

**MOUNTAIN IRON CITY COUNCIL MEETING
COMMUNITY CENTER
MOUNTAIN IRON ROOM
MONDAY, OCTOBER 3, 2005 - 6:30 P.M.
A G E N D A**

- I. Roll Call
- II. Consent Agenda
 - A. Minutes of the September 19, 2005 Regular Meeting (#1-10)
 - B. Bills and Payroll
 - C. Receipts
- III. Public Forum
 - A. Tennis for All Presentation – Mt. Prittinen
- IV. Committee and Staff Reports
 - A. Mayor's Report
 - 1. Recreational Vehicle Parking (#11-13)
 - 2. EDA Appointment (#14)
 - B. City Administrator's Report
 - C. Director of Public Work's Report
 - 1. Garbage Truck Packer Bid (#15-16)
 - 2. Surplus Equipment (#17)
 - D. Director of Parks and Recreation Report
 - 1. Advertise for Winter Laborer Positions (#18)
 - E. City Engineer's Report
 - 1. Virginia Storm Sewer Tie-in Bids (#19-21)
 - 2. Railroad Noise Information (#22-40)
 - F. Planning and Zoning Commission
 - 1. Variance – Leikas (#41-45)
 - G. Liaison Reports
- V. Unfinished Business
 - A. Frank Oberstar Request Alternative (#46)
- VI. New Business
 - A. Resolution Number 29-05 Approving Transfer of Property (#47-52)
 - B. Resolution Number 30-05 Amending Development Agreement (#53-61)
 - C. Resolution Number 31-05 Authorizing Sale of Property (#62-63)
 - D. Snowplowing Policy (#64-66)
 - E. Street Assessments (#67)
 - F. Library Pay Request Number 2 (#68-71)
 - G. AARP Request (#72-73)
 - H. PTA Request (#74)
- VII. Open Discussion
- VIII. Announcements
- IX. Adjourn

Denotes page number in packet

MINUTES
MOUNTAIN IRON CITY COUNCIL
SEPTEMBER 19, 2005

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; Don Kleinschmidt, Director of Public Works; Larry Nanti, Director of Parks and Recreation; Sam Aluni, City Attorney; Rod Flannigan, City Engineer; Joe Stewart, Sergeant; and Wade Rasch, Sergeant.

The Mayor welcomed the audience and the television viewing audience.

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

1. Add the following items to the agenda:
 - II. E. Temporary Liquor License-Laurentian Arts & Culture Alliance
2. Approve the minutes of the September 19, 2005, 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 September 1-15 2005, totaling \$90,844.79, (a list is attached and made a part of these minutes).
5. To authorize the payments of the bills and payroll for the period September 1-15, 2005, totaling \$232,685.35, (a list is attached and made a part of these minutes).
6. Approve of the temporary on-sale liquor license application for the Laurentian Arts and Culture Alliance on October 14, 2005, at the Mountain Iron Community Center.

The motion carried unanimously on a roll call vote.

During the public forum, Tammy Hejda and Gail Kleinschmidt were present and wanted to go on record opposing the City developing an ATV trail adjacent to their property in Parkville between Nichols Avenue and Falcon Avenue. Ms. Hejda said that they purchased the property from the City adjacent to there property to avoid having an ATV trail along the side of her house and property. The Director of Public Works said that cement barricades with reflectors were installed by Nichols Avenue and Falcon Avenue. Councilor Prebeg asked if there were any signs placed there informing the public that the area does not allow motorized vehicles. The Director of Public Works stated that there has been no signage placed. Councilor Roskoski said that he would like to still have access for bicycles and pedestrians to use the trail. Councilor Prebeg felt that the Council still wants to allow non-motorized use of the trail.

The Mayor informed the Council that the first Labor-Management meeting was held and went well. He felt that the meeting was very productive. He thanked the members in attendance at the meeting.

The Mayor informed the Council that \$6,700 would need to be budgeted in 2006 for the Range Recreation Center in Eveleth.

The Mayor advised the Council and the audience that the newly relocated Recycling Center is now open and operational. He stated that the Recycling Center is available 24 hours per day and 7 days per week, but the yard waste site required the Mountain Iron residents to obtain a slide card from the City Hall to access site.

The Mayor advised the Council that a Committee of the Whole meeting needs to be scheduled to discuss the budget. He also advised the Council that a commitment of funds for the South Grove Park would need to be budgeted to match the \$20,000 grant to update the playground.

It was moved by Skalko and supported by Prebeg that beginning November 1, 2005, calendar parking would take effect and be implemented year round. The **motion failed** on the following roll call vote: Nelson, no; Irish, no; Roskoski, no; Prebeg, no; and Skalko, yes.

The City Administrator announced that representatives of the Minnesota Coalition of Greater Minnesota Cities would be at the City Hall on Thursday, September 22, 2005, at 9:00 a.m. to meet with the City officials.

The Mayor questioned the City Administrator whether any additional information had been received regarding improvements to the area by Adventures regarding further development. The City Administrator said that he had not heard anything additional.

Councilor Roskoski asked the City Administrator if the truck tire stand for Locomotive Park was located by the old Pilotac Plant by the bridge. The City Administrator said that is where the City requested that USX Corporation put the truck tire stand.

Councilor Irish asked the City Administrator if the sale of the land to Birchem Logging had been completed. The City Administrator said that it was not. Councilor Irish asked the City Administrator if the land for the ATV trail was secured. The City Administrator said that he was not aware of any land for the ATV trail. Councilor Irish said that the Council made a resolution that the ATV trail land was to be secured for the land exchange. Councilor Irish said that he provided three maps to the City Administrator for the easement area. The City Administrator said that the maps supplied by Councilor Irish were not sufficient to record on the land through the County Recorder's office.

It was moved by Irish to direct the City Administrator to continue obtaining land for the proposed ATV Trail using the maps available from the City Engineer. No further action was taken on the motion.

It was moved by Prebeg and supported by Nelson to authorize Staff to purchase a 2006 garbage truck chassis from Skubic Brothers International at the State Bid price of \$65,884.00. The motion carried on the following roll call vote: Irish, no; Roskoski, no; Prebeg, yes; Nelson, yes; and Skalko, yes.

Councilor Irish questioned why the Utility Advisory Board did not make a recommendation on the replacement of the garbage truck. The Director of Public Works said that they adopted the 2005 budget that included the purchase of the garbage truck.

Councilor Irish questioned the Director of Public Works whether the Wastewater Treatment Plant sound barrier enclosure was completed. The Director of Public Works said that he would check on the matter.

Councilor Roskoski questioned the Director of Public Works regarding a portion of the ceiling at the Wastewater Treatment Plant falling in. The Director of Public Works said that some concrete was lost and he had contacted Benchmark Engineering and they would be making a report on what corrective action that would need to be taken.

It was moved by Nelson and supported by Prebeg to authorize the 2006 contract for mandatory training with the Minnesota Municipal Utilities Association at a cost of \$12,543.46. The motion carried unanimously on a roll call vote.

Sergeant Joe Stewart introduced Sergeant Wade Rasch to the City Council. Sergeant Rasch reviewed the August 2005 Activity Report with the City Council.

Councilor Roskoski asked the City Attorney what the status on the blight complaint filed against P & H MinePro was. The City Attorney said that he received the information from the Blight Officer and he said that an internal meeting with City Staff would be held to discuss the matter further.

Councilor Roskoski said that there were a few residents that went to a recent Planning and Zoning Commission meeting and discussed the issues relating to P & H. Councilor Roskoski stated that the Planning and Zoning Commission members felt that P & H should have a Conditional Use Permit, with conditions attached, to continue to conduct business as they are. The City Attorney surmised that the issue may be that there have been changing uses on the property and that now makes it nonconforming as far as a permitted use as opposed to a conditional use. Dan Prebeg, 5418 Bluebell Avenue, spoke to the Council regarding the P & H issue. Mr. Prebeg felt that P & H was making excessive noise and he was concerned that they are putting their waste products onto the ground and he was concerned that this would get into the water table and affecting the environment. Richard Lucarelli, 5422 Bluebell Avenue, felt that the business was very noisy. Terry Malmstrom, 5408 North Court, spoke and said that the residents that signed a petition requesting the City to deal with the issue and the City has done nothing regarding the petition. John Rappuchi, 5450 Carnation Avenue, said that there should be a reasonable solution to the problems with P & H regarding the noise after regular business hours. It was the consensus of the Council to have Staff see where P & H is in or out of compliance with the City Ordinances.

The Mayor asked the City Attorney if there were regulations regarding how long the trains can stop traffic at the crossings. The City Engineer felt that the regulations for the maximum amount time that a train can stop traffic is ten minutes and that there are penalties that could be imposed if they hold traffic longer.

It was moved by Nelson and supported by Skalko to accept the recommendation of the City Engineer and award the bid for the Mountain Iron Drive Storm Drainage Improvements to the low bidder Hibbing Excavating, Inc. in the amount of \$62,022.00. After further discussion, Councilor Nelson withdrew his motion, pending seeking further information on the assessment policy for a project such as this and Mayor Skalko withdrew his support.

The Council requested the City Engineer to check with Hibbing Excavating, Inc. to see if they would hold their bid price until Spring if the project gets delayed.

It was moved by Roskoski and supported by Prebeg to have City Staff place the Canadian National Railroad noise issue on the October 3, 2005, City Council agenda with the information distributed by the City Engineer being placed in the Council packet. The motion carried.

It was moved by Prebeg and supported by Irish to accept the recommendation of the Planning and Zoning Commission and approve the variance for Duane's Marine, 8327 Unity Drive, Mountain Iron, parcel code 175-0071-01152, to allow the construction of an accessory building closer to the lot line than allowed by the ordinance. The motion carried.

It was moved by Nelson and supported by Skalko to accept the recommendation of the Planning and Zoning Commission and deny the variance for Frank Oberstar, 8637 Mud Lake Road, Mountain Iron, to raise three beef cattle, due to how the City Council is limited on the permitted uses of the zoning district. The motion carried with Councilor Roskoski voting no.

Alan Stanaway, President of the Mountain Iron Relief Association, was present to review the proposed pension increase request with the City Council. Mr. Stanaway said that the additional \$50 per year would be made without any additional contribution from the City.

At 8:12 p.m., Councilor Roskoski left the meeting.

At 8:14 p.m., Councilor Roskoski returned to the meeting.

It was moved by Nelson and supported by Prebeg to allow the Mountain Iron Volunteer Fire Department Relief Association to increase the pension amount to \$1,600 per year beginning January 1, 2006. The motion carried.

Councilor Roskoski, Liaison for the Library Board, advised the City Council that the Library Renovation Project that was proposed to be completed by January 1, 2006, would not be completed until sometime in the Spring.

It was moved by Nelson and supported by Prebeg to adopt Resolution Number 27-05, setting a hearing on proposed assessment, (a copy is attached and made a part of these minutes). The motion carried with Councilor Roskoski voting no.

It was moved by Irish and supported by Roskoski to direct City Staff to pursue a Federal Enhancement Grant for various bike trails throughout the City. The motion carried.

The Council discussed the updating of the Emergency Management Plan. Councilor Nelson felt that this item should be budgeted for in the 2006 budget cycle.

It was moved by Roskoski and supported by Irish that any meetings/negotiation with any person/group/business/developer wishing to buy/sell/lease land from or to the City of Mountain Iron would include up to two City Councilors being involved and present at all pertinent meetings involving said negotiations. The **motion failed** with Councilor Nelson, Councilor Prebeg, and Mayor Skalko voting no.

During the open discussion, Councilor Irish requested that City Staff install new batteries in the calculators on the desk. The City Administrator said that the calculators were solar powered.

The Mayor announced that the Park and Recreation Department will be meeting on Wednesday, September 28, 2005 at 5:00 p.m. at the Mountain Iron City Hall to discuss the status of the Wolf Park.

It was moved by Irish motion to allow himself to meet with the City Administrator regarding the land exchange and securing the land necessary for the ATV trails or work on a proposal for alternative routes. The Mayor stated that a motion was not necessary for Councilor Irish to meet with the City Administrator. The Mayor further advised Councilor Irish that if he needs any formal action regarding the matter to put it on the next Council agenda.

At 8:51 p.m., it was moved by Nelson and supported by Prebeg that the meeting be adjourned. The motion carried.

Respectfully submitted:



Jill M. Forseen, CMC/MMCA
Municipal Services Secretary

www.mtniron.com

COMMUNICATIONS

1. The Greater Minnesota Agency, Inc., a letter advising the City that there will be no increase in health insurance benefits for the 2006 Blue Cross/Blue Shield renewal.
2. Coalition of Greater Minnesota Cities, asking whether the City Council would like to schedule a meeting with the Flaherty & Hood, P.A. Staff to review the actions at the previous legislative session during the week of September 19th.

Summary By Category And Distribution

Category	Distribution	Amount
UTILITY	UTILITY	77,795.58
BUILDING RENTALS	COMMUNITY CENTER	425.00
LEASES	LEASES	20.00
PERMITS	BUILDING	89.10
MISCELLANEOUS	ASSESSMENT SEARCHES	90.00
BUILDING RENTALS	NICHOLS HALL	25.00
BUILDING RENTALS	BUILDING RENTAL DEPOSITS	550.00
MISCELLANEOUS	REIMBURSEMENTS	346.29
CHARGE FOR SERVICES	ELECTRIC-CHG FOR SERVICES	2,157.78
METER DEPOSITS	ELECTRIC	1,800.00
CD INTEREST	CD INTEREST 101	638.79
CD INTEREST	CD INTEREST 301	979.36
CD INTEREST	CD INTEREST 378	443.41
CD INTEREST	CD INTEREST 602	116.68
CD INTEREST	CD INTEREST 603	397.64
LICENSES	ANIMAL	15.00
CAMPGROUND RECEIPTS	FEES	2,336.00
FINES	ADMINISTRATIVE OFFENSE	50.00
CD INTEREST	CD INTEREST 103	1,371.66
FINES	CRIMINAL	883.91
PERMITS	VARIANCE	150.00
COPIES	COPIES	2.25
MISCELLANEOUS	REFUNDS/ REIMBURSEMENTS	11.34
PERMITS	CONDITIONAL USE	150.00
Summary Totals:		<u>90,844.79</u>

