

**NASHWAUK
CITY COUNCIL
REGULAR AGENDA**

p: 218-885-1210



City of
NASHWAUK
FROM TIMBER TO TACONITE

301 Central Avenue, Nashwauk, Minnesota 55769

City Council

TUESDAY, MAY 27, 2025

Greg Heyblom

Mayor

Sheila Jensen

Councilor

Tom Martire

Councilor

Terry Sullivan

Councilor

David Bruns

Councilor

**Sellman, Borland, &
Simon**

City Attorney

Lee Longoria

Police Chief

April Kurtock

City Administrator/Clerk

Amber Goss

Deputy Clerk

Jason Martire

*PW & Utility Lead,
WW/WW Operator*

Rob Coughlin

Fire Chief

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

- 3. PUBLIC COMMENT.** Members of the public are welcome to address the Nashwauk City Council. Please provide your name and a brief description of the subject matter. You are limited to 3 minutes. Rules for public comment are available at the podium.

4. ADOPTION OF AGENDA

5. NOTABLE ITEMS

- 6. CONSENT AGENDA.** The consent agenda gives the Nashwauk City Council a means of handling routine items in one action. However, any one councilor may request that an item be removed and placed on the regular agenda for discussion and consideration.

- a. Approve the minutes of May 13, 2025, City Council meeting; minutes of the May 6, 2025, Special City Council meeting; minutes of the April 29, 2025, Special City Council meeting.
- b. Approve claim register #5272025 Claim 1 in the amount of \$_____.
- c. Approve claim register #5272025 Claim 2 in the amount of \$_____.

7. UNFINISHED BUSINESS

- a. Small Cities Development Program Update
- b. East Itasca Joint Sewer Project Update
- c. Public Safety Building follow-up.
- d. Community Development discussion:
- e. Follow-up regarding properties with hazardous conditions: 211 Central Avenue, 302 1st Street, 206 3rd Street.

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f. Day of Action June 13, 2025.

g. Follow-up on quote for upstairs kitchen upgrade. Quote received from Delich General Contracting LLC in the amount of \$10,113.

8. NEW BUSINESS

9. DEPARTMENT & COMMITTEE REPORTS & REQUESTS

a. Ambulance Service:

b. Fire Department:

c. Police Department:

i. Request for reconsideration/update of language for Ordinance Chapter 91: Animals.

ii. Discussion regarding trailers, RVs, campers parked on city streets.

d. Street Department:

10. COMMISSION & COMMITTEE UPDATES

11. MAYOR AND COUNCIL UPDATES

12. ADJOURN

**City of Nashwauk
May 13, 2025
City Council Meeting**

Mayor Heyblom called the meeting to order at 5:30 p.m. in the Council Chambers of City Hall.
Mayor Heyblom led the Pledge of Allegiance.

Members present: Councilor David Bruns, Councilor Tom Martire, Councilor Sheila Jensen, Councilor Terry Sullivan, Mayor Greg Heyblom.

Also present: Administrator/Clerk April Kurtrock, Police Chief Lee Longoria, Public Works & Utility Lead Jason Martire, Assistant Fire Chief Mark Marinaro, Fire Secretary Anthony Marinaro.

Public Comment

Ken Ricker was present to discuss the need for a grocery store and wants to raise awareness about having an empty grocery store building. He stated he was looking for an official letter, invitation to the surrounding grocery store businesses to come here and run a business. Greg agreed a letter could be sent. Ricker said he would also be attending the Chamber of Commerce meeting next week and recommended a collaboration.

Adoption of Agenda

*Motion by Councilor Bruns, seconded by Councilor Jensen to adopt the agenda of the May 13, 2025, City Council Meeting.

Ayes: all present. Motion carried.

Notable Items

Beautification Committee members Jamie Engel and Vicky Harrington were present to discuss placement of benches. Jamie provided a map regarding proposed placement of the benches. She said she was told that the benches needed to be on city property but wanted to know how the Council feels about having benches on private property along Central Avenue. Councilor Bruns said that he had no problem with the Beautification Committee approaching property owners to consider installation on their property. Mayor Heyblom told them to work with the street department. For this year, the benches will be located at the city lot on Central Avenue. The Beautification Committee also stated there would not be flowers on the poles this year because they needed to be ordered in the fall and they were not ordered because there were not holders for the light poles.

Vicky Harrington also stated that there were two flag poles Veteran's Park that were leaning and wanted to