

Township of Breitung Agenda-Regular Board Meeting

Township of Breitung Board Meeting 07/22/2021

Breitung Town Hall 12noon

- Call the meeting to order/Roll Call
- Acceptance of Agenda
- Approval of Minutes
 - 07/13/21-Special Board Meeting
- Approval of June 2021 Treasurers Report
 - Checks Written 45575 thru 45658
 - Total Disbursements \$176,540.46
 - Fund Balance-\$319,758.61
 - Voided Checks-None
- Correspondence
 - Frandsen Bank
 - Stuntz Bay Thank You
 - Congressional Spending for TH 169
 - Vermilion Lake Association Annual Meeting
 - Echo Point Concern about B&B's
 - Northwoods Partners
 - Thank You for the Community Picnic
- Public Input

Reports:

- Police-None
 - Fire-See Attached
 - Road and Bridge
 - McKinley Park
 - Waiting on quote for electrical work for campsites
 - Recreation
 - Donation of Hockey Boards
 - Wastewater Board
 - Ambulance Commission
-

Old Business

- Update on Police Department
 - Interview Committee
- Blight
 - Letters sent to residents
- Sanitary Sewer Improvement
 - Project Update
 - Bid Approval
- Gravel on the Junction Road
- Rink Project Update
- McKinley Park Trail
 - Approval for Pre-App to IRRR

New Business

- Pay Bills as Presented
- Fire Department
 - Volunteer Membership Application
 - PERA
- Mary Batinich-Water & Sewer to small garage
- Call for bids for propane
- City of Ely-Possible rental of vehicle
- Forfeiture Vehicle
- Possible Water Ban/Restriction for residents of Soudan
- Metro Sales-New Contract on Copiers
- Trees on 4th Avenue
- Resolution 2021-14-Resolution to accept
- Blight
 - Review of Ordinance

Next Regular Meeting Date-August 19th, 2021 at 12:00pm

Adjourn

Township of Breitung Special Board Meeting 07-13-2021 at 12:30PM. In Person Meeting at the Community Center

Present In Person:

Board Members: Chairman Tim Tomsich, Supervisor Chuck Tekautz, Supervisor Greg Dostert, Treasurer Jorgine Gornick, Clerk Dianna Sunsdahl

Public: Tom Gorsma-Maintenance Supervisor, Matt Tuchel, Stephanie Ukkola-Timberjay, John Jamnick-JPJ Engineering, Steve Altenburg-Tower News

Absent: None

Call to Order @ 12:30pm by Chairman Tomsich

Approval of Minutes:

Motion by Supervisor Tekautz to accept the Minutes from the 06/24/21 Regular Board Meeting

2nd by Chairman Tomsich

Motion Passed 2-0

Supervisor Dostert-Abstain

Old Business:

- **Update on Police Department**

- Recommendation to the Township Board from the Joint Police Committee was as follows: "The general recommendations by the committee is for some form of local policing; not a 24/7 Department; look @ a Joint Police Commission to manage in the future". Survey Results were given, as well as 3 late surveys.
- Discussion by the Board to start the process of Hiring a Chief, Clerk Sunsdahl to contact applicants to ensure they are still interested. Board will look to new Chief for input and recommendation on another position.
- Consensus by the Board to hold a Special Board Meeting for interviews on July 22nd, 2021 @ 5pm. Interviews to be set for 1 hour each.

- **Projects**

- **McKinley Park Trail**

DNR has awarded \$150,000 for the McKinley Park Trails. Chairman Tomsich to submit a pre-app to IRRR for their share. Need to ensure 1 manhole on that trail is coordinated to be done with this project.

- **Stuntz Bay Road**

Awaiting a bid from JPJ Engineering

- **Purchase of Land from the County by the Gravel Pit-Received land parcel**

description that the township wishes to purchase. Sent to the county, and has been forwarded to Administration for review and reassignment.

➤ Sanitary Sewer Improvements

Bid Openings for the Project were at 11:00am at the Community Center with John Jamnick from JPJ Engineering opening the bids. There were 3 bids submitted:

2EZ, Inc. dba Jola & Sopp Excavating-\$435,780.00

TNT Construction Group, LLC-\$484,800.00

Utility Systems of America, Inc.-\$516,406.50

John Jamnick suggested to accept the bid from 2EZ, Inc, dba Jola & Sopp Excavating as it was the lowest bid. Substantial amount of work to be done by October 15th of this year. Discussion by the Board to delay awarding the bid so that Maintenance Supervisor Gorsma can go through specifics of the project, as well as review GAP funding.

Motion by Chairman Tomsich to table acceptance of a bid until July 22nd, 2021
2nd by Supervisor Dostert

Motion Passed 3-0

Special Board Meeting: Thursday, July 22nd, 2021 at 5pm for Police Chief interviews

Next Regular Board Meeting: Thursday, July 22nd, 2021 at 12:00pm

Adjourn:

Motion by Supervisor Dostert to Adjourn the Meeting at 1:18pm

2nd by Supervisor Tekautz

Motion Passed 3-0

Respectfully Submitted

Dianna Sundahl

Clerk, Breitung Township

TOWNSHIP OF BREITUNG

Jun-21

GENERAL	36,810.95
ROAD & BRIDGE	51,798.72
FIRE	42,863.12
PARK	39,215.10
RECREATION	8,594.01
POLICE	54,568.43
PROJECTS	24,422.73
WATER DEPT	61,485.55
CARES	0.00
TOTALS	319,758.61

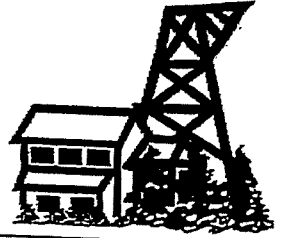
OFFICE SPACE FOR RENT

- **Prime location on Hwy. 1/169, downtown Tower**
- **Professional office suite with separate entrance**
- **Up to 1,150 sq. ft., all on main street level**

**Contact Greg Buckley
Frandsen Bank & Trust
218.471.1316**

gbuckley@frandsenbank.com

TOWNSHIP OF BREITUNG



PO Box 56 | Soudan | MN | 55782

June 30, 2021

To the Stuntz Bay Association Members:

The Breitung Township Board would like to thank the Association for their generous donation to Breitung Township in the amount of \$2500.00 that was received last week. This thank you letter will be discussed at our next Regular Township Board Meeting on 07/22/2021 at 12:00pm. Thank you again for your support of the community.

Sincerely-

A handwritten signature in cursive script, appearing to read 'Dianna Sunsdahl'. The signature is fluid and extends across the line of the name.

Dianna Sunsdahl
Clerk, Breitung Township

Board Members:

Tim Tomsich-Chairman

Charles Tekautz-Supervisor

Gregory Dostert-Supervisor

Re: Congressionally Directed Spending Request - TH 1/169 Spot Safety & Mobility Improvements

From: Makowski, Peter (Smith) (peter_makowski@smith.senate.gov)

To: zar@frontiernet.net

Cc: info@yatahey.com; zar@frontiernet.net; gdusty@frontiernet.net; richa580@d.umn.edu; ddebeltz@twin-metals.com; elyecho@aol.com; marsnik@frontiernet.net; elyod@ely.mn.us; rosstpetersen@hotmail.com; bskradski@gmail.com; eerie@ely.k12.mn.us; tomba@senate.mn; rep.rob.ecklund@house.mn; mcdonaldp@stlouiscountymn.gov; ida_rukavina@klobuchar.senate.gov; duane.hill@state.mn.us; michael.kalnbach@state.mn.us; alex.peritz@state.mn.us

Date: Monday, July 12, 2021, 11:16 AM CDT

Hi Bill!