Check Issue Date(s): 09/10/2005 - 09/22/2005

Per	Date	Check No	Vendor No	Payee	Check GL Acct	Amount
09/05	09/16/2005	32193	130011	MOUNTAIN IRON POSTMASTER	002-20200	283.54
09/05	09/20/2005	32194	9011	ACE CLUB	002-20200	50.00
09/05	09/20/2005	32195	10021	ARROWHEAD LIBRARY SYSTEM	002-20200	250.00
09/05	09/20/2005	32196	20007	BP	002-20200	3,062.10
09/05	09/20/2005	32197	20020	BUHL WATER COMPANY INC	002-20200	395.00
09/05	09/20/2005	32198	30061	CELLULARONE	002-20200	411.93
09/05	09/20/2005	32199	220003	CITY OF VIRGINIA	002-20200	78.65
09/05	09/20/2005	32200	30053	CONSOLIDATED TRADING COMPANY	002-20200	1,328.59
09/05	09/20/2005	32201	500012	ERA LABORATORIES INC	002-20200	1,054.00
09/05	09/20/2005	32202	9007	ERIN THEODORE	002-20200	100.00
09/05	09/20/2005	32203	60008	FAIRVIEW CLINIC-MOUNTAIN IRON	002-20200	36.75
09/05	09/20/2005	32204	70028	GREATER MINNESOTA AGENCY INC	002-20200	180.00
09/05	09/20/2005	32205	80009	HIBBING DAILY TRIBUNE	002-20200	178.36
09/05	09/20/2005	32206	80010	HOMETOWN ELECTRIC	002-20200	1,266.39
09/05	09/20/2005	32207	9008	JANELLE BUTLER	002-20200	50.00
09/05	09/20/2005	32208	120006	L & M SUPPLY	002-20200	500.60
09/05	09/20/2005	32209	120003	LEAGUE OF MINNESOTA CITIES	002-20200	2,343.00
09/05	09/20/2005	32210	120004	LITERARY GUILD	002-20200	77.54
09/05	09/20/2005	32211	130004	MESABI DAILY NEWS	002-20200	908.19
09/05	09/20/2005	32212	9015	MILLIE WELLS	002-20200	100.00
09/05	09/20/2005	32213	130008	MINNESOTA MUNICIPAL UTILITIES	002-20200	30.00
09/05	09/20/2005	32214	130009	MINNESOTA POWER	002-20200	2,442.29
09/05	09/20/2005	32215	130015	MOUNTAIN IRON PUBLIC UTILITIES	002-20200	14,764.47
09/05	09/20/2005	32216	140012	NATIONAL GEOGRAPHIC SOCIETY	002-20200	15.90
09/05	09/20/2005	32217	140052	NORTHEAST SERVICE COOPERATIVE	002-20200	36,122.75
09/05	09/20/2005	32218	150014	ONE CALL CONCEPTS INC	002-20200	48.60
09/05	09/20/2005	32219	9010	OWEN JOHNSON	002-20200	50.00
09/05	09/20/2005	32220	160007	PETERSEN DRILLING	002-20200	5,377.31
09/05	09/20/2005	32221	7032	PETERSON CANDY AND SUPPLY	002-20200	247.99
09/05	09/20/2005	32222	160038	PITNEY BOWES	002-20200	267.12
09/05	09/20/2005	32223	170007	QUILL CORPORATION	002-20200	202.91
09/05	09/20/2005	32224	170001	QWEST	002-20200	472.21
09/05	09/20/2005	32225	9013	RANGE MENTAL HEALTH CENTER	002-20200	100.00
09/05	09/20/2005	32226	180052	REED BUSINESS INFORMATION	002-20200	161.60
09/05	09/20/2005	32227	180017	RELIABLE OFFICE SUPPLIES	002-20200	61.77
09/05	09/20/2005	32228	190024	ST LOUIS CO SHERIFF LITMAN	002-20200	34,166.66
09/05	09/20/2005	32229	5003	STEVE NORVITCH	002-20200	179.45
09/05	09/20/2005	32230	9009	TERESA KOCHAR	002-20200	50.00
09/05	09/20/2005	32231	200020	THE TRENTI LAW FIRM	002-20200	3,493.40
09/05	09/20/2005	32232	210001	UNITED ELECTRIC COMPANY	002-20200	2,599.17
09/05	09/20/2005	32233	220004	VIRGINIA DEPARTMENT OF PUBLIC	002-20200	53,465.83
09/05	09/20/2005	32234	220020	VISA	002-20200	5,899.01
09/05	09/20/2005	32235	9012	VRMC INPATIENT REHAB.	002-20200	100.00
09/05	09/20/2005	32236	240001	XEROX CORPORATION	002-20200	386.80

Totals:

173,359.88

Payroll-PP Ending 9/9/05

49,373.51

Electronic Trans.-Sales Tx 9/20/05

9,946.96

TOTAL EXPENDITURES

\$232,685.35



CITY OF MOUNTAIN IRON

"TACONITE CAPITAL OF THE WORLD"

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RESOLUTION NUMBER 27-05

HEARING ON PROPOSED ASSESSMENT

WHEREAS, by a Resolution passed by the City Council on August 15, 2005, the City Administrator was directed to prepare a proposed assessment of the cost the improvement of those streets identified in Exhibit A by overlayment or reconstruction; and,

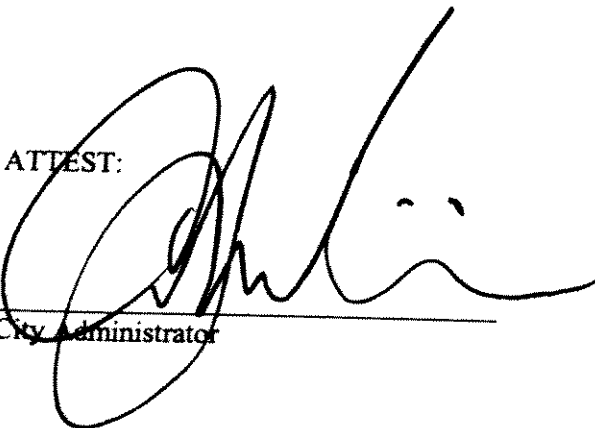
WHEREAS, the City Administrator has notified the City Council that such proposed assessment has been completed and filed in his office for public inspection.

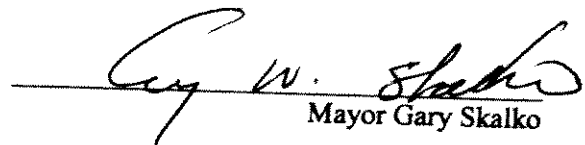
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MOUNTAIN IRON, MINNESOTA:

1. A hearing shall be held on the 17th day of October, 2005 in the Community Center at 6:30 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City of Mountain Iron, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. He may at any time thereafter, pay to the City of Mountain Iron the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

DULY ADOPTED BY THE CITY COUNCIL THIS 19th DAY OF SEPTEMBER, 2005.

ATTEST:



City Administrator

Mayor Gary Skalko

EXHIBIT A

Locomotive Street from Mountain Avenue to Marble Avenue
Park Drive from South of Garden Drive to Mud Lake Road
Arbor Lane from Mineral Avenue to Greenwood Lane
Parkville Street from Nichols Avenue to Old Highway 169
Spring Park Road from Nichols Avenue to end of current bituminous portion
Oriole Avenue from Spring Park Road to Cardinal Street
Cardinal Street from Oriole Avenue to Nichols Avenue
Eagle Avenue from Parkville Street to end of current bituminous portion
Grant Street from Mineral Avenue to end of current bituminous portion
Only the Cul-de-sac of North Court
All of Marion Lane

COUNCIL LETTER 100305-IVA1

MAYOR SKALKO

RECREATIONAL VEHICLE PARKING ORDINANCE

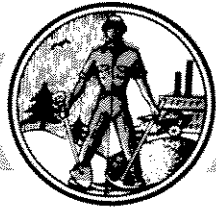
DATE: September 28, 2005

FROM: Mayor Skalko

Craig J. Wainio
City Administrator

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

Since the calendar parking resolution (all-year) failed, to correct the problem the City is now having with long-standing boats, RV's, etc., I recommend passing the exact same ordinance as Stewartsville, MN. A copy of this ordinance is attached.



CITY OF MOUNTAIN IRON

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ORDINANCE NUMBER 04-05

VEHICLE PARKING

THE CITY OF MOUNTAIN IRON HEREBY ORDAINS:

Section 1. Amending Chapter 7. That Chapter 7 Section 70.09 through 70.12 be added to the Mountain Iron City Code and shall be as follows:

70.09 Vehicle Parking. The term "recreational vehicle" shall mean a vehicle designed and used for recreational purposes and enjoyment including, but not limited to, self-propelled motor homes, truck campers, camping trailers, all terrain vehicles, boats, race cars and race car trailers, snowmobiles, construction trailers, all other trailers, vehicles used to transport goods, refuse or merchandise, semi-tractors and trailers and vehicles converted into storage or camping vehicles.

70.10 Residential Areas:

- A. With the exception of construction trailers, the vehicles described above shall not be allowed to park on any public street, for longer than 24 hours to load/unload and to perform maintenance on the vehicle. Construction trailers may be parked on City streets only when they are being used in conjunction with an adjacent construction project and only while attended.
- B. The parking and storage of the above-described vehicles on a lot is permitted subject to the following restrictions:
 1. Parking and storage is permitted at all times within an enclosed building or within the rear yard.
 2. The above-described vehicles must have affixed thereto current registration or license plates as required by law.
 3. All permitted recreational vehicle storage must be on an established driveway and must be set back at least fifteen (15) feet from the back of the curb, where present, or fifteen (15) feet from the paved area of the street if no curb is present.
 4. Recreational vehicle parking is allowed on a sideyard. The term "sideyard" shall mean the yard between the nearest point of the building and the sideline of the lot and extending from the front yard to the rear yard.

5. All recreational vehicles parked in accordance with this ordinance must not be missing "major parts", which would, without these parts, constitute junk.

70.11 Unlawful Overtime Parking. It shall be unlawful to park a car, pick-up truck, van or motorcycle on any City street, alley or public parking lot for longer than:

- A. 12 consecutive hours from the period of November 1st to April 30th.
B. 48 consecutive hours from the period of May 1st to October 31st.

70.12 Violation. Any person in violation of 70.10 1A shall receive a parking citation immediately. Any person in violation of 70.10 1B shall receive a 24 hour warning tag from the St. Louis County Sheriff's Department or a designee of the City. If after 24 hours the violation continues, any person in violation shall be guilty of a petty misdemeanor. Each day a violation continues shall constitute a separate offense.

SECTION 2 INCONSISTENT ORDINANCES. All Ordinances or portions thereof inconsistent with this Ordinance shall be 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 3rd DAY OF OCTOBER, 2005.

ATTEST:

Mayor Gary Skalko

City Administrator

COUNCIL LETTER 100305-IVA2

MAYOR SKALKO

EDA APPOINTMENT

DATE: September 28, 2005

FROM: Mayor Skalko

Craig J. Wainio
City Administrator

Mayor Skalko requested this item be placed on the agenda.

Appoint Bob Voss to serve on the EDA, term to expire 12/31/05.

COUNCIL LETTER 100305-IVC1

UTILITY ADVISORY BOARD

BID OPENING FOR REFUSE TRUCK BODY

DATE: September 28, 2005
FROM: Don Kleinschmidt
Director of Public Works

Craig J. Wainio
City Administrator

The following quote was received for purchase of one automated side loader refuse packer:

MacQueen Equipment:

Bid Price	\$91,665.00
Trade-in allowance	<u>-\$10,000.00</u>
Net Cost to City	\$81,665.00

At their meeting on September 27, 2005 the Utility Advisory Board is recommending to the City Council that the quote be awarded to MacQueen Equipment at their low quote of \$81,665.00. This will be funded from the Refuse & Recycling Capitol Outlay Fund.

**PROPOSAL
FURNISH, MOUNT & DELIVER ONE (1)
AUTOMATED SIDE LOADING REFUSE COLLECTION TRUCK BODY COMPLETE
TO THE CITY OF MOUNTIAN IRON, MINNESOTA**

To the Honorable Mayor and City Council:
City of Mountain Iron, St. Louis County, Minnesota

I/We the undersigned, being familiar with the local conditions and the specifications on file in the Office of the Director of Public Works in the City of Mountain Iron, hereby propose to furnish, mount and deliver one latest current model Automated Side Loading Refuse Collection Body as set forth in the specifications according to the schedule hereafter set forth: Bid will include delivery to the City of Mountain Iron, 8586 Enterprise Drive South, Mountain Iron MN 55768.

TYPE WRITTEN BID PROPOSAL REQUIRED

BASE BID:

<u>ITEM PURCHASED BY CITY:</u>	<u>TOTAL AMOUNT:</u>
1 -New Current Model	\$ <u>91,665.00</u>

TRADE-IN ALLOWANCE:

1996 Int'l. Heil Garbage Compactor	\$ <u>(10,000.00)</u> /Allowance
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NET COST TO CITY	\$ <u>81,665.00</u>
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ALTERNATE BID #1:

1 -New Current Model (No Trade-In)	\$ <u>91,665.00</u>
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NET COST TO CITY	\$ <u>91,665.00</u>
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Accompanying this proposal is a (Bidder's Bond) in the amount of \$ 5% made payable to the City of Mountain Iron, St Louis County, Minnesota, in the amount of not less than five percent (5%) of the total amount of this bid. Bidder shall honor bid price for a minimum of 60 days past bid opening date.

In submitting this bid, it is understood that the right is reserved by the City Council of the City of Mountain Iron, Minnesota, to reject any or all bids, and to waive informalities in bidding to award a contract as the City Council may deem to the best interest of the City of Mountain Iron.

DELIVERY: 45-60 DAYS AFTER AWARD OF CONTRACT

DATED: 9/26/05 2005

FIRM NAME: MacQUEEN EQUIPMENT INC.

OFFICIAL ADDRESS: 595 Aldine Street St. Paul, MN 55104

TELEPHONE NUMBER: 800-832-6417

OFFICIAL SIGNATURE: Bob Larson (Signed)

Bob Larson (Typed)

COUNCIL LETTER 100305-IVC2

PUBLIC WORKS

SURPLUS EQUIPMENT

DATE: September 28, 2005

FROM: Don Kleinschmidt
Director of Public Works

Craig J. Wainio
City Administrator

Staff is requesting City Council authorization to dispose of the following surplus equipment at the St. Louis County auction on October 8, 2005:

1994 Chevrolet Caprice VIN 1G1BL52PRR179692

COUNCIL LETTER 100305-IVD1

PARKS & RECREATION

WINTER POSITION HIRES

DATE: September 28, 2005

FROM: Larry Nanti
Director of Parks & Recreation

Craig J. Wainio
City Administrator

The Mountain Iron Parks & Recreation Board is seeking approval to advertise and hire for winter positions of day workers and rink attendants.

All positions are temporary and will pay the minimum wage of \$6.15 per hour.

A list will be submitted to the Council for final approval

COUNCIL LETTER 100305-IVE1

CITY ENGINEER

STORM SEWER TIE-IN

DATE: September 28, 2005

FROM: Rod Flannigan
City Engineer

Craig J. Wainio
City Administrator

This item was presented at the last City Council meeting. Drainage improvements along Mountain Iron Drive were previously assessed as part of the road reconstruction project to the businesses in the area. In recent memory, the City of Mountain Iron has not assessed for previous stand alone storm sewer projects. It is recommended that the City Council approve the Storm Sewer Tie-In bids and the Water Tie-In bids as presented.



CIVIL AND ENVIRONMENTAL ENGINEERING • PLANNING
MINING • LAND SURVEYING • LAND DATA BASE MAPPING

8878 Main Street • P.O. Box 261
Mt. Iron, MN 55768-0261
tel: 218-735-8914 • fax: 218-735-8923
email: info@bm-eng.com

September 12, 2005

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

Re: City of Mountain Iron, MN
Mountain Iron Drive Storm Drainage Improvements
Project No. MI05-17

Dear Mr. Wainio:

Bids were received September 12, 2005 for the above referenced project. The low bidder for the project is Hibbing Excavating, Inc. A bid tabulation is enclosed.

