:


Steve Giorgi
AFSCME Business Agent

On behalf of the City:


Craig J. Vainio
City Administrator

**DUE TO THE LENGTH
OF THE
CITY OF MOUNTAIN IRON
FORMER DUMP RELOCATION AGREEMENT
IT IS NOT BEING
COPIED AGAIN
TO BE SUBMITTED
FOR THE APPROVAL OF THE MINUTES.**

**PLEASE REFER TO
THE JUNE 5, 2006
CITY COUNCIL PACKET
FOR A COMPLETE COPY
OF THE AGREEMENT.**

COUNCIL LETTER 061906-IVA1

MAYOR SKALKO

SWOP

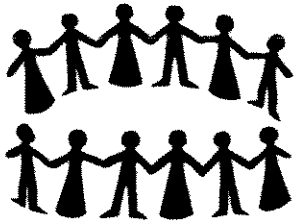
DATE: June 14, 2006

FROM: Mayor Skalko

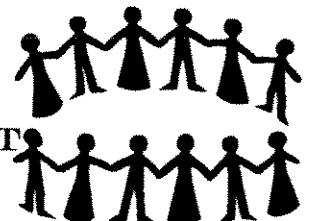
Craig J. Wainio
City Administrator

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

Backup information is following in the packet.



SUMMER WORK OUTREACH PROJECT
PO BOX 44
BUHL, MN 55713



June 8, 2006

To the Mt. Iron City Council:


SWOP has begun its ninth year of serving kids ages eleven to fourteen by helping them serve their community in Mt. Iron and Buhl-Kinney. Many of you have supported SWOP by attending the annual Ham Dinner fundraiser or even the Italian Dinner fundraiser in Buhl. Some of you may have seen articles in the Mesabi Daily News, such as the one attached to the mayor's SWOP packet, showing the children at work. Many of you know one or more of the approximately one hundred seventy youth who have work in SWOP over the years.

Whether they are picking up trash in community parks or doing recreation with nursing home residents, weeding around grave markers in cemeteries or sorting clothing at Salvation Army, these youth are developing a service-oriented relationship to their community. Once or twice a week, they host guest speakers who reinforce basic life skills SWOP aims to develop. They also do a mentoring day at one of the two local banks.

As city leaders, we know that you have a strong commitment to positive programs for our youth. SWOP is one of those programs. We are inviting you to invest in SWOP with a contribution of \$500 (the cost of funding one youth position for the whole six week program) or any amount. Please note that the City of Buhl has become a SWOP partner last summer and this summer because they, too, want to support community-oriented youth programming.

I or someone else on the SWOP board would be happy to answer any additional questions you may have. We thank you for your hard work on behalf of all the residents of the City of Mt. Iron, and especially for our younger citizens!

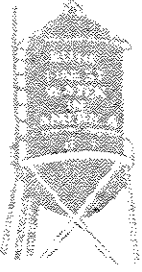
Sincerely,


Pastor Kristin M. Foster
Co-Chair, SWOP Board

Cc: Jerry Jordan
Co-Chair, SWOP Board

Jodi Mattila
Secretary, SWOP Board

Serving Kids, Serving Communities
In Buhl-Kinney & Mountain Iron



CITY OF BUHL

"Finest Water in America"

March 23, 2006

Summer Work Outreach Project
P.O. Box 44
Buhl, MN 55713 -

To Whom It May Concern:

The Buhl City Council at its meeting held on March 21st approved contributing to your project in the amount of \$300.00. It was also discussed at the meeting that if there was anything specific that you needed to let the City know.

Would you please contact Gene Plombon at 929-2660 to find out what we would like the children to do in Buhl.

Thank you,
City of Buhl

Michael Buchanan
Clerk/Treasurer

COUNCIL LETTER 061906-IVB1

CITY ADMINISTRATOR

SPECIAL LEGISLATION

DATE: June 14, 2006

FROM: Craig J. Wainio
City Administrator

As part of the omnibus tax bill during the 2006 Legislative Session, the City of Mountain Iron was awarded .7 cents per ton of taconite produced in 2007 for upgrades to 16th Avenue (Hoover Road). Based on a production estimate of 40,000,000 tons in 2007 this would equal \$280,000. The funding would be used to offset costs associated with the upgrade of 16th Avenue and would be available in 2007. Following is the appropriate section of the Omnibus Tax Bill that identifies the funding:

Public works and local economic development fund. Provides that for distributions in 2007 only, a special fund is established to receive 38.4 cents per ton that would otherwise be distributed into a property tax relief account. (The property tax relief account has a sufficient surplus to pay for the ongoing taconite homestead credit without this money.) This section allocates money to following projects:

Project	Cents per ton allocation
Central Iron Range Sanitary Sewer District for combined waste water facility	13.4
Eveleth for water treatment facility	6
East Range Joint Powers Board central wastewater collection and treatment system	1
Hoyt Lakes for Leeds Road repairs	0.5
Virginia to extend 8th Street S	0.7
Mountain Iron for Hoover Road repairs	0.7
Gilbert for alley repairs and loan repayment	0.9
Keewatin for city well	0.4
Grand Rapids for fire and hazardous materials center	0.3
Aitkin County Growth for peat harvesting project	0.9
Nashwauk for comprehensive city plan	0.4
Taconite for comprehensive city plan	0.4
Marble for water and sewer	0.3
Long Lake Environmental Learning Center (Aitkin County)	0.8
Colerain Technology Center	0.3
Grand Rapids EDA for North Central Research and Technology Laboratory	0.5
Bovey for sewer and water infrastructure	0.6
Calumet infrastructure	0.3
Economic development project	10

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

Mr. Wainio will update the Council on money awarded by the State for 16th Avenue area improvements.

COUNCIL LETTER 061906-IVB2

CITY ADMINISTRATOR

DIAL A RIDE

DATE: June 14, 2006
FROM: Craig J. Wainio
City Administrator

Based upon the request of the City Council, the City of Virginia has been contacted regarding Dial-A-Ride service in Mountain Iron. Currently, Dial-A-Ride goes through Mountain Iron to the Rain Tree/Park Place Apartment Area and other locations along the way. The City Council needs to determine if they would like the service expanded and where they would like it to be expanded to. Any further expansion may require a financial subsidy from the City of Mountain Iron.

COUNCIL LETTER 061906-IVC1

PUBLIC WORKS

SALE OF ONE TON TRUCK

DATE: June 14, 2006

FROM: Don Kleinschmidt
Director of Public Works

Craig J. Wainio
City Administrator

The following sealed bids were received and opened on Tuesday, June 13, 2006 at 11:00 a.m. for the sale of one (1) 1996 Chevrolet one ton with dump body and plow. VIN # 1GBJK34J8TF228701 and license plate number 138 973.

1. Jerry Kujala bid \$7,100.00
2. Kevin Mattila bid \$5,566.99
3. Calvary Cemetery bid \$7,578.00
4. John Chaulklin Sr. bid \$6,501.00
5. Larry Buffetta bid \$5,817.00
6. Duncan McGregor bid \$8,618.00
7. Lee Anderson bid \$5,866.00
8. Greg Welch bid \$5,436.00

Staff recommends the approval of the highest bid to Duncan McGregor in the amount of \$8,618.00.

COUNCIL LETTER 061906-IVC2

PUBLIC WORKS

COMMUNITY CENTER LANDSCAPE MATERIAL

DATE: June 14, 2006

FROM: Don Kleinschmidt
Director of Public Works

Craig J. Wainio
City Administrator

Staff is requesting approval of the purchase of landscape materials for the Community Center from Range Landscape in the amount of \$5,040.00. This purchase would be funded from the 2006 Capital Outlay Budget.

RANGE LANDSCAPE INC.

905 19th STREET NORTH • Box 505 • VIRGINIA, MN 55792
218/741-6643 FAX: 218/741-6644

TO Don Kleinschmidt, D. of Public Works
City of Mt Iron

DATE 6-3-06

SUBJECT: _____

Proposed Landscape Material list - for City Hall site

Area 1 - Behind Back Patio

10 ea deciduous trees maples, crab, ash varieties

Area 2 - Front Sign - Create bed plantings

estimate - 26 shrubs + perennial assortment

" - Need 40-50' Edges, weed fabric and mulch materials

Area 3 - Left & Right side of Front Entry

Estimate total of 14 Evergreens plus lawn edges, weed fabric & mulch

Area 4 - NW side of Bldg - Screen Utility structures

24' length plant 5-6 Miss Kim lilacs

Area 5 - Along walk from SE corner of Bldg

Plant approximately 14 Alpine Currant shrubs in hedge row

proposed Cost of Materials

Area 1 \$3000.00

2 \$700.00

3 \$700.00

4 \$360.00

5 \$200.00

Don & be - These estimate figures could
change one way or other depending on
material selections and on quantities used.

COUNCIL LETTER 061906-IVD1

PARKS & RECREATION

ADVERTISING

DATE: June 14, 2006

FROM: Larry Nanti
Director of Parks & Recreation

Craig J. Wainio
City Administrator

Staff has received a request for advertising on the Mesabi Trail website (see attached). Please let me know if this is something the City would like to do.

June 1, 2006

City of Mt Iron
Larry Nanti
8586 Enterprise Drive South
Mt Iron, MN 55768

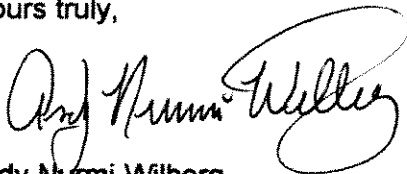
Dear Larry,

For the past year West Two Rivers Campground has been listed as an advertiser on the Mesabi Trail website and posted on the 13 different kiosks physically on the trail, enclosed is a copy of your current listing.

Your ad is up for renewal and will expire on June 9th, and we hope that you are interested in listing with us again for the very reasonable rate of \$100 for the next year. Since this request must be reviewed by the council I will keep your ad active even after the expiration date until I have heard from you with an up or down vote.

Please feel free to contact me if you have any questions or concerns.

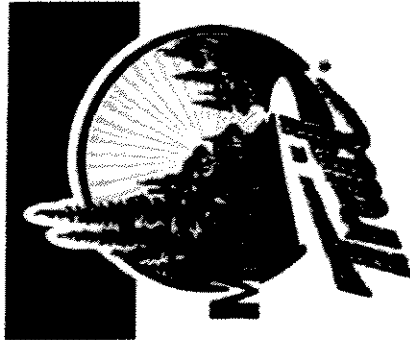
Yours truly,



Ardy Nurmi-Wilberg
Mesabi Trail Advertising Representative

Mesabi Trail Advertising
Ardy Nurmi-Wilberg
1322 12th St So
Virginia, MN 55792
218-749-4331 (home office)
ArdyNW@msn.com





- [The Legend](#)
- [The Land](#)
- [The Trail](#)
- [Images of the Trail](#)
- [Communities](#)
- [Trail Activities](#)
- [Mesabi Trail Map](#)
- [Off the Trail](#)

Public Campgrounds In Mountain Iron

Mountain Iron West Two Rivers Campground

Located on West Two Rivers Reservoir 4 miles west of Virginia, 12 miles east of Iron World, and 1 mile south of the Mesabi Trail. Amenities: 50 sites, showers, flush toilets, dump station, picnic pavilion, beach, fishing pier, boat access, volleyball.

4988 Campground Rd, Mt Iron, MN 55768

<http://www.mtniron.com>

218-735-8831 or 218-748-7570

- Grand Rapids
- Coleraine
- Bovey
- Taconite
- Marble
- Calumet
- Pengilly
- Nashauk
- Keewatin
- Hibbing
- Chisholm
- Buhl
- Kinney
- Mountain Iron
- Virginia
- Gilbert
- Sparta
- Fayal
- Eveleth
- McKinley
- Biwabik
- Aurora
- Hoyt Lakes
- Embarrass
- Tower
- Soudan
- Babbitt
- Ely

20

Larry,
I can make ANY
CHANGES you would LIKE -



Mesabi Trail Advertising
Ardy Nurmi-Wilberg, Sales Representative
1322 12th St So
Virginia, MN 55792
218-749-4331
ArdyNW@msn.com

Date
6/1/06

Invoice #
1008

Client:

City of Mt Iron
8586 Enterprise Drive South
Mt Iron, MN 55768

Attn: Larry Nanti

Description: 2006 renewal of Enhanced Listing with the Mesabi Trail

Total Due: \$100 for advertising listing which runs from 6/8/06 to 6/8/07

(Please make your check payable to Mesabi Trail)



Saint Louis County

Office of the Sheriff - 100 North 5th Avenue West, Room 103 • Duluth, Minnesota 55802
Phone: (218) 726-2337 - Fax: (218) 726-2171

Ross Litman
Sheriff

TO: Mt. Iron City Council and Mayor
FROM: Sgt. Wade Rasch
RE: May 2006 Activity Report
DATE: June 11, 2006

The St. Louis County Sheriff's Office in Mt. Iron responded to the following calls for service during the month of May.

Deputies also performed 55 traffic stops while issuing 9 citations for traffic or criminal offenses and 43 traffic warnings.

Calls For Service:

- 28- On views- Officer initiated contacts checking on persons, vehicles, properties
 - 22- Public Assists (Veh. Unlocks, Loud Music, Animal Complaints, etc.)
 - 15- Disturbances (Verbal arguments/Domestic/Threats)
 - 9- Suspicious/Unwanted Person
 - 8- Alarm Calls
 - 8- Assists to Virginia Police Department
 - 7- Welfare Checks Upon Persons/Suicide Threats
 - 5-Theft/Shoplift
 - 4- Custodial Arrests
 - 4- Motor Vehicle Crashes
 - 4- Medical Assists
 - 4- Assists to Virginia Sheriff's
 - 3- Damage to Property
 - 1- Assault
- 13- Other Miscellaneous Calls (Ex. Child Custody, Civil Disputes, ATLS)

Reply to:

28

☐ **Administrative Offices**

100 N 5th Ave. W, Rm 103
P.O. Box 16187 Duluth, MN 55816
Phone: (218) 726-2341
Fax: (218) 726-2171

☐ **County Jail**

4334 Haines Road
Duluth, MN 55811
Phone: (218) 726-2345
Fax: (218) 725-6134

☐ **Emergency Management**

5735 Old Miller Trunk Hwy
Duluth, MN 55811
Phone: (218)
Fax: (218)

☐ **Sheriff's Office**

300 South 5th Avenue
Virginia, MN 55792
Phone: (218) 749-7134
Fax: (218) 749-7192

☐ **Sheriff's Office**

1810 12th Ave. E
Hibbing, MN 55746
Phone: (218) 262-0132
Fax: (218) 262-6334

An Equal Opportunity Employer

COUNCIL LETTER 061906-IVG1

COUNCILOR ROSKOSKI

P & H UPDATE

DATE: June 14, 2006
FROM: Councilor Roskoski
Craig J. Wainio
City Administrator

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

Mr. Aluni will review the entire P& H situation in regards to the lack of a proper permit and advise the City Council on what to do next. The Council did receive a petition with many names in regard to P& H impact on the adjacent neighborhoods.

COUNCIL LETTER 061906-IVG2

COUNCILOR ROSKOSKI

LOAD/ROAD RESTRICTIONS

DATE: June 14, 2006

FROM: Councilor Roskoski

Craig J. Wainio
City Administrator

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

Update on progress with research on this issue.

THE TRENTI LAW FIRM

ATTORNEYS

Sam A. Aluni
Paul D. Cerkenik
Joseph Lyons-Leoni*+
Scott C. Neff ++
J. Carver Richards
Patrick J. Roche*
Robert H. Stephenson

225 First Street North
Suite 1000
P.O. Box 958
Virginia, MN 55792
(218) 749-1962
FAX (218) 749-4308
E-mail saa@trentilaw.com

RETIRED

Vernon D. Saxhaug
John A. Trenti

LEGAL ASSISTANTS

Barbara Shosten
Donna M. Leritz
Kristen M. Hennis
Sharon K. Fredrickson

MEMORANDUM

TO: Craig Wainio, City Administrator, City of Mountain Iron

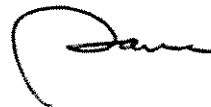
FROM: Sam A. Aluni, City Attorney

RE: Weight Limitation Route Designation by City of
Mountain Iron
Our File No. 55,337-4

DATE: June 6, 2006

The City of Mountain Iron may designate any street or highway under its jurisdiction to carry the weights permitted under Minn. Stat. §169.822 to §169.829 which are enclosed for your reference. The authority for local weight limit route designation is contained in Minn. Stat. §169.832 Subd. 11(a) which I am enclosing for your reference. As you can see, such designation by the city council of the City of Mountain Iron would not be subject to the approval of the Commissioner of Transportation under this statute. I would recommend that the Public Works Director and the City Engineer review any proposed system of weight limit route designations to be assured that they comply with the statutory weight limits and to be assured that the designated routes have been designed and built to carry such weights as provided by the statute.

If you need further information regarding this matter, please advise.



TRAFFIC REGULATIONS

§ 169.822

Note 1

2005 Legislation

Laws 2005, 1st Sp., c. 6, art. 3, § 49, in subd. 3c, in cl. (2), substituted "70 feet in length" for "60 feet in length", in cl. (3) substituted "middle vehicle"

for "camper semitrailer", and in cl. (5) added equestrian equipment or supplies to the scope of the subdivision.

169.822. Weight limitations; definitions

Subdivision 1. Scope. The terms in sections 169.822 to 169.829 shall have the meanings given them.

Subd. 2. Gross weight. "Gross weight" means the weight on any single wheel, single axle or group of consecutive axles and the gross vehicle weight.

Subd. 3. Single axle. "Single axle" includes all wheels whose centers may be included within two parallel transverse vertical planes 40 inches apart.

Subd. 4. Single wheel. "Single wheel" includes two or more wheels with centers less than 48 inches apart on an axle.

Subd. 5. Tandem. "Tandem axles" means two consecutive axles whose centers are spaced more than 40 inches and not more than 96 inches apart.