This is also the case with Senator Smith's office. Please know that there are a number of critical steps which these projects have to go through. Senator Smith worked with Senator Klobuchar to submit an inclusive list of projects to the various sub-committees and committees. I want to caution everyone that submission does not mean that funding is guaranteed. It is just one step in the process. These projects will receive extensive scrutiny from committee staff and members of Congress. We will keep you updated as this process moves forward.

Have a Great Minnesota Day!



Pete Makowski

North Central Regional Outreach Director

Office of US Senator Tina Smith

651-728-2928 cell

Sent from my iPhone

On Jul 12, 2021, at 10:17 AM, Bill Erzar <zar@frontiernet.net> wrote:

Hello Everyone,

On Friday, July 9th, I received a call from Fran Blee of Senator Amy Klobuchar's office that our request for the Federally Designated Spending for the below project request, has moved up to the Senate Appropriations Committee for Review.

She said the Committee will be reviewing these requests over the Summer and early Fall.
Bill

These are the sections of TH 1/169 included in the request.

1. RP 267 Grade lowering TH 169 near Soudan - Vermilion State Park Entrance.
2. RP 275-276 Horizontal Curve correction (in Robinson Lake Area)
3. RP 276-278 Wolf Creek Pass Road (Morse Township Road) Turn Lane Construction and Realignment.
4. RP 278-279 Wolf Lake Road (County Road 404) Turn Lanes and Realignment (through Soley's Corner)

Now, let's hope we make it through the next step in the Congressionally Directed Spending Request for Transportation and Infrastructure funding.

Sincerely,

Bill



We're looking forward to
having your family join us for the
Vermilion Lake Association Annual Meeting
Saturday, August 7, 2021
at Camp Vermilion, 2555 Vermilion Camp Road,
Cook, Minnesota, from 3-7 pm

- 3-4:30 pm:** Discussion Tables and Voyageurs Canoeing (3:30 or 4:30 reservations required)
4:30-5:30 pm: Pulled Pork Sandwich Picnic Dinner (\$10 for adults, \$5 for kids under 12)
5:30-6 pm: Annual Business Meeting with bylaw revision presentation/vote
& re-appointment of Board Directors
6-7pm: Enjoy conversations with Lake Friends and Beverages on the deck (cash bar)

RSVP Required by Friday, July 23 to:

Terrie Heimann
Pat Michaelson

jtheimann@live.com

plmichaelson@gmail.com

218-666-6057

612-306-7702

The proposed bylaw changes are available at www.vermilionlakeassociation.org



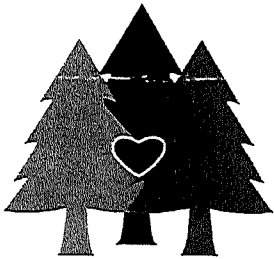
NORTHWOODS PARTNERS

20th Anniversary

June 23, 2021

Dear Friend of Northwoods Partners,

What an epic year 2020 was for all of us. As the world came to a screeching halt, Northwoods Partners had to rethink, adapt, and adjust our services and programs so that we could meet the needs of our seniors and caregivers. Throughout the global pandemic, our services became a lifeline for many of our families, friends, and neighbors. This past year, 59 volunteers and 2 staff members provided services to 500 individuals and families; all while adhering to the CDC and MDH COVID guidelines. In 2020:



194 deliveries of groceries and essential items

650 hours of Zoom Tai Ji Quan were attended

782 rides were provided to seniors in our community

8,096 volunteer hours were spent safely visiting with our area seniors

47,584 miles were driven by Northwoods Partners volunteers

Our service area of 480 square miles includes clients in Ely, Babbitt, Tower, Soudan and surrounding townships. The number of persons in this area who are over the age of 65 is nearly double the state average. Demand for our services continues to rise. You are invited to visit our website, www.northwoodspartners.org, to watch our 3½ minute informational video and to check our calendar for events and opportunities. You can also follow us on Facebook for up-to-date information.

COVID-19 restrictions prevented us from hosting the Theme Dinner and the Festival of Trees, our biggest fundraising events. The loss of those two events resulted in a budget shortfall of nearly \$30,000. We hope that you will make a financial contribution to Northwoods Partners so that we can continue to provide services so vital to our communities.

Northwoods Partners is a non-profit 501(c)(3) organization and your donation is tax-deductible to the extent allowed by law. Donations may be made by mail or online at www.northwoodspartners.org.

Together we can create a community where people are able to age with dignity.

Sincerely,

Lisa Porthan, Executive Director/Caregiver Consultant

Executive Director/Caregiver Consultant: Lisa Porthan • Office Manager: Candy Schindele

BOARD OF DIRECTORS

Dick Flesvig, Chair Caroline Owens, Chair Elect Sheila Gruba, Treasurer/Secretary
Rae Bentz Shawn Bina Norma Cersine Heather Fitzgerald
Walt Leino Michael Musich Dave Nichols Joyce Passananti Pat Rolando

328 West Conan Street • Ely, Minnesota 55731 • 218.365.8019 • office@NorthwoodsPartners.org
To "unsubscribe" from this mailing, please contact the office.



131a

Box - 05/11/12

EMMETT

ALLIE

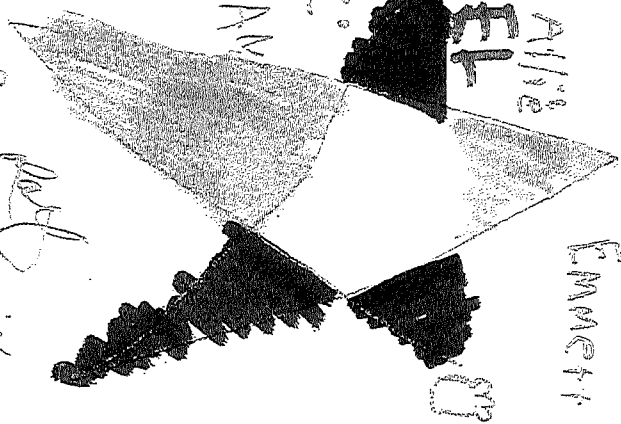
THE
KID
CO.

LENN

Julie

CUT

JOE
HARRIS



Breitung Fire & Rescue
Box 337
33 1st Ave.
Soudan, Mn. 55782

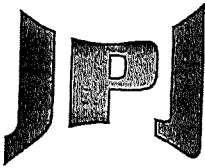
July Fire Dept Report

Regular monthly fire dept meeting was held on 7/14/21. Highlights were review and discussion of fire calls, assigned members for monthly apparatus checks and equipment checks, SOG refinement by Minnesota Public Safety group is in progress with officer group, received new thermo imaging camera, approved one new membership application, fire dept summer picnic will be held at McKinley Park on 8/14 from noon to 6PM,

Hands on training conducted on apparatus pumping and class A foam application and equipment.

Since last regular meeting in June we responded to following emergency calls and fire dept events.