If the City of Mountain Iron would like to proceed with this project, we recommend awarding the Mountain Iron Drive Storm Drainage Improvements project to Hibbing Excavating, Inc. at the next City Council meeting. The City Council could choose to award the Base Bid only or the Base Bid and Add Alternate No. 1.

Please note that the engineer's estimate was prepared prior to the significant increase in gasoline/fuel oil prices over the past couple of weeks.

If you have any questions or need additional information please do not hesitate to contact me.

Sincerely,
Benchmark Engineering, Inc.


Eric E. Fallstrom, P.E.

EEF: js

Enclosures



BID TABULATION
 MOUNTAIN IRON DRIVE STORM SEWER IMPROVEMENTS
 MOUNTAIN IRON, MINNESOTA
 PROJECT NO: M105-17

BASE BID

SPEC. NO.	ITEM	UNITS	BASE BID QUANTS.	ENGINEER'S ESTIMATE		UTILITY SYSTEMS OF AMERICA		HIBBING EXCAVATING	
				ITEM COST	BASE BID AMOUNT	ITEM COST	BASE BID AMOUNT	ITEM COST	BASE BID AMOUNT
2101.502	CLEARING	TREE	1.0	\$50.00	\$50.00	\$200.00	\$200.00	\$5,000.00	\$5,000.00
2101.507	GRUBBING	TREE	1.0	\$50.00	\$50.00	\$200.00	\$200.00	\$5,000.00	\$5,000.00
2104.501	REMOVE CONCRETE CURB & GUTTER	LIN. FT.	265.0	\$2.00	\$530.00	\$3.50	\$927.50	\$4.00	\$1,060.00
2104.503	REMOVE CONCRETE PAVEMENT	SQ. FT.	82.0	\$4.00	\$328.00	\$2.00	\$164.00	\$1.00	\$82.00
2104.505	REMOVE BITUMINOUS PAVEMENT	SQ. YD.	215.0	\$3.00	\$645.00	\$3.00	\$645.00	\$3.00	\$645.00
2104.513	SAW PAVEMENT - FULL DEPTH	LIN. FT.	300.0	\$4.00	\$1,200.00	\$2.00	\$600.00	\$3.00	\$900.00
2105.533	SALVAGED TOPSOIL	CU. YD.	20.0	\$15.00	\$300.00	\$10.00	\$200.00	\$8.00	\$160.00
2211.503	AGG. BASE CL. 5(CV)	CU. YD.	35.0	\$20.00	\$1,100.00	\$25.00	\$1,375.00	\$13.00	\$715.00
2232.501	MILL BITUMINOUS SURFACE	SQ. YD.	290.0	\$5.00	\$1,450.00	\$6.00	\$1,740.00	\$3.00	\$870.00
2350.501	TYPE LV4 WEARING COURSE MIXTURE A	TON	50.0	\$65.00	\$3,250.00	\$60.00	\$3,000.00	\$48.00	\$2,400.00
2350.502	TYPE LV3 NON WEARING COURSE MIXTURE A	TON	105.0	\$65.00	\$6,825.00	\$60.00	\$6,300.00	\$48.00	\$5,040.00
2357.502	BIT. MATERIAL FOR TACK COAT	GAL.	30.0	\$3.00	\$90.00	\$3.00	\$90.00	\$2.00	\$60.00
2501.602	METALIZED STEEL ORIFICE PLATE	EACH	1.0	\$250.00	\$250.00	\$1,000.00	\$1,000.00	\$600.00	\$600.00
2503.511	6" PVC PIPE SEWER - SDR 35	LIN. FT.	10.0	\$25.00	\$250.00	\$35.00	\$350.00	\$20.00	\$200.00
2503.541	12" RC PIPE SEWER, CL III	LIN. FT.	365.0	\$30.00	\$10,950.00	\$50.00	\$18,250.00	\$30.00	\$10,950.00
2506.501	CONST. DRAINAGE STRUCTURE DES. G MOD.	LIN. FT.	15.5	\$400.00	\$6,200.00	\$300.00	\$4,650.00	\$200.00	\$3,100.00
2506.502	CONNECT TO EXISTING STORM MANHOLE	EACH	2.0	\$750.00	\$1,500.00	\$350.00	\$700.00	\$1,000.00	\$2,000.00
2506.516	CASTING ASSEMBLY	EACH	3.0	\$400.00	\$1,200.00	\$450.00	\$1,350.00	\$400.00	\$1,200.00
2531.501	CONCRETE CURB & GUTTER - DES. D418	LIN. FT.	234.0	\$15.00	\$3,510.00	\$16.00	\$3,744.00	\$15.00	\$3,510.00
2531.501	CONCRETE CURB & GUTTER - DES. D618	LIN. FT.	31.0	\$20.00	\$620.00	\$30.00	\$930.00	\$15.00	\$465.00
2563.601	TRAFFIC CONTROL	LUMP SUM	1.0	\$2,500.00	\$2,500.00	\$3,500.00	\$3,500.00	\$2,000.00	\$2,000.00
2571.541	TRANSPLANT TREE	TREE	7.0	\$200.00	\$1,400.00	\$300.00	\$2,100.00	\$860.00	\$6,020.00
2573.508	BITUMINOUS LINED FLUME	SQ. YD.	15.0	\$25.00	\$375.00	\$75.00	\$1,125.00	\$40.00	\$600.00
2575.505	SODDING TYPE LAWN	SQ. YD.	200.0	\$4.00	\$800.00	\$5.00	\$1,000.00	\$4.50	\$900.00
2575.555	TURF ESTABLISHMENT	LUMP SUM	1.0	\$800.00	\$800.00	\$2,000.00	\$2,000.00	\$1,200.00	\$1,200.00

\$46,173.00 \$56,140.50 \$54,677.00

ADD ALTERNATE NO. 1

SPEC. NO.	ITEM	UNITS	ADD ALT #1 QUANTS.	ITEM COST	ADD ALT #1 AMOUNT	ITEM COST	ADD ALT #1 AMOUNT	ITEM COST	ADD ALT #1 AMOUNT
2104.505	REMOVE BITUMINOUS PAVEMENT	SQ. YD.	33.0	\$3.00	\$99.00	\$10.00	\$330.00	\$5.00	\$165.00
2104.513	SAW PAVEMENT - FULL DEPTH	LIN. FT.	50.0	\$4.00	\$200.00	\$4.00	\$200.00	\$3.00	\$150.00
2211.503	AGG. BASE CL. 5(CV)	CU. YD.	8.0	\$20.00	\$160.00	\$30.00	\$240.00	\$13.00	\$104.00
2350.501	TYPE LV4 WEARING COURSE MIXTURE A	TON	12.0	\$65.00	\$780.00	\$100.00	\$1,200.00	\$48.00	\$576.00
2504.602	8" GATE VALVE AND BOX	EACH	1.0	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00
2504.602	CONNECT TO EXISTING WATERMAIN	EACH	2.0	\$1,000.00	\$2,000.00	\$1,000.00	\$2,000.00	\$950.00	\$1,900.00
2504.603	8" WATER MAIN D I CLASS 52	LIN. FT.	20.0	\$40.00	\$800.00	\$50.00	\$1,000.00	\$50.00	\$1,000.00
2504.608	WATERMAIN FITTINGS	LBS	350.0	\$4.00	\$1,400.00	\$4.00	\$1,400.00	\$3.00	\$1,050.00
2575.505	SODDING TYPE LAWN	SQ. YD.	45.0	\$45.00	\$2,025.00	\$6.00	\$270.00	\$20.00	\$900.00

\$8,464.00 \$7,640.00 \$7,345.00

BASE BID \$46,173.00 \$56,140.50 \$54,677.00
 ADD ALT NO 1 \$8,464.00 \$7,640.00 \$7,345.00
 TOTAL \$54,637.00 \$63,780.50 \$62,022.00

Eric E. Pelt
 BENCHMARK ENGINEERING, INC.

COUNCIL LETTER 100305-IVE2

CITY ENGINEER

C. N. LOCOMOTIVE HORNS

DATE: September 28, 2005

FROM: Rod Flannigan
City Engineer

Craig J. Wainio
City Administrator

As per last regular meeting, this item is being placed on the Agenda.



SAINT LOUIS COUNTY Public Works

MINNESOTA

HOME | DEPARTMENTS | SEARCH

GO

CONTACT ST. LOUIS COUNTY

PUBLIC WORKS

- GIS/Map Division
- Mine Inspector
- Surveyor Control Points
- Maintenance Division
- FAQs
- Contacts
- Addresses
- Links

Name	Title	Phone	Email
Marcus J. Hall	County Engineer Duluth Office Virginia Office	(218) 625-3830 (218) 742-9820	<input checked="" type="checkbox"/>
Vacant	Assistant County Engineer	(218) 625-3836	
Dave Skelton	Deputy Director Virginia Office Duluth Office	(218)742-9802 (218) 625-3837	<input checked="" type="checkbox"/>
Peggy Fecker	Personnel	(218) 625-3835	<input checked="" type="checkbox"/>
John Bucsko	Accountant	(218) 625-3839	<input checked="" type="checkbox"/>
Boyd Johnson	Contract Admin. Manager	(218) 625-3834	<input checked="" type="checkbox"/>
Robert Busche	County Surveyor	(218) 625-3878	<input checked="" type="checkbox"/>
Thomas O'Malley	Deputy County Surveyor	(218) 742-9835	<input checked="" type="checkbox"/>
Jim Foldesi	Resident Engineer (Duluth)	(218) 625-3840	<input checked="" type="checkbox"/>
Earl Wilkins	Resident Engineer (Virginia)	(218) 742-9821	<input checked="" type="checkbox"/>
Jeffrey Goetzman	Bridge Engineer	(218) 625-3873	<input checked="" type="checkbox"/>
Christopher Morris	Traffic Engineer	(218) 625-3869	<input checked="" type="checkbox"/>
Joel Ulring	Geo-technical Engineer	(218) 625-3875	<input checked="" type="checkbox"/>
Tom Tri	Environmental Manager	(218)625-3876	<input checked="" type="checkbox"/>
Steve Kneifel	Environmental	(218) 742-9828	<input checked="" type="checkbox"/>

742-3830

FAX 625-3888

*Richard Hansen
Public Works:
Transportation
Complex*

*4787 Midway Rd
Duluth, MN 55811*

*Va
7823 Hwy 135
Virginia, MN 55792*

→ Fax 741-7832

2000 2050 / Day 016 154

THE "TRAIN HORN RULE" Frequently Asked Questions

Topics

1. General
2. Creating Quiet Zones
3. Authority to Designate Quiet Zones
4. Private Crossings
5. Pre-Rule Quiet Zones
6. Calculating the Risk for a Quiet Zone
7. Horn Use
8. Wayside Horns
9. Effect on State and Local Laws, Liability
10. Impact on Emergency Order No. 15 / Florida East Coast Railway
11. Interim Final Rule and Public Comment

1. General

1.1 Why has FRA issued this rule?

FRA is required by law (49 U.S.C. 20153) to issue regulations that require trains to sound a locomotive horn while approaching and entering upon public crossings. The law also permits FRA to issue rules providing exceptions to that requirement to enable communities to create quiet zones in which locomotive horns are not routinely sounded at grade crossings. The rule promotes quality of life by permitting the silencing of locomotive horns at grade crossings while at the same time ensuring that safety is maintained at those crossings.

1.2 What effect will the rule have on the environment?

The Interim Final Rule will have highway-rail grade crossing safety and noise effects. The Final Environmental Impact Statement (FEIS) describes the expected increase in safety at highway-rail at-grade crossings and changes in noise from locomotive horns. The maximum horn sound level (*Section 229.129*) and the horn sounding requirements (*Section 222.21*) will reduce noise at all of the approximately 150,000 public crossings nationwide where locomotive horns are presently used.

Disclaimer: Answers contain a short summary of the interim final rule for informational purposes only. Entities subject to the rule should refer to its text as published in the Federal Register on December 18, 2003.

The establishment of New Quiet Zones will also result in less noise from locomotive horns. If a community that currently has a whistle ban chooses *not* to establish a quiet zone, the horn sounding requirement would result in an increase in local noise levels. The number of persons potentially impacted in each whistle ban community is reported in the FEIS. Because the Interim Final Rule provides an opportunity for affected communities to convert pre-existing whistle bans to Pre-Rule Quiet Zones (*Section 222.41*), most of these communities are expected to establish quiet zones.

1.3 When will the rule be effective?

The rule will take effect on December 18, 2004. However, the compliance schedule for communities with existing whistle bans allows them 5 years to fully implement the new rule (until December 18, 2008), and up to 8 years if a state agency is assisting one or more communities.

The one-year time period is based on the statutory requirement that any regulations issued under 49 U.S.C. 20153 (the section of the United States Code that requires this rulemaking) shall not take effect before the 365th day following the date of publication of the final rule.

1.4 Does this mean that communities wanting new quiet zones cannot progress them during the first year?

No. Communities seeking to establish New Quiet Zones are encouraged to thoroughly investigate the options available to them under the rule. FRA will be working with public authorities and reviewing applications for quiet zones in order to permit communities to institute quiet zones at the *earliest* possible date after the one-year required period has elapsed. Accordingly, **FRA will accept quiet zone applications from public authorities during the one-year period commencing with publication of the rule.** While this interval should enable public authorities to begin planning, they should also be aware that the final rule may contain changes based on comments in response to this interim final rule. FRA will make every effort to issue a final rule expeditiously after the close of the comment period.

Please note that under limited circumstances quiet zones are already permitted in certain States. FRA will work with state authorities, communities and railroads to ensure continuity if New Quiet Zones established under state law meet the requirements of the rule.

1.5 Can a railroad prohibit the establishment of a quiet zone?

No. Under this Interim Final Rule only public authorities have the authority to establish quiet zones.

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FRA appreciates the role that railroads must play in establishing quiet zones, from possible installation of Supplementary Safety Measures to providing updated information for the National Grade Crossing Inventory. We anticipate that railroads will work with public authorities in designing appropriate and cost-effective quiet zones.

While the rule does not specifically require that a railroad provide access to its property to accommodate the installation of equipment such as four quadrant gates, we expect that railroads will continue to cooperate with local and state authorities for the installation of grade crossing safety improvements. The fact that the reason for installation of such improvements is the creation of a quiet zone does not impair any authority available under state law for a state agency to order installation of those improvements.

Once a public authority establishes a quiet zone under the terms of this rule, the railroad is legally prohibited from sounding the locomotive horn at crossings within the quiet zone unless otherwise permitted in the rule (i.e. during emergency situations).