Subd. 6. Tire width. "Tire width" means the manufacturer's width as shown on the tire or the width at the widest part of the tire excluding protective side ribs, bars and decorations.

Subd. 7. Tridem axles. "Tridem axles" mean three axles spaced within 9 feet or less.

Subd. 8. Variable load axle. "Variable load axle" means any axle which is specifically designed so that, through use of an actuating control, the wheels may be lifted so that the wheels do not contact the road surface or may be lowered to carry loads of varying weights when in contact with the road surface.

Historical and Statutory Notes

Derivation:

Laws 2002, c. 364, § 13.

Laws 2001, c. 213, § 10.

Laws 2001, c. 156, § 1.

St.2000, § 169.825, subds. 1 to 7.

Laws 2000, c. 433, § 1.

Laws 1998, c. 372, art. 1, § 8.

Laws 1994, c. 635, art. 1, § 16.

Laws 1992, c. 578, §§ 7 to 10.

Laws 1991, c. 333, §§ 18, 19, 39.

Laws 1991, c. 112, § 4.

Laws 1986, c. 398, §§ 6 to 9.

Laws 1983, c. 198, § 9.

Laws 1982, c. 617, §§ 11 to 13, 27.

Laws 1982, c. 424, § 42.

Laws 1981, c. 321, § 4.

Cross References

Tax on trucks, tractors, and combinations, total gross weight, see § 168.013.

Library References

Automobiles Ⓒ15, 337.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles §§ 32, 422, 423, 685, 714.

Notes of Decisions

In general 2

Exemptions 3

Overloads 6

Permits 4

Revocation of registration 7

Validity 1

Violations, generally 5

1. Validity

This section, which deals with vehicle's weight limitations, is not unconstitutionally vague; section states what limits are legally permissible and how those limits are arrived at to determine permissible weight, and although section is complex, it provides standard such that person so expected to comply with it need not guess at its meaning or

§ 169.822

Note 1

differ as to its application. *State, Dept. of Public Safety v. Elk River Ready Mix Co., Inc.*, App.1988, 430 N.W.2d 261. Automobiles ⇨ 6

2. In general

Where owner of truck carrier service had operated on highway truck with gross weight of 77,660 pounds, but had paid tax for a gross weight not to exceed 73,280 pounds, it was not arbitrary, capricious, or unreasonable to make him pay tax for his prior illegal use of the highway, even though he would not be able to make such further use of the highway without a special permit. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Automobiles ⇨ 98

The imposition of gross weight vehicle registration tax computed on the gross weight at which truck has been operated in the past, but which exceeds the maximum weight allowed on the highway, bears a reasonable relation to highway use and does not constitute a impermissible burden on interstate commerce. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Commerce ⇨ 63.15

Under former § 169.83 (see, now, this section), truck-tractor semi-trailer unit with three axles could operate with a maximum gross weight of 54,000 pounds. Op. Atty. Gen., 632-E-34, May 22, 1950.

Conversion of selected gross weight of truck-tractor to actual weight may not be made within tax year. Op. Atty. Gen., 632-E-24, April 25, 1946.

3. Exemptions

Road contractor's trucks are not exempt from statutory weight limitations. Op. Atty. Gen., 989-A-12, June 30, 1955.

Exception to former § 169.83 (see, now, this section) was applicable to vehicle operated exclusively in village and city contiguous to each other. Op. Atty. Gen., 989-A-12, April 4, 1950.

4. Permits

The issuance of a permit authorized by former § 169.83 (see, now, this section) was discretionary, and if permit was issued for an overload before motor vehicle was licensed to carry same, and vehicle carried overload, such operation upon public highways of state would be in violation of law. Op. Atty. Gen., 632-E-1, March 20, 1950.

5. Violations, generally

County court had subject-matter jurisdiction over prosecution arising from violation, by enrolled Indian within exterior boundaries of Fond du Lac Indian Reservation, of this section governing axle weight limitations and § 171.02 governing driver's licenses. *State v. Porter*, App.1984, 348 N.W.2d 411. Indians ⇨ 38(2)

169.823. Tire weight limits

Subdivision 1. Pneumatic-tired vehicle. No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

TRAFFIC REGULATIONS

A person could be convicted under former § 169.83 (repealed; see, now, this section), for operating a truck having a weight in excess of the weight limits so specified and in addition be convicted under § 168.013 for having a truck with a weight in excess of the registered gross weight of the truck under its license, and separate fines could be imposed. Op. Atty. Gen., 989-A-12, March 13, 1967.

Whether a prosecution for a violation under former § 169.83 (repealed; see, now, this section) should have been brought under that section or under the companion city ordinance depended upon whether the truck was used exclusively in the municipality, and if such were the fact prosecution would probably have been brought under the municipal ordinance. Op. Atty. Gen., 989A-13, Oct. 1, 1963.

A violation of former § 169.83 (repealed; see, now, this section) involved a criminal proceeding. Op. Atty. Gen., 144b-6, June 8, 1962.

Conviction of owner of truck for transporting a gross weight in excess of gross weight for which truck was registered is an offense different from that of operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, and therefore conviction on one charge does not constitute a defense of former conviction against the other charge, though the same incident occasioned both charges. Op. Atty. Gen., 989-A-12, Feb. 10, 1956.

6. Overloads

Trucker who had in fact operated his vehicle at a weight exceeding statutory maximum was not denied equal protection of the laws by requirement that he pay corresponding registration fee on the truck. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Constitutional Law ⇨ 230.5

Person accused of driving an overweight vehicle over state trunk highways could not be charged with separate offenses for each axle which was overweight, but the act forbidden by former § 169.83 (repealed; see, now, this section) was the "operation" of the vehicle. Op. Atty. Gen., 989a-12, March 30, 1961.

Overloads on motor vehicles authorized by permit were subject to tax computed on basis of gross weight. Op. Atty. Gen., 632-E-1, March 20, 1950.

7. Revocation of registration

The motor vehicle registrar had authority under § 168.013 to revoke registration of motor vehicle when axle weight on group of axle space less than 6 feet apart exceeded lawful axle load by more than 8,000 pounds when such excess weight was over and above an authorized weight established by the Commissioner of Highways by special permit as provided by § 169.86. Op. Atty. Gen., 632-E-28, Feb. 3, 1955.

TRAFFIC REG

(1) where the local routes and 10,000 pounds;

(2) where the designated local exceed 20,000 po

(3) where the

(i) on the fore or the manufact

(ii) on other recommended lo August 1, 1991. inch of tire width is less, until Aug date of manufact

(4) where the vehicles to which weight on any ax tridem combinati tridem are spaced

(5) where the sections 169.822 exterior axle disr intended weight, group under consi

Subd. 2. Veh vehicles not equip 169.822 to 169.829

Derivation:

Laws 2002, c. 364.
Laws 2001, c. 213,
Laws 2001, c. 156.
St.2000, § 169.825
Laws 2000, c. 433.
Laws 1998, c. 372,
Laws 1994, c. 635.

Tax on trucks, tra gross weight, see § 1

Automobiles ⇨15.
Westlaw Topic No.
C.J.S. Motor Vehic

In general 2
Exemptions 3
Overloads 6
Permits 4
Revocation of regist
Validity 1

§ 169.823

Note 1

TRAFFIC REGULATIONS

(1) where the gross weight on any wheel exceeds 9,000 pounds, except that on designated local routes and state trunk highways the gross weight on any single wheel shall not exceed 10,000 pounds;

(2) where the gross weight on any single axle exceeds 18,000 pounds, except that on designated local routes and state trunk highways the gross weight on any single axle shall not exceed 20,000 pounds;

(3) where the maximum wheel load:

(i) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less; or

(ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less. This item applies to new vehicles manufactured after August 1, 1991. For vehicles manufactured before August 2, 1991, the maximum weight per inch of tire width is 600 pounds per inch or the manufacturer's recommended load, whichever is less, until August 1, 1996. After July 31, 1996, this item applies to all vehicles regardless of date of manufacture;

(4) where the gross weight on any axle of a tridem exceeds 15,000 pounds, except that for vehicles to which an additional axle has been added prior to June 1, 1981, the maximum gross weight on any axle of a tridem may be up to 16,000 pounds provided the gross weight of the tridem combination does not exceed 39,900 pounds where the first and third axles of the tridem are spaced nine feet apart;

(5) where the gross weight on any group of axles exceeds the weights permitted under sections 169.822 to 169.829 with any or all of the interior axles disregarded, and with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Subd. 2. Vehicle not equipped with pneumatic tires. A vehicle or combination of vehicles not equipped with pneumatic tires shall be governed by the provisions of sections 169.822 to 169.829, except that the gross weight limitations shall be reduced by 40 percent.

Historical and Statutory Notes

Derivation:

Laws 2002, c. 364, § 13.
Laws 2001, c. 213, § 10.
Laws 2001, c. 156, § 1.
St.2000, § 169.825, subds. 8, 9.
Laws 2000, c. 433, § 1.
Laws 1998, c. 372, art. 1, § 8.
Laws 1994, c. 635, art. 1, § 16.

Laws 1992, c. 578, §§ 7 to 10.
Laws 1991, c. 333, §§ 18, 19, 39.
Laws 1991, c. 112, § 4.
Laws 1986, c. 398, §§ 6 to 9.
Laws 1983, c. 198, § 9.
Laws 1982, c. 617, §§ 11 to 13, 27.
Laws 1982, c. 424, § 42.
Laws 1981, c. 321, § 4.

Cross References

Tax on trucks, tractors, and combinations, total gross weight, see § 168.013.

Library References

Automobiles §15, 337.
Westlaw Topic No. 48A.
C.J.S. Motor Vehicles §§ 32, 422, 423, 685, 714.

Notes of Decisions

Violations, generally 5

In general 2
Exemptions 3
Overloads 6
Permits 4
Revocation of registration 7
Validity 1

§ 169.823

Note 1

states what limits are legally permissible and how those limits are arrived at to determine permissible weight, and although section is complex, it provides standard such that person so expected to comply with it need not guess at its meaning or differ as to its application. State, Dept. of Public Safety v. Elk River Ready Mix Co., Inc., App.1988, 430 N.W.2d 261. Automobiles ⇨ 6

2. In general

Where owner of truck carrier service had operated on highway truck with gross weight of 77,660 pounds, but had paid tax for a gross weight not to exceed 73,280 pounds, it was not arbitrary, capricious, or unreasonable to make him pay tax for his prior illegal use of the highway, even though he would not be able to make such further use of the highway without a special permit. Anderson v. Lappegard, 1974, 302 Minn. 266, 224 N.W.2d 504. Automobiles ⇨ 98

The imposition of gross weight vehicle registration tax computed on the gross weight at which truck has been operated in the past, but which exceeds the maximum weight allowed on the highway, bears a reasonable relation to highway use and does not constitute a impermissible burden on interstate commerce. Anderson v. Lappegard, 1974, 302 Minn. 266, 224 N.W.2d 504. Commerce ⇨ 63.15

Under former § 169.83 (see, now, this section), truck-tractor semi-trailer unit with three axles could operate with a maximum gross weight of 54,000 pounds. Op.Atty.Gen., 632-E-34, May 22, 1950.

Conversion of selected gross weight of truck-tractor to actual weight may not be made within tax year. Op.Atty.Gen., 632-E-24, April 25, 1946.

3. Exemptions

Road contractor's trucks are not exempt from statutory weight limitations. Op.Atty.Gen., 989-A-12, June 30, 1955.

Exception to former § 169.83 (see, now, this section) was applicable to vehicle operated exclusively in village and city contiguous to each other. Op.Atty.Gen., 989-A-12, April 4, 1950.

4. Permits

The issuance of a permit authorized by former § 169.83 (see, now, this section) was discretionary, and if permit was issued for an overload before motor vehicle was licensed to carry same, and vehicle carried overload, such operation upon public highways of state would be in violation of law. Op.Atty.Gen., 632-E-1, March 20, 1950.

5. Violations, generally

County court had subject-matter jurisdiction over prosecution arising from violation, by enrolled Indian within exterior boundaries of Fond du Lac Indian Reservation, of this section governing axle weight limitations and § 171.02 governing driver's

TRAFFIC REGULATIONS

licenses. State v. Porter, App.1984, 348 N.W.2d 411. Indians ⇨ 38(2)

A person could be convicted under former § 169.83 (repealed; see, now, this section), for operating a truck having a weight in excess of the weight limits so specified and in addition be convicted under § 168.013 for having a truck with a weight in excess of the registered gross weight of the truck under its license, and separate fines could be imposed. Op.Atty.Gen., 989-A-12, March 13, 1967.

Whether a prosecution for a violation under former § 169.83 (repealed; see, now, this section) should have been brought under that section or under the companion city ordinance depended upon whether the truck was used exclusively in the municipality, and if such were the fact prosecution would probably have been brought under the municipal ordinance. Op.Atty.Gen., 989A-13, Oct. 1, 1963.

A violation of former § 169.83 (repealed; see, now, this section) involved a criminal proceeding. Op.Atty.Gen., 144b-6, June 8, 1962.

Conviction of owner of truck for transporting a gross weight in excess of gross weight for which truck was registered is an offense different from that of operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, and therefore conviction on one charge does not constitute a defense of former conviction against the other charge, though the same incident occasioned both charges. Op.Atty.Gen., 989-A-12, Feb. 10, 1956.

6. Overloads

Trucker who had in fact operated his vehicle at a weight exceeding statutory maximum was not denied equal protection of the laws by requirement that he pay corresponding registration fee on the truck. Anderson v. Lappegard, 1974, 302 Minn. 266, 224 N.W.2d 504. Constitutional Law ⇨ 230.5

Person accused of driving an overweight vehicle over state trunk highways could not be charged with separate offenses for each axle which was overweight, but the act forbidden by former § 169.83 (repealed; see, now, this section) was the "operation" of the vehicle. Op.Atty.Gen., 989a-12, March 30, 1961.

Overloads on motor vehicles authorized by permit were subject to tax computed on basis of gross weight. Op.Atty.Gen., 632-E-1, March 20, 1950.

7. Revocation of registration

The motor vehicle registrar had authority under § 168.013 to revoke registration of motor vehicle when axle weight on group of axle space less than 6 feet apart exceeded lawful axle load by more than 8,000 pounds when such excess weight was over and above an authorized weight established by the Commissioner of Highways by special permit as provided by § 169.86. Op.Atty.Gen., 632-E-28, Feb. 3, 1955.

TRAFFIC REGU

total gross weight combination of vehicle centers of the first consideration; unladen to the nearest the next largest weight axles is more than four feet shall be un

Distances in feet between centers of foremost and rearmost axles of

a group

4

5

6

7

8

8 plus

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

169.824. Gross weight schedule

35

Subdivision 1. Table of axle weight limits. (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the

TRAFFIC REGULATIONS

total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; unless otherwise noted, the distance between axles being measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used:

Distances in feet between centers of foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	2 consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	3 consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	4 consecutive axles of a 4-axle vehi- cle or any combi- nation of vehicles having a total of 4 or more axles
4	34,000		
5	34,000		
6	34,000		
7	34,000	37,000	
8	34,000	38,500	
8 plus	34,000	42,000	
	(38,000)		
9	35,000	43,000	
	(39,000)		
10	36,000	43,500	49,000
	(40,000)		
11	36,000	44,500	49,500
12		45,000	50,000
13		46,000	51,000
14		46,500	51,500
15		47,500	52,000
16		48,000	53,000
17		49,000	53,500
18		49,500	54,000
19		50,500	55,000
20		51,000	55,500
21		52,000	56,000
22		52,500	57,000
23		53,500	57,500
24		54,000	58,000
25		(55,000)	59,000
26		(55,500)	59,500
27		(56,500)	60,000
28		(57,000)	61,000
29		(58,000)	61,500
30		(58,500)	62,000
31		(59,500)	63,000
32		(60,000)	63,500
33			64,000
34			65,000
35			65,500
36			66,000
37			67,000
38			67,500
39			68,000
40			69,000

Distances in feet between centers of foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	2 consecutive axles of a 2-axle vehicle or of any vehicle or combination of vehicles having a total of 2 or more axles	3 consecutive axles of a 3-axle vehicle or of any vehicle or combination of vehicles having a total of 3 or more axles	4 consecutive axles of a 4-axle vehi- cle or any combi- nation of vehicles having a total of 4 or more axles
41			69,500
42			70,000
43			71,000
44			71,500
45			72,000
46			72,500
47			(73,500)
48			(74,000)
49			(74,500)
50			(75,500)
51			(76,000)

Distances in feet
between centers
of foremost and
rearmost axles of
a group

39
40
41
42
43
44
45
46
47
48
49
50
51

The maximum gross weight on a group of three consecutive axles where the distance between centers of foremost and rearmost axles is listed as seven feet or eight feet applies only to vehicles manufactured before August 1, 1991.

"8 plus" refers to any distance greater than eight feet but less than nine feet.

The gross weight
highways and rou

(b) Notwithstar
restrictions on gr
tandem axles may
68,000 pounds pro
sets of tandem axl

Subd. 2. Gros
section 169.85, the
not exceed:

(1) 80,000 pound
defined in section
subdivision 11;

(2) 88,000 pound
exclusively engage
highways, if the v

(3) 73,280 pound
routes, other than s
subdivision 11, exce
food, fuel, repairs,
80,000 pounds. "Ter
is handled in the
operating facilities;

(4) 80,000 pounds
routes, other than st
subdivision 11.

(b) The maximum
to a four-axle ready
1981. The maximum
this clause shall not
in this section.