- 6/24 Fire Dept work night
- 7/3 Fire Dept participated in Tower parade and township picnic
- 7/4 mutual aid for Tower FD for structure fire-call cancelled
- 7/4 mutual aid for Greenwood FD for structure fire
- 7/9 wild land fire Breitung Township
- 7/9 wild land fire Lake Vermilion Breitung Township



Engineering

Land Surveying

Site Development

July 13, 2021

The Honorable Tim Tomsich
Chairman, Breitung Township
P.O. Box 56
Soudan, MN 55782

**Re: 2021 Sanitary Sewer Improvements
Project No. 21-860**

Dear Chairman Tomsich:

On July 13, 2021, at 11:00 a.m., bids were received for the 2021 Sanitary Sewer Improvements project. Three bids were received for the project, listed as follows:

2EZ, Inc. dba Jola & Sopp Excavating	\$435,780.00
P.O. Box 566	
Eveleth, MN 55734	

TNT Construction Group, LLC	\$484,800.00
40 County Road 63	
Grand Rapids, MN 55744	

Utility Systems of America, Inc.	\$516,406.50
P.O. Box 706	
Eveleth, MN 55734	

2EZ, Inc. dba Jola & Sopp Excavating was the low bidder on the project. We recommend if the project is awarded, that 2EZ, Inc. dba Jola & Sopp Excavating be offered a contract for the Breitung Township, 2021 Sanitary Sewer Improvements, Project No. 21-860, in the amount of \$435,780.00.

425 Grant Street
5670 Miller Trunk Hwy

P.O. Box 656
Suite A

Hibbing, MN 55746
Duluth, MN 55811
www.jpjeng.com

218-262-5528
218-720-6219


218-262-5059 (Fax)
218-720-6267 (Fax)

Mr. Tim Tomsich
July 13, 2021
Page 2

Enclosed are two copies of the Tabulation of Bids. If you have any questions, please do not hesitate to contact our office.

Sincerely,

JPJ Engineering, Inc.

A handwritten signature in cursive script that reads "John P. Jammick".

John P. Jammick, P.E.

JPJ/dj

Enclosures

BID TABULATION

I HEREBY CERTIFY THAT THE FOLLOWING IS AN EXACT REPRODUCTION OF THE BIDS RECEIVED FOR THE FOLLOWING PROJECT:

OWNER: BREITUNG TOWNSHIP
PROJECT: 2021 SANITARY SEWER IMPROVEMENTS
PROJECT NO: 21-860
BID DATE: 13-Jul-21
BID TIME: 11:00 A.M.

2EZ, Inc. dba Jola & Sopp Excavating P.O. Box 566 Fveleth, MN 55734 (507) 412-9481				TNT Construction Group, LLC 40 County Road 63 Grand Rapids, MN 55744 (218) 326-4184				Utility Systems of America, Inc. P.O. Box 706 Fveleth, MN 55734 (218) 744-4342			
BASE BID		ITEM		UNIT	ESTIM. QTY.	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
2101	CLEARING AND GRUBBING	L.S.	1			\$15,000.00	\$15,000.00	\$7,110.10	\$7,110.10	\$500.00	\$500.00
2104	REMOVE CURB AND GUTTER	LIN. FT.	30			\$4.00	\$120.00	\$35.00	\$1,050.00	\$10.00	\$300.00
2104	REMOVE SANITARY SEWER	LIN. FT.	880			\$4.00	\$3,520.00	\$5.00	\$4,400.00	\$5.00	\$4,400.00
2104	REMOVE BITUMINOUS PAVEMENT	SQ. YD.	2,930			\$4.00	\$11,720.00	\$5.00	\$14,650.00	\$3.00	\$8,790.00
2104	REMOVE SIDEWALK	SQ. YD.	520			\$6.50	\$3,380.00	\$12.50	\$6,500.00	\$9.00	\$4,680.00
2104	REMOVE CONCRETE DRIVEWAY	SQ. YD.	26			\$6.50	\$169.00	\$21.00	\$546.00	\$14.00	\$364.00
2104	REMOVE SANITARY MANHOLE	EACH	9			\$450.00	\$4,050.00	\$600.00	\$5,400.00	\$500.00	\$4,500.00
2105	COMMON EXCAVATION	CU. YD.	1,750			\$22.00	\$38,500.00	\$14.00	\$24,500.00	\$15.00	\$26,250.00
2105	ROCK EXCAVATION	CU. YD.	30			\$100.00	\$3,000.00	\$25.00	\$750.00	\$120.00	\$3,600.00
2105	SELECT GRANULAR BORROW (CV)	CU. YD.	980			\$19.00	\$18,620.00	\$35.00	\$34,300.00	\$25.00	\$24,500.00
2112	GEOTEXTILE SEPARATION FABRIC	SQ. YD.	2,950			\$3.50	\$10,325.00	\$1.55	\$4,572.50	\$2.25	\$6,637.50
2211	AGGREGATE BASE, CLASS 5 (CV)	CU. YD.	660			\$35.00	\$23,100.00	\$50.00	\$33,000.00	\$34.00	\$22,440.00
2221	AGGREGATE SHOULDERING, CLASS 5 (CV)	CU. YD.	50			\$52.00	\$2,600.00	\$75.00	\$3,750.00	\$40.00	\$2,000.00
2360	TYPE SP WEARING COURSE	TON	360			\$87.00	\$31,320.00	\$82.00	\$29,520.00	\$92.00	\$33,120.00
2360	TYPE SP NON-WEARING COURSE	TON	360			\$87.00	\$31,320.00	\$82.00	\$29,520.00	\$92.00	\$33,120.00
2451	GRANULAR BACKFILL MATERIAL (LV)	CU. YD.	30			\$18.00	\$540.00	\$1.00	\$30.00	\$25.00	\$750.00
2451	GRANULAR FOUNDATION MATERIAL (LV)	CU. YD.	60			\$26.00	\$1,560.00	\$30.00	\$1,800.00	\$35.00	\$2,100.00
2506	CONSTRUCT SANITARY MANHOLE	EACH	11			\$5,100.00	\$56,100.00	\$5,500.00	\$60,500.00	\$8,500.00	\$93,500.00
2506	SANITARY MANHOLE FRAME SEAL	EACH	11			\$1,700.00	\$18,700.00	\$2,500.00	\$27,500.00	\$4,500.00	\$49,500.00
2521	4" CONCRETE WALK	SQ. FT.	650			\$7.00	\$4,550.00	\$8.00	\$5,200.00	\$20.00	\$13,000.00
2531	CONC CURB AND GUTTER, DIS B618	LIN. FT.	30			\$27.00	\$810.00	\$100.00	\$3,000.00	\$73.00	\$2,190.00
2531	6" CONCRETE DRIVEWAY PAVEMENT	SQ. YD.	26			\$69.00	\$1,794.00	\$100.00	\$2,600.00	\$130.00	\$3,380.00
2557	SIDEWALK GRATE	EACH	1			\$1,100.00	\$1,100.00	\$500.00	\$500.00	\$3,500.00	\$3,500.00
2573	STORM DRAIN INLET PROTECTION	EACH	6			\$400.00	\$2,400.00	\$150.00	\$900.00	\$350.00	\$2,100.00
2573	CONSTRUCTION SITE EXIT CONTROLS	LUMP SUM	1			\$1,300.00	\$1,300.00	\$2,500.00	\$2,500.00	\$1,500.00	\$1,500.00
2573	SEDIMENT CONTROL LOG - STRAW	LIN. FT.	600			\$16.00	\$9,600.00	\$5.75	\$3,450.00	\$8.00	\$4,800.00
2573	BALE BARRIERS	EACH	24			\$25.00	\$600.00	\$25.00	\$600.00	\$25.00	\$600.00
2575	TEMPORARY MULCH	ACRE	1.40			\$1,800.00	\$2,520.00	\$1.00	\$1.40	\$1,000.00	\$1,400.00
2575	SEEDING	ACRE	1.40			\$2,600.00	\$3,640.00	\$3,500.00	\$4,900.00	\$1,500.00	\$2,100.00
2621	8" PVC SANITARY SEWER	LIN. FT.	1,050			\$51.00	\$53,550.00	\$65.00	\$68,250.00	\$90.00	\$94,500.00
2621	10" PVC SANITARY SEWER	LIN. FT.	80			\$61.00	\$4,880.00	\$160.00	\$12,800.00	\$148.00	\$11,840.00
2621	12" PVC SANITARY SEWER	LIN. FT.	160			\$62.00	\$9,920.00	\$170.00	\$27,200.00	\$155.00	\$24,800.00
2621	6" PVC SANITARY SERVICE LINE	LIN. FT.	385			\$47.00	\$18,095.00	\$80.00	\$30,800.00	\$77.00	\$29,645.00
2621	8" X 6" SANITARY SERVICE WYE	EACH	14			\$270.00	\$3,780.00	\$450.00	\$6,300.00	\$750.00	\$10,500.00
2621	CONNECT TO EXISTING SAN SEWER	EACH	15			\$275.00	\$4,125.00	\$1,100.00	\$16,500.00	\$250.00	\$3,750.00
2621	CONNECT TO EXISTING SAN MANHOLE	EACH	4			\$1,100.00	\$4,400.00	\$950.00	\$3,800.00	\$1,000.00	\$4,000.00
2621	RECONNECT EXISTING SAN SERVICE	EACH	14			\$1,722.00	\$24,108.00	\$300.00	\$4,200.00	\$150.00	\$2,100.00
2621	MANHOLE CASTING/COVER/FRAME SEALS	EACH	17			\$1,100.00	\$18,700.00	\$1,150.00	\$19,550.00	\$1,000.00	\$17,000.00
2621	MANHOLE SEAL (GATOR WRAP)	EACH	1			\$6,700.00	\$6,700.00	\$2,500.00	\$2,500.00	\$1,500.00	\$1,500.00