2. Creating Quiet Zones

2.1 What is a quiet zone?

A quiet zone is a section of a rail line that contains one or more consecutive public crossings at which locomotive horns are not routinely sounded. This rule describes the requirements that communities must meet in order to implement a quiet zone. (*Section 222.9 - definition of a quiet zone*)

2.2 How long can a quiet zone be?

There is no maximum length for a quiet zone. However, for New Quiet Zones the rule establishes a minimum length of at least ½ mile along the length of railroad right-of-way. The length of a Pre-Rule Quiet Zone may continue unchanged from that which existed as of October 9, 1996. (A Pre-Rule Quiet Zone that is greater than ½ mile may be reduced in length to not less than ½ mile and still retain its pre-rule status. However, it can not be increased in length and still retain its pre-rule status.) (*Section 222.35(a), Minimum length.*)

2.3 Are there minimum engineering standards that must be in place in order to create a quiet zone?

Yes. New Quiet Zones must have active (automatic) grade crossing warning devices comprising both flashing lights and gates at all public highway-rail grade crossings. Pre-Rule Quiet Zones must retain, and may upgrade, the grade crossing warning system in place as of December 18, 2003.

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Each highway approach to every public and private grade crossing within a Pre-Rule Quiet Zone or New Quiet Zone must have an advance warning sign that advises motorists that train horns are not sounded at the crossing. (Section 222.35)

2.4 What are Supplemental Safety Measures (SSMs), and how are they to be used within a quiet zone?

SSMs are engineering improvements, that when installed at crossings within a quiet zone, would reduce the risk of a collision at the crossing. SSMs are installed to reduce the risk level either to that which would exist if the train horn were sounded (i.e., compensating for the lack of the train horn) or to a level below the Nationwide Significant Risk Threshold (NSRT). SSMs approved for use include:

1. Temporary closure of a public highway-rail grade crossing (i.e. nighttime closure)
2. Four-quadrant gate systems
3. Gates with medians or channelization devices (traffic separators)
4. Conversion of a two-way street into a one way street with gates(s)

(Please refer to Appendix A)

2.5 What is an Alternative Safety Measure (ASM)?

Appendix B addresses two types of ASMs: modified SSMs and non-engineering ASMs.

Modified SSMs are SSMs that do not fully comply with the provisions listed in Appendix A. For instance, a median barrier that is shorter than the required length would be a modified SSM, and hence is defined as an ASM. Depending on the resulting configuration, non-compliant SSMs may still provide a substantial reduction in risk and can contribute to the creation of quiet zones.

Non-engineering ASMs are formally planned enforcement, public education and awareness programs, and the use of photo enforcement technology that may be used to reduce risk for the creation of a quiet zone. Public authorities seeking to employ such ASMs will be required to collect, analyze and validate data in order to establish the effectiveness of the ASM.

If Alternative Safety Measures (Appendix B treatments) are used, the public authority must receive written FRA approval of the quiet zone application prior to the silencing of train horns.

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2.6 Can a “barrier gate” be used in a quiet zone?

Conventional grade crossing gate devices are designed to break-away in the event a vehicle strikes them. A barrier gate is intended to keep motor vehicles from entering the crossing by imposing a physical barrier, typically designed with some energy-absorption properties to reduce the chance of harm to vehicle occupants. A barrier gate approved for use by appropriate highway authorities is a “gate” for purposes of the rule and could be used in a gate/channelization arrangement (typically with a non-mountable median) or four-quadrant gate arrangement as a supplementary safety measure. If data or analysis is provided supporting a higher effectiveness rate for a barrier gate in a particular location, a barrier gate might be used as an alternative safety measure.

2.7 Do articulated gates or long gate arms qualify as supplementary or alternative safety measures?

No. FRA received insufficient data and information to support the effectiveness and appropriateness of these approaches. This does not preclude the use of these devices in the future, if and when there is substantiated evidence demonstrating their effectiveness.

2.8 Does the creation of a quiet zone guarantee that train horns will never be sounded within the zone?

No. There are several circumstances in which the locomotive engineer may sound the horn. The horn may be used in an emergency situation to provide an audible warning to motorists, pedestrians, trespassers, train crews or others in order to prevent injury, death or property damage. Under the terms of the rule, it will be a locomotive engineer’s sole judgment on whether or not to sound the horn for an emergency. The use of the horn will also be required in a quiet zone if the train crew is aware that automatic warning devices are not functioning properly in accordance with FRA regulations (49 CFR Part 234). The horn may also be used to provide a warning to workmen alongside the track in accordance with another FRA regulation (49 CFR Part 214). (*Section 222.23*)

3. Authority to Designate Quiet Zones

3.1 Who may designate or make an application to FRA for a quiet zone?

The public authority that is responsible for the safety and maintenance of the roadway that crosses the railroad track(s) is the only entity that can designate or apply for a quiet zone. Private companies, citizens or neighborhood associations are not able to create a quiet zone independent of local authorities. A designation or application must come from the governmental

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jurisdiction (e.g. city, county or state government) that is responsible for motor vehicle safety at the crossing. (Section 222.39)

3.2 Who is responsible for funding the improvements necessary in order to create or continue a quiet zone?

By law, Supplementary Safety Measures must be provided by the traffic control authority or law enforcement authority responsible for safety at the crossing. Thus the public authority is responsible for funding the improvements. The statute did not provide a dedicated source of funding for the improvements necessary to create quiet zones.

Although there were no dedicated funds made available for these improvements, there are several categories of federal transportation funding available that may be used by States and localities for this purpose. Improvements at public crossings are typically funded by the Section 130 Program which is a part of the 10% Safety Set Aside Program under TEA-21. However, the obligation of these safety funds must be made on a state-wide priority basis for safety improvements. Installing safety measures to compensate for the lack of an existing safety device (i.e. the locomotive horn) is not the purpose of Section 130, which is directed at risk reduction.

Quiet zones that include crossing closures and other major risk reduction methods may have a better chance of qualifying, to the extent they *more than compensate* for the absence of the train horn. SSMs would be eligible to compete with other priorities for funding under the remainder (90%) of the Surface Transportation Program (STP) (and, with respect to a U.S. highway, under the National Highway System program). Decision making for these programs is primarily vested at the state level, with participation in planning by local metropolitan planning organizations. (Surface transportation reauthorization legislation was pending in the Congress as this briefing material was prepared.)

3.3 What is the role and responsibility of the state department of transportation or public utilities commission in creating quiet zones?

State lawmakers have designated a variety of organizational arrangements concerning highway-rail crossing safety. In most States, departments of transportation administer state and federal programs related to engineering improvements for crossing safety. In some States, public utilities commissions play a regulatory role in determining what warning devices are installed at individual crossings. Very often, state agencies will exercise detailed engineering control over state highways, even though they afford significant deference to counties, cities and towns (or villages) with respect to local roads and streets. These agency roles will continue largely unaffected by this rule, and as a result in many States these agencies will play a critical role in the creation of quiet zones. Although they will not in most cases be initiating quiet zones (except as partners with local authorities where state highways cross the railroad), and although FRA has

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retained final authority to ascertain that the requirements of the regulation have been satisfied, state-level agencies will typically provide necessary expertise and/or authority to effect the improvements needed for creation of quiet zones.

FRA welcomes the participation of state agencies in this process and will work closely with them. FRA recognizes the importance of state leadership in addressing grade crossing safety and environmental justice issues. As a result, FRA has sought to create incentives for state participation in funding improvements for quiet zones. The rule extends the compliance deadline date by 3 years for Pre-Rule Quiet Zones where state-level agencies tangibly contribute to the solution.

4. Private Crossings

4.1 How are private crossings treated under the rule?

This regulation does not address the use of horns at private crossings except when those private crossings are within a quiet zone. (*Section 222.3*)

FRA will not at this time require that the locomotive horn be sounded at private highway-rail crossings. Whether horns must be sounded at such crossings will remain subject to state law (if any) and railroad operating rules. FRA, by not applying this rule to private crossings which are not in quiet zones, has left States free to require the sounding of locomotive horns if it is deemed necessary or appropriate.

At a minimum, private crossings within a quiet zone must be equipped with crossbucks and "STOP" signs conforming to the standards of the Manual on Uniform Traffic Control Devices (MUTCD), together with advance warning signs.

Private grade crossings that allow access to the public, or that provide access to active industrial or commercial sites, may be included in a quiet zone only if a diagnostic team evaluates the crossing(s) to determine whether the institution of the quiet zone will significantly increase the risk of collision at the private crossing. The crossing must then be equipped or treated in accord with the recommendations of the diagnostic team. (*Section 222.25*)

5. Pre-Rule Quiet Zones

5.1 If there have been *whistle bans* in a community for years may they be kept?

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Under certain circumstances, grade crossings subject to existing *whistle bans* will be defined as Pre-Rule Quiet Zones, provided the local authorities file notice of their intent to qualify the Pre-Rule Quiet Zone for continuation under this rule. If this process is followed, the railroad will be required to refrain from routine use of the locomotive horn.

5.2 What is a Pre-Rule Quiet Zone?

If a *whistle ban* has been actively enforced or observed as of October 9, 1996 and through December 18, 2003, then the crossings can qualify as a Pre-Rule Quiet Zone. Pre-Rule Quiet Zones will qualify for automatic approval if Supplementary Safety Measures are installed at every crossing, or if the Quiet Zone Risk Index is at or below certain limits; accident history may play a role in this determination. If a Pre-Rule Quiet Zone does not qualify for automatic approval, existing restrictions may remain in place on an interim basis. (*Section 222.41*)

5.3 How long does a Pre-Rule Quiet Zone have to qualify during the interim period?

Pre-Rule Quiet Zones will have up to five years from the period commencing December 18, 2003 to qualify under these rules provided that action has been taken within the first three years towards the establishment of a qualified quiet zone. An additional three years (for a total of up to eight years) will be available if the State takes an active role in the planning and funding for improvements at Pre-Rule Quiet Zones. (*Section 222.41*)

5.4 Why are Pre-Rule Quiet Zones treated differently than new quiet zones?

Pre-Rule Quiet Zones (i.e. based on pre-existing *whistle bans*) are treated somewhat differently from New Quiet Zones in the rule. This reflects a statutory requirement to “take into account the interest of communities that have in effect restrictions on the sounding of a locomotive horn at highway-rail grade crossings. . . .” (49 USC 20153(i)). Further, FRA recognizes and has taken into account the historical experience of train horns not being sounded in these communities.

5.5 How are Pre-Rule Quiet Zones treated differently than New Quiet Zones?

There are three major differences between a Pre-Rule Quiet Zone and a New Quiet Zone:

- 1, A Pre-Rule Quiet Zone does not have to be a minimum of one-half mile in length. (*Section 222.35*).
2. A Pre-Rule Quiet Zone does not have to have gates and flashing lights installed at each crossing (*Section 222.35*).

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3. If new warning devices are installed, credit is given for the risk reduction that is achieved through the upgrading of the warning devices at public crossings (*Appendix C*).

6. Calculating the Risk for a Quiet Zone

6.1 How is risk measured at a grade crossing?

Using information from numerous studies, the FRA has developed formulae that incorporate many factors that affect safety at highway-rail grade crossings. These formulae assess the expected accident frequency at a particular crossing, and the likely severity of the collision, given certain variables. The calculations result in a risk index value being assigned to each individual crossing in a proposed quiet zone, and the values are averaged over the proposed quiet zone. (FRA has developed an online “calculator” (software tool) that can be used to perform this analysis. Refer to question 6.6 for further explanation.)

6.2 What are the factors that determine the risk index?

Some factors, such as the number of trains and motor vehicles that use the crossing daily, the number of tracks, crossing warning devices, and other operating and physical characteristics affect the *likelihood* of a collision. Factors such as train speed can affect the *severity* of a collision. (*For a discussion of all the factors used to calculate a crossing's risk index, please refer to Appendix D.*)

6.3 How much risk reduction can be accomplished by installing a Supplementary Safety Measure?

The FRA has gathered information on safety improvements associated with various safety measures and has derived benchmark estimates of effectiveness. For example, the use of traversable traffic channeling devices is estimated to reduce the risk of a collision by 75%. Appendix A discusses the design and implementation requirements, and also provides an effectiveness estimate for each SSM.

6.4 How much risk reduction can be accomplished by installing an Alternative Safety Measure?

Because ASMs are typically devised to address a particular local need, the FRA has not evaluated every possible application or combination of applications. For engineering ASMs that do not fully satisfy the SSM criteria, it may be possible to estimate an effectiveness rate between zero and the SSM value, relying on the judgment of a diagnostic team that has had an opportunity to observe the roadway geometry and general motorist behavior in the vicinity of the crossing. Education and public awareness ASMs, by contrast, will require collection and analysis of data; and it is strongly recommended that the public authority work closely with FRA

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to ensure that the methodologies employed are statistically valid. *(More detailed discussion is contained in Appendix B.)*

6.5 Once a quiet zone has been created, can its quiet zone status be lost?

If a quiet zone has been created by reducing risk to fully compensate for lack of the train horn, in other words, bringing the risk down to the same level that would have existed if the train horn were sounded, then the quiet zone will not require annual monitoring and can remain in effect. However, if the quiet zone was established by reducing the risk to the Nationwide Significant Risk Threshold (NSRT), then the quiet zone will be subject to annual review by the FRA. If the Quiet Zone Risk Index (QZRI) is above the NSRT then the public authority will have to take additional steps, and may incur additional costs to lower the QZRI sufficiently to maintain the quiet zone. In addition, the FRA may review the status of any quiet zone at any time. *(Section 222.51).*

6.6 Are any special tools available to assist with the calculation of risk indexes and to evaluate alternative quiet zone establishment/implementation scenarios?

Yes, FRA developed the **Quiet Zone Calculator** to enable local planners to consider a variety of options that could reduce risk levels to those necessary for the establishment of quiet zones. The Quiet Zone Calculator (<http://www.fra.dot.gov/Content3.asp?P=1337>) is designed to:

1. Perform the necessary calculations used to determine the existing risk levels at crossings along corridors;
2. Re-calculate the risk indexes to reflect implementation of SSMs, ASMs (and, in the case of Pre-Rule Quiet Zones, crossing warning device upgrades); and
3. Show corridor risk levels relative to the risk levels needed for compliance with the quiet zone establishment requirements.

To use this internet-based computer tool effectively, accurate information about the current physical and operational characteristics of the relevant crossings must be used. That is, the National Highway-Rail Crossing Inventory record of each affected crossing must reflect current conditions.

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6.7 What notifications must a public authority make to create a quiet zone?

Upon establishment of a new quiet zone, or continuation of a Pre-Rule Quiet Zone, a public authority must provide written notice to all railroads operating over the quiet zone rail line, the highway or traffic control authority or law enforcement authority having control over vehicular traffic at the crossings, the state agency responsible for highway safety, FRA, and, if applicable, the landowner of any private crossings within the quiet zone. (Section 222.43)

7. Horn Use

7.1 When must horns be sounded?

Horns must be sounded when approaching and passing through a public highway-rail grade crossing. A public highway-rail crossing is one where a publicly-maintained roadway intersects one or more railroad tracks at grade. The horn does not have to be sounded when approaching or passing through grade separated or private crossings (unless required by state law). (Section 222.21)

7.2 How long does the horn have to sound?

All locomotives must sound the horn starting 15 to 20 seconds before reaching a public highway-rail grade crossing. However, in no case may the horn be sounded more than 1/4 mile before the crossing. (Section 222.21)

7.3 What are the minimum and maximum levels locomotive horns can be sounded at?

Train horn sound levels must range between a minimum of 96 dB(A) and a maximum of 110 dB(A) (inclusive) measured 100 feet in front of the locomotive and 15 feet above the rail. Prior to issuance of this rule, there was no maximum horn sound limit.