Amended by Laws 2002

Distances in feet between centers of foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	5 consecutive axles of a 5-axle vehicle or any combination of vehicles having a total of 5 or more axles	6 consecutive axles of a combination of vehicles having a total of 6 or more axles	7 consecutive axles of a combination of vehicles having a total of 7 or more axles
14	57,000		
15	57,500		
16	58,000		
17	59,000		
18	59,500		
19	60,000		
20	60,500	66,000	72,000
21	61,500	67,000	72,500
22	62,000	67,500	73,000
23	62,500	68,000	73,500
24	63,000	68,500	74,000
25	64,000	69,000	75,000
26	64,500	70,000	75,500
27	65,000	70,500	76,000
28	65,500	71,000	76,500
29	66,500	71,500	77,000
30	67,000	72,000	77,500
31	67,500	73,000	78,500
32	68,000	73,500	79,000
33	69,000	74,000	79,500
34	69,500	74,500	80,000
35	70,000	75,000	
36	70,500	76,000	
37	71,500	76,500	
38	72,000	77,000	

TRAFFIC REGULATIONS

§ 169.824

Distances in feet between centers of foremost and rearmost axles of a group	Maximum gross weight in pounds on a group of		
	5 consecutive axles of a 5-axle vehicle or any combination of vehicles having a total of 5 or more axles	6 consecutive axles of a combination of vehicles having a total of 6 or more axles	7 consecutive axles of a combination of vehicles having a total of 7 or more axles
39	72,500	77,500	
40	73,000	78,000	
41	(74,000)	79,000	
42	(74,500)	79,500	
43	(75,000)	80,000	
44	(75,500)		
45	(76,500)		
46	(77,000)		
47	(77,500)		
48	(78,000)		
49	(79,000)		
50	(79,500)		
51	(80,000)		

The gross weights shown in parentheses in this table are permitted only on state trunk highways and routes designated under section 169.832, subdivision 11.

(b) Notwithstanding any lesser weight in pounds shown in this table but subject to the restrictions on gross vehicle weights in subdivision 2, paragraph (a), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

Subd. 2. Gross vehicle weight of all axles. (a) Notwithstanding the provisions of section 169.85, the gross vehicle weight of all axles of a vehicle or combination of vehicles shall not exceed:

(1) 80,000 pounds for any vehicle or combination of vehicles on all state trunk highways as defined in section 160.02, subdivision 29, and for all routes designated under section 169.832, subdivision 11;

Text of subd. 2, par. (a), cl. (2), effective August 1, 2006.

(2) 88,000 pounds for any vehicle or combination of vehicles with six or more axles while exclusively engaged in hauling livestock on all state trunk highways other than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5, paragraph (k);

(3) 73,280 pounds for any vehicle or combination of vehicles with five axles or less on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11, except that a vehicle needing reasonable access to a terminal or facilities for food, fuel, repairs, and rest, located within three miles of a ten-ton route, may not exceed 80,000 pounds. "Terminal" means any location where freight either originates, terminates, or is handled in the transportation process, or where commercial motor carriers maintain operating facilities; and

(4) 80,000 pounds for any vehicle or combination of vehicles with six or more axles on all routes, other than state trunk highways and routes that are designated under section 169.832, subdivision 11.

(b) The maximum weights specified in this section for five consecutive axles shall not apply to a four-axle ready-mix concrete truck which was equipped with a fifth axle prior to June 1, 1981. The maximum gross weight on four or fewer consecutive axles of vehicles excepted by this clause shall not exceed any maximum weight specified for four or fewer consecutive axles in this section.

Historical and Statutory Notes

Derivation:

Laws 2002, c. 364, § 13.
Laws 2001, c. 213, § 10.
Laws 2001, c. 156, § 1.
St.2000, § 169.825, subd. 10, pars. (a) to (c), (e).
Laws 2000, c. 433, § 1.
Laws 1998, c. 372, art. 1, § 8.
Laws 1994, c. 635, art. 1, § 16.
Laws 1992, c. 578, §§ 7 to 10.
Laws 1991, c. 333, §§ 18, 19, 39.
Laws 1991, c. 112, § 4.
Laws 1986, c. 398, §§ 6 to 9.
Laws 1983, c. 198, § 9.
Laws 1982, c. 617, §§ 11 to 13, 27.
Laws 1982, c. 424, § 42.
Laws 1981, c. 321, § 4.

2005 Legislation

Laws 2005, 1st Sp., c. 1, art. 4, § 36, in subd. 2, in par. (a), inserted cl. (2), setting a weight limit of 88,000 pounds for any vehicle or combination of vehicles with six or more axles while exclusively engaged in hauling livestock on all state trunk highways other than interstate highways, if the vehicle has a permit under § 169.86, subd. 5, par. (k), renumbered former cl. (2) as cl. (3), and in cl. (3), added the exception to the end of the first sentence and added the second sentence, defining "terminal".

Laws 2005, 1st Sp., c. 1, art. 4, § 35, amending subd. 2, also provided:

"The language in paragraph (a), clause (2), is effective August 1, 2006."

Cross References

Tax on trucks, tractors, and combinations, total gross weight, see § 168.013.

Library References

Automobiles Ⓒ15, 337.
Westlaw Topic No. 48A.
C.J.S. Motor Vehicles §§ 32, 422, 423, 685, 714.

Notes of Decisions

In general 2
Exemptions 3
Overloads 6
Permits 4
Revocation of registration 7
Validity 1
Violations, generally 5

1. Validity

This section, which deals with vehicle's weight limitations, is not unconstitutionally vague; section states what limits are legally permissible and how those limits are arrived at to determine permissible weight, and although section is complex, it provides standard such that person so expected to comply with it need not guess at its meaning or differ as to its application. *State, Dept. of Public Safety v. Elk River Ready Mix Co., Inc.*, App.1988, 430 N.W.2d 261. Automobiles Ⓒ 6

2. In general

Where owner of truck carrier service had operated on highway truck with gross weight of 77,660 pounds, but had paid tax for a gross weight not to exceed 73,280 pounds, it was not arbitrary, capricious, or unreasonable to make him pay tax for his prior illegal use of the highway, even though he would not be able to make such further use of the highway without a special permit. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Automobiles Ⓒ 98

The imposition of gross weight vehicle registration tax computed on the gross weight at which truck has been operated in the past, but which exceeds the maximum weight allowed on the highway, bears a reasonable relation to highway use and does not constitute a impermissible burden on interstate commerce. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Commerce Ⓒ 63.15

Under former § 169.83 (see, now, this section), truck-tractor semi-trailer unit with three axles could operate with a maximum gross weight of 54,000 pounds. *Op.Atty.Gen.*, 632-E-34, May 22, 1950.

Conversion of selected gross weight of truck-tractor to actual weight may not be made within tax year. *Op.Atty.Gen.*, 632-E-24, April 25, 1946.

3. Exemptions

Road contractor's trucks are not exempt from statutory weight limitations. *Op.Atty.Gen.*, 989-A-12, June 30, 1955.

Exception to former § 169.83 (see, now, this section) was applicable to vehicle operated exclusively in village and city contiguous to each other. *Op.Atty.Gen.*, 989-A-12, April 4, 1950.

4. Permits

The issuance of a permit authorized by former § 169.83 (see, now, this section) was discretionary, and if permit was issued for an overload before motor vehicle was licensed to carry same, and vehicle carried overload, such operation upon pub-

lic highways of state
Op.Atty.Gen., 632-E-

5. Violations, general

County court had over prosecution arising from Indian within exterior Indian Reservation, weight limitations and licenses. *State v. P.* 411. Indians Ⓒ 38(2)

A person could § 169.83 (repealed); operating a truck having weight limits so specified under § 168.01 weight in excess of the truck under its could be imposed. *Op.* 13, 1967.

Whether a prosecutor former § 169.83 (repealed) should have been brought under the companion upon whether the truck municipality, and if so would probably have been municipal ordinance. *Op.* 1963.

A violation of form now, this section) involved *Op.Atty.Gen.*, 144b-6, .

Conviction of owner gross weight in excess truck was registered that of operating a v

169.825. Weight li

Subdivision 1. R

Subd. 2. Renuml

Subd. 3. Renuml

Subd. 3a. Renun

Subd. 4. Renuml

Subd. 5. Renuml

Subd. 6. Renuml

Subd. 7. Renuml

Subd. 8. Renumb

Subd. 9. Renumb

Subd. 10. (a) Ren

(b) Renumbered 16

(c) Renumbered 16

(d) Repealed by L

(e) Renumbered 16

Subd. 11. Renuml

Subd. 12. Repeal

Subd. 12a. Renun

TRAFFIC REGULATIONS

§ 169.825

lie highways of state would be in violation of law. Op.Atty.Gen., 632-E-1, March 20, 1950.

5. Violations, generally

County court had subject-matter jurisdiction over prosecution arising from violation, by enrolled Indian within exterior boundaries of Fond du Lac Indian Reservation, of this section governing axle weight limitations and § 171.02 governing driver's licenses. *State v. Porter*, App.1984, 348 N.W.2d 411. Indians ⇐ 38(2)

A person could be convicted under former § 169.83 (repealed; see, now, this section), for operating a truck having a weight in excess of the weight limits so specified and in addition be convicted under § 168.013 for having a truck with a weight in excess of the registered gross weight of the truck under its license, and separate fines could be imposed. Op.Atty.Gen., 989-A-12, March 13, 1967.

Whether a prosecution for a violation under former § 169.83 (repealed; see, now, this section) should have been brought under that section or under the companion city ordinance depended upon whether the truck was used exclusively in the municipality, and if such were the fact prosecution would probably have been brought under the municipal ordinance. Op.Atty.Gen., 989A-13, Oct. 1, 1963.

A violation of former § 169.83 (repealed; see, now, this section) involved a criminal proceeding. Op.Atty.Gen., 144b-6, June 8, 1962.

Conviction of owner of truck for transporting a gross weight in excess of gross weight for which truck was registered is an offense different from that of operating a vehicle with an axle weight

exceeding the maximum lawful axle load weight, and therefore conviction on one charge does not constitute a defense of former conviction against the other charge, though the same incident occasioned both charges. Op.Atty.Gen., 989-A-12, Feb. 10, 1956.

6. Overloads

Trucker who had in fact operated his vehicle at a weight exceeding statutory maximum was not denied equal protection of the laws by requirement that he pay corresponding registration fee on the truck. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Constitutional Law ⇐ 230.5

Person accused of driving an overweight vehicle over state trunk highways could not be charged with separate offenses for each axle which was overweight, but the act forbidden by former § 169.83 (repealed; see, now, this section) was the "operation" of the vehicle. Op.Atty.Gen., 989a-12, March 30, 1961.

Overloads on motor vehicles authorized by permit were subject to tax computed on basis of gross weight. Op.Atty.Gen., 632-E-1, March 20, 1950.

7. Revocation of registration

The motor vehicle registrar had authority under § 168.013 to revoke registration of motor vehicle when axle weight on group of axle space less than 6 feet apart exceeded lawful axle load by more than 8,000 pounds when such excess weight was over and above an authorized weight established by the Commissioner of Highways by special permit as provided by § 169.86. Op.Atty.Gen., 632-E-28, Feb. 3, 1955.

169.825. Weight limitations

Subdivision 1. Renumbered 169.822, subd. 1, in St.2002.

Subd. 2. Renumbered 169.822, subd. 2, in St.2002.

Subd. 3. Renumbered 169.822, subd. 3, in St.2002.

Subd. 3a. Renumbered 169.822, subd. 5, in St.2002.

Subd. 4. Renumbered 169.822, subd. 4, in St.2002.

Subd. 5. Renumbered 169.822, subd. 6, in St.2002.

Subd. 6. Renumbered 169.822, subd. 7, in St.2002.

Subd. 7. Renumbered 169.822, subd. 8, in St.2002.

Subd. 8. Renumbered 169.823, subd. 1, in St.2002.

Subd. 9. Renumbered 169.823, subd. 2, in St.2002.

Subd. 10. (a) Renumbered 169.824, subd. 1, in St.2002.

(b) Renumbered 169.824, subd. 1, in St.2002.

(c) Renumbered 169.824, subd. 2, par. (a), in St.2002.

(d) Repealed by Laws 1991, c. 333, § 39, eff. July 1, 1992.

(e) Renumbered 169.824, subd. 2, par. (b), in St.2002.

Subd. 11. Renumbered 169.826 in St.2002.

Subd. 12. Repealed by Laws 1982, c. 617, § 27, eff. March 24, 1982.

Subd. 12a. Renumbered 169.827 in St.2002.

§ 169.825

TRAFFIC REGULATIONS

TRAFFIC REGUL.

- Subd. 13. Renumbered 169.828, subd. 1, in St.2002.
Subd. 14. Renumbered 169.828, subd. 2, in St.2002.
Subd. 15. Renumbered 169.829, subd. 1, in St.2002.
Subd. 16. Renumbered 169.829, subd. 2, in St.2002.
Subd. 17. Renumbered 169.829, subd. 3, in St.2002.

Historical and Statutory Notes

1982 Legislation

Laws 1982, c. 617, § 27, repealed subd. 12, which related to gross weight reduction on restricted routes.

169.826. Gross weight seasonal increases

Subdivision 1. Winter increase amounts. The limitations provided in sections 169.822 to 169.829 are increased by ten percent between the dates set by the commissioner for each zone established by the commissioner based on a freezing index model each winter.

Subd. 1a. Harvest season increase amount. The limitations provided in sections 169.822 to 169.829 are increased by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets, carrots, and potatoes from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading. The commissioner shall not issue permits under this subdivision if to do so will result in a loss of federal highway funding to the state.

Subd. 1b. Nine-ton county roads. Despite the provisions of subdivision 5 and sections 169.824, subdivision 2, paragraph (a), clause (2), and 169.832, subdivision 11, a vehicle or combination of vehicles with a gross vehicle weight up to 88,000 pounds may be operated on a nine-ton county road, consistent with the increases allowed for vehicles operating on a ten-ton road, during the time when the increases under subdivision 1 are in effect in that zone.

Subd. 2. Duration. The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions.

Subd. 3. Excess weight permit. When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in section 169.824, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

Subd. 4. Weight limits set by other law. In cases where gross weights in an amount less than that set forth in sections 169.822 to 169.829 are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in sections 169.822 to 169.829.

Subd. 5. Weight limit for undesignated routes. Notwithstanding any other provision of this section, no vehicle may exceed a total gross vehicle weight of 80,000 pounds on routes which have not been designated by the commissioner under section 169.832, subdivision 11.

Subd. 6. Permit extension. The commissioner may, after determining the ability of the highway structure and frost condition to support additional loads, grant a permit extending seasonal increases for vehicles using portions of routes falling within two miles of the southern boundary of the zone described under subdivision 1, clause (2).

Amended by Laws 2003, 1st Sp., c. 19, art. 2, §§ 34, 35.

Historical and Statutory Notes

Derivation:

- Laws 2002, c. 364, § 13.
St.2001 Supp., § 169.825, subd. 11.
Laws 2001, c. 213, § 10.

- Laws 2001, c. 156, § 1.
Laws 2000, c. 433, § 1.
Laws 1998, c. 372, art. 1, § 8.

Laws 1994, c. 635, art.
Laws 1992, c. 578, §§
Laws 1991, c. 333, §§
Laws 1991, c. 112, §
Laws 1986, c. 398, §§
Laws 1983, c. 198, §
Laws 1982, c. 617, §§
Laws 1982, c. 424, §
Laws 1981, c. 321, §

2003 Legislation

Laws 2003, 1st Sp., rewrote subd. 1, in the subds. 1 and 1a; and a weight limits on nine-ton revision, subd. 1 read:

"Subdivision 1. Increments provided in this section shall be:

"(1) by ten percent be
commissioner based on
each winter, statewide;

"(2) by ten percent be
commissioner based on

Tax on trucks, tractors,
gross weight, see § 168.

Automobiles ↪ 15, 33
Westlaw Topic No. 48
C.J.S. Motor Vehicles

In general 2

Exemptions 3

Overloads 6

Permits 4

Revocation of registration

Validity 1

Violations, generally 3

1. Validity

This section, which de-
limitations, is not uncon-
states what limits are leg-
those limits are arrived
ble weight, and although
provides standard such it
comply with it need not
differ as to its application.
Safety v. Elk River Road
430 N.W.2d 261. Automot

2. In general

Where owner of truck operated on highway truck weighed 10,000 pounds, but had paid tax on weight of 15,000 pounds, it was not reasonable to require, in view of prior illegal use of the highway, that owner would not be able to make

TRAFFIC REGULATIONS

§ 169.826

Note 3

- Laws 1994, c. 635, art. 1, § 16.
- Laws 1992, c. 578, §§ 7 to 10.
- Laws 1991, c. 333, §§ 18, 19, 39.
- Laws 1991, c. 112, § 4.
- Laws 1986, c. 398, §§ 6 to 9.
- Laws 1983, c. 198, § 9.
- Laws 1982, c. 617, §§ 11 to 13, 27.
- Laws 1982, c. 424, § 42.
- Laws 1981, c. 321, § 4.

2003 Legislation

Laws 2003, 1st Sp., c. 19, art. 2, §§ 34 and 35, rewrote subd. 1, in the process splitting it into subds. 1 and 1a; and added subd. 1b, relating to weight limits on nine-ton county roads. Prior to revision, subd. 1 read:

"Subdivision 1. Increase amounts. The limitations provided in this section are increased:

"(1) by ten percent between the dates set by the commissioner based on a freezing index model each winter, statewide;

"(2) by ten percent between the dates set by the commissioner based on a freezing index model

each winter, in the zone bounded as follows: beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior to the northeastern city limits of Duluth; thence along the eastern and southern city limits of Duluth to the junction with trunk highway No. 210; thence westerly along trunk highway No. 210 to the junction with trunk highway No. 10; thence northwesterly along trunk highway No. 10 to the Minnesota-North Dakota border; thence northerly along that border to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior; and

"(3) by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets, carrots, and potatoes from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading. The commissioner shall not issue permits under this clause if to do so will result in a loss of federal highway funding to the state."

Cross References

Tax on trucks, tractors, and combinations, total gross weight, see § 168.013.

Library References

Automobiles ⇨ 15, 337.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles §§ 32, 422, 423, 685, 714.