BASE BID - (CONTINUED)					2EZ, Inc. dba Jola & Sopp Excavating P.O. Box 566 Eveleth, MN 55734 (507) 412-9481		TNT Construction Group, LLC 40 County Road 63 Grand Rapids, MN 55744 (218) 326-4184		Utility Systems of America, Inc. P.O. Box 706 Eveleth, MN 55734 (218) 744-4342	
NO.	ITEM	UNIT	ESTIM. QTY.		UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
2621	MANHOLE COVER REPLACEMENT	EACH	6		\$950.00	\$5,700.00	\$350.00	\$2,100.00	\$325.00	\$1,950.00
2625	PIPE INSULATION	SQ. YD.	50		\$45.00	\$2,250.00	\$50.00	\$2,500.00	\$75.00	\$3,750.00
TOTAL BID - BASE BID						\$435,780.00		\$484,800.00		\$516,406.50

BID BOND FURNISHED:	Yes	Yes
RESPONSIBLE CONTRACTOR CERTIFICATION	Yes	Yes
REMARKS:	None	None



Minnesota Department of Natural Resources
Division of Parks and Trails
500 Lafayette Road
St. Paul, MN 55155-4039

June 30, 2021

Timothy S. Tomsich, Chairman
Township of Breitung
33 First Avenue, PO Box 56
Soudan, MN 55782

Dear Timothy S. Tomsich,

RE: Breitung Township, Project Number: C003-21-28
McKinley Park Trail Upgrade

I am pleased to inform you that your application to the 2021 Local Trail Connections Program has been selected for funding. A reimbursement grant in the amount of \$150,000 will be established contingent upon final processing of your application.

Our program staff will contact you soon with more information on how to proceed with your project. If you have any questions, please contact Daniel Golner, Trail Grants Coordinator at 651-259-5599.

Thank you for helping to connect people and the outdoors by providing outstanding parks and trails in your community

Sincerely,

A handwritten signature in black ink that reads 'Erika Rivers'. The signature is written in a cursive, flowing style.

Erika Rivers, Director
Division of Parks and Trails

CC: File #C003-21-28

Public Employees Retirement Association of Minnesota

60 Empire Drive, Suite 200

St. Paul, MN 55103-2088

Phone: 651-296-7460 or 1-800-652-9026

Website: www.mnpera.org



July 19, 2021

PERA ID:
3576-00

Governing Body and Fire Chief
Breitung Fire Department

clerk@breitungtownship.org; fire@breitungtownship.org

In accordance with Minnesota Statutes 353G.08, I have determined the 2022 required contribution to cover your volunteer firefighters enrolled in the statewide volunteer firefighter plan. Any amount payable is due to PERA before December 31, 2022. Please refer to attached schedules for detailed information regarding the calculations.

Service Pension Level:	\$2,000
Overall Funding Balance For Current Calendar Year	\$132,562
Funding Ratio	134%
This account is considered to have:	Surplus Over Full Funding

Financial Requirement at 12/31/2022	\$16,696
Reductions to the Financial Requirement:	(\$45,661)

Required Contribution Due by 12/31/2022	None
--	-------------

Contributions to the statewide volunteer firefighter plan above and beyond any required contributions may be made at any time. Please contact me if you would like to make a voluntary contribution to your plan account.

On behalf of the statewide volunteer firefighter plan advisory board, I hereby direct you to distribute this report to your membership.

If you have any questions, please do not hesitate to contact me by phone (651-201-2666) or by email (sharyn.north@mnpera.org).

Sincerely,

Sharyn North
Accounting Officer Principal, PERA

Chad J. Houde
Chief of Police

City of Ely
Police Department
209 E. Chapman St.
Ely, Minnesota 55731

Telephone: 218-365-3222
Fax: 218-365-3038

July 21, 2021

Breitung Township
PO Box 56
Soudan, MN 55731

Dear Chairman Tomsich and Breitung Township Board Members,

The Ely Police Department has recently had some mechanical problems with our 2014 Dodge Charger and are currently down to two squad cars. We are going to be purchasing a new squad car, but it will be a few months before we take delivery.

Our department is able to function with two squad cars, but would like to have third squad available if needed. With that being said, the Ely Police Department would like to rent the Breitung Townships 2017 Ford Explorer from August 1, 2021 until October 31, 2021. It would be our intent to only use the Breitung vehicle in the event of another breakdown or emergency situation were a third squad would be needed. The Breitung squad would remain in Breitung and would only be picked up for use if needed.

The City of Ely understands that the needs of service for your community would come first and that your police department's use of the squad would take priority. If Breitung Township is interested in renting the squad, I've attached a rental agreement with specific terms.

If anyone has any questions or concerns, I can be reached at 218-226-5477.

Sincerely,



Chad J. Houde
Chief of Police

CJH:slt

To Protect and Serve



SQUAD CAR RENTAL AGREEMENT
Between the Ely Police Department and Breitung Township

This agreement is hereby made between the Ely Police Department (hereafter referred to as "the Renter") and Breitung Township (hereafter referred to as "the Owner").