Each new locomotive built on or after December 18, 2004, must comply with the provisions in this rule. Locomotives built prior to this date must be tested and brought into compliance within five years from the date of publication of this rule (i.e., by December of 2008). (Section 229.129)

7.4 Does the horn have to be sounded in a particular pattern?

Horns must sound in the standard sequence of two longs, one short, and one long blast until the train occupies the crossing. This is a long-standing practice. This pattern may be varied as necessary where crossings are spaced closely together. (Section 222.21)

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8. Wayside Horns

8.1 Will wayside horns be permitted?

Yes. Wayside horns may be used in place of locomotive horns at individual or multiple at-grade crossings, including those within quiet zones. The wayside horn is a stationary horn located at a highway-rail grade crossing, designed to provide audible warning to oncoming motorists of the approach of a train. The wayside horn will be treated as a one-for-one substitute for the train horn. The crossing must be equipped with flashing lights and gates. *(Section 222.59 and Appendix E)*

Wayside horns may soon be classified by FHWA as traffic control devices. If FHWA does classify them as traffic control devices, the wayside horn must also be approved in the Manual on Uniform Traffic Control Devices (MUTCD). Until such time, FHWA must approve experimentations or provide interim approval pursuant to section 1A.10 of the MUTCD. Communities are urged to contact FHWA for current information.

9. Effect on State and Local Laws, Liability

9.1 How does this rule affect state and local laws regarding locomotive horns?

State and local laws and ordinances which govern the sounding of locomotive horns at public highway-rail grade crossings will be preempted by this Interim Final Rule when it becomes effective, in one year, on December 18, 2004. (There are certain statutory exceptions to preemption, which are discussed in the preamble to the rule.)

The one-year period before state and local laws are preempted is based on the statutory requirement that one year pass between publication of this rule and its effective date.

9.2 Will railroads and train crews be liable under the rule for failing to sound the locomotive horn in a quiet zone if an emergency situation develops?

No. Even though the Interim Final Rule permits engineers to sound the locomotive horn within quiet zones should an emergency situation arise, it is the intent of the rule that locomotive crews and railroads are relieved from any legal duty to do so. *(See section 222.23 for further discussion of this topic)*

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9.3 Who will be held liable if a collision occurs at a grade crossing located within a quiet zone?

The courts will ultimately determine who will be held liable if a collision occurs at a grade crossing located within a quiet zone, as the collision may have been caused by factors other than the absence of an audible warning.

Nonetheless, the Interim Final Rule is intended to remove “failure to sound the locomotive horn” as a cause of action in lawsuits involving collisions at grade crossings located within quiet zones. Therefore, FRA expects that the courts will determine liability issues based on the facts of each case, FRA’s regulatory intent and the nature of this rule and its Federal requirements.

10. Impact on Emergency Order No. 15 / Florida East Coast Railway

10.1 What effect, if any, will this Interim Final Rule have on FRA Emergency Order No. 15?

When the Interim Final Rule becomes effective (on December 18, 2004), it will supercede FRA Emergency Order No. 15, which currently requires the Florida East Coast Railway (“FEC”) to sound locomotive horns at all public grade crossings in the State of Florida.

Under the current terms of the Emergency Order, Florida communities along FEC tracks may establish quiet zones if certain specified safety measures are implemented at every grade crossing within the proposed quiet zone. However, FRA notes that this Interim Final Rule provides communities with substantially greater flexibility in creating quiet zones. Therefore, in the interest of creating a uniform, nationwide standard for the creation of New Quiet Zones, this Interim Final Rule will supercede Emergency Order No. 15 when it becomes effective.

10.2 Will the current quiet zones along Florida East Coast Railway tracks be treated as Pre-Rule Quiet Zones by this Interim Final Rule?

No. Quiet zones created by Florida communities along Florida East Coast Railway (“FEC”) tracks will not be treated as Pre-Rule Quiet Zones by this Interim Final Rule because Florida state statutes and local ordinances permitting whistle bans were not enforced or observed as of October 9, 1996 (having been preempted by FRA Emergency Order No. 15). Therefore, all quiet zones located within the state of Florida will have to qualify as New Quiet Zones under this Interim Final Rule.

FRA may, however, apply a regional estimate as to the effect of silencing train horns at Florida grade crossings (as was done for grade crossings in the Chicago Region). FRA will determine whether a regional estimate is necessary after reviewing comments submitted in response to this Interim Final Rule and/or conducting supplementary fact finding prior to the rescission of FRA

Disclaimer: Answers contain a short summary of the interim final rule for informational purposes only. Entities subject to the rule should refer to its text as published in the Federal Register on December 18, 2003.

Emergency Order No. 15. FRA's determination will then be published in a Federal Register notice issued well before the effective date of this Interim Final Rule.

11. Interim Final Rule and Public Comment

11.1 What is an Interim Final Rule?

An interim final rule is a rule which meets the requirements for a final rule and which has the same force and effect as a final rule, but which contains an invitation for further public comment on its provisions. After reviewing comments to the interim final rule, an agency may modify the interim final rule and issue a "final" final rule.

11.2 Why did FRA issue an Interim Final Rule rather than a Final Rule?

Even though this rule could have been issued as a Final Rule, FRA determined that an Interim Final Rule would be more appropriate, as it will give the public an opportunity to comment on revisions that have been made to the proposed rule. FRA believes that the Interim Final Rule will benefit from public input, so comments are being solicited on all aspects of the rule. FRA will review the comments and may make revisions when issuing the Final Rule.

11.3 Will issuing this as an Interim Final delay implementation of quiet zones?

Issuing this interim final rule rather than a final rule will not penalize those communities who have waited a number of years for issuance of a rule permitting the creation of quiet zones. They will still be able to establish quiet zones on the same schedule as if a final rule were issued today. Alternatively, issuance of this interim final rule will not have a significant negative effect on those communities with present whistle bans. FRA has specifically included in the rule ample time for those communities to conform to any changes that may be made to the interim final rule in order to enable them to retain their whistle-free crossings.

11.4 Is there an opportunity to provide comments on this Interim Final Rule?

Yes. FRA will accept comments during the 60-day period following publication of the Interim Final Rule. As the Interim Final Rule was published on December 18, 2003, FRA will consider all comments submitted on or before February 17, 2003. FRA is also planning to conduct a public hearing in Washington, D.C. FRA will publish a notice in the *Federal Register* that will provide further details.

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11.5 How do I submit comments on the Interim Final Rule?

Anyone wishing to file a comment should identify the FRA docket (Docket No. FRA-1999-6439). Written comments should be mailed to the Docket Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, S.W., Washington, DC 20590-0001. Comments may be submitted electronically to the docket on the web at <http://dms.dot.gov>.

V.3.2
12/11/03

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CHAPTER 3: BLOCKED CROSSINGS

CHAPTER OVERVIEW

This chapter provides a state by state survey of statutory provisions concerning the blocking of crossings by railroads, the exceptions to the law and the penalties imposed if they are listed in the code section. The majority of states place restrictions on the amount of time a highway-rail crossing can be blocked. The laws and regulations vary, but never do they exceed more than ten minutes. A number of states list an exception for emergencies or circumstances beyond the control of the railroad company. That is not to say that the individual cities and towns within those states with no relevant statute do not have an ordinance restricting the blocking of highway-rail crossings within their jurisdictions. A number of them do, but to list them all would extend beyond the scope of this book.

STATE LAWS AND REGULATIONS

ALABAMA

Alabama has no applicable statute.

ALASKA

Alaska has no applicable statute.

ARIZONA

Arizona allows a train to block a crossing for fifteen minutes. It makes an exception for emergencies, unavoidable accidents or circumstance beyond the control of the railroad company. Ariz. Rev. Stat. Ann. § 40-852 (1999).

Penalty

A violation of this section is a Class 2 misdemeanor. Ariz. Rev. Stat. § 40-852 (1999).

ARKANSAS

Arkansas has no applicable statute.

CALIFORNIA

California law has a special provision concerning blocked crossings as a pilot project in Stanislaus County. The law, passed in 1998, is scheduled to be repealed on January 1, 2002.

MINNESOTA

No railroad corporation shall permit a public road or street crossing a railroad track to be closed for traffic by a standing car, train, engine, or other railroad equipment, or by switching movement which continuously blocks a crossing for longer than ten minutes. This section does not apply to cities of the first class which regulate obstruction of streets by ordinance. Minn. Stat. § 219.383 (3) (1998).

Penalty

Any railroad violating this section is guilty of a petty misdemeanor. A second or subsequent violation is a misdemeanor. Minn. Stat. 219.383(4)(1998).

MISSISSIPPI

Mississippi allows a train to block a highway crossing for a maximum of five minutes. In the case of a street within a city, town or village blocked crossings are controlled by local ordinance. Miss. Code Ann. § 77-9-235 (1999).

No member of a train crew, yard crew or engine crew of a railroad shall be held criminally responsible or found guilty of violating any state law or of any municipal ordinances regulating or intended to regulate the blocking of any street, road or highway grade crossings by train or passenger or freight cars if there is reasonable proof that the blocking was necessary to comply with orders or instruction, either written or oral, of his employer or its officers or supervisory officials. Miss. Code Ann. § 77-9-236 (1999).

Penalty

A railroad company may be liable for a fine of fifty dollars for each offense. The conductor in charge of a train may be liable for a fine of not less than twenty-five nor more than fifty dollars if convicted. See Miss. Code Ann. § 77-9-235 (1999).

MISSOURI

No member of a railroad train or yard crew shall be held criminally guilty of any responsibility of violating a state law or any municipal ordinance regulating the occupying or blocking of any street or highway railroad crossing-at-grade by trains or cars, when there is reasonable proof that the action was necessary either written or verbal instructions of his employer. Mo. Rev. Stat. § 71.013 (1999).

Penalty

Every person, firm, company, or corporation, operating a railroad as a common carrier in the State of Missouri and violating the provisions of this section, shall be fined not less than fifty dollars for each separate offense. Mo. Rev. Stat. § 71.013 (1999).

**CITY OF MOUNTAIN IRON
VARIANCE APPLICATION ***

Name of Applicant Howard & Carla Leikas Signature of Applicant [Signature] Date 9/13/05
8399 Balsam Drive 218-749-3948

Legal Description: Sec (Lot) 26 Twp (Block) 2 Rge/Subd Ann's Acres Parcel Code # 175-0012-00570

Area for which Variance Requested: Front of the house.

Statements addressing condition of "undue hardship" for which variance is requested. Our front concrete landing and steps are crumbling. We thought instead of repairing the concrete, we could put over the landing/steps a deck of either 8x8 or 8x10. Above the steps is a canopy/awning 13' wide by 4'. Adding another 4' to the existing canopy would cover the new deck and steps being 13' x 8'. There is no other place to add a covered deck without doing extensive remodeling to the house.

* Applicant is required to submit a vicinity map, drawn to scale, showing applicant's and adjoining property including all existing or proposed buildings or uses. Use reverse side of this form.

Pd 9/13/05 \$150.00
Rec. 1.017787

OFFICE USE ONLY

ITEM	ACTION	DATE	INITIAL
Zoning Administrator Review	<u>sent to JJK</u>	<u>9/13/05</u>	<u>JJK</u>
Public Hearing Set	<u>Hearing set 9/26/05 7:00 AM</u>	<u>9/13/05</u>	<u>JJK</u>
Hearing Notice Published	<u>Mesabi Daily News</u>	<u>9/15/05</u>	<u>JJK</u>
Board of Adjustment and Appeals Recommendation			
Council Action			
Filed with County Recorder			

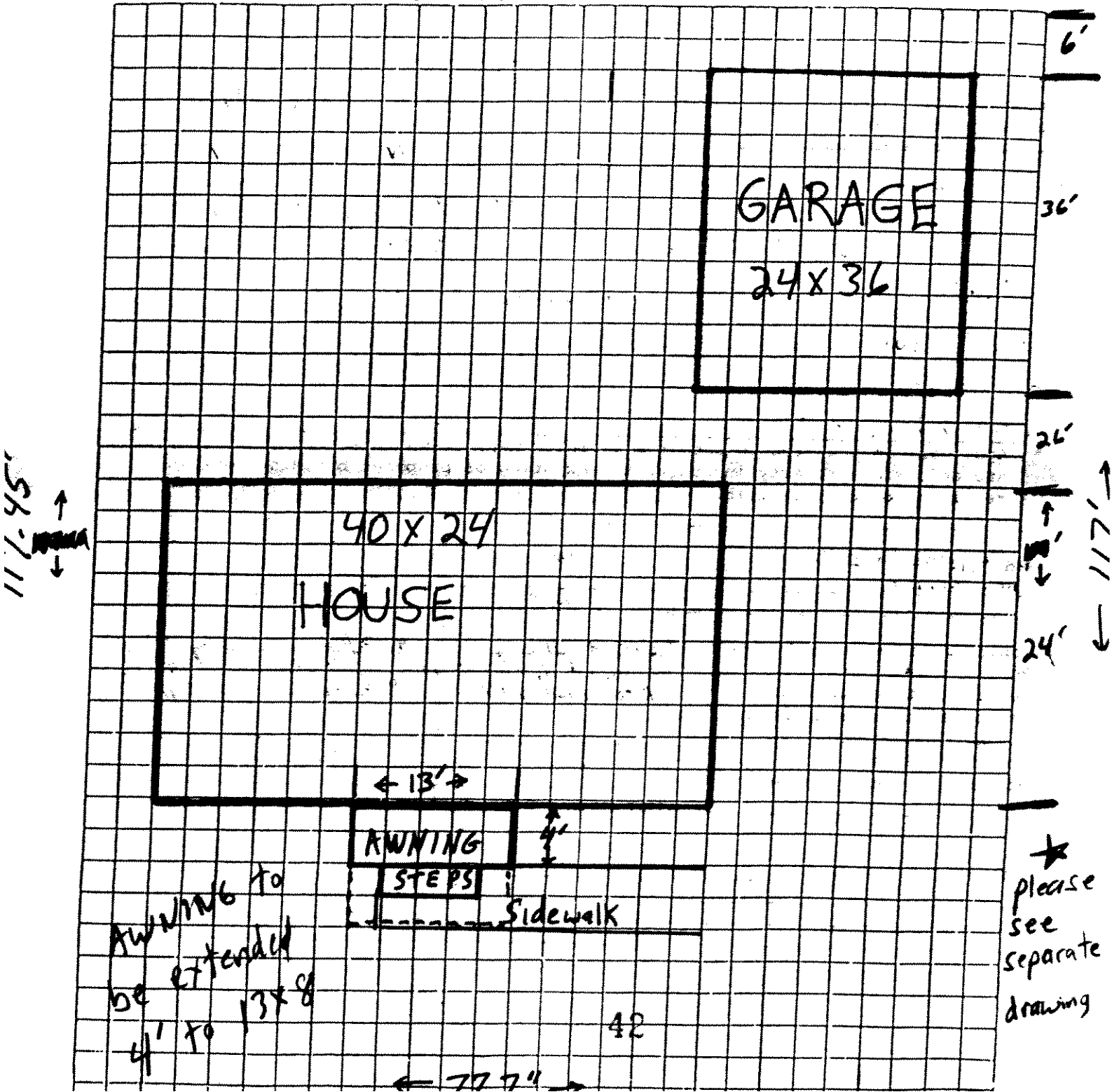
Conditions Attached _____

VICINITY MAP 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 Hel Myler Carla Myler Date 9/13/05