Notes of Decisions

- In general 2
- Exemptions 3
- Overloads 6
- Permits 4
- Revocation of registration 7
- Validity 1
- Violations, generally 5

1. Validity

This section, which deals with vehicle's weight limitations, is not unconstitutionally vague; section states what limits are legally permissible and how those limits are arrived at to determine permissible weight, and although section is complex, it provides standard such that person so expected to comply with it need not guess at its meaning or differ as to its application. *State, Dept. of Public Safety v. Elk River Ready Mix Co., Inc.*, App.1988, 430 N.W.2d 261. Automobiles ⇨ 6

2. In general

Where owner of truck carrier service had operated on highway truck with gross weight of 77,660 pounds, but had paid tax for a gross weight not to exceed 73,280 pounds, it was not arbitrary, capricious, or unreasonable to make him pay tax for his prior illegal use of the highway, even though he would not be able to make such further use of the

highway without a special permit. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Automobiles ⇨ 98

The imposition of gross weight vehicle registration tax computed on the gross weight at which truck has been operated in the past, but which exceeds the maximum weight allowed on the highway, bears a reasonable relation to highway use and does not constitute a impermissible burden on interstate commerce. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Commerce ⇨ 63.15

Under former § 169.83 (see, now, this section), truck-tractor semi-trailer unit with three axles could operate with a maximum gross weight of 54,000 pounds. *Op. Atty. Gen.*, 632-E-34, May 22, 1950.

Conversion of selected gross weight of truck-tractor to actual weight may not be made within tax year. *Op. Atty. Gen.*, 632-E-24, April 25, 1946.

3. Exemptions

Road contractor's trucks are not exempt from statutory weight limitations. *Op. Atty. Gen.*, 989-A-12, June 30, 1955.

Exception to former § 169.83 (see, now, this section) was applicable to vehicle operated exclu-

§ 169.826

Note 3

sively in village and city contiguous to each other. Op.Atty.Gen., 989-A-12, April 4, 1950.

4. Permits

The issuance of a permit authorized by former § 169.83 (see, now, this section) was discretionary, and if permit was issued for an overload before motor vehicle was licensed to carry same, and vehicle carried overload, such operation upon public highways of state would be in violation of law. Op.Atty.Gen., 632-E-1, March 20, 1950.

5. Violations, generally

County court had subject-matter jurisdiction over prosecution arising from violation, by enrolled Indian within exterior boundaries of Fond du Lac Indian Reservation, of this section governing axle weight limitations and § 171.02 governing driver's licenses. State v. Porter, App.1984, 348 N.W.2d 411. Indians ⇌ 38(2)

A person could be convicted under former § 169.83 (repealed; see, now, this section), for operating a truck having a weight in excess of the weight limits so specified and in addition be convicted under § 168.013 for having a truck with a weight in excess of the registered gross weight of the truck under its license, and separate fines could be imposed. Op.Atty.Gen., 989-A-12, March 13, 1967.

Whether a prosecution for a violation under former § 169.83 (repealed; see, now, this section) should have been brought under that section or under the companion city ordinance depended upon whether the truck was used exclusively in the municipality, and if such were the fact prosecution would probably have been brought under the municipal ordinance. Op.Atty.Gen., 989A-13, Oct. 1, 1963.

169.8261. Gross weight limitations; forest products

(a) A vehicle or combination of vehicles hauling raw or unfinished forest products, including wood chips, by the most direct route to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that the vehicles must:

(1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;

(2) comply with bridge load limits posted under section 169.84;

(3) be equipped and operated with six axles and brakes;

(4) not exceed 90,000 pounds gross weight, or 98,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;

(5) not be operated on interstate and defense highways;

(6) obtain an annual permit from the commissioner of transportation;

(7) obey all road postings; and

(8) not exceed 20,000 pounds gross weight on any single axle.

(b) A vehicle operated under this section may exceed the legal axle weight limits listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may be

TRAFFIC REGULATIONS

A violation of former § 169.83 (repealed; see, now, this section) involved a criminal proceeding. Op.Atty.Gen., 144b-6, June 8, 1962.

Conviction of owner of truck for transporting a gross weight in excess of gross weight for which truck was registered is an offense different from that of operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, and therefore conviction on one charge does not constitute a defense of former conviction against the other charge, though the same incident occasioned both charges. Op.Atty.Gen., 989-A-12, Feb. 10, 1956.

6. Overloads

Trucker who had in fact operated his vehicle at a weight exceeding statutory maximum was not denied equal protection of the laws by requirement that he pay corresponding registration fee on the truck. Anderson v. Lappegard, 1974, 302 Minn. 266, 224 N.W.2d 504. Constitutional Law ⇌ 230.5

Person accused of driving an overweight vehicle over state trunk highways could not be charged with separate offenses for each axle which was overweight, but the act forbidden by former § 169.83 (repealed; see, now, this section) was the "operation" of the vehicle. Op.Atty.Gen., 989a-12, March 30, 1961.

Overloads on motor vehicles authorized by permit were subject to tax computed on basis of gross weight. Op.Atty.Gen., 632-E-1, March 20, 1950.

7. Revocation of registration

The motor vehicle registrar had authority under § 168.013 to revoke registration of motor vehicle when axle weight on group of axle space less than 6 feet apart exceeded lawful axle load by more than 8,000 pounds when such excess weight was over and above an authorized weight established by the Commissioner of Highways by special permit as provided by § 169.86. Op.Atty.Gen., 632-E-28, Feb. 3, 1955.

TRAFFIC REG

exceeded by no authorized under Laws 2004, c. 295,

2005 Legislation

Laws 2005, 1st existing text as p

169.827. Gross

The maximum less, three conse within 14 feet or pounds respectively route divided by Minnesota Statu routes.

Derivation:

Laws 2002, c. 36

Laws 2001, c. 215

Laws 2001, c. 156

St.2000, § 169.82

Laws 2000, c. 433

Laws 1998, c. 373

Laws 1994, c. 633

Tax on trucks, to gross weight, see §

Automobiles ⇌ 1

Westlaw Topic No

C.J.S. Motor Veh

In general 2

Exemptions 3

Overloads 6

Permits 4

Revocation of regis

Validity 1

Violations, general

1. Validity

This section, which limitations, is not un states what limits are those limits are arri ble weight, and alt provides standard s comply with it need differ as to its appl Safety v. Elk River 1 430 N.W.2d 261. Au

TRAFFIC REGULATIONS

§ 169.827

Note 2

exceeded by not more than 22.5 percent during the time when seasonal increases are authorized under section 169.826, subdivision 1.

Laws 2004, c. 295, art. 1, § 10. Amended by Laws 2005, 1st Sp., c. 6, art. 3, § 50, eff. July 15, 2005.

Historical and Statutory Notes

2005 Legislation

Laws 2005, 1st Sp., c. 6, art. 3, § 50, designated existing text as par. (a), in newly designated par.

(a), added cl. (8), and added par. (b) relating to legal axle weights.

169.827. Gross weight reduction on restricted route

The maximum weight on any single axle, two consecutive axles spaced within eight feet or less, three consecutive axles spaced within nine feet or less, or four consecutive axles spaced within 14 feet or less shall not exceed 18,000 pounds, 34,000 pounds, 43,000 pounds, or 51,500 pounds respectively multiplied by a factor of the axle weight in tons allowed on the restricted route divided by nine. No combination of axle weights shall exceed those weights specified in Minnesota Statutes 1981 Supplement, section 169.825, subdivision 10 for nondesignated routes.

Historical and Statutory Notes

Derivation:

Laws 2002, c. 364, § 13.
Laws 2001, c. 213, § 10.
Laws 2001, c. 156, § 1.
St.2000, § 169.825, subd. 12a.
Laws 2000, c. 433, § 1.
Laws 1998, c. 372, art. 1, § 8.
Laws 1994, c. 635, art. 1, § 16.

Laws 1992, c. 578, §§ 7 to 10.
Laws 1991, c. 333, §§ 18, 19, 39.
Laws 1991, c. 112, § 4.
Laws 1986, c. 398, §§ 6 to 9.
Laws 1983, c. 198, § 9.
Laws 1982, c. 617, §§ 11 to 13, 27.
Laws 1982, c. 424, § 42.
Laws 1981, c. 321, § 4.

Cross References

Tax on trucks, tractors, and combinations, total gross weight, see § 168.013.

Library References

Automobiles ⇨ 15, 337.
Westlaw Topic No. 48A.
C.J.S. Motor Vehicles §§ 32, 422, 423, 685, 714.

Notes of Decisions

In general 2
Exemptions 3
Overloads 6
Permits 4
Revocation of registration 7
Validity 1
Violations, generally 5

1. Validity

This section, which deals with vehicle's weight limitations, is not unconstitutionally vague; section states what limits are legally permissible and how those limits are arrived at to determine permissible weight, and although section is complex, it provides standard such that person so expected to comply with it need not guess at its meaning or differ as to its application. State, Dept. of Public Safety v. Elk River Ready Mix Co., Inc., App.1988, 430 N.W.2d 261. Automobiles ⇨ 6

2. In general

Where owner of truck carrier service had operated on highway truck with gross weight of 77,660 pounds, but had paid tax for a gross weight not to exceed 73,280 pounds, it was not arbitrary, capricious, or unreasonable to make him pay tax for his prior illegal use of the highway, even though he would not be able to make such further use of the highway without a special permit. Anderson v. Lappegaard, 1974, 302 Minn. 266, 224 N.W.2d 504. Automobiles ⇨ 98

The imposition of gross weight vehicle registration tax computed on the gross weight at which truck has been operated in the past, but which exceeds the maximum weight allowed on the highway, bears a reasonable relation to highway use and does not constitute a impermissible burden on interstate commerce. Anderson v. Lappegaard, 1974, 302 Minn. 266, 224 N.W.2d 504. Commerce ⇨ 63.15

Note 2

Conversion of selected gross weight of truck-tractor to actual weight may not be made within tax year. Op. Atty. Gen., 632-E-24, April 25, 1946.

Exception to former § 169.83 (see, now, this section) was applicable to vehicle operated exclusively in village and city contiguous to each other. Op. Atty. Gen., 989-A-12, April 4, 1950.

5. Violations, generally

Whether a prosecution for a violation under former § 169.83 (repealed; see, now, this section) should have been brought under that section or under the companion city ordinance depended

Subd. 2. Variable load axle. A vehicle or combination of vehicles equipped with one or more variable load axles shall have the pressure control preset so that the weight carried on the variable load axle may not be varied by the operator during transport of any load. The actuating control for the axle shall function only as an on-and-off switch. The provisions of this subdivision do not apply to any farm truck registered prior to July 1, 1981, under section 168.013, subdivision 1c, for 57,000 pounds or less. This subdivision does not apply to rear-loading refuse-compactor vehicles, except that any refuse-compactor vehicle having a tridem

The motor vehicle registrar had authority under § 168.013 to revoke registration of motor vehicle when axle weight on group of axle space less than 6 feet apart exceeded lawful axle load by more than 8,000 pounds when such excess weight was over and above an authorized weight established by the Commissioner of Highways by special permit as provided by § 169.86. Op. Atty. Gen., 632-E-28, Feb. 3, 1955.

The imposition of a gross tonnage tax computed on the weight of the truck has been operated in many states and exceeds the maximum weight in many ways, bears a reasonable relation to the use and does not constitute an undue burden.

TRAFFIC REGULATIONS

§ 169.828

Note 5

rear axle must comply with this subdivision before being issued a special permit under section 169.86, subdivision 5, paragraph (h).

Historical and Statutory Notes

Derivation:

Laws 2002, c. 364, § 13.

Laws 2001, c. 213, § 10.

Laws 2001, c. 156, § 1.

St.2000, § 169.825, subds. 13, 14.

Laws 2000, c. 433, § 1.

Laws 1998, c. 372, art. 1, § 8.

Laws 1994, c. 635, art. 1, § 16.

Laws 1992, c. 578, §§ 7 to 10.

Laws 1991, c. 333, §§ 18, 19, 39.

Laws 1991, c. 112, § 4.

Laws 1986, c. 398, §§ 6 to 9.

Laws 1983, c. 198, § 9.

Laws 1982, c. 617, §§ 11 to 13, 27.

Laws 1982, c. 424, § 42.

Laws 1981, c. 321, § 4.

Cross References

Tax on trucks, tractors, and combinations, total gross weight, see § 168.013.

Library References

Automobiles ⅈ 15, 337.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles §§ 32, 422, 423, 685, 714.

Notes of Decisions

In general 2

Exemptions 3

Overloads 6

Permits 4

Revocation of registration 7

Validity 1

Violations, generally 5

1. Validity

This section, which deals with vehicle's weight limitations, is not unconstitutionally vague; section states what limits are legally permissible and how those limits are arrived at to determine permissible weight, and although section is complex, it provides standard such that person so expected to comply with it need not guess at its meaning or differ as to its application. *State, Dept. of Public Safety v. Elk River Ready Mix Co., Inc.*, App.1988, 430 N.W.2d 261. Automobiles ⅈ 6

2. In general

Where owner of truck carrier service had operated on highway truck with gross weight of 77,660 pounds, but had paid tax for a gross weight not to exceed 73,280 pounds, it was not arbitrary, capricious, or unreasonable to make him pay tax for his prior illegal use of the highway, even though he would not be able to make such further use of the highway without a special permit. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Automobiles ⅈ 98

The imposition of gross weight vehicle registration tax computed on the gross weight at which truck has been operated in the past, but which exceeds the maximum weight allowed on the highway, bears a reasonable relation to highway use and does not constitute a impermissible burden on

interstate commerce. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Commerce ⅈ 63.15

Under former § 169.83 (see, now, this section), truck-tractor semi-trailer unit with three axles could operate with a maximum gross weight of 54,000 pounds. *Op. Atty. Gen.*, 632-E-34, May 22, 1950.

Conversion of selected gross weight of truck-tractor to actual weight may not be made within tax year. *Op. Atty. Gen.*, 632-E-24, April 25, 1946.

3. Exemptions

Road contractor's trucks are not exempt from statutory weight limitations. *Op. Atty. Gen.*, 989-A-12, June 30, 1955.

Exception to former § 169.83 (see, now, this section) was applicable to vehicle operated exclusively in village and city contiguous to each other. *Op. Atty. Gen.*, 989-A-12, April 4, 1950.

4. Permits

The issuance of a permit authorized by former § 169.83 (see, now, this section) was discretionary, and if permit was issued for an overload before motor vehicle was licensed to carry same, and vehicle carried overload, such operation upon public highways of state would be in violation of law. *Op. Atty. Gen.*, 632-E-1, March 20, 1950.

5. Violations, generally

County court had subject-matter jurisdiction over prosecution arising from violation, by enrolled Indian within exterior boundaries of Fond du Lac Indian Reservation, of this section governing axle weight limitations and § 171.02 governing driver's licenses. *State v. Porter*, App.1984, 348 N.W.2d 411. Indians ⅈ 38(2)

§ 169.828

Note 5

A person could be convicted under former § 169.83 (repealed; see, now, this section), for operating a truck having a weight in excess of the weight limits so specified and in addition be convicted under § 168.013 for having a truck with a weight in excess of the registered gross weight of the truck under its license, and separate fines could be imposed. Op.Atty.Gen., 989-A-12, March 13, 1967.

Whether a prosecution for a violation under former § 169.83 (repealed; see, now, this section) should have been brought under that section or under the companion city ordinance depended upon whether the truck was used exclusively in the municipality, and if such were the fact prosecution would probably have been brought under the municipal ordinance. Op.Atty.Gen., 989A-13, Oct. 1, 1963.

A violation of former § 169.83 (repealed; see, now, this section) involved a criminal proceeding. Op.Atty.Gen., 144b-6, June 8, 1962.

Conviction of owner of truck for transporting a gross weight in excess of gross weight for which truck was registered is an offense different from that of operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, and therefore conviction on one charge does not constitute a defense of former conviction against the other charge, though the same incident occa-

169.829. Weight limits not applicable to certain vehicles

Subdivision 1. City vehicle except on trunk highway. (a) The provisions of sections 169.822 to 169.828 do not apply to vehicles operated exclusively in any city in this state which has in effect an ordinance regulating the gross weight of vehicles operated within that city.

(b) This subdivision does not apply to trunk highways.

Subd. 2. Tow truck. Sections 169.822 to 169.828 do not apply to a tow truck or towing vehicle when towing a disabled vehicle damaged in such manner that the towed vehicle cannot be towed from the rear and when the movement is temporary for the purpose of taking the disabled vehicle to a place of repair.

Subd. 3. Utility vehicle. Sections 169.822 to 169.828 do not apply to a utility vehicle that does not exceed a weight of 20,000 pounds per axle and is owned by:

- (1) a public utility, as defined in section 216B.02;
- (2) a municipality or municipal utility that operates that vehicle for its municipal electric, gas, or water system; and
- (3) a cooperative electric association organized under chapter 308A.

Historical and Statutory Notes

Derivation:

Laws 2002, c. 364, § 13.
Laws 2001, c. 213, § 10.
Laws 2001, c. 156, § 1.
St.2000, § 169.825, subds. 15 to 17.
Laws 2000, c. 433, § 1.
Laws 1998, c. 372, art. 1, § 8.
Laws 1994, c. 635, art. 1, § 16.
Laws 1992, c. 578; §§ 7 to 10.
Laws 1991, c. 333, §§ 18, 19, 39.

Laws 1991, c. 112, § 4.
Laws 1986, c. 398, §§ 6 to 9.
Laws 1983, c. 198, § 9.
Laws 1982, c. 617, §§ 11 to 13, 27.
Laws 1982, c. 424, § 42.
Laws 1981, c. 321, § 4.

2000 Legislation

Laws 2000, c. 433, § 4, provides in part that § 1, adding § 169.825, subd. 17, (now subd. 3 of this section) is repealed effective June 1, 2003.

TRAFFIC REGULATIONS

sioned both charges. Op.Atty.Gen., 989-A-12, Feb. 10, 1966.