The Owner hereby agrees to rent the following vehicle to the Renter:

{2017 Ford Explorer, VIN # _____ }

The Renter will rent the car from August 1, 2021 to October 31, 2021.

The Renter agrees to pay a base fee of \$500.00 a month, plus \$0.56 per mile used by the Ely Police Department.

The Renter agrees to return the vehicle in its current condition (minus normal road wear-and-tear) to the Owner on the return date.

The Renter understands that the vehicle is for police use only in the City of Ely or neighboring mutual aid communities.

The Renter swears and attests that all drivers have a legal, valid driver's license for the State of Minnesota and all are licensed Peace Officers in the State of Minnesota. The Renter further swears and attests that the City of Ely has insurance that will cover the operation of this vehicle.

The Renter agrees not to allow any other person to drive the vehicle, except for authorized Ely Police Department employees listed and approved here.

Chief Chad Houde, Sergeant George Burger, Officer Brad Roy, Officer Christian Deinhammer, Officer Maxwell Brewer, Officer David Wimmer, and Officer Joseph Olufson.

The Renter agrees to use the vehicle only for routine police work. The Renter further agrees to follow all city, state, county, and government rules and restrictions regarding use and operation of the vehicle.

The Renter agrees to hold harmless, indemnify, and release the Owner for any damages, injuries, property loss, or death caused while the Renter operates this vehicle. The Renter will be held accountable for any damages or cleaning fees incurred while renting the vehicle. The Renter has had the opportunity to inspect the vehicle before the renting term begins and confirms that it is in good operable condition.

The Owner swears and attests that the vehicle is in good working order and has no liens or encumbrances.

(Renter Signature)

(Owner Signature)

(Date)

Forfeiture Vehicle

2003 GMC Envoy-Grey Color

Vin # XXXXXXXX3872

License Plate # 294 WLG

Last Registration in 2018

Unknown Mileage

Current Metro Sales Contracts for Copiers:

Current Contract

60-month state contract-contract is up in March 2022, but can sign new contract

Township & Police:

Rental Fee: \$143.52/month

This includes copier and extra paper tray for each

Color Copies: \$.0865/ea.

BW Copies: \$.0165/ea.

Proposed Contract

60-month state contract

Can choose decreased number of months, but rental fee increases

Township & Police:

Rental Fee: \$130.10/month New Machine

This includes copier, service and extra paper tray for each

Color Copies: \$.059/ea.

BW Copies: \$.0089/ea.

Last month bill for the township and police was:

Rental Fee: \$143.52

Color Copies: \$169.89

BW Copies: \$25.21

Total-\$338.62

If applying new contract to same usage it would be as follows:

Rental Fee: \$130.10

Color Copies: \$115.88

BW Copies: \$13.59

Total-\$259.57

With new contract there would be a savings of \$79.07 for the same bill. Rental Fee per month is less, Color Copies are less, and BW Copies are less.

METRO SALES INC.

MACHINE SALES ORDER AND SECURITY AGREEMENT

INSTALL DATE

CUST NO.

PO #

SALES REP

MAIN PHONE

BT05

Benjamin Monson

(218) 753-6020

Ship To

Multiple

Bill ToBreitung Township
33 1st Ave
Soudan, MN 55782

QTY	PRODUCT NO	I.D. #	DESCRIPTION	NOTE	AMOUNT
1	IMC300F-RS		Ricoh IM C300F		
1	418583		Paper Feed Unit PB1170		
1	IMC300F-RS		Ricoh IM C300F		
1	418583		Paper Feed Unit PB1170		
SPECIAL INSTRUCTIONS				SUBTOTAL	
State of MN contract # 189673 60 month rental @ \$130.10 per month (\$65.05 each). Service and supply agreement bills monthly in arrears at \$0.0089 per black, and \$0.059 per color. Price includes ending the State Rental on ID # 119240, 117904, wiping the HDD, and returning the equipment.				TAX (EXEMPT)	0.00
				TOTAL	

CREDIT TERMS: SERVICE CHARGE OF 1% PER MONTH (12% PER ANNUM) OR HIGHEST LEGAL RATE, WILL BE CHARGED ON ALL PAST DUE ACCOUNTS

Discontinued Products: Metro Sales guarantees the availability of parts, labor, supplies and maintenance until

X

NAME OF CUSTOMER - PRINT

X

Date

Signature

X

CUSTOMER'S AUTHORIZED SIGNATURE & TITLE

This Machine Sales Order and Security Agreement is Customer's legal agreement to purchase all items specified above, and includes all terms contained on this page, and in any schedules and addenda referenced herein (collectively, "Agreement"). Customer accepts this Agreement without modification. Any modification by Customer is deemed rejected by Metro Sales, Inc. A fax signature by Customer shall be as binding as an original. If Customer faxes or returns only part of the Agreement to Metro Sales, Inc., Customer agrees that it is bound by the entire Agreement.

MACHINE PICK-UP INFORMATION

EQUIP ID	119240	MODEL	Ricoh MP C307 Color Copier	SERIAL	C507P103415
EQUIP ID	117904	MODEL	Ricoh MP C307 Color Copier	SERIAL	C506PB00993

*NOTE: CUSTOMER WARRANTS THAT THE EQUIPMENT IS FREE OF ANY LIENS, SECURITY INTEREST & ENCUMBRANCES.

X

Initial

Could add
stapler for
\$1742 month

Proposal

218-728-2427

Rick's Tree & Stump Removal
4268 W Calvary Rd
Duluth, MN 55803



Breitung Township 20210624

Thursday, June 24, 2021

Breitung Township
PO Box 56
Soudan, MN 55782
Phone: Not on File

Salesperson:
Dave Hanson
2183915931
dave@rickstreeduluth.com

Worksite:
PO Box 56
Soudan, MN 55782

#	Item	Description	Qty	Cost
1		Tree removal Remove large white pine and balsam between power line and garage, cut stumps low.	2	\$3,600.00

Subtotal: \$3,600.00

Tax: \$0.00

Total: \$3,600.00

Signature _____

Date _____

Proposal is valid for 30 days.

Quote
for trees
on Har
Ave

Resolution 2021-14
Breitung Township
Of St Louis County, Minnesota

A RESOLUTION TO ACCEPT THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT

WHEREAS, since the first case of coronavirus disease 2019 (COVID-19) was discovered in the United States in January 2020, the disease has infected over 32 million and killed over 575,000 Americans (“Pandemic”). The disease has impacted every part of life: as social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs;

WHEREAS, as a result of the Pandemic cities have been called on to respond to the needs of their communities through the prevention, treatment, and vaccination of COVID-19.

WHEREAS, city revenues, businesses and nonprofits in the city have faced economic impacts due to the Pandemic.

WHEREAS, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country.

WHEREAS, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses.

WHEREAS, \$70,000 has been allocated to Breitung Township pursuant to the ARPA (“Allocation”).

WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds.

WHEREAS, the Township, in response to the Pandemic, has had expenditures and anticipates future expenditures consistent with the Department of Treasury’s ARPA guidance.

WHEREAS, the State of Minnesota will distribute ARPA funds to the Township because its population is less than 50,000.