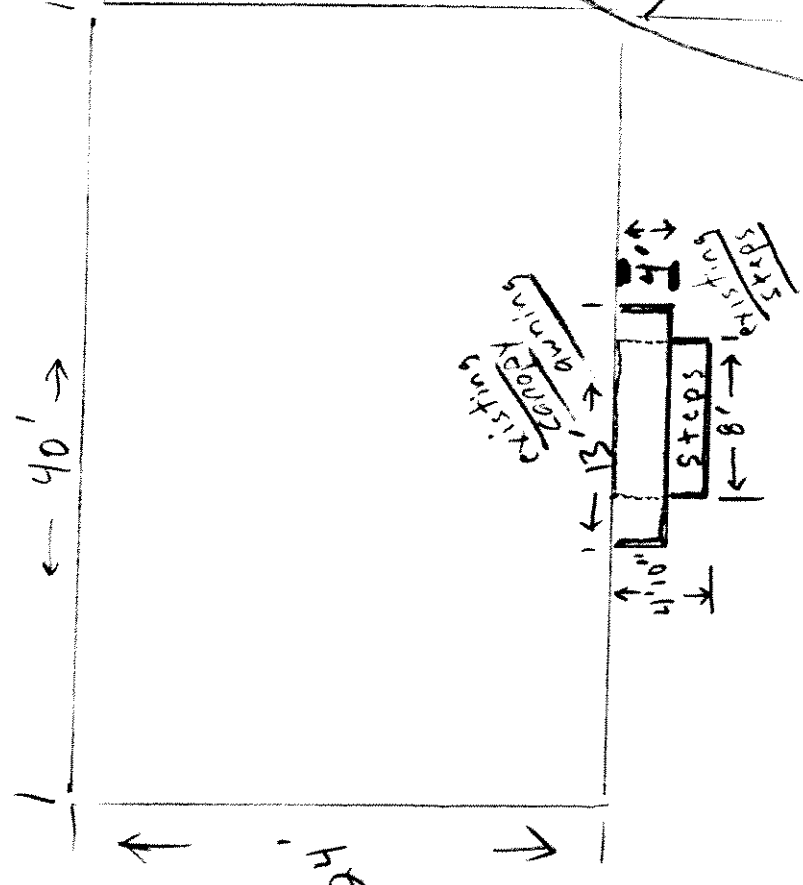
↑ INDICATE NORTH IN CIRCLE ← 67.83' →



AWNING to be extended 4' to 13' 8"

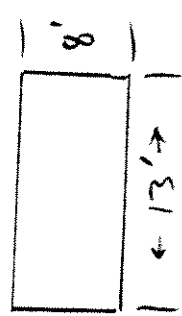
★ please see separate drawing

42



This is what seemed to be a concern to the last city council meeting I attended. If approved, this canopy/deck would not be turned into another room to our home

Proposed canopy covering would extend from 13'4" to 13'8"



The Deck would be 10' wide 8' Deep deck would be covered by canopy 13' wide by 8' out from the house

41' to curb. But may be 25' to property line?

I want to do is have the 10x8 deck covered from rain. I am willing to sign a legal document saying to the affect I will not add window screens or windows. and this would also apply to any future buyer.

Howard & Carla Leikas

PLANNING & ZONING COMMISSION MINUTES
MOUNTAIN IRON, MINNESOTA
September 26, 2005

The regular meeting of the Mtn Iron Planning and Zoning Commission was called to order at 0700 pm on Monday September 26, 2005. Members present were: Ray Saari, Steve Skogman, Jim Giorgi, Steve Giorgi and Zoning Administrator Jerry Kujala. Absent were: Barb Fivecoat, Margaret Soyring, Vicky Juntunen and Council Liaison Allen Nelson.

Minutes of the September 12, 2005 meeting were approved on a motion by Saari second by S. Giorgi.

Public Hearing:

At 0705 pm the regular meeting was recessed and a Public Hearing was held on the Leikas variance on a motion by J. Giorgi second by S Giorgi. Property is described as Lot 26, Block 2, Ann's Acres Addition, 8389 Balsm Dive. There was no one present to speak on the variance and no correspondence.

The Public hearing was adjourned at 0712 pm and the Regular Meeting was reconvened.

Old Business:

Zoning Administrator Kujala reported that the Spragues had applied for a permit for their property, the Hansons were applying for a C.U.P., both fabric structures that had been previously discussed have been removed and he had ticketed the Voyageur Motel and Vern's Green house for erecting fences without permits. Ed Roskoski asked if there had been any movement with the P& H problem. Discussion followed with Mr and Mrs Molmstrom about what should be done. It was explained that there was a meeting with staff and the City Attorney that was going to take place in the near future to discuss options.

New Business:

The Leikas variance was approved on a motion by Saari, second by J. Giorgi with the condition that the deck is not to be enclosed or extend over eight (8) feet from the house.

It was approve on consensus that Zoning Administrator Kujala should follow up with the City Administrator and other staff to set a meeting time and date on the P&H matter. It was further approve to have Kujala request a time for the meeting that would allow for concerned citizen of the area to attend. If this meeting is not fourth coming in a timely fashion, then we will proceed with the violations.

Zoning Administrator's Report

Zoning Administrator Kujala reported that he was working on a letter for the situation at Mashkenode Lake and wanted some assistance with the letter. He stated that he thought the letter should go to all the property owners, he would give them until May 1, 2006 to comply,

wants to include the outhouses that have been erected as violations, will give tickets to the parties that have erected the "hunting shack" and deck with out permits and mention the shooting violations in the area. Discussion was also held on changing the boundaries for use of fire arms with in the City. It was suggested that we change the language that refers to distance from plotted areas to zoning boundaries.

There were no announcements and the meeting was adjourned at 08:12 pm on a motion by J. Giorgi second by Saari.

Respectfully Submitted by

Steve Skogman

COUNCIL LETTER 100305-VA

COUNCILOR ROSKOSKI

FRANK OBERSTAR REQUEST ALTERNATIVE

DATE: September 28, 2005

FROM: Councilor Roskoski

Craig J. Wainio
City Administrator

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

A variance or rezoning of an area has a sense of permanence. How about running the possibility of a "permit" for Frank Oberstar past our attorney? This would not be difference than the temporary permits we have for vendors who operate in the City from time to time.

COUNCIL LETTER 100305-VIA

EDA

RESOLUTION 29-05

DATE: September 28, 2005
FROM: Economic Development Authority
Craig J. Wainio
City Administrator

Resolution Number 29-05 approves an amendment to the Development Agreement between the Mountain Iron EDA, City of Mountain Iron and Mount Timber. This amendment extends the closing date for the land purchase by 45 days to November 30th. The EDA approved the amendment at their September 21st regular meeting.

It is recommended that the City Council adopt Resolution Number 29-05 Approving Amendment to Development Agreement.

Craig J. Wainio

From: Paul Cerkvenik [pcerk@trentilaw.com]
Sent: Tuesday, September 20, 2005 4:44 PM
To: Craig J. Wainio
Cc: mfskala@fryberger.com; gary cerkvenik; tinkbirchem@mchsi.com
Subject: Mountain Timber, LLC Development Agreement
Attachments: Amendment to Development Agreement.doc; Resolution by CITY – Amend to Dev Agr.doc; Resolution by EDA – Amend to Dev Agr.doc; Transfer Agreement (v 2).doc; Resolution BY EDA (v 2) – Approving Transfer Agr.doc; Resolution BY CITY (v 2) – Approving Transfer Agr.doc

Craig:

Attached please find a Transfer Agreement and resolutions for the EDA and City which I have prepared in connection with the request of Mt. Timber to be able to transfer approximately 12 acres to the Laurentian Energy Authority. We are working on getting a specific legal description through Benchmark, and when we have that we can finalize the Transfer Agreement for signature. We are asking that it be approved in advance of having that final legal description. Mary France Skala has reviewed these documents, and I have incorporated her suggestions for changes.

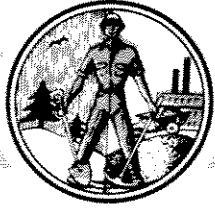
Also attached, please find a proposed Amendment to the Development Agreement and resolutions for approval of the Amendment. The Amendment simply extends the closing date by about 45 days, to Nov. 30. I think this is necessary because the abstracting work on the parcel has not been ordered. I will go forward with ordering it tomorrow, but it may take 2-4 weeks to get it back. I will ask for a rush order. I know Birchems want to close as soon as possible. However, I believe its prudent to extend the date so that we have time to complete the title work properly, and I thought it better to simply cover this change at the same time the Transfer Agreement is being addressed. Mary Frances has not reviewed this document yet, but I trust she will upon receipt of this e-mail.

Please call if you have any questions. Thanks.

Paul Cerkvenik

Trenti Law Firm
225 North 1st Street
Virginia MN 55792
Phone 218-749-1962 Fax 218-749-4308 E-mail pcerk@Trentilaw.com

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CITY OF MOUNTAIN IRON

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8586 ENTERPRISE DRIVE SOUTH • MOUNTAIN IRON, MN • 55768-8260

RESOLUTION NUMBER 29-05

APPROVING AMENDMENT TO DEVELOPMENT AGREEMENT

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

1. That the Amendment to Development Agreement, the form of which is attached hereto as Exhibit "A" is hereby approved and shall be executed by the Mayor and City Administrator of the City in substantially the form attached but with all such changes therein as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof.
2. The City Administrator may take such other action as may be necessary or expedient to facilitate the execution and effectuation of the Amendment to Development Agreement.

DULY ADOPTED BY THE CITY COUNCIL THIS 3rd DAY OF OCTOBER, 2005.

ATTEST:

Mayor Gary Skalko

City Administrator

**AMENDMENT TO
DEVELOPMENT AGREEMENT**

This AMENDMENT TO DEVELOPMENT AGREEMENT is made dated as of _____, 2005, is made by and among the MT. IRON ECONOMIC DEVELOPMENT AUTHORITY, a public body, corporate and politic, and a political subdivision, duly organized and existing under the laws of the State of Minnesota (the "Authority"), the CITY OF MOUNTAIN IRON, a municipal corporation and political subdivision duly organized and existing under the laws of the State of Minnesota (the "City"), and MOUNTAIN TIMBER PROPERTIES, LLC, a limited liability company duly organized and existing under the laws of the State of Minnesota (the "Developer").

In consideration of the mutual obligations of the parties hereto, and pursuant to the terms of the provisions of that certain Development Agreement by and among the parties hereto dated August 17, 2005, each them hereby covenants and agrees with the other as follows:

1. Article 3.1 of the Development Agreement is hereby amended to state as follows:

Section 3.1 The Development Property. The City or the Authority owns the Development Property and are willing to convey it to the Developer upon the terms and conditions set forth in this Agreement. Closing must take place on or prior to November 30, 2005.

2. All other terms and conditions of the Development Agreement shall remain the same.

IN WITNESS WHEREOF, the City, the Authority, and the Developer have caused this Transfer Agreement to be duly executed as of the date first above written.

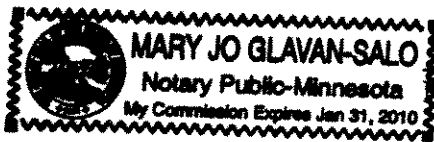
**MT. IRON ECONOMIC DEVELOPMENT
AUTHORITY**

By: *Anthony Zupancich*
Its President

By: *Mary Jacobsen*
Its Secretary

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me on the 23rd day of September, 2005 by Anthony Zupancich and Mary Jacobsen, the President and Secretary, respectively, of the Mt. Iron Economic Development Authority, a public body, corporate and politic, and a political subdivision, duly organized and existing under the laws of the State of Minnesota on behalf of said Authority.



Mary Jo Glavan-Salo
Notary Public

CITY OF MOUNTAIN IRON

By: _____
Its Mayor

By: _____
Its City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me on the _____ day of October, 2005 by Gary Skalko and Craig J. Wainio, the Mayor and City Administrator, respectively, of the City OF MOUNTAIN IRON, a municipal corporation and political subdivision duly organized and existing under the laws of the State of Minnesota on behalf of said city.

Notary Public

MOUNTAIN TIMBER PROPERTIES, LLC

By: _____
Its President

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me on the _____ day of October, 2005 by Jerome Birchem, the President of Mountain Timber Properties, LLC on behalf of the company.

Notary Public

COUNCIL LETTER 100305-VIA

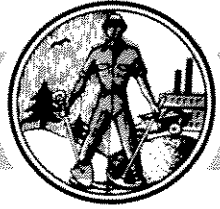
EDA

RESOLUTION 29-05

DATE: September 28, 2005
FROM: Economic Development Authority
Craig J. Wainio
City Administrator

Resolution Number 29-05 approves an amendment to the Development Agreement between the Mountain Iron EDA, City of Mountain Iron and Mount Timber. This amendment extends the closing date for the land purchase by 45 days to November 30th. The EDA approved the amendment at their September 21st regular meeting.

It is recommended that the City Council adopt Resolution Number 29-05 Approving Amendment to Development Agreement.



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 30-05

APPROVING TRANSFER OF PART OF DEVELOPMENT PROPERTY BY DEVELOPER

WHEREAS, the Mt. Iron Economic Development Authority (the "Authority") and the City of Mountain Iron (the "City") have entered into a Development Agreement with Mt. Timber Properties, LLC (the "Developer"), which provides for the development of Project Area No. 1;

WHEREAS, the Developer desires to transfer a part of the Development Property consisting of approximately 12 acres to the Laurentian Energy Authority I, LLC ("LEA") for the purpose of constructing a wood yard and bio-mass fuel processing facility to serve the LEA's bio-mass energy generation project facilities in Hibbing and Virginia; and

WHEREAS, there have been presented to the City Council a form of Transfer Agreement, a copy of which is attached hereto, whereby the proposed transfer would be approved.

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

1. That the Transfer Agreement is hereby approved and shall be executed by the Mayor and City Administrator of the City in substantially the form on file but with all such changes therein as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof.
2. The City Administrator of the City may take such other action as may be necessary or expedient to facilitate the execution and effectuation of the Transfer Agreement.

DULY ADOPTED BY THE CITY COUNCIL THIS 3rd DAY OF OCTOBER, 2005.

ATTEST:

Mayor Gary Skalko

City Administrator

TRANSFER AGREEMENT

This TRANSFER AGREEMENT is dated as of _____, 2005 and is made by and among the MT. IRON ECONOMIC DEVELOPMENT AUTHORITY, a public body, corporate and politic, and a political subdivision, duly organized and existing under the laws of the State of Minnesota (the "Authority"), the CITY OF MOUNTAIN IRON, a municipal corporation and political subdivision duly organized and existing under the laws of the State of Minnesota (the "City"), and MOUNTAIN TIMBER PROPERTIES, LLC, a limited liability company duly organized and existing under the laws of the State of Minnesota (the "Developer").