6. Overloads

Trucker who had in fact operated his vehicle at a weight exceeding statutory maximum was not denied equal protection of the laws by requirement that he pay corresponding registration fee on the truck. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Constitutional Law ⇨ 230.5

Person accused of driving an overweight vehicle over state trunk highways could not be charged with separate offenses for each axle which was overweight, but the act forbidden by former § 169.83 (repealed; see, now, this section) was the "operation" of the vehicle. Op.Atty.Gen., 989a-12, March 30, 1961.

Overloads on motor vehicles authorized by permit were subject to tax computed on basis of gross weight. Op.Atty.Gen., 632-E-1, March 20, 1950.

7. Revocation of registration

The motor vehicle registrar had authority under § 168.013 to revoke registration of motor vehicle when axle weight on group of axle space less than 6 feet apart exceeded lawful axle load by more than 8,000 pounds when such excess weight was over and above an authorized weight established by the Commissioner of Highways by special permit as provided by § 169.86. Op.Atty.Gen., 632-E-28, Feb. 3, 1955.

TRAFFIC REG

2003 Legislation

Laws 2003, c. 97,
Laws 2003, 1st Sp
May 31, 2003, both
§ 4, providing in p
subd. 17 (now subd
June 1, 2003, by del

Tax on trucks, tr
gross weight, see §

Automobiles ⇨ 17
Westlaw Topic No
C.J.S. Motor Vehi

In general 2
Exemptions 3
Overloads 6
Permits 4
Revocation of regis
Validity 1
Violations, general

1. Validity

This section, which states what limits are those limits are applicable weight, and provides standard to comply with it need differ as to its application. *Safety v. Elk River* 1430 N.W.2d 261. Au

2. In general

Where owner of truck had on highway truck exceeds 73,280 pounds, but had paid excessive, or unreasonable prior illegal use of highway without a permit. *Lappegaard*, 1974, 302 Minn. 266, Automobiles ⇨ 98

The imposition of a tax computed on truck has been operated exceeds the maximum way, bears a reasonable and does not constitute interstate commerce. 1974, 302 Minn. 266, ⇨ 63.15

Under former § 16 truck-tractor semi-truck could operate with a

TRAFFIC REGULATIONS

§ 169.829

Note 5

2003 Legislation

Laws 2003, c. 97, § 3, effective June 1, 2003, and Laws 2003, 1st Sp., c. 19, art. 2, § 63, effective May 31, 2003, both amended Laws 2000, c. 433, § 4, providing in part that § 1, adding § 169.825, subd. 17 (now subd. 3 of this section), is repealed June 1, 2003, by deleting the repealer.

2004 Legislation

Laws 2004, c. 228, art. 1, § 69, provides that § 169.829, subd. 3, and § 169.87, subds. 5 and 6, are expressly revived and reenacted as specifically provided according to § 645.36, effective retroactively and without interruption from April 25, 2000.

Cross References

Tax on trucks, tractors, and combinations, total gross weight, see § 168.013.

Library References

Automobiles ⇨ 15, 337.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles §§ 32, 422, 423, 685, 714.

Notes of Decisions

In general 2
Exemptions 3
Overloads 6
Permits 4
Revocation of registration 7
Validity 1
Violations, generally 5

1. Validity

This section, which deals with vehicle's weight limitations, is not unconstitutionally vague; section states what limits are legally permissible and how those limits are arrived at to determine permissible weight, and although section is complex, it provides standard such that person so expected to comply with it need not guess at its meaning or differ as to its application. *State, Dept. of Public Safety v. Elk River Ready Mix Co., Inc.*, App.1988, 430 N.W.2d 261. Automobiles ⇨ 6

2. In general

Where owner of truck carrier service had operated on highway truck with gross weight of 77,660 pounds, but had paid tax for a gross weight not to exceed 73,280 pounds, it was not arbitrary, capricious, or unreasonable to make him pay tax for his prior illegal use of the highway, even though he would not be able to make such further use of the highway without a special permit. *Anderson v. Lappeggaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Automobiles ⇨ 98

The imposition of gross weight vehicle registration tax computed on the gross weight at which truck has been operated in the past, but which exceeds the maximum weight allowed on the highway, bears a reasonable relation to highway use and does not constitute a impermissible burden on interstate commerce. *Anderson v. Lappeggaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Commerce ⇨ 63.15

Under former § 169.83 (see, now, this section), truck-tractor semi-trailer unit with three axles could operate with a maximum gross weight of

54,000 pounds. *Op. Atty. Gen.*, 632-E-34, May 22, 1950.

Conversion of selected gross weight of truck-tractor to actual weight may not be made within tax year. *Op. Atty. Gen.*, 632-E-24, April 25, 1946.

3. Exemptions

Road contractor's trucks are not exempt from statutory weight limitations. *Op. Atty. Gen.*, 989-A-12, June 30, 1955.

Exception to former § 169.83 (see, now, this section) was applicable to vehicle operated exclusively in village and city contiguous to each other. *Op. Atty. Gen.*, 989-A-12, April 4, 1950.

4. Permits

The issuance of a permit authorized by former § 169.83 (see, now, this section) was discretionary, and if permit was issued for an overload before motor vehicle was licensed to carry same, and vehicle carried overload, such operation upon public highways of state would be in violation of law. *Op. Atty. Gen.*, 632-E-1, March 20, 1950.

5. Violations, generally

County court had subject-matter jurisdiction over prosecution arising from violation, by enrolled Indian within exterior boundaries of Fond du Lac Indian Reservation, of this section governing axle weight limitations and § 171.02 governing driver's licenses. *State v. Porter*, App.1984, 348 N.W.2d 411. Indians ⇨ 38(2)

A person could be convicted under former § 169.83 (repealed; see, now, this section), for operating a truck having a weight in excess of the weight limits so specified and in addition be convicted under § 168.013 for having a truck with a weight in excess of the registered gross weight of the truck under its license, and separate fines could be imposed. *Op. Atty. Gen.*, 989-A-12, March 13, 1967.

Whether a prosecution for a violation under former § 169.83 (repealed; see, now, this section) should have been brought under that section or under the companion city ordinance depended

§ 169.829

Note 5

upon whether the truck was used exclusively in the municipality, and if such were the fact prosecution would probably have been brought under the municipal ordinance. Op.Atty.Gen., 989A-13, Oct. 1, 1963.

A violation of former § 169.83 (repealed; see, now, this section) involved a criminal proceeding. Op.Atty.Gen., 144b-6, June 8, 1962.

Conviction of owner of truck for transporting a gross weight in excess of gross weight for which truck was registered is an offense different from that of operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, and therefore conviction on one charge does not constitute a defense of former conviction against the other charge, though the same incident occasioned both charges. Op.Atty.Gen., 989-A-12, Feb. 10, 1956.

6. Overloads

Trucker who had in fact operated his vehicle at a weight exceeding statutory maximum was not denied equal protection of the laws by requirement that he pay corresponding registration fee on the

169.832. Weight limitations on designated routes

Subds. 1 to 10. Repealed by Laws 1981, c. 321, § 12.

Subd. 11. Designation of route. (a) The commissioner may designate any street or highway route or segment of a route to carry the gross weights permitted under sections 169.822 to 169.829. Any designation of a route pursuant to this subdivision, other than a trunk highway route, is subject to the approval of the local authority having jurisdiction over the route. A route may not be designated if the commissioner finds that designation:

- (1) creates an undue hazard to traffic safety; or
- (2) is inconsistent with structural capacity of the route, including consideration of the volume of traffic expected to occur on the route after designation.

(b) Notwithstanding any finding under paragraph (a), clause (2), the commissioner shall designate any route which is needed to provide:

- (1) a connection between significant centers of population or commerce, or between other designated routes; or
- (2) access to a transportation terminal; or
- (3) temporary emergency service to a particular shipping or receiving point on the route.

(c) The commissioner may undesignate any route when continued designation is inconsistent with the provisions of this subdivision, subject to the approval of any local authority having jurisdiction over the route.

(d) Any route designation or undesignation shall be effective when adopted. The commissioner may designate or undesignate any route when requested by any local authority having jurisdiction over the route.

Subd. 11a. Weight-limitation route designation by local government. Notwithstanding subdivision 11, the governing body of a county, statutory or home rule charter city, or town may designate any street or highway under its jurisdiction that has been designed and built to carry such weights to carry weight permitted under sections 169.822 to 169.829. Designations by the governing body of a county, statutory or home rule charter city, or town under this subdivision are not subject to the approval of the commissioner.

Subd. 12. Repealed by Laws 1981, c. 81, § 2; Laws 1981, c. 321, § 12.

TRAFFIC REGULATIONS

truck. Anderson v. Lappegaard, 1974, 302 Minn. 266, 224 N.W.2d 504. Constitutional Law ⇨ 230.5

Person accused of driving an overweight vehicle over state trunk highways could not be charged with separate offenses for each axle which was overweight, but the act forbidden by former § 169.83 (repealed; see, now, this section) was the "operation" of the vehicle. Op.Atty.Gen., 989a-12, March 30, 1961.

Overloads on motor vehicles authorized by permit were subject to tax computed on basis of gross weight. Op.Atty.Gen., 632-E-1, March 20, 1950.

7. Revocation of registration

The motor vehicle registrar had authority under § 168.013 to revoke registration of motor vehicle when axle weight on group of axle space less than 6 feet apart exceeded lawful axle load by more than 8,000 pounds when such excess weight was over and above an authorized weight established by the Commissioner of Highways by special permit as provided by § 169.86. Op.Atty.Gen., 632-E-28, Feb. 3, 1955.

TRAFFIC RE

Subd. 13. R
Laws 1977, c. 248
eff. May 30, 1981;

2004 Legislation
Laws 2004, c. 2
relating to weight
local governments.

169.85. Weighi

Subdivision 1
lawfully stopped
by means of port

(b) In addition
scales, but only i

(1) the distanc
where the vehicl
miles as a result

(2) if the vehic
vehicles are waiti

(c) Official trai
driver to the near

(d) When a tr
stationary scales,
right-of-way and
truck or combina
proceed to the sca

Subd. 2. Unlo
an officer may re
until a portion of
vehicle to the lim
sections 169.822 t
location where loa
law, rule, or ordin

(b) Except as p
if the weighing of
169.822 to 169.829
sections 169.822 to
consecutive axles in
the group under co
by sections 169.822
commissioner in se
on an axle or gr
prescribed by secti
consecutive axles o
must be cared for

(c) If the gross v
plus the weight allo
if applicable, the w
required to unload

Subd. 3. Misder
the vehicle and loa
directed by an office
with the provisions

§ 169.829

Note 5

upon whether the truck was used exclusively in the municipality, and if such were the fact prosecution would probably have been brought under the municipal ordinance. Op.Atty.Gen., 989A-13, Oct. 1, 1963.

A violation of former § 169.83 (repealed; see, now, this section) involved a criminal proceeding. Op.Atty.Gen., 144b-6, June 8, 1962.

Conviction of owner of truck for transporting a gross weight in excess of gross weight for which truck was registered is an offense different from that of operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, and therefore conviction on one charge does not constitute a defense of former conviction against the other charge, though the same incident occasioned both charges. Op.Atty.Gen., 989-A-12, Feb. 10, 1956.

6. Overloads

Trucker who had in fact operated his vehicle at a weight exceeding statutory maximum was not denied equal protection of the laws by requirement that he pay corresponding registration fee on the

TRAFFIC REGULATIONS

truck. *Anderson v. Lappegaard*, 1974, 302 Minn. 266, 224 N.W.2d 504. Constitutional Law ⇨ 230.5

Person accused of driving an overweight vehicle over state trunk highways could not be charged with separate offenses for each axle which was overweight, but the act forbidden by former § 169.83 (repealed; see, now, this section) was the "operation" of the vehicle. Op.Atty.Gen., 989a-12, March 30, 1961.

Overloads on motor vehicles authorized by permit were subject to tax computed on basis of gross weight. Op.Atty.Gen., 632-E-1, March 20, 1950.

7. Revocation of registration

The motor vehicle registrar had authority under § 168.013 to revoke registration of motor vehicle when axle weight on group of axle space less than 6 feet apart exceeded lawful axle load by more than 8,000 pounds when such excess weight was over and above an authorized weight established by the Commissioner of Highways by special permit as provided by § 169.86. Op.Atty.Gen., 632-E-28, Feb. 3, 1955.

169.832. Weight limitations on designated routes

Subds. 1 to 10. Repealed by Laws 1981, c. 321, § 12.

Subd. 11. Designation of route. (a) The commissioner may designate any street or highway route or segment of a route to carry the gross weights permitted under sections 169.822 to 169.829. Any designation of a route pursuant to this subdivision, other than a trunk highway route, is subject to the approval of the local authority having jurisdiction over the route. A route may not be designated if the commissioner finds that designation:

- (1) creates an undue hazard to traffic safety; or
- (2) is inconsistent with structural capacity of the route, including consideration of the volume of traffic expected to occur on the route after designation.

(b) Notwithstanding any finding under paragraph (a), clause (2), the commissioner shall designate any route which is needed to provide:

- (1) a connection between significant centers of population or commerce, or between other designated routes; or
- (2) access to a transportation terminal; or
- (3) temporary emergency service to a particular shipping or receiving point on the route.

(c) The commissioner may undesignate any route when continued designation is inconsistent with the provisions of this subdivision, subject to the approval of any local authority having jurisdiction over the route.

(d) Any route designation or undesignation shall be effective when adopted. The commissioner may designate or undesignate any route when requested by any local authority having jurisdiction over the route.

Subd. 11a. Weight-limitation route designation by local government. Notwithstanding subdivision 11, the governing body of a county, statutory or home rule charter city, or town may designate any street or highway under its jurisdiction that has been designed and built to carry such weights to carry weight permitted under sections 169.822 to 169.829. Designations by the governing body of a county, statutory or home rule charter city, or town under this subdivision are not subject to the approval of the commissioner.

Subd. 12. Repealed by Laws 1981, ~~581~~ § 2; Laws 1981, c. 321, § 12.

TRAFFIC REG

Subd. 13. Re
Laws 1977, c. 248,
eff. May 30, 1981;

2004 Legislation

Laws 2004, c. 2
relating to weight
local governments

169.85. Weight

Subdivision 1
lawfully stopped
by means of por

(b) In additio
scales, but only i

(1) the distan
where the vehic
miles as a result

(2) if the vehi
vehicles are wait

(c) Official tra
driver to the nea

(d) When a t
stationary scales
right-of-way and
truck or combin
proceed to the sc

Subd. 2. Unl
an officer may r
until a portion o
vehicle to the li
sections 169.822
location where lo
law, rule, or ordi

(b) Except as
if the weighing
169.822 to 169.8
sections 169.822
consecutive axles
the group under
by sections 169.8
commissioner in
on an axle or
prescribed by sec
consecutive axles
must be cared fo

(c) If the gross
plus the weight a
if applicable, the
required to unloa

Subd. 3. Misc
the vehicle and
directed by an off
with the provision

COUNCIL LETTER 071805-IVII

PLANNING AND ZONING

CONDITIONAL USE PERMIT

DATE: June 14, 2006

FROM: Planning and Zoning Commission

Craig J. Wainio
City Administrator

At their June 12, 2006, regular meeting the Planning and Zoning Commission, after completion of a Public Hearing, recommended the approval of the Conditional Use Permit application for Dale Erickson. It is recommended that the City Council follow the Planning and Zoning Commissions actions and approve the Conditional Use Permit application.

CITY OF MOUNTAIN IRON
CONDITIONAL USE PERMIT APPLICATION *

mailing address: 3829 Miller Trunk Rd, Eveleth MN 55734

Name of Applicant Dale Erickson Signature of Applicant Dale Erickson Date of Applications 5/24/06
5165 Chesapeake Court, Mountain Iron

Legal Description:
 Sec/Lot 23 Twp/Block 58 North Rge/Subd 18 West Parcel Code #175-0067-00240
Lot 6, Block 3, Mashkinode Lake East Addition

Description of Proposed Use 24 x 40 square foot garage to store car, boat, ATV, truck, jet ski and 2 snowmobiles

Statement as to why proposed use will not cause injury to value of adjoining property. garage will be same profile and color as house and will barely be visible from adjacent properties.

Statement as to how proposed use is to be designed, arranged and operated in order to permit development and use of neighboring property. garage will be designed by Economy Garages and built 20' from house approximately 50 feet from closest property line. It will be accessed from my driveway which shouldn't affect neighboring properties.