NOW THEREFORE, BE IT RESOLVED BY THE BREITUNG TOWNSHIP BOARD OF THE TOWNSHIP OF BREITUNG, MINNESOTA AS FOLLOWS:

1. The Township intends to collect its share of ARPA funds from the State of Minnesota to use in a manner consistent with the Department of Treasury's guidance.
2. Township staff, together with the Chairman and the Township Attorney are hereby authorized to take any actions necessary to receive the Township's share of ARPA funds from the State of Minnesota for expenses incurred because of the Pandemic.
3. Township staff, together with the Chairman and the City Attorney are hereby authorized to make recommendations to the Township Board for future expenditures that may be reimbursed with ARPA funds.

Adopted by the Township Board of Breitung, St Louis County Minnesota this 22nd, day of July, 2021.

Ayes _____
Nays _____

Timothy Tomsich, Chairman

Attested:

Dianna Sunsdahl
Township Clerk

ORDINANCE NO. 88-01

AN ORDINANCE TO PREVENT, REDUCE OR ELIMINATE BLIGHT, BLIGHTING FACTORS OR CAUSE OF BLIGHT WITHIN THE TOWNSHIP OF BREITUNG; TO PROVIDE FOR THE ENFORCEMENT HEREOF; AND TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF.

The Township of Breitung does ordain as follows:

Section 1. Causes of Blight or Blighting Factors. It is hereby determined that the uses, structures, and activities and causes of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health, and safety. The purpose of this ordinance is to protect the character and stability of the properties within the Township of Breitung and to avoid blight and blighted conditions. The owner and occupant shall comply with the regulations contained herein.

Section 2. Exterior Property Areas; Vacant Properties.

a. Sanitation. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.

b. Free from noxious weeds and pests. All exterior property areas and vacant areas shall be kept free from species of weeds or plants growth, rodents, vermin, or other pests, which are noxious or detrimental to the public health.

c. Junk automobiles. In any area not zoned for junkyards or salvage yards, the storage of junk automobiles is prohibited. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicles, stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota, and is either: a) unusable or inoperable because of lack of, or defects in component parts; or b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or c) beyond repair and therefore not intended for future use as a motor vehicle; or d) being retained on the property for possible use of salvageable parts. This regulation is in addition to any zoning regulations.

Section 3. Exterior of Structures.

a. The exterior of all structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair.

b. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or substantial amounts of peeling paint.

c. All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes.

Section 4. Interior areas of structures, including residential dwellings.

a. The interior of every structure shall be maintained in clean and sanitary condition, free of accumulations of garbage and refuse.

b. The interior of every structure shall be maintained free from infestation of noxious insects, rodents, and other pests.

c. All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks, and defects.

d. The storage of excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.

Section 5. Vacated structures; vacant properties. The owner of any dwelling which is unfit for human habitation, as determined by the enforcement officer in good faith, and the owner of any structure which has been vacant for a period of Sixty (60) days or more, shall make same safe and secure so that it is not hazardous to the health, safety, and welfare of the public, and does not constitute a public nuisance. Any such structure open at doors and windows, if unguarded, shall be deemed to be a hazard to the health, safety, and welfare of the public, and a public nuisance within the meaning of this ordinance. The owner of vacant lands shall make said lands safe and secure by barricading or fencing the property or the like, or by placing said lands in their natural unimproved condition and removing all dangerous conditions. Upon failure of the owner to comply, the Township of Breitung may have such structure or vacant property made safe and secure or remove the dangerous condition, and assess the cost to the owner by certifying such cost to the County Auditor as a special assessment against the property involved.

Section 6. Enforcement Officer. The Township Board Chairperson of the Township of Breitung is appointed as the enforcement officer, and it is the enforcement officer's duty to enforce the provisions of this ordinance.

Section 7. Inspection of structures, vacant properties, generally. The enforcement officer shall be authorized to make or cause to be made inspections to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The enforcement officer, or the enforcement officer's designated representatives shall, with the permission of the owner, be authorized to inspect any vacant areas and the exterior areas of any premises, and the interior areas of structures at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, or not be located after reasonable effort to do so, and there is probable cause to believe that a violation exists on that premises, a search warrant may be obtained.

Section 8. Compliance Order (Citation). Whenever the enforcement officer determines that any structure or the premises fail to meet the provision of this ordinance, the enforcement officer may issue a compliance order (citation) setting forth the violations of the ordinance and ordering the owner, occupant, operator, or agent to correct such violations. The compliance order (citation) shall:

- a. Be in writing;
- b. Describe the location and nature of the violations of this ordinance;
- c. Establish a time for the correction of such violation, which shall be at least Ten (10) days;
- d. Notify of ability to appeal to the Township Board;
- e. Be served upon the violator; either the owner, occupant, operator, or agent. Such notice shall be deemed to be properly served upon the violator if a copy thereof is:
 1. Served upon him personally, or
 2. Sent by registered or certified mail to that person's address or to the property address.

Section 9. Variance and appeals. Appeals of interpretation or requests for a variance shall be made in writing to the Township Board, and shall be filed with the Township Clerk within Ten (10) days after receipt of the compliance order (citation). The Township Board, in its discretion, may elect to hear appeals or requests for variance when made more than Ten (10) days after the receipt of the compliance order (citation), but such action by the Township Board is completely discretionary, and shall not delay or prevent criminal prosecution or other enforcement actions, unless the Township Board grants the appeal or grants the variance prior to the completion of the enforcement activities. The Township Board may grant variances in instances where the strict enforcement of this ordinance would cause undue hardship because of circumstances unique to the individual property under consideration, when it is demonstrated that such action will be in keeping with the spirit and intent of the ordinance.

Section 10. Enforcement and penalties. Violation of any provision of this ordinance shall constitute a misdemeanor. Each day that a violation is allowed to exist shall constitute an offense after a reasonable time has been allowed to affect compliance. Further, the provisions of this ordinance may be enforced by specific performance.

Section 11. Effective Date of Ordinance. The effective date of this Ordinance is MARCH 1, 1988

By Thomas S. Tansik

Attest Margaret O'Leary

Ely Blight Ordinance in their City Code Book § 10.21

Subd. 3. Copy of State Agencies. A copy of this Section, or any amendment thereof, shall be submitted to the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources.

SEC. 10.22. MAINTENANCE OF PRIVATE PROPERTY.

Subd. 1. It is the primary responsibility of any person, firm, corporation or entity of any kind occupying, leasing or renting any lot or parcel of land to maintain such property in a manner free from blight or blighting factors. The owner and occupant shall comply with the regulations contained herein.

Subd. 2. Exterior of Structures and Exterior Property Areas.

a) The exterior of all structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair.

b) Every exterior wall shall be free of holes, breaks, major portions of loose or rotting boards or timbers, and major portions of falling or loose stucco.

c) All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of breaks or holes.

d) All public health and safety hazards shall be removed from all lots and parcels of land.

e) Water service lines shall be installed or repaired and in working order on occupied property. Empty lots exempt.

Subd. 3. Interior areas of structures, including residential dwellings.

a) The interior of every structure shall be maintained in a sanitary condition, free of accumulations of garbage and refuse.

b) The interior of every structure shall be maintained free from infestation of noxious insects, rodents, and other pests and animal waste.

c) All plumbing systems shall be properly installed, connected, and maintained in good working order, and must be kept free from obstructions, leaks, and defects.

d) The storage of excessive or unreasonable amounts of hazardous, flammable liquids shall be prohibited in areas not zoned for such use.