In consideration of the mutual obligations of the parties hereto, and pursuant to the terms of the provisions of that certain Development Agreement by and among the parties hereto dated August 17, 2005, each them hereby covenants and agrees with the other as follows:

RECITALS

A. The parties hereto have made and entered into a Development Agreement dated August 17, 2005 with respect the Development Property, which is legally described on Exhibit A attached hereto.

B. Pursuant to §5.2 the Development Agreement, the Developer is permitted transfer some or all of the Development Property, subject to certain requirements and conditions set forth in the Development Agreement.

C. The Developer desires to transfer approximately 12 acres (the "Transfer Parcel") of the Development Property to the Laurentian Energy Authority I, LLC ("LEA").

D. LEA proposes to use the Transfer Parcel for the construction of a wood yard facility which will process bio-mass for fuel to be used in LEA's bio-mass fueled energy generation facilities in Hibbing and Virginia.

E. LEA's proposed use is consistent with the Project as set forth in the Development Agreement.

F. The Authority, the City, and the Developer desire to enter into this Transfer Agreement pursuant to §5.2 and §5.3 of the Development Agreement in order for the Developer to be released from its obligations under the Development Agreement with respect to the Transfer Parcel and in order to waive and release all provisions, obligations, duties, and burdens of the Development Agreement from the Transfer Parcel.

NOW THEREFORE, in consideration of the mutual obligations of the parties hereto, each of them covenant and agree with the others as follows:

AGREEMENT

Section 1. Definitions. The following terms have the following respective meanings.

"Development Agreement" means that certain Development Agreement dated August 17, 2005 entered into by and among the Mt. Iron Economic Development Authority, the City of Mt. Iron, and Mt. Timber Properties, LLC.

"LEA" means the Laurentian Energy Authority I, LLC, a limited liability company under the laws of the State of Minnesota.

"Remaining Development Property" means that part of the Development Property exclusive of the Transfer Parcel.

"Transfer Agreement" means this Transfer Agreement.

"Transfer Parcel" means the parcel of land lying within the Development Property consisting of approximately 12 acres and legally described on the attached Exhibit B.

Except as specifically defined in this Transfer Agreement, the capitalized terms used herein have the meaning given to them in the Development Agreement.

Section 2. Findings of the City and the Authority. The City and the Authority make the following findings with respect to the Transfer provided for herein, based solely on representations made by the Developer:

- (a) The Transfer of the Transfer Parcel by the Developer to LEA is not for purposes of speculation in land holding.
- (b) The Transfer of the Transfer Parcel by the Developer to LEA will not prevent, prohibit, or substantially interfere with the Developer's ability to perform its obligations under the Development Agreement or the Developer's ability to successfully complete the Minimum Improvements set forth in the Development Agreement.
- (c) The use of the Transfer Parcel by LEA is materially similar to the use of the Transfer Parcel proposed by the Developer.

Section 3. Approval of Transfer. Notwithstanding the provisions of Section 5.2(a) of the Development Agreement and notwithstanding any right of reverter or restriction on transfers contained in the deed to be given to the Developer by the City and the Authority, the City and the Authority hereby approve and consent to the transfer of the Transfer Parcel from the Developer to LEA, subject only to the fulfillment of the obligations of the Developer as set forth in Section 4 of this Transfer Agreement.

Section 4. Obligations of Developer. Prior to effectuating a Transfer of the Transfer Parcel to LEA:

- (a) The Developer shall complete the Closing of the Development Agreement as set forth in the Development Agreement prior to any Transfer of the Transfer Parcel.
- (b) The Developer shall submit to the Authority for review and prior approval all instruments and other legal documents involved in effecting the Transfer of the Transfer Parcel.

Section 5. Release. Subject only to the provisions of this Transfer Agreement, the City and the Authority hereby release the Transfer Parcel from each and every provision, obligation, covenant, agreement, burden, and benefit of the Development Agreement.

Section 6. Right of Reverter; Certificate of Completion. The City further agrees, for the benefit of the Developer and for the benefit of LEA, that it will issue a certificate of completion to the Developer and to LEA with respect to the Transfer Parcel pursuant to Section 4.4 of the Development Agreement upon the completion of the construction of LEA's wood yard facility and upon request by either the Developer or LEA. With respect to the Transfer Parcel, the City and the Authority agree that the right of reverter referenced in Section 3.3(b)(i) of the Development Agreement and the restriction in the deed to the Developer referenced in Section 3.3(b)(ii) of the Development Agreement will be extinguished upon execution of and filing of the Certificate of Completion with respect to the Transfer Parcel.

Section 7. Limited Waiver and Release of Developer. Subject only to the provisions of this Transfer Agreement, the City and the Authority hereby waive, and release the Developer from, the obligations, covenants and agreements of the Developer in Development Agreement with respect to the Transfer Parcel.

Section 8. No Waiver or Release With Respect to Remaining Development Property. The Authority, the City, the Developer, and the Remaining Development Parcel each hereby remain bound by the terms, agreements, provisions, covenants, benefits, and burdens of the Development Agreement. Nothing contained herein shall be deemed or construed to relieve the Authority, the City, or the Developer from the provisions of the Development Agreement with respect to the Remaining Development Property. Furthermore, nothing herein shall be deemed or construed to relieve or release the Remaining Development Parcel from the provisions, covenants, obligations, agreements, benefits and burdens of the Development Agreement.

IN WITNESS WHEREOF, the City, the Authority, and the Developer have caused this Transfer Agreement to be duly executed as of the date first above written.


**MT. IRON ECONOMIC DEVELOPMENT
AUTHORITY**

By: *Anthony Zupancich*
Its President

By: *Mary Jacobsen*
Its Secretary

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me on the 23rd day of September 2005 by Anthony Zupancich and Mary Jacobsen, the President and Secretary, respectively, of the Mt. Iron Economic Development Authority, a public body, corporate and politic, and a political subdivision, duly organized and existing under the laws of the State of Minnesota on behalf of said Authority.


Mary Jo Glavan-Salo
Notary Public

CITY OF MOUNTAIN IRON

By: _____
Its Mayor

By: _____
Its City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me on the _____ day of October, 2005 by Gary Skalko and Craig J. Wainio, the Mayor and City Administrator, respectively, of the City OF MOUNTAIN IRON, a municipal corporation and political subdivision duly organized and existing under the laws of the State of Minnesota on behalf of said city.

Notary Public

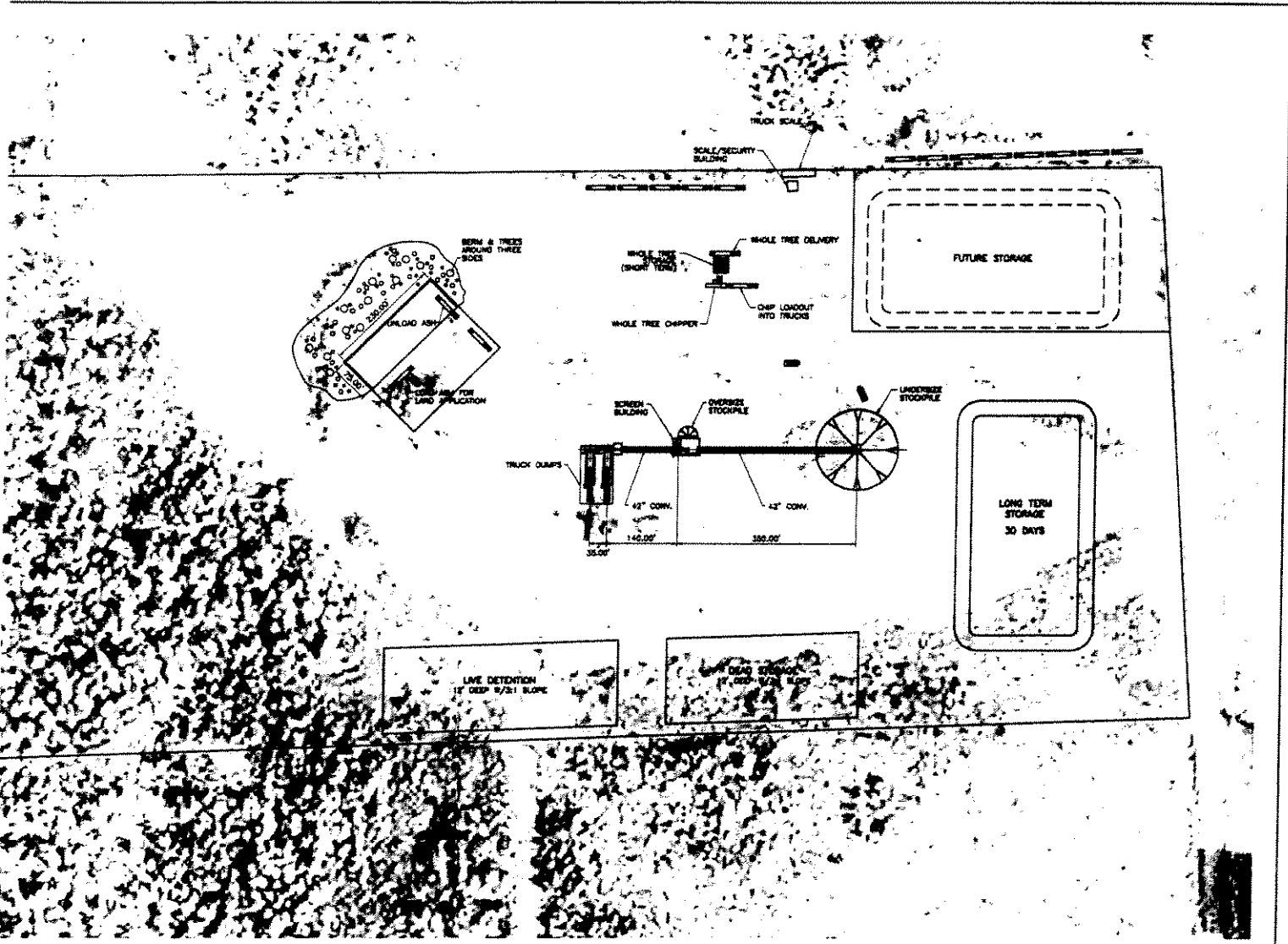
MOUNTAIN TIMBER PROPERTIES, LLC

By: _____
Its President

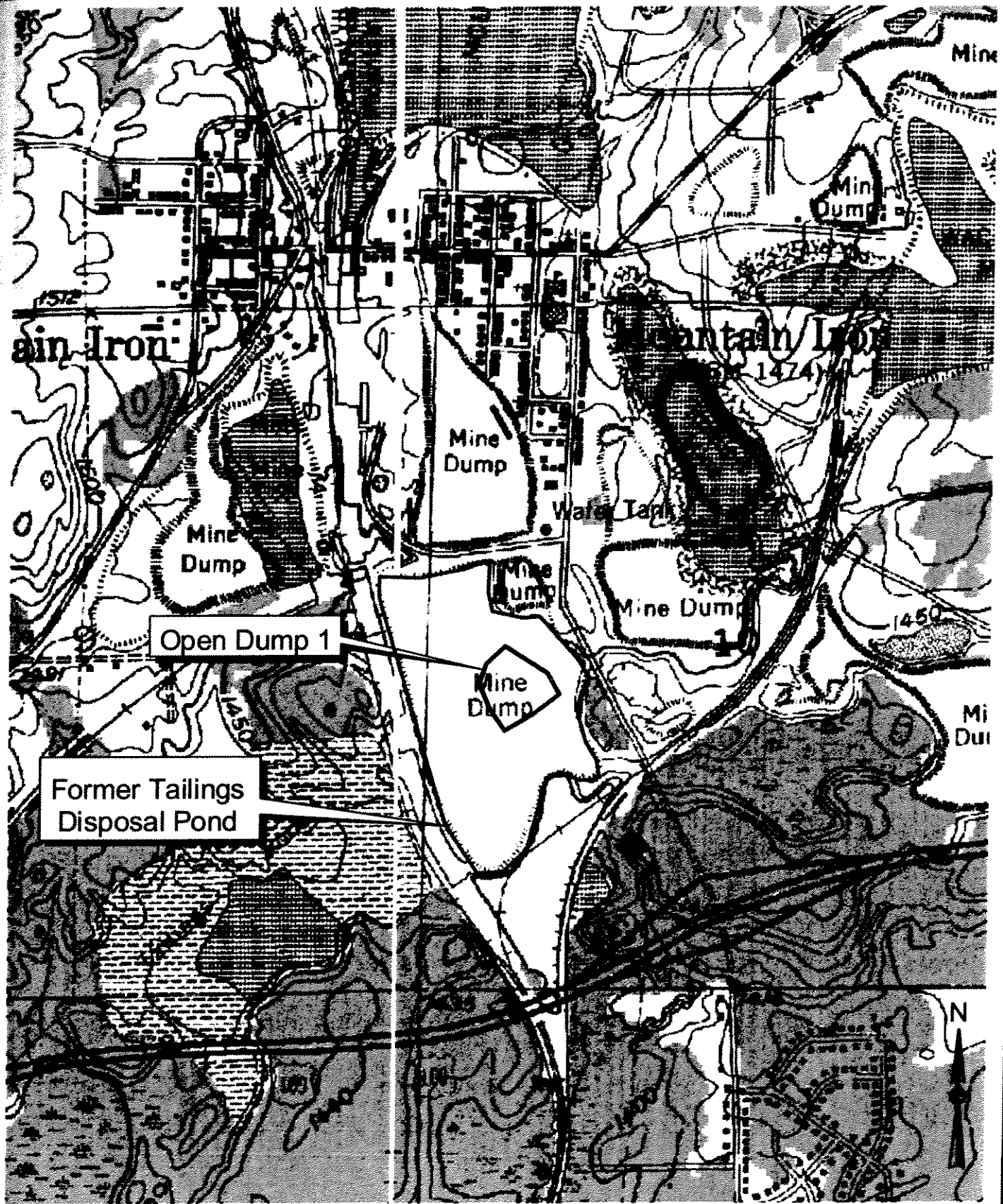
STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me on the _____ day of October, 2005 by Jerome Birchem, the President of Mountain Timber Properties, LLC on behalf of the company.

Notary Public



BARR CONSULTING ENGINEERS 348 WEST 27TH STREET HERRING, ILL 60148 TEL: (815) 222-1200 FAX: (815) 222-1460 WWW: www.barr.com		Project Office: BARR ENGINEERING CO. 348 WEST 27TH STREET HERRING, ILL 60148 TEL: (815) 222-1200 FAX: (815) 222-1460 WWW: www.barr.com		Date: 08/14/08 Drawn: SAM Checked: Designed: Approved:		LAURENTIAN ENERGY AUTHORITY		RENEWABLE BIOMASS WOOD YARD - AIRPORT SITE OPTION B -WIND-ROW-STORAGE - 30 DAYS		ERM PROJECT NO: 23/88-878-HFL OUBH PROJECT NO: DWG. No.: BA-0018 REV. No.: A	
BY THE PLAN DRAWING IS HEREBY RELEASED TO THE PUBLIC AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE OWNER.	DATE RELEASED 08/14/08	RELEASED TO/POW A B E C O I T S		PROJECT NO. 23/88-878-HFL		DRAWING NO. BA-0018		SHEET NO. A		SCALE P.L.	