* 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.150.00 5/24/06 rec.1.021710

OFFICE USE ONLY

ITEM	ACTION	DATE	INITIAL
Zoning Administrator Review	Sent to JDC	5/25/06	Jmt
Public Hearing Set	Hearing set 6/14/06 7:00pm	5/25/06	Jmt
Hearing Notice Published	Menominee Daily News	6/1/06	Jmt
Planning & Zoning Recommendation			
Council Action			
Filed with County Recorder			

Conditions Attached _____

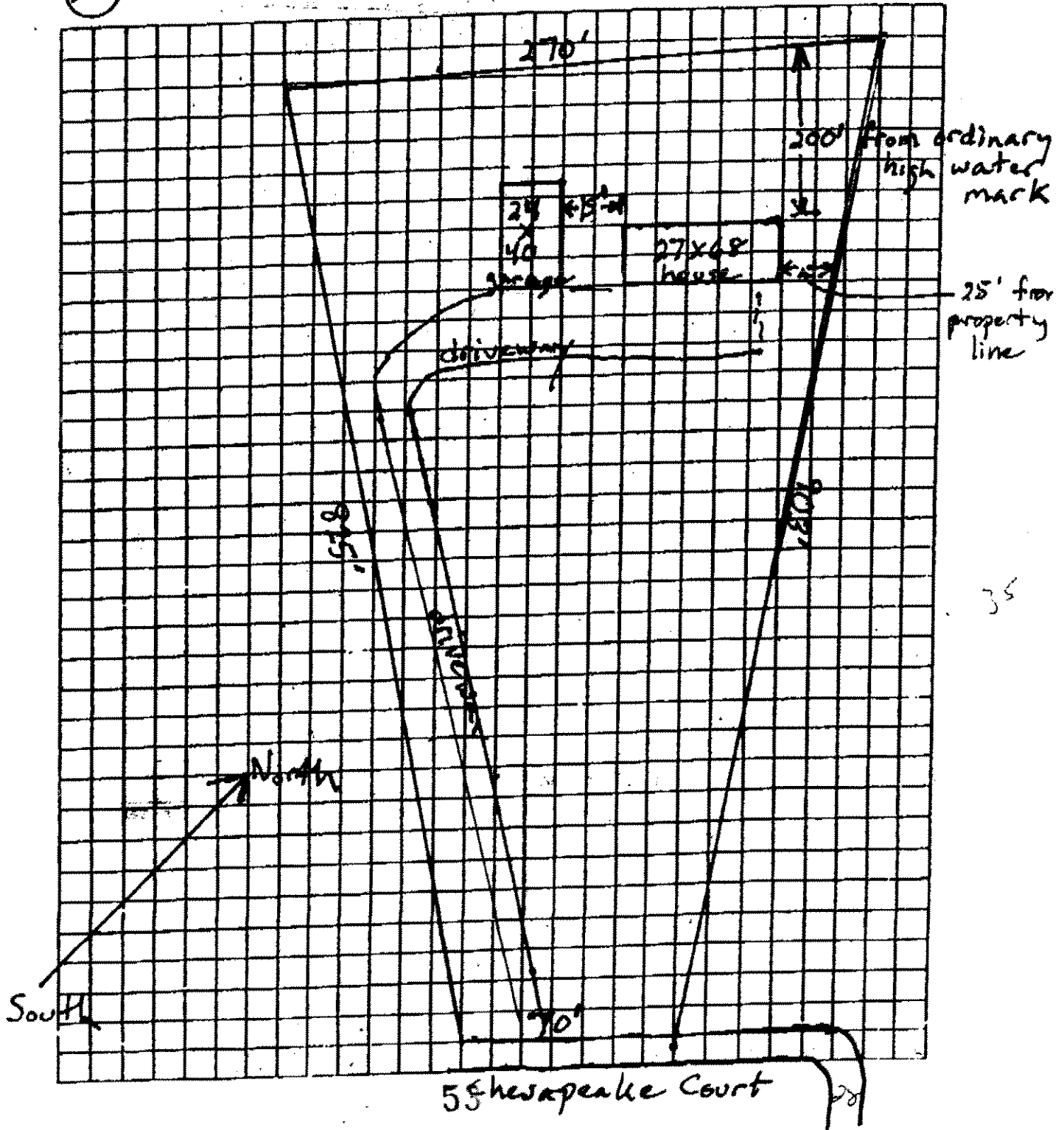
Auth: Jill

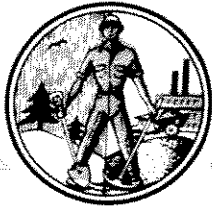
SITE PLAN TO SCALE - SHOW DIMENSIONS OF LOT AND ALL EXISTING AND PROPOSED STRUCTURES, DISTANCES FROM FRONT, SIDE AND REAR LOT LINE SETBACKS TO ALL EXISTING AND PROPOSED STRUCTURES. SHOW ALLEY AND STREET NAMES ABUTTING LOT.

I/We certify that the proposed construction will conform to the dimensions and uses shown and that no changes will be made without first obtaining approval.

Signature Dale EricksonDate 5/17/06

INDICATE NORTH IN CIRCLE





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, June 12, 2006 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 Dale Erickson, 5165 Chesapeake Court, Mountain Iron, Minnesota 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:

Lot 6, Block 3, Mashkenode Lake East Addition
Parcel Code 175-0067-00240

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

COUNCIL LETTER 071805-IVI2

PLANNING AND ZONING

CONDITIONAL USE PERMIT

DATE: June 14, 2006

FROM: Planning and Zoning Commission

Craig J. Wainio
City Administrator

At their June 12, 2006, regular meeting the Planning and Zoning Commission, after completion of a Public Hearing, recommended the approval of the Conditional Use Permit application for Todd Signs. It is recommended that the City Council follow the Planning and Zoning Commissions actions and approve the Conditional Use Permit application.

CITY OF MOUNTAIN IRON
CONDITIONAL USE PERMIT APPLICATION *

Name of Applicant UPS Customer Center
Signature of Applicant [Signature] Date of Application 5/26/05
Address: 818 16th Ave So. E-mail: Todd@TallSigns.com
Legal Description:
Sec/Lot 9/10/11/12 Bwp/Block 4 Rge/Subd _____ Parcel Code # _____

Description of Proposed Use SIGN INSTALL

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

Small sign in parking lot - NOT ILLUMINATED

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

Parking lot is used by UPS employees sign & directs trucks & customers to UPS entrance in adjacent Bldg - customers & trucks are now going to wrong entrance (day care on other side)

* 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 \$150.00 5/30/06
Rec. 5.002081

OFFICE USE ONLY

ITEM	ACTION	DATE	INITIAL
Zoning Administrator Review	Mailed to JDB	5-21-06	Gmt
Public Hearing Set	Hearing set 6/12/06 7:15 AM	5-30-06	Gmt
Hearing Notice Published	Merabi Daily News		Gmt
Planning & Zoning Recommendation			
Council Action			
Filed with County Recorder			

Conditions Attached _____

UPS Customer Center
818 16th AVE SOUTH
MT IRON MN

PARKING

MN State Highway 153

CUSTOMER
CENTER

Concrete

CUSTOMER
PARKING

North Star
CYCLE

16 th Avenue S.



① NON ILLUM
SIGN

4'4"

8'

9 th Street

SIGN 10' BACK
OF RITE OF WAY

PROPOSED
DIRECTIONAL SIGN

Block 4
lots 9-10-11-12

PARKING LOT
LEASED TO UPS

Property owner
Renold Perinelli

66'
RITE-OF-WAY

**todd
signs**
Designers/Creators

5147 Miller Trunk Hwy. - Duluth, Mn 55811
218/729-6800 FAX 218/728-8434

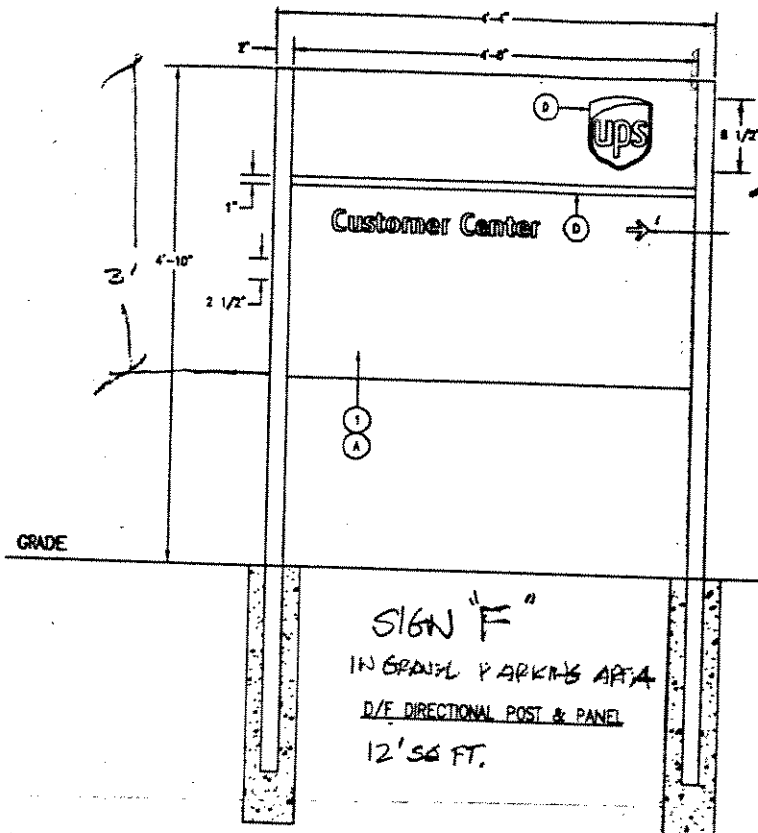
todd signs

Designers & Creators

5147 Miller Trunk Hwy., Duluth, MN 55811
(218)729-6800 (Toll Free) 1-888-729-6800
FAX (218)729-6434

TO: City of Mountain Iron FAX NO: _____
ATTN: Jerry Kujala 218-735-8446 DATE: 1/17/06
FROM: Todd Johnson Number of Pages
Including Cover 5
REGARDING: UPS Customer Center Sign

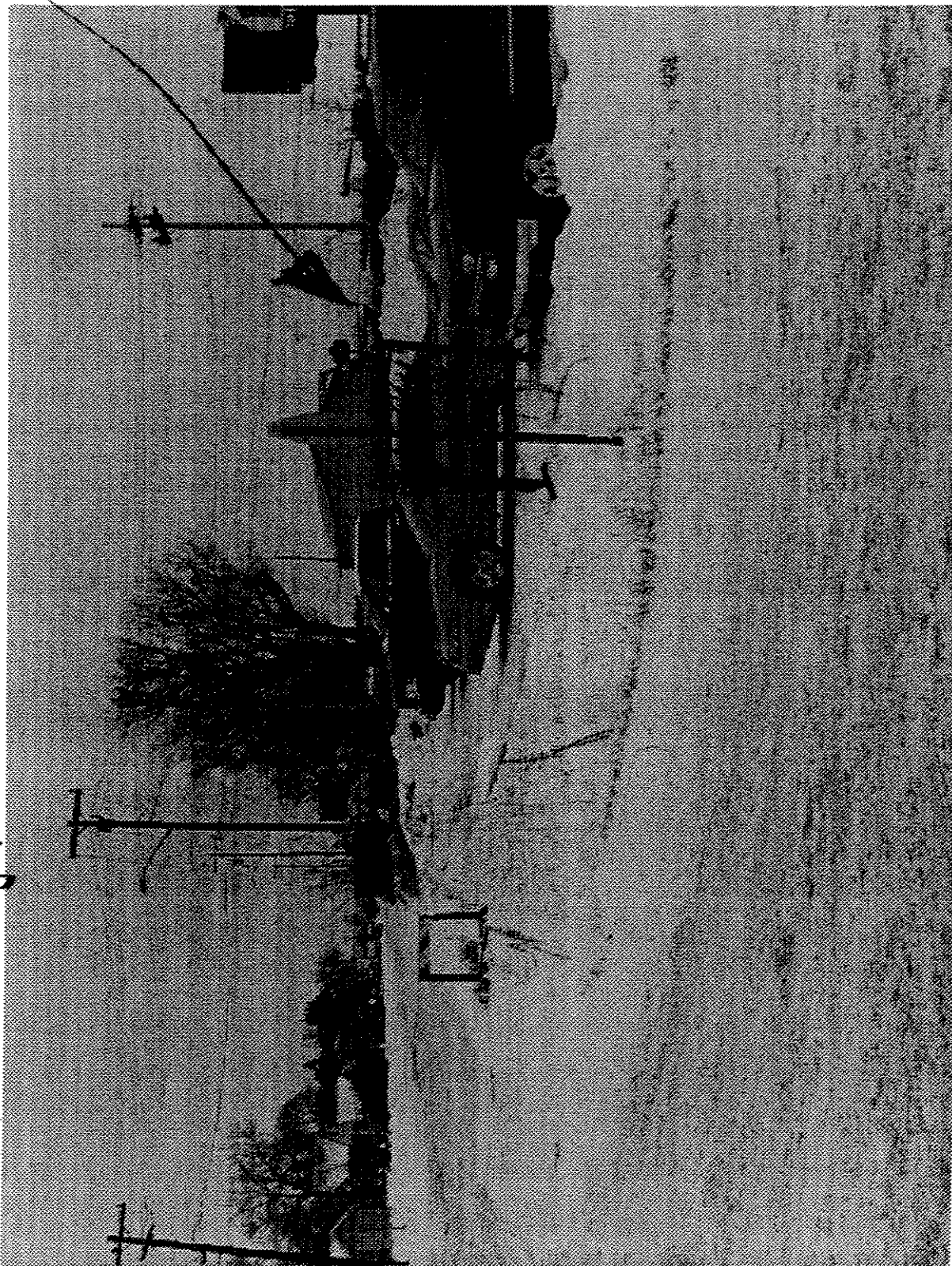
see application, plot drawing & photo -
check enclosed for ISO



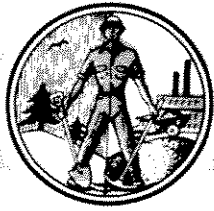
Thank You
Todd Johnson

UPS Customer Center
directional sign

3'x4' sign Non illuminated
5' to top of sign



Property own by Renold Pettinelli; leased to UPS



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, June 12, 2006 at 7:15 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 Todd Signs for United Parcel Services on property owned by Reynold Pettinelli, 818 16th Avenue South, Mountain Iron, Minnesota for a Conditional Use Permit as required by the Zoning Ordinance to erect an off site sign. The property is legally described as follows:

Lots 9, 10, 11 & 12, Block 4, West Virginia Addition
Parcel Code 175-0065-00760

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

COUNCIL LETTER 061906-IVJ1

EDA

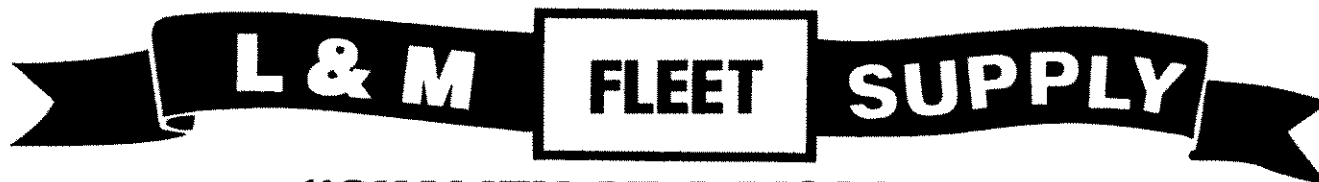
L&M EXPANSION

DATE: June 14, 2006

FROM: EDA

Craig J. Wainio
City Administrator

As outlined in the enclosed letter, L&M Supply is requesting assistance in the expansion of their store located in Mountain Iron. The letter and supporting materials are enclosed for your review. Based upon their review, the EDA is recommending that the City Council provide L&M Supply tax abatement on only the expanded portion of their building.



"QUALITY AT A DISCOUNT"

P.O. Box 280
1200 E. Hwy. 169
GRAND RAPIDS, MN 55744
218-326-9783
FAX 218-326-1110

3923 1st Ave.
HIBBING, MN 55746
218-262-4406
FAX 218-262-6477

8497 Enterprise Dr. N.
VIRGINIA, MN 55792
218-749-3430
FAX 218-749-6336

620 Hwy. 33 South
CLOQUET, MN 55720
218-879-0281
FAX 218-878-0001

2740 Paul Bunyan Dr. N.W.
BEMIDJI, MN 56601
218-751-0471
FAX 218-751-7418

1404 1st Street East
PARK RAPIDS, MN 56470
218-732-9195
FAX 218-732-9470

1100 Hwy. 59 South
DETROIT LAKES, MN 56501
218-847-1171
FAX 218-847-4070

E-mail Address:
info@landmsupply.com

Web Site:
www.landmsupply.com

May 16, 2006

Mr Craig Wainio
City Administrator - City of Mountain Iron
8586 Enerprise Drive S.
Mountain Iron, MN 55768

RE: L & M Supply Proposed Expansion in Mountain Iron

Dear Mr. Wainio:

We are currently evaluating the possibilities of expanding our L&M Fleet Supply operation in Mountain Iron and the economic realities of accomplishing such an expansion. The proposed expansion would be a two-step process. Phase one would be to convert the five acres to the east of the current L&M Supply site into an enlarged parking lot. Phase two would be then to construct a 25,000 sq. ft. additional facility to the south of our building extending into what is now our current parking lot.

Our preliminary investigations into this expansion have given concerns into the financial requirements needed to accomplish such an expansion. Bench Mark Engineering, in coordination with Braun-Intertech, have reviewed the five acre site to the east of us and have determined that almost all of the five acre site would be considered wet lands.

Borings performed by Braun-Intertech have given us preliminary indications of the amount of soil corrections that would be needed to make this a workable site. These reports have been forwarded to Architectural Resources to calculate the actual number of cubic yards of excavation needed as well as engineered fill to bring the site up to grade.

Soil corrections to make this a usable site would cost approximately \$300,000.00. We would also need to purchase wet land credits from the wetlands bank in order to accomplish this expansion on this site because it has been determined to be 90% wet lands. Wet lands credit applications have been prepared by Bench Mark Engineering. They have presented us with a cost of \$40,000.00 to mitigate this area for wet lands credits. These costs for this five acre site are only preliminary soil corrections and do not include the final finished coat of black top.

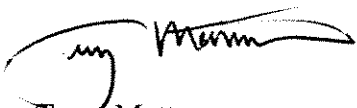
Phase two of the project would be to construct a 25,000 square foot addition to the south of the existing facility. Current costs give us an estimate of \$60.00 per square foot that would put the cost at \$1,500,000.00 for a total estimated expansion cost of \$1,840,000.00.

The benefits of this expansion would be:

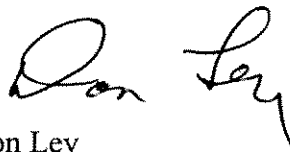
1. Increase the Mountain Iron Tax Base in this currently unusable five acres of land in the City of Mountain Iron .
2. The expansion would allow us to provide more services and products to the Mountain Iron area.
3. We anticipate this expansion would increase our employment base from 50 employees to 75 employees, or an increase of 25 employees. Our current employee base is 70% full-time employees, which means they would receive full time health care benefits for themselves and their families.

We do have other locations which would cost considerably less to develop. The purpose of this letter is to request the city of Mountain Iron's consideration of a future tax abatement in the amount of \$340,000.00 to offset the very high cost for developing the five acre wet lands to the east of us. If something like this could be worked out, it would be our intention to start developing this area as soon as possible and we would not consider expanding in the other locations at this time. We would be more than happy to meet with the members of the city council at your next scheduled meeting, which I believe is Monday, June 5th, to present our concerns. Thank you for your consideration.