(6-17-14)

Elm Blight Ordinance
City Code Book § 10.22

Subd. 4. Deteriorated Structures. In any area the existence of any structure or part of any structure which because of fire, wind, natural disaster, or physical deterioration is no longer habitable or useful for any other purpose for which it may have been intended or permitted or the deterioration of which has become a hazard to the general public or adjoining properties, shall not be allowed for a period longer than 6 months.

Subd. 5. Vacated structures and vacant properties. The owners of any dwelling which is unfit for human habitation, as determined by the enforcement officer in good faith, and the owner of any structure, garage or other outbuilding which has been vacant for a period of sixty (60) days or more shall make the dwelling or structure safe and secure by keeping the same securely locked, windows kept glazed or neatly boarded up and entrances and doorways provided with proper doors or, in the alternative, neatly boarded up and otherwise protected to prevent entrance, so that it is not hazardous to the health, safety, and welfare of the public, and does not constitute a public nuisance. Such shall be done in a manner which will be suitable to the general nature and character of the neighborhood including decorative effects and coloration such as will not make such structure present an offensive appearance to neighbors and in general accord with the area as far as its appearance may be concerned. Any such structure open at the doors and windows, if unguarded, shall be deemed to be a nuisance within the meaning of this ordinance. The owner of vacant lands shall make said lands safe and secure by barricading or fencing the property or the like, or by placing said lands in their natural unimproved condition and removing all dangerous conditions. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary. A vacant structure that is not secured against entry shall be deemed unsafe.

a) Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs alterations, additions or changes of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34 of the 2006 International Building Code.

Subd. 6. Vacant Buildings: Exterior Property Areas.

a) Sanitation. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe and free from any hazardous condition, and free from any accumulation of refuse or garbage.

b) Free from pests. All exterior property areas and vacant areas shall be kept free from, rodents, vermin, or other pests, which are noxious or detrimental to the public health.

c) Junk automobiles. In any area not zoned for junkyards or salvage yards, the storage of junk automobiles is prohibited. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicles, stored in the open, which is not currently licensed for use upon the highways or the State of Minnesota, and is

(6-17-14)

either: a) unusable or inoperable because of lack of, or defects in component parts; or b) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or c) beyond repair and therefore not intended for future use as a motor vehicle; or d) being retained on the property for possible use of salvageable parts. This regulation is in addition to any zoning regulations.

Subd. 7. Enforcement Officer. The City Building Official of the City of Ely, the City Clerk-Treasurer, and the Chief of Police are appointed as the enforcement officers, and it is the enforcement officers' duty to enforce the provisions of this ordinance.

Subd. 8. Inspection of structures, vacant properties, generally. The enforcement officer shall be authorized to make or cause to be made inspection to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The enforcement officer, or his designated representative shall, with the permission of the owner, be authorized to inspect any vacant areas and the exterior areas of any premises, and the interior areas of structures at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, and there is probable cause to believe that a violation exists on that premises, a search warrant may be obtained.

Subd. 9. Duties of City Officers. The Enforcement Officer(s) shall enforce the provisions of this Ordinance relating to blight and blighting factors and shall assist the other designated officer(s) in the enforcement of provisions relating to blight and blighting factors affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of blight and blighting factors.

Subd. 10. Abatement.

a) Notice. Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; Notice of City Council Order; and Notice of Motion for Summary Enforcement Hearing shall be given as set forth in this Subdivision.

18. Notice of Violation. Written Notice of Violation shall be served by the Officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept Notice of Violation, Notice of Violation shall be served by posting it on the premises.

2. Notice of Council Hearing. Written notice of any City Council Hearing to determine or abate blight or blighting factors shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept Notice of Council Hearing, Notice of Council Hearing shall be served by posting
(6-17-14)

on the premises.

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

b) Procedure. Whenever the Officer charged with enforcement determines that blight or blighting factors exist on premises in the City, the Officer shall notify in writing the owner of record or occupant of the premises of such fact and order that such blight or blighting factors be terminated or abated. The Notice of Violation shall specify the steps to be taken to abate the blight or blighting factors and the time within which the blight or blighting factor is to be abated. If the Notice of Violation is not complied with within the time specified, the enforcing Officer shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the Notice of Violation is a blight or blighting factor and further order that if the blight or blighting factor is not abated within the time prescribed by the Council the City may seek injunctive relief by serving a copy of the City Council Order and Notice for Summary Enforcement.

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

d) Immediate Abatement. Nothing in Subdivision 6 of this Ordinance shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

(6-17-14)

Subd. 11. Recovery of Cost.

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

b) **Assessment.** If the blight or blighting factor is a public health or safety hazard on private property, the officer, shall, on or before September 1 next following abatement of the blight or blighting factor, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. 429.101 against each separate lot, or parcel to which the charges are attributable. The Council may then spread the charges against such property under the statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

Subd. 12. Public Complaints. In order to assist the City in investigating the existence of blight or blighting factors as defined in Subdivision 1 of this Section, complaints to the City of the existence of conditions which are believed to be blight may be submitted to the City Clerk or Chief of Police, in writing, and contain the following information:

1. The complete address of the property upon which the alleged blight or blighting factor exists and the conditions which the complainant believes to be blight or a blighting factor; and

2. Signatures of all persons who own property adjoining the property having the alleged condition, or signatures of a majority of persons who own property located within 100 feet of the property having the alleged condition. For purposes of this Subdivision, the signature of one person who owns a parcel of land jointly with others shall be deemed the signature of all joint owners of that parcel.

Subd. 13. Failure to comply with any of the requirements of this Ordinance shall constitute a petty misdemeanor offense and upon the conviction thereof shall be punishable accordingly.

Subd. 14. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 3.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

(6-17-14)

ORDINANCE NUMBER 16

CITY OF TOWER, MINNESOTA

An ordinance to prevent, reduce, or eliminate blighting factors and public nuisances within the City of Tower and to provide penalties for the violation thereof.

The City Council of the City of Tower ordains:

Section 1. BLIGHT.

1. Causes of blight or blighting factors.
 - A. It is hereby determined that the uses, structures, and activities and cause of blight or blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health, and safety. The purpose of this ordinance is to protect the character and stability of the properties within the City of Tower and to avoid blight and blighted conditions. The owner and occupant shall comply with the regulations contained herein.
2. Exterior property areas; vacant properties.
 - A. All exterior property areas and vacant areas shall be maintained in a clean and sanitary condition, safe, and free from any hazard or dangerous condition, and free from any accumulation of refuse or garbage.
 - B. All exterior property areas and vacant areas shall be kept free from species of weeds or plant growth, rodents, vermin, or other pests, which are noxious or detrimental to the public health. Any weeds or grasses growing upon any lot or parcel of land, or boulevard abutting such land; within an area of the City of Tower zoned as a residential or commercial in which the weeds or grasses grow to a height greater than twelve (12) inches, or which have gone or about to go to seed, are a nuisance. The owner or occupant shall abate or prevent such nuisance. The owner or occupant shall abate or prevent such nuisance on such property, or on the boulevard abutting such property. (Excluded from grass height limits are all lake and river lots and any lots that are more than 50% forested throughout the entire lot.)
 - C. Junk automobiles and equipment. In any area not zoned for junkyards or salvage yards, the storage of junk automobiles is prohibited. For the purpose of this ordinance, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, store in the open, which is currently unlicensed, unregistered, or inoperable. (One unlicensed registered, operable vehicle per household shall be acceptable). As long as above mentioned vehicles are covered that is accepted. The term "junk equipment" shall include equipment such as farm equipment and other machinery, all-terrain vehicles, snowmobiles, motorcycles, lawnmowers, snowblowers, and all other machinery or equipment powered by a motor, and shall include any part of machinery or equipment,

stored in the open, which is not currently licensed for use upon the highways of the State of Minnesota or is not required to be so licensed, and is either; 1) unusable or inoperable because of lack of or defects in component parts; or 2) unusable or inoperable because of damage from collision, deterioration, or having been cannibalized; or 3) beyond repair and therefore not intended for future use as a motor vehicle; or 4) being retained on the property for possible use of salvageable parts. These regulations are in addition to any zoning regulations.