City of Mountain Iron - RAP

Location Map


Wenck
 Wenck Associates, Inc.
 Environmental Engineers
 1800 Pioneer Creek Center
 Maple Plain, MN 55359-0249

April 2004

Figure 1

COUNCIL LETTER 100305-VIC

COUNCILOR NELSON

RESOLUTION 31-05

DATE: September 28, 2005

FROM: Councilor Nelson

Craig J. Wainio
City Administrator

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

Adopt Resolution Number 31-05 which authorizes the transfer of the remaining Railroad Right-of-Way between Nichols Avenue and Falcon Avenue to eliminate all concerns of gates, post, liability, etc

Staff Note: Since the legal descriptions were completed during the initial sale of the RR ROW, the costs of the transfer would be minimal. If the City Council passes Resolution Number 31-05, staff recommends that a transfer price of \$50.00 be charged. This would cover the recording fees for the transfer. (CJW)



CITY OF MOUNTAIN IRON

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RESOLUTION NUMBER 31-05

AUTHORIZING THE SALE OF CERTAIN PROPERTY

WHEREAS, the City Council has heretofore determined that it is beneficial to the City of Mountain Iron to convey certain property.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF MOUNTAIN IRON, MINNESOTA that the Mayor and City Administrator, upon receipt of payment, execute the deed to convey real property in St. Louis County, Minnesota, described as follows:

That portion of the former Burlington Northern and Santa Fe Railway Company's (formerly Great Northern Railway Company) 50 foot wide Virginia to Wacootah, Minnesota Branch Line right-of-way, now discontinued, being 25 feet wide on each side of said Railway Company's Main Track centerline as originally located and constructed upon, over and across the Northwest Quarter and the South Half of the Northeast Quarter of Section 12, all in Township 58 North, Range 18 West of the Fourth Principal Meridian, St. Louis County, Minnesota.

Subject, however, to all existing interests, including but not limited to all reservations, rights-of-way and easements of record or otherwise.

DULY ADOPTED BY THE CITY COUNCIL THIS 3rd DAY OF OCTOBER, 2005.

ATTEST:

Mayor Gary Skalko

City Administrator

COUNCIL LETTER 100305-VID

COUNCILOR PREBEG

SNOWPLOWING POLICY

DATE: September 28, 2005

FROM: Councilor Prebeg

Craig J. Wainio
City Administrator

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

Due to numerous snowplowing complaints and the elimination of snowplowing around the school and high traffic areas during the busiest hours we should change the City's Snowplowing policy to read as the policy that is enclosed in this packet.

City of Mountain Iron Snowplowing Policy

September 21, 2005

1. **Introduction**

The City of Mountain Iron believes it is in the best interest of the residents for the City to assume basic responsibility for control of snow and ice on City streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The City will provide such control in a safe and cost effective manner, keeping in mind safety, budget, personnel, and environmental concerns. The City will use City employees, equipment, and/or private contractors to provide this service.

2. **When will City start snow or ice control operations?**

The Director of Public Works or designee will decide when to begin snow or ice control operations. The criteria for that decision are:

- A. Snow accumulation or drifting snow that causes problems for traffic.
- B. Icy conditions which seriously affect travel; and
- C. Time of snowfall event in relationship to heavy use of streets.

Snow and ice control operations are expensive and involve the use of limited personnel and equipment. Consequently, snowplowing operations generally will be conducted at the discretion of the Director of Public Works or designee.

3. **How snow will be plowed.**

Snow will be plowed in a manner so as to minimize any traffic obstructions. The center of the roadway will be plowed first. The snow shall then be pushed from left to right. The discharge shall go onto the boulevard area of the street. In times of extreme snowfall, streets will not always immediately be able to be completely cleared of snow.

4. **Snow removal.**

The Director of Public Works or designee will determine when snow removal will commence. Such snow removal will occur in areas where there is no room on the boulevard for snow storage and in areas where accumulated piles of snow create a hazardous condition. Snow removal operations will not commence until other snowplowing operations have been completed. Snow removal operations may also be delayed depending on weather conditions, personnel, and budget availability. The snow will be removed and hauled to a snow storage area. The snow storage area will be located so as to minimize environmental problems.

5. Priorities and schedule for which streets will be plowed.

The City has classified City streets based on the street function, traffic volume, and importance to the welfare of the community. Those streets classified as "Snow Plow Routes" will be plowed first. These are high volume routes, which connect major sections of the City and provide access for emergency fire, police, and medical services.

The second priority streets are those streets providing access to schools and commercial businesses. The third priority streets are low volume residential streets. The fourth propriety areas are alleys and city parking lots. In most cases, these priorities will be plowed simultaneously.

6. Work schedule for snowplow operators.

Snowplow operators will be expected to work eight-hour shifts. In severe snow emergencies, operators sometimes have to work in excess of eight-hour shifts. However, because of budget and safety concerns, no operator shall work more than a twelve-hour shift in any twenty-four hour period without the authorization of the Director of Public Works or his designee. Operators will take a fifteen-minute break every two hours with a half-hour meal break after four hours. After a twelve-hour day, the operators will be replaced if additional qualified personnel are available.

7. Weather conditions.

Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of City employees and equipment. Factors that may delay snow and ice control operations include: severe cold, significant winds, and limited visibility.

8. Use of sand, salt and other chemicals.

The City will use sand, salt, and other chemicals when there are hazardous ice or slippery conditions. The City is concerned about the effect of such chemicals on the environment and will limit its use for that reason.

9. Sidewalks.

The City will maintain designated sidewalks in the City. As there are a limited number of personnel available, the City will only maintain these sidewalks after the streets have been plowed.

COUNCIL LETTER 100305-VIE

COUNCILOR PREBEG

STREET ASSESSMENTS

DATE: September 28, 2005

FROM: Councilor Prebeg

Craig J. Wainio
City Administrator

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

Reconsider the proposed assessments on the following streets and change assessment rate back to the original assessment rate. If the current arbitrary assessment rates remain it will cost the City an additional \$20,521.

Change Locomotive Street back to 75% from 25%

Change Park Drive back to 75% from 50%

Change Grant Street back to 75% from 25%

Change Parkville Street back to 50% from 25%



September 27, 2005

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

RE: Partial Payment Estimate No. Two (1)
2005 Renovations
Mtn. Iron Library
Mtn. Iron, Minnesota
DSGW Project # 05007

Dear Craig:

Enclosed please find three (4) copies of the Partial Payment Estimate No. Two (2), on the above subject project, from Lenci Enterprises, for \$42,734.70.

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 from Lenci Enterprises for weeks ending: 9/2/05, 9/9/05, 9/16/05 and 9/23/05.

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

Sincerely,

DSGW Architects, Inc.

A handwritten signature in black ink that reads "Erik C. Wedge" followed by a stylized flourish.

Erik C. Wedge, AIA
Project Manager

ECW:jp

enc.

cc: Lenci Enterprises

Form MN RD 1924-18
(Rev. 01/2002)

United States Department of Agriculture
Rural Development
Rural Utilities Services

Contract No.:
Partial Payment Estimate No.:
TWO
Page: 1

PARTIAL PAYMENT ESTIMATE

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: 8 / 30 / 05
To: 9 / 27 / 05

CONTRACT CHANGE ORDER SUMMARY				ESTIMATE	
No.	Agency Approval Date	Amount			
		Additions	Deductions		
ONE		3,683.		1. Original Contract.....	312,800.00
				2. Change Orders.....	3,683.00
				3. Revised Contract (1 + 2).....	316,483.00
				4. Work Completed*.....	90,183.00
				5. Stored Materials*.....	
				6. Subtotal (4 + 5).....	90,183.00
				7. Ineligible Work*.....	
				8. Adjusted Subtotal (6 - 7).....	90,183.00
				9. Retainage*.....	9,018.30
				10. Previous Payments.....	38,430.00
TOTALS		3,683.		11. Amount Due (8 - 9 - 10).....	42,734.70
NET CHANGE		3,683.		* Detailed breakdown attached	

Contract Time

Original Substantial Completion Date: ___/___/___	Percent Contract Time Expired: _____%	Contractor Is (Circle One): On Schedule Ahead of Schedule Behind Schedule If behind schedule, has Contractor been advised of liquidated damages clauses as outlined in the Contract? _____ Amount: _____
Revised: ___/___/___	Percent of Work Completed: _____%	
Original Final Completion Date: ___/___/___	Percent of Contract Paid: _____%	
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.

Contractor: Lenci Enterprises, Inc.
By: Dale J. Hansen Date: 9/27/05
Dale J. Hansen, Corporate Secretary

Approved By Owner:
Owner: _____
By: _____ Date: ___/___/___

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.

A/E: DSGW ARCHITECTS
By: _____ Date: 9/22/05

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

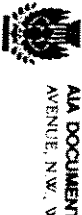
St. Iron Public Library 2005 Renovations
CONTINUATION SHEET

AIA DOCUMENT G703 (Instructions on reverse side)

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.: TWO
 APPLICATION DATE: 9/27/05
 PERIOD TO: 9/27/05
 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 (C-G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)				% (G + C)			
1.	General Conditions	\$ 22,000.	13,200.	2,200.			15,400.	70	6,600.	
2.	Demolition	18,200.	2,800.	4,500.			7,300.	40	10,900.	
3.	Earthwork	13,600.	5,400.	5,500.			10,900.	80	2,700.	
4.	Landscaping	4,400.							4,400.	
5.	Site Concrete	6,800.							6,800.	
6.	Concrete Footings/ Underpinning	5,900.	1,100.	4,800.			5,900.	100		
7.	Concrete Patching/ Grouting	4,000.		2,000.			2,000.	50	2,000.	
8.	Concrete Slab on Deck	700.							700.	
9.	Masonry Restoration	75,200.	12,800.	11,200.			24,000.	32	51,200.	
10.	Masonry	15,000.		3,000.			3,000.	20	12,000.	
11.	Structural & Misc. Steel	4,600.		1,400.			1,400.	30	3,200.	
12.	Rough Carpentry	4,200.		1,000.			1,000.	22	3,200.	
13.	Millwork	4,400.		300.			300.	6	4,400.	
14.	EPDM Roofing/Roof Tiles	5,000.		4,400.			4,400.	88	600.	
15.	Dampproofing/Waterproofing	7,300.	2,900.				2,900.	39	4,400.	



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G703-1992

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CONTINUATION SHEET

AIA DOCUMENT G703 (Instructions on reverse side)

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.: TWO
 APPLICATION DATE: 9/27/05
 PERIOD TO: 9/27/05
 ARCHITECT'S PROJECT NO.:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G + C)			
16.	Metal Frames/Doors and Hardware	6,700.						6,700.	
17.	Aluminum Entrances/Glass	5,300.						4,900.	
18.	Gypsum Board/Plaster	17,300.	400.			400.	8	17,300.	
19.	Porcelain Tile/Resilient Flooring	3,300.						3,300.	
20.	Acoustic Tile	600.						600.	
21.	Painting	1,900.						1,900.	
22.	Elevator	52,000.	4,100.			4,100.	8	47,900.	
23.	Mechanical	9,000.						7,000.	
24.	Electrical	25,400.						23,900.	
	Change Order No. 1	\$ 312,800.							
		3,683.							
		316,483.	42,700.	47,483.		90,183.	100	226,300.	



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G703-1992

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September 15, 2005

AARP TAX AIDE
Marian D. Chase,
District Coordinator for North St. Louis County
503 North Van Buren Avenue
Eveleth, MN 55734-2253
Phone & Fax: 218-744-5635

Honorable Gary Skalko, Mayor
Mt. Iron City Hall
8586 Enterprise Drive South
Mt. Iron, MN 55768

Dear Mayor Skalko:

I respectfully request the use of either the Iroquois or Wacoota room in the Mt. Iron Community Center for training AARP Tax Aide Volunteer Counselors the week of January 16-20, 2006 from 8:00-4:30, daily.

We need a room which can seat about 36 counselors at tables arranged in a classroom style. Our instructors use an overhead projector and/or other electronic equipment in their presentations. The room needs to be a secure, locked facility in order to leave desktops computers and overhead projectors in the classroom the entire week of training.

Depending on the size of the tables, we can seat up to three counselors per table. This allows room for either a laptop or a desktop computer plus their manuals and other training materials.

AARP Tax Aide is a nationwide program which serves low and moderate income taxpayers of all ages. During the tax season, we have sites set up in Hibbing, Chisholm, Virginia and Ely which are open one or more days per week. For example, in Virginia, a site at the Thunderbird Mall is open Tuesday, Thursday and Saturday, including evening hours on Tuesdays. In addition, we have many one-day sites located at hi-rises in many communities, including Mt. Iron. We provide service to shut-ins, as well. Last year, we assisted over 3,400 taxpayers, free of charge. Federal and state refunds totaled over \$2.5 million which contributes to the local economy. (The taxpayers we assist spend their refunds on merchandise and services.)

We have no funds to pay for a training facility or for our tax preparation sites. AARP, IRS, and Minnesota Revenue provide us with materials for training and some instructors, depending on their availability but no funds are provided for facility rental.



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We instructors provide refreshments such as fruit, cookies and coffee for morning and afternoon breaks. Students either carry a bag lunch or go out to the closest restaurant for their lunch. We request permission to bring in coffee and hot water pots for beverages and the above mentioned refreshments. We do not need a kitchen if we are allowed to serve the coffee, etc in the training room.

Although I am not a Mt. Iron resident, Bonnie Ebnet, Director of RSVP and the Northland Volunteer Center at AEOA, our local umbrella agency, is a Mt. Iron resident. I would be happy to speak to the Mt. Iron City Council to give a further explanation of our program and answer questions.

Please advise me if I may speak to the Council on Monday, September 19 or the first or third Monday in October.

Sincerely,

A handwritten signature in cursive script that reads "Marian D. Chase".

Marian D. Chase,
District Coordinator AARP Tax Aide, North St. Louis County

September 26, 2005

City of Mountain Iron
8586 Enterprise Drive
Mountain Iron, MN 55768

Dear Mr. Skalko,

The Merritt Elementary PTA has been fundraising for approximately 3 years to purchase new playground equipment for Merritt. We now have enough money to purchase the Phase 2 portion of our large unit, which consists of 4 slides, a corner climber and a fire pole.

In approximately 3 weeks we will be installing this equipment and are in need of an auger and other heavy equipment to help with the installation. We are inquiring if the City of Mountain Iron would be willing to provide this in-kind service of the use of the auger truck and possibly other equipment for this worthwhile project.

We do not have a date of installation at this time, but it will take place around the 3rd week in October. When we know the date of delivery, we will contact you.

Thank you in advance for your consideration.

Sincerely,



Shari Christenson
Merritt PTA President
735-1085