Sincerely,



Terry Matteson
Co-Owner, L&M Fleet Supply



Don Ley
Co-Owner, L&M Fleet Supply

DL:sff

COUNCIL LETTER 061906-IVK1

COUNCILOR ROSKOSKI

QUIET ZONE UPDATE

DATE: June 14, 2006
FROM: Councilor Roskoski
Craig J. Wainio
City Administrator

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

Another meeting took place on 06-12-06 at the AmericInn. Progress is being made.

COUNCIL LETTER 061906-VIA

PLANNING AND ZONING

ORDINANCE 03-06

DATE: June 14, 2006

FROM: Planning and Zoning Commission

Craig J. Wainio
City Administrator

At their June 12, 2006 regular meeting, the Planning and Zoning Commission, after completion of a Public Hearing, recommended amending Section 154.084 of the Mountain Iron City Code. Ordinance Number 03-06 presents this amendment.

It is recommended that the City Council adopt Ordinance Number 03-06 as presented.



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

ORDINANCE NUMBER 03-06

AMENDING CHAPTER 154 OF THE MOUNTAIN IRON CITY CODE

THE CITY COUNCIL OF MOUNTAIN IRON ORDAINS:

Section 1. Amending Section 154.084. Section 154.084 of the City Code for City of Mountain Iron is hereby repealed and replaces with the following:

Structures larger than 100 square feet, including carports, constructed using a tubular framework covered with fabric or sheet metal or constructed of sheet metal panels are not permitted in the Urban Residential zoning classifications except to serve as temporary storage or protection for construction being performed under the terms of a building permit.

Section 2. Repeal of Inconsistent Ordinance. All Ordinances inconsistent herewith are hereby repealed and replaced with the provisions of this Ordinance.

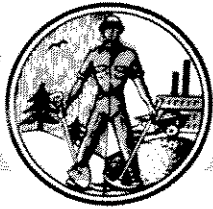
Section 3. Effective Date. This Ordinance shall be effective according to State Statute.

DULY ADOPTED BY THE CITY COUNCIL THIS 20th DAY OF JUNE, 2006.

Attested:

Mayor Gary Skalko

City Administrator



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, June 12, 2006 at 7:10 p.m. in the Mountain Iron Room of the Mountain Iron Community Center.

The purpose of the public hearing is to consider amendments to Chapter 154 of the City Code, the Zoning Ordinance for the City of Mountain Iron, Minnesota, with regard to revising the portion of the ordinance referring to enclosures.

Change 154.084 Enclosures to:

Structures larger than 100 square feet, including carports, constructed using a tubular framework covered with fabric or sheet metal or constructed of sheet metal panels are not permitted in the Urban Residential zoning classifications except to serve as temporary storage or protection for construction being performed under the terms of a building permit.

The public can present its opinions at the public hearing or by letter addressed to the Zoning Administrator, 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

RFP REQUEST FOR PROPOSALPROJECT NAME: **Mountain Iron Library 2006 Renovations**OWNER NAME: **City of Mountain Iron**CONTRACTOR: **Lenci**

Project Number

05007.0

Please submit an itemized proposal for changes in the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein. Submit proposal within ten days or notify the Architect in writing of the date on which you anticipate submitting your proposal.

THIS IS NOT A CHANGE ORDER, CONSTRUCTION CHANGE DIRECTIVE OR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS.

RFP NO: ITEM: **3/4"**

ISSUE DATE:

13**Provide 3/4" conduit for telephone line****4/4/2006**

DESCRIPTION:

Provide conduit from facilities main phone service entrance to termination point at elevator for installation of direct elevator phone line.

Proposal - May 1, 2006

Bid from Electrical subcontractor \$ 1,227.
 (10%) Markup 123.
 Bond 20.
TOTAL \$ 1,370.

LENCI ENTERPRISES, INC.

Dale J. Hansen
 Dale J. Hansen

ATTACHMENTS:

REVISIONS:

RFP PRICE:

C.O.No.

N/A

\$0

Status

Pending

REQUESTED BY: DSGW Architects
 417 2nd St. S., P.O. Box 1965
 Virginia, MN 55782
 218.741.7962
 218.741.7967 FAX
 www.dsgw.com

Post-It® Fax Note	7871	Date	5/01/06	# of pages	2
To	ERIK	From	DALE		
Co./Dept.	DSGW	Co.	LENCI		
Phone #		Phone #			
Fax #		Fax #			

Nelson - Collie Electric, Inc.

621 9TH ST. NORTH VIRGINIA, MN 55792
PHONE: (218) 741-8542 FAX: (218) 741-8543

May 1, 2006

Lenci Enterprises
PO Box 6
Virginia, MN 55792

Attn: Mike Rolston

RE: Mountain Iron Library Telephone Conduit

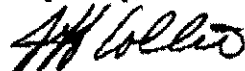
Dear Sir,

The following is our proposal for the above reference project and the installation of a telephone conduit. We will install one 1/2 inch conduit from the telephone D/mark location in the mechanical room to the elevator equipment room and terminate the conduit in the elevator equipment control panel. The cost break down is as follows:

Material	\$118.00
Labor	\$945.00
10% Overhead	\$106.00
5% Profit	<u>\$58.00</u>
Total	\$1,227.00

If you have any questions please feel free to call.

Respectfully,



Jeff Collie
Nelson Collie Electric
JC:th

Sheet 2 of 2



June 1, 2006

Mr. Craig Wainio
City of Mtn. Iron
8586 Enterprise Drive South
Mtn. Iron, MN 55768

**RE: Partial Payment Estimate No. Nine (9)
2005 Renovations
Mtn. Iron Library
DSGW Project # 05007**

Dear Craig:

Enclosed please find four (4) copies of the Partial Payment Estimate No. Nine (9), on the above subject project, from Lenci Enterprises, for \$9,500.00.

We have reviewed & approved this partial payment estimate. Please review and approve and return all copies to our office for forwarding on to the USDA for their final approval. Once a fully executed estimate has been returned to you, we trust that you will pay the contractor directly.

Also, enclosed is the following:

1. Payroll Records:
 - a. Lenci Enterprises for week ending: 3/31/06.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

DSGW Architects, Inc.

Erik C. Wedge / b
Erik C. Wedge, AIA
Project Manager

ECW:jp

enc.

cc: Lenci Enterprises
Mike Vidmar - SLC

Form MN RD 1924-18 (Rev. 01/2002)		United States Department of Agriculture Rural Development Rural Utilities Services		Contract No.:	
				Partial Payment Estimate No.:	
				NINE	
PARTIAL PAYMENT ESTIMATE				Page: 1	
Owner: City of Mt. Iron 8586 Enterprise Dr. S. Mt. Iron, MN 55768		Contractor: Lenci Enterprises P.O. Box 6 Virginia, MN 55792		Period of Estimate: From: 3 / 27 / 06 To: 4 / 27 / 06	

CONTRACT CHANGE ORDER SUMMARY				ESTIMATE	
No.	Agency Approval Date	Amount			
		Additions	Deductions		
ONE		3,683.		1. Original Contract.....	312,800.00
TWO		17,049.		2. Change Orders.....	26,561.00
THREE		5,544.		3. Revised Contract (1 + 2).....	339,361.00
FOUR		0		4. Work Completed*.....	321,627.00
FIVE		285.		5. Stored Materials*.....	
				6. Subtotal (4 + 5).....	321,627.00
				7. Ineligible Work*.....	
				8. Adjusted Subtotal (6 - 7).....	321,627.00
				(10% of 50% of Contract)	
				9. Retainage*.....	16,968.05
				10. Previous Payments.....	295,158.95
				11. Amount Due (8 - 9 - 10).....	9,500.00
TOTALS		26,561.		* Detailed breakdown attached	
NET CHANGE		26,561.			

Contract Time		
Original Substantial Completion Date: / /	Percent Contract Time Expired: %	Contractor Is (Circle One): On Schedule Ahead of Schedule Behind Schedule
Revised: / /	Percent of Work Completed: %	If behind schedule, has Contractor been advised of liquidated damages clauses as outlined in the Contract?
Original Final Completion Date: / /	Percent of Contract Paid: %	Amount:
Revised: / /		
If the project is behind schedule, has the Contractor been informed and are measures being taken to return to schedule (describe)? _____		

CONTRACTOR'S CERTIFICATION: The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work which previous payment estimates were issued and payments received from the Owner, and that current payments shown herein are now due.	ARCHITECT OR ENGINEER'S CERTIFICATION: The undersigned certifies that to the best of their knowledge and belief and to the extent of their assigned Contract responsibilities, the quantities shown in this estimate are correct and that the work has been performed in accordance with the Contract Documents.
Contractor: <u>Lenci Enterprises, Inc.</u> By: <u>Dale J. Hansen</u> Date: <u>4 / 27 / 06</u> <u>Dale J. Hansen, Corporate Secretary</u>	A/E: <u>DSG</u> By: <u>[Signature]</u> Date: <u>5 / 08 / 06</u>
Approved By Owner: Owner: _____ By: _____ Date: ____/____/____	ACCEPTED BY AGENCY: The review and acceptance of this estimate does not attest to the correctness of the quantities shown or that the work has been performed in accordance with the Contract Documents. By: _____ Title: _____ Date: ____/____/____

USDA Rural Development is an Equal Opportunity Lender. Send complaints of discrimination to:
 Secretary of Agriculture, Washington D.C., 20250

CONTINUATION SHEET

AIA DOCUMENT G703 (Instructions on reverse side)

PAGE 2 OF 3 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.: NINE

APPLICATION DATE: 4/27/06

PERIOD TO: 4/27/06

ARCHITECT'S PROJECT NO.:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE) RATE)
			FROM PREVIOUS APPLICATION (D + E)	TOTAL COMPLETED AND STORED TO DATE (D + E + F)			% (G + C)			
1.	General Conditions	\$ 22,000.	22,000.				22,000.	100		
2.	Demolition	18,200.	18,200.				18,200.	100		
3.	Earthwork	13,600.	13,600.				13,600.	100		
4.	Landscaping	4,400.	1,600.				1,600.	35	2,800.	
5.	Site Concrete	6,800.	6,800.				6,800.	100		
6.	Concete Footings/ Underpinning	5,900.	5,900.				5,900.	100		
7.	Concrete Patching/ Grouting	4,000.	4,000.				4,000.	100		
8.	Concrete Slab on Deck	700.	700.				700.	100		
9.	Masonry Restoration	75,200.	55,600.		7,600.		63,200.	84	12,000.	
10.	Masonry	15,000.	15,000.				15,000.	100		
11.	Structural & Misc. Steel	4,600.	4,600.				4,600.	100		
12.	Rough Carpentry	4,200.	4,200.				4,200.	100		
13.	Millwork	4,400.	4,400.				4,400.	100		
14.	EPDM Roofing/Roof Tiles	5,000.	5,000.				5,000.	100		
15.	Dampproofing/Waterproofing	7,300.	7,300.				7,300.	100		

ALA DOCUMENT G703 • CONTINUATION SHEET FOR G702 • 1992 EDITION • ALA • 10000 • 100

AIA DOCUMENT G703 • CONTINUATION SHEET FOR G702 • 1992 EDITION • AIA® • ©1992 • THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20006-5292 • WARNING: Unlicensed photocopying violates U.S. copyright laws and will subject the violator to legal prosecution.

G703-1992

CAUTION: You should use an original AIA document which has this caution printed in red. An original assures that changes will not be obscured as may occur when documents are reproduced.

CONTINUATION SHEET

AIA DOCUMENT G703 (Instructions on reverse side)

PAGE 3 OF 3 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.: NINE

APPLICATION DATE: 4/27/06

PERIOD TO: 4/27/06

ARCHITECT'S PROJECT NO.:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	H BALANCE TO FINISH (G - G)	I RETAINAGE (IF VARIABLE) RATE)
			FROM PREVIOUS APPLICATION (D + E)						
16.	Metal Frames/Doors and Hardware	6,700.	6,400.				6,400.	300.	
17.	Aluminum Entrances/Glass	5,300.	5,300.				5,300.		
18.	Gypsum Board/Plaster	17,300.	17,300.				17,300.		
19.	Porcelain Tile/Resilient Flooring	3,300.	3,000.				3,000.	300.	
20.	Acoustic Tile	600.	600.				600.		
21.	Painting	1,900.	1,015.				1,015.	885.	
22.	Elevator	52,000.	52,000.				52,000.		
23.	Mechanical	9,000.	9,000.				9,000.		
24.	Electrical	25,400.	25,400.				25,400.		
	Change Order No. 1	\$ 312,800.							
	No. 2	3,683.	3,683.				3,683.	100	
	No. 3	17,049.	13,700.		1,900.		15,600.	91	1,449.
	No. 4	5,544.	5,544.				5,544.	100	
	No. 5	0							
		285.	285.				285.	100	
		339,361.	312,127.		9,500.		321,627.		
								17,734.	

AIA DOCUMENT G703 • CONTINUATION SHEET FOR G702 • 1992 EDITION • AIA® • ©1992 • THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVENUE, N.W., WASHINGTON, D.C. 20006-5292 • WARNING: Unauthorized photocopying violates U.S. copyright laws and will subject the violator to legal prosecution.



G703-1992

CAUTION: You should use an original AIA document which has this caution printed in red. An original assures that changes will not be obscured as may occur when documents are reproduced.

COUNCIL LETTER 061906-VID

ADMINISTRATION

RESCHEDULE MEETING

DATE: June 14, 2006
FROM: Craig J. Wainio
City Administrator

The City Council may want to reschedule the City Council meeting set for July 3rd due to the 4th of July holiday activities.

COUNCIL LETTER 061906-IX

CITY COUNCIL

CLOSED MEETING

DATE: June 14, 2006

FROM: City Council

Craig J. Wainio
City Administrator

The City Council may enter into a Closed Meeting to discuss contract negotiations strategies concerning the contract with AFSCME Local Union #453.

COMMUNICATIONS

JUNE 19, 2006

1. Small Cities Update, forwarding the June 5, 2006 update.
2. Coalition of Greater Minnesota Cities, forwarding information regarding the 2006 Legislative Session.
3. Patricia Anderson, Minnesota State Auditor, a letter addressing the 2004 City audit.

SMALL CITIES UPDATE

June 5, 2006

By Executive Director Nancy Larson

MAOSC Annual Meeting scheduled during LMC Conference

If you plan on attending the League of Minnesota Cities Annual Conference, you'll have to rise early to attend the Minnesota Association of Small Cities Annual Meeting, but I think you'll find it worthwhile. You can enjoy good company, a continental breakfast and a Legislative update at the meeting, which is scheduled for 7:30 a.m. on Thursday, June 29, at the Radisson Hotel in St. Cloud (located across the street from the St. Cloud Civic Center).

The LMC Conference itself is scheduled to begin on Wednesday, June 28, at the St. Cloud Civic Center and run through Friday, July 28. City officials can opt to attend either the entire event or pay a reduced price to attend just on Thursday. On that day, several sessions are geared specifically for small cities, so that is a good option for MAOSC's member cities. MAOSC board members Joel Young (Reg. 9, Chatfield) and Dave Bovee (Reg. 7, Dawson) were part of the LMC conference planning team, so I'm sure the sessions will be helpful to you.

By-law changes posted on MAOSC Website

The MAOSC Board of Directors has proposed several changes to its by-laws that will be voted on by members during our Annual Meeting in St. Cloud on June 29. Most of the changes are no more than housekeeping in nature. Some of the more significant items include the separation of the secretary and treasurer into separate offices, the use of the state demographer's population estimates instead of census figures, and the assignment of the MAOSC president as the small cities representative on the League of Minnesota Board of Directors.

Rather than sending everyone copies of the changes, we have posted them on our website. They can be reviewed at www.smallcitiesmn.govoffice2.com under *Updates*. However, anyone requesting a hard copy can obtain it by contacting Nancy Larson at 612-961-5408 or at nanlars@ll.net.

DEED workshops will highlight grant program

The Redevelopment Grant Program administered by the Minnesota Department of Employment and Economic Development (DEED) has \$4.2 million available to fund redevelopment and public infrastructure projects in communities throughout the state. Because the funding comes from bond proceeds, the law requires that all projects funded through the program must have a defined public purpose and be on publicly owned property. You can get full details and learn how to apply for the grants at the statewide series of informational workshops listed below.

Monday, June 19 – Willmar, 10 a.m. – 12 p.m.

Multipurpose Room, 2200 23rd St. N.E.

Tuesday, June 20 – Winona, 10 a.m. – 12 p.m.

City Hall Council Chambers, 207 Lafayette St.

Wednesday, June 21 – Aitkin, 10 a.m. – 12 p.m.

City Hall Council Chambers, 109 1st Ave. N.W.

Thursday, June 22 – Moorhead, 1 p.m. – 3 p.m.

City Council Chambers, Moorhead Center Mall, 500 Center Ave.

Applications must be received by August 1, 2006, and since MAOSC lobbied in behalf of this program, we hope our small cities are successful in getting some of the grant money. Detailed information and application instructions are available online at www.deed.state.mn.us. You can also get more information at 651-296-5005.

Trade group offers different approach to selecting engineering services

Several months ago, the *Small Cities Update* ran an article recommending how to procure engineering services. The article promoted the use of bidding of engineering services throughout the various phases of a project. However, the members of the American Council of Engineering Companies of Minnesota (ACEC/MN), who favor a different approach, asked if we would also present their views to our member cities. So, in a spirit of cooperation, we agreed to publish their approach to the procurement of engineering services for projects.

ACEC/MN recommends the use of a Qualifications Based Selection (QBS) process. QBS is a process that enables the owner to obtain the services of a highly qualified design professional at a fair and reasonable cost. According to ACEC/MN, this is an investment in quality that will result in substantial savings over the life cycle of the project. In retaining a design professional, the owner should be guided by one primary consideration: The qualifications of the firm for your project. The quality of services provided by the design professional represent the single most important factor in determining the overall success of the project.