3. Exterior Structures.

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

4. Interior areas of structures, including residential dwellings.

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

Section 2. NUISANCES.

- 1. Public nuisances affecting health. The following are hereby declared to be nuisances affecting health where an unreasonable, unwarrantable, or unlawful use by a person's of his or her personal property causes another individual or the general public to be consequently damaged:
 - A. Exposed accumulation of decayed or unwholesome food or vegetable matter.
 - B. All diseased animals running at large.
 - C. All ponds or pools of stagnant water having noxious odors or determined to harbor disease or pose a danger of infection.
 - D. Carcasses of animals not buried or destroyed within 24 hours after death.

- E. Accumulation of manure, refuse, or other debris.
 - F. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.
 - G. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.
 - H. All noxious weeds and other rank growths of vegetation upon public or private property.
 - I. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.
2. Public nuisances affecting peace and safety. The following are declared to be nuisances of affecting public peace and safety where an unreasonable, unwarrantable or unlawful use by a person of his or her personal property or where a person's conduct causes another individual or the general public to be consequently damaged.
- A. Licensed motorized vehicles are prohibited from driving on city sidewalks.
 - B. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection.
 - C. All wires and limbs or trees which are so close to the surface of a sidewalk or streets as to constitute a danger to pedestrians or vehicles.
 - D. All obnoxious noises in violation of Minnesota Statute 116.07 Subdivision 2-4 or Minnesota Pollution Control Rules Section 7010.0010-7010.0080.
 - E. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law.
 - F. Radio aerials or television antenna erected or maintained in a dangerous manner.
 - G. All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety.
 - H. All dangerous, unguarded machinery in any public place.
 - I. Wastewater cast upon or permitted to flow upon streets or other public property. This does not include water that is used to wash vehicles.
 - J. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation
-

among the items so accumulated, or in a manner creating fire, health, or safety hazards from such accumulation.

- K. Any well, cistern, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.
 - L. Obstruction to the free flow of water in a natural waterway or a public street, drain, gutter, or ditch with trash or other materials.
 - M. The placing or throwing on any street sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance.
3. Public nuisances affect adjacent property. The following are declared to be nuisances affecting adjacent property.
- A. All unsafe accumulations of lumber, wood, scrap metal, cans, refuse, debris, tires, fencing materials, mechanical parts, rocks, gravel, or any other items or materials which serve to diminish the value or quality of any adjacent property, regardless of whether said adjacent property is privately or publicly owned.
 - B. All trees, shrubs, weeds, fences, or any part thereof, exterior storage, or any other materials or vegetation which extend into an adjacent property, including snow removed onto an adjacent property, to an extent where access is impeded, or the quality, usability, safety, or visibility of the adjacent property is negatively affected.
 - C. All excessive collections of water on an adjacent property caused by irregular grades, structures, hard surfaced areas, or any other feature causing such excessive and frequent run-off to an adjacent property.
 - D. The City Council may interpret the categories of nuisances intended herein to include other specific nuisances and may identify additional public nuisances which threaten or diminish the health, safety, and welfare of the general public.

Section 3. ENFORCEMENT OFFICER.

- 1. Any persons designated by City Council resolution shall constitute the enforcement officer, and it is the enforcement officer's duty to enforce the provisions of this ordinance. The police department shall assist the enforcement officer when requested in the enforcement of provisions related to blight and nuisances. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.
- 2. Inspection of structures.

- A. The enforcement officer shall be authorized to make or cause to be made inspections to determine the condition of structures and premises and vacant properties in order to safeguard the health, safety, and welfare of the public. The enforcement officer, or the enforcement officer's designated representatives shall, with the permission of the owner, be authorized to inspect any vacant areas and the exterior areas of any premises, and the interior areas of structures at any reasonable time for the purpose of performing his duties under this ordinance. If the owner, operator, or person in possession of the structure shall refuse to consent to the inspection, or not to be located after reasonable effort to do so, and there is probable cause to believe that a violation exists on that premises, a search warrant may be obtained.
3. Compliance order (citation).
- A. Whenever the enforcement officer determines that any structure or the premises fail to meet the provision of this ordinance, the enforcement office may issue a compliance order (citation) setting forth the violations of the ordinance and ordering the owner, occupant, operator, or agent to correct such violations.
- B. The compliance order (citation) shall
- a. Be in writing;
 - b. Describe the location and nature of the violations of this ordinance;
 - c. Establish a time for the correction of such violation;
 - d. Notify of ability to appeal to the City Council;
 - e. Be served upon the violation; either the owner, occupant, operator, or agent.
- C. Such notice shall be deemed to be properly served upon the violator if a copy thereof is:
- a. Served upon him personally,
 - b. Sent by registered or certified mail to that person's address or to the property address.
4. Variance and appeals.
- A. Appeals of interpretation or requests for a variance shall be made in writing to the City Clerk within ten (10) days after receipt of the compliance order (citation). The City Clerk will turn over the appeal to the three member Blight Committee. The Blight Committee shall be made up of the three members appointed by the Council. Upon recommendation of the Blight Committee the City Council may grant variances in instances when the strict enforcement of this

ordinance would cause undue hardship because of circumstances unique to the individual property under consideration, when it is demonstrated that such action will be in keeping with the spirit and intent of the ordinance.

5. Enforcement and penalties.

- A. Failure to comply with such notice within the time allowed shall constitute a violation of this ordinance.
- B. Any person violating any provision of this ordinance is guilty of a petty misdemeanor and shall be punished by a fine not to exceed one hundred dollars, (\$100.00).
- C. The city shall proceed with making the necessary arrangements to have the cited violation abated. The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be due within 15 days payable at the office of the city clerk. When payment causes a hardship, a payment schedule may be worked out with the city clerk. If not paid, the charge for such work shall be a special assessment against the property concerned under Minnesota Statute 429.101.

6. This ordinance replaces Ordinance 59 in its entirety and if any part, section, clause, or paragraph of this ordinance shall be declared invalid or unconstitutional, the validity of any of the other parts of this ordinance not invalid shall not be affected.

7. This ordinance shall be in effect on its passage, adoption, and publication.

Introduced and given first reading by Alderman Majerle on July 21, 1993.

Given second reading by Alderman Majerle on September 15, 1993.

Moved by Majerle supported by Hiltunen that the Ordinance be adopted.

Adopted the 15th day of September, 1993 by the following vote:

Ayes: Burgess, Majerle, Hiltunen, Hendrickson, Mickle.

Nays: None

Absent: None

Published in the Tower News on the 23rd day of September 1993.

Gary Burgess
Mayor

Timothy L Kotzian
City Clerk