In the construction process, the design professional typically serves as the agent of the owner, representing the owners interests in day-to-day dealing with contractors, suppliers, equipment manufacturers and others working on the project. Therefore, it is crucial that the owner and the design professional share a professional relationship based on trust, respect and effective communication. The QBS process fosters this kind of relationship by bringing the owner and design professional together early in the project as members of a team. This enables them to jointly define the project in detail and agree on the services that are required for the project.

The QBS process starts with the owner developing a preliminary scope of work and asking interested firms to submit qualifications. The owner then ranks the firms based on their qualifications and begins negotiations with the top ranked firm to develop the scope of work and fees for services. If the owner and the top ranked firm cannot come to agreement, the owner can end negotiations with that firm at any time and go on to the next highest ranked firm. This puts the owner in complete control over the process.

QBS is used by the Federal Government and many states and local municipalities. It is endorsed by the American Public Works Association, Associated General Contractors, American Bar Association and numerous other organizations.

ACEC/MN has developed a manual to assist you in the use of QBS. It includes a description of the QBS process, frequently asked questions and examples of documents needed to complete the process. If you would like a copy of the document, please contact the ACEC/MN office at 952-593-5533 or doxley@acecmn.org.

MN Association of Small Cities, Nancy Larson, Executive Director
www.smallcitiesmn.govoffice2.com 21950 CSAH 4, Dassel MN 55325 (Cell) 612-961-5408 (Office & Fax) 320-275-3130 nanlars@ll.net

The Mission of the Minnesota Association of Small Cities is to enhance the quality of life in small cities of the state through advocacy, networking and collaboration



2006 Legislative Session: CGMC Scores on Environment and Economic Development; Other Initiatives Stalled by Gridlock

Issue	CGMC Goals	Results
LGA	<ul style="list-style-type: none"> ▪ Increase LGA funding by at least \$40 M. ▪ Fix the LGA formula by removing the taconite offset for all cities, adjusting the need-inflation factor, increasing the maximum aid cap and using current populations for regional center aid. ▪ Build support for LGA and make it a prominent issue. 	<ul style="list-style-type: none"> ▪ No change in LGA funding. ▪ No formula changes. <p>Legislative Action: House - GOP blocked permanent LGA increase during floor vote in favor of one-time homeowners rebate checks.</p> <p>Senate - Fully funded the current LGA formula, \$58 M increase and \$78 M in one-time LGA payment.</p>
Annexation	<ul style="list-style-type: none"> ▪ Streamline the annexation process to limit the amount of time and money involved in annexations. ▪ Prevent unwanted legislation from passing. 	<p>"Consensus annexation bill."</p> <ul style="list-style-type: none"> ▪ Created the Municipal Boundary Adjustment Task Force to make recommendations. ▪ No major changes to the annexation law. Neither cities nor township gained an advantage. <p>Legislative Action: House and Senate - Passed consensus annexation bill.</p>
Environment	<p>Clean Water Legacy Act:</p> <ul style="list-style-type: none"> ▪ Fund matching grant program to meet new environmental water mandates (TMDLs). ▪ No unfair fees for water clean-up. ▪ Prevent private entities from developing TMDL reports. ▪ Fair, open process to develop TMDLs. ▪ No statewide phosphorus limits. <ul style="list-style-type: none"> ▪ Allow MPCA to offset to ease economic development moratorium (Annandale/Maple Lake). 	<ul style="list-style-type: none"> ▪ \$5 M in TMDL matching grants. ▪ General Fund dollars fund CWLA. ▪ Private entities prohibited from developing TMDLs. ▪ Fair, open process established for TMDLs. ▪ Delayed any new or amended phosphorus limits until after July 1, 2007 and required the MPCA to provide a report to the Legislature justifying the new mandates. ▪ MPCA allowed to grant discharge offsets. <p>Legislative Action: House and Senate - Passed CWLA.</p>
Transportation	<ul style="list-style-type: none"> ▪ Assure that 60% of MVST revenue is distributed through the Highway User Trust Distribution Fund if the MVST constitutional amendment passes, either by statute or—preferably—in the constitutional amendment. ▪ Introduce a comprehensive transportation funding plan. 	<ul style="list-style-type: none"> ▪ No constitutional or statutory guarantee of highway funding. ▪ SF 3629 (Murphy) introduced a comprehensive transportation funding plan. <p>Legislative Action: House and Senate - Both passed legislation to change MVST constitutional amendment to guarantee 60 percent of MVST for highways. <i>Conferees could not agree on an Omnibus Transportation Bill.</i></p>
Economic Development	<ul style="list-style-type: none"> ▪ \$15 M for TMDL Grants. ▪ \$20 M for Redevelopment Grants. ▪ \$15 M for Greater MN Business Development Grants. 	<ul style="list-style-type: none"> ▪ \$5 M for TMDL Grants. ▪ \$9 M for Redevelopment Grants. ▪ \$6.1 M for Greater MN Business Development Grants. <p>Legislative Action: House and Senate - Passed bonding bill</p>

2006 End of Session Legislative Review

CGMC 2006 session priority

The main transportation policy priority of the 2006 legislative session was to monitor and support legislation to guarantee 60 percent of the Motor Vehicle Sales Tax (MVST) constitutional amendment would go to highways through the Highway User Tax Distribution Fund.

The Coalition of Greater Minnesota Cities (CGMC) opposed the MVST constitutional amendment language in the 2006 session because:

1. The amendment guarantees no funding for highways through the Highway User Tax Distribution Fund but guarantees *at least* 40 percent of MVST revenue to transit.
2. The language is confusing and would mislead many voters into thinking that 60 percent of the MVST revenue would go to highways.
3. The language does not represent legislative intent. Many legislators stated they thought 60 percent of the MVST revenue would go to highways and, upon further examination, realized that there was no guarantee for highways.

Failed Negotiation with Minnesotans for Better Roads and Transit

As representatives of the CGMC, Tim Flaherty and Holly Biron met repeatedly with Rick Krueger and Margaret Donahoe from the Minnesota Transportation Alliance (MTA). The MTA is a member of Minnesotan's For Better Roads and Transit (MBRT), a large group whose mission is to pass the MVST constitutional amendment in the November General Election. The MTA worked with staff at Flaherty and Hood, P.A. to develop an agreement between MBRT and the CGMC on the MVST language. The agreement stated that the CGMC would work with MBRT for a statutory dedication of MVST revenue and, if the legislation passed, the CGMC would agree to be listed as supporters. If the statutory dedication did not pass out of committee by the appropriate committee deadline, each group would continue to advocate their respective positions. A copy of the agreement is included in this report.

Owatonna Mayor Tom Kuntz, Tim Flaherty and Holly Biron attended a board meeting of the MBRT. Many MBRT members had concerns with various aspects of the agreement. Another agreement was never reached, and negotiations between the CGMC and MBRT ended.

Actions to change the MVST language and ballot question

At the beginning of session, legislation was offered in both the House and the Senate to change the proposed MVST constitutional language to guarantee 60 percent of MVST revenue to highways through the Highway User Tax Distribution Fund. The legislation

was discussed and voted on in numerous committees including Taxes, Transportation, Rules and Ways and Means.

Legislation

H.F. 3048 Lanning/S.F. 2446 Langseth-Would have changed the MVST constitutional amendment to constitutionally guarantee 60 percent of MVST revenue would go to highways through the Highway User Tax Distribution Fund.

H.F. 2915 Gunther/S.F. 2444 Skoe-Would have changed the MVST constitutional amendment by a joint House and Senate resolution to constitutionally guarantee 60 percent of MVST revenue to highways through the Highway User Tax Distribution Fund.

H.F. 3173 Cox/S.F. 2445 Murphy-Would have statutorily dedicated 60 percent of the MVST revenue to highways through the Highway User Tax Distribution Fund and 40 percent to transit.

Each piece of legislation had a broad base of bi-partisan support and cooperation.

Committee Action on S.F. 2444 (Skoe)

The Senate transportation committee heard testimony on S.F. 2444 to change the constitutional amendment to guarantee 60 percent of MVST revenue to roads by joint resolution. Owatonna Mayor Tom Kuntz testified in support of the bill. The bill passed and was sent to the Rules Committee. No further action was taken with the bill.

Committee Action of H.F. 3048 (Lanning) and H.F. 2915 (Gunther)

The House transportation finance committee heard testimony on both H.F. 2915 and H.F. 3048. Tim Flaherty testified on behalf of the CGMC. Neither bill passed out of committee.

Senate Action

The Senate Omnibus Transportation bill (S.F. 3764-Murphy) with the statutory MVST dedication of 60 percent to highways also traveled through committee with the statutory MVST dedication of 60 percent to highways. When the Senate Omnibus Transportation bill reached the Senate floor, Senator Rod Skoe, DFL-Clearbrook, made a motion to amend the bill to constitutionally guarantee that 60 percent of MVST revenue be dedicated to highways. After some heated discussion the amendment passed, 33-32. (A breakdown of the vote is attached to this report.) Senate Finance Chair Richard Cohen then made a motion to have the bill referred to the Finance and Taxes Committee. He withdrew his motion after many members argued, in a heated discussion, that sending a bill back to committee after a floor vote would set a bad precedent. The Omnibus Transportation Bill was tabled and later passed with language constitutionally guaranteeing that 60 percent of MVST revenue would be earmarked for highways.

House Action

The House amended the Transportation Finance bill (H.F. 3761-Holberg) with a motion made by Representative Fran Bradley, R-Rochester in the Ways and Means Committee.

The amendment constitutionally guaranteed 60 percent of MVST revenue would be spent on highways and also established a timeline for printing the ballots if the constitutional amendment was contested in court. The amendment passed, 20-15.

The House Omnibus Transportation Bill was sent to the floor where an amendment was made by Rep. Ron Abrams, R-Minnetonka, to reverse the 60 percent constitutional dedication to highways. Abrams' amendment failed, 63-69, and the transportation bill went to conference committee with the firm 60/40 MVST language.

Conference Committee Action (or inaction)

Both the House and Senate transportation bills went into conference committee with 60 percent of MVST revenue constitutionally guaranteed to highways through the Highway User Tax Distribution fund. The only difference in the House and Senate MVST language was that the House Rules Committee had changed the ballot question to ask voters if they would support "100 percent of an existing tax the sale of new and used motor vehicles to be dedicated to highways and public transit". Obtaining simplified ballot language had been a goal of Minnesotans for Better Roads and Transit, and the Minnesota Chamber of Commerce. Advocates were convinced that simplifying the ballot language was essential to getting voters to approve the constitutional question in the General Election.

From the beginning of the conference committee, it became increasingly evident that there was not going to be a 2006 Omnibus Transportation bill. One of the reasons for this was the makeup of the Senate transportation conferees. They included: Sens. Scott Dibble, DFL-Minneapolis; Ann Rest, DFL-New Hope; Terri Bonoff, DFL-Minnetonka; Michael Jungbauer, R-East Bethel; and Chair Steve Murphy, DFL-Red Wing. Four of the five committee members had voted, on the Senate floor against the Skoe amendment to guarantee 60 percent of MVST revenue to highways.

The House transportation conferees included: Reps. Mary Liz Holberg, R-Lakeville); Connie Ruth, R-Owatonna; Bruce Anderson, R-Buffalo Lake; Lloyd Cybart, R-Apple Valley; and Rep. Bernie Lieder, DFL-Crookston.

Another reason for inaction in the transportation conference committee may have had nothing to do with the MVST language. Other stakes in both the Senate and House bills were too high for the other side to accept. The House conferees wanted \$2 billion in bonding for road construction. The Senate conferees at first wanted a half-cent metro sales tax for transit and a primary seat belt law. Still another issue involved dedicating the MVST revenue from car and truck leases to transit. (The final Senate offer made to the House transportation conferees is included in this report.) The committee was unable to reach a compromise on these issues in the final hours of session and did not produce a final bill.

Many groups, who had worked on opposing issues throughout the 2006 session, supported the final offer made by the Senate transportation conferees. The CGMC did

support the Senate's final offer, which included issuing \$1.7 billion in bonds for roads, a constitutional 60-40 MVST split for roads and transit and a primary seat belt law.

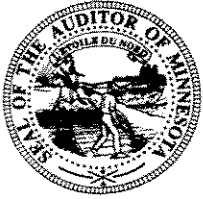
What does this mean for MVST and the CGMC?

The MVST language and ballot question that was passed as part of the 2005 Omnibus Transportation Bill will go to the voters in November. (The language to be inserted into the Constitution if approved by the voters is included in this report.)

After the legislative session ended, the CGMC Board of Directors continued to oppose the proposed MVST constitutional amendment, because the language was not changed to guarantee 60 percent of MVST revenue for highways. (This position, taken June 1 during a Board of Directors conference call, is included in this report.)

It should be noted that the CGMC was successful in changing the MVST language in both the Senate and the House to constitutionally guarantee 60 percent to highways through the Highway User Tax Distribution Fund. Unfortunately, the transportation conference committee could not reach a compromise on a transportation bill. Without a final bill, there was no way to make the MVST language acceptable.

The CGMC will continue to discuss its position on MVST during the election campaign. The annual conference in Red Wing August 3-5th will provide a good forum for CGMC members, lobbyists and legislators to discuss MVST, greater Minnesota transportation policy and funding for the 2007 session. The annual conference also will provide a forum for CGMC members to develop transportation goals for next legislative session.



PATRICIA ANDERSON
STATE AUDITOR

STATE OF MINNESOTA

OFFICE OF THE STATE AUDITOR

SUITE 500
525 PARK STREET
SAINT PAUL, MN 55103-2139

(651) 296-2551 (Voice)
(651) 296-4755 (Fax)
state.auditor@state.mn.us (E-Mail)
1-800-627-3529 (Relay Service)

June 9, 2006

The Honorable Gary Skalko
Mayor
City of Mountain Iron
8586 Enterprise Drive South
Mountain Iron, Minnesota 55768-8260

Dear Mayor Skalko:

Thank you for providing your City's audit. We have completed our review of your City's 2004 audit and related documents.

We urge the City to work with its auditor and take appropriate action to comply with your auditor's comments and recommendations. I am providing an article from my office relating to your credit card audit comment to provide guidance in this area. Also, your auditor sent you my office's Statement of Position regarding Public Expenditures on Donations; we encourage you to review the document and comply with the statements.

Fire Department

Your auditor commented that your City's Fire Department was awarded a FEMA grant to purchase a fire truck, however, the Fire Relief general checking account was used as a flow-through for the funds. As you know from your audit comment, fire department funds should be handled the same way as any other City department funds. At your earliest convenience, please inform my office as to whether Fire Relief accounts were used for City Fire Department transactions besides the FEMA fire truck funds, or whether this was an error.

Wastewater Treatment Enterprise Fund

Last year my office wrote you regarding net losses in your Wastewater Treatment Enterprise Fund for 2003 and 2002. Thank you for your response and for providing City Council meeting minutes whereby the wastewater rates were increased effective April 1, 2005. Since the Wastewater Treatment Enterprise Fund experienced another loss in 2004, we will continue to monitor it.




The Honorable Gary Skalko
Mayor, City of Mountain Iron
Page 2

Water Treatment Enterprise Fund

In reviewing your City's audit, we also noticed that your Water Treatment Enterprise Funds had net losses for 2004, 2003, and 2002. In light of this fact, I encourage your City to examine its Water Treatment Enterprise Fund operation. I trust that your City has a plan to make the Water Treatment profitable. At your earliest convenience, please send us information on your City's plan to make this fund profitable.

We look forward to reviewing your 2005 audit. If you have any questions, please contact my office.

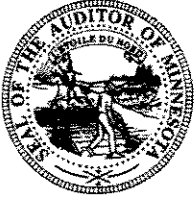
Sincerely,



Patricia Anderson
State Auditor

Cc: Mr. Craig Wainio, City Administrator ✓
Walker, Giroux & Hahne, Ltd., Virginia, City Auditor

Enclosure



PATRICIA ANDERSON
STATE AUDITOR

STATE OF MINNESOTA OFFICE OF THE STATE AUDITOR

SUITE 500
525 PARK STREET
SAINT PAUL, MN 55103-2139

(651) 296-2551 (Voice)
(651) 296-4755 (Fax)
state.auditor@state.mn.us (E-mail)
1-800-627-3529 (Relay Service)

Statement of Position Credit Card Use and Policies

December 2004

Counties, cities and towns have authority to make purchases using credit cards.¹ Before implementing the use of credit cards, a comprehensive credit card policy should be adopted that implements statutory requirements, as well as good management practices and minimum internal control procedures.

The statutes authorizing credit card use by counties, cities and towns restrict the use of credit cards to purchases for the county, city or town. By statute, the credit cards should only be used by those employees and officers otherwise authorized to make purchases.

No personal use of the credit card is permitted. If the county board, city council or town board does not authorize the credit card purchase, the officer or employee who made the purchase becomes personally liable for the amount of purchase.

Purchases made with the credit card must be consistent with other state law. For example, under Minnesota law, claims presented for payment must be in writing and itemized.² Bills received from a credit card company lack sufficient detail to comply with these statutory requirements. As a result, entities using credit cards must have the invoices and receipts needed to support the items charged in the bill from the credit card company. Similarly, listing only the credit card company on a claims list would merely identify the method of payment. It would not identify the vendors providing the goods and services.

The credit card statutes were not intended to be another method for creating debt for the public entity. The statutes governing the issuance of debt by a public entity have a number of restrictions attached to the issuance of any obligation. Instead, the credit card statutes simply authorize another type of payment. Therefore, the County or Board must adopt a policy of paying off the credit card charges on a monthly basis. The authority to use credit cards does not authorize the creation of a new form of debt for the public entity.

We urge the adoption of a comprehensive credit card policy that provides the following safeguards:

¹ Minn. Stat. § 471.382 applies to cities and towns; Minn. Stat. § 375.171 applies to counties.

² Minn. Stat. § 471.38, subd. 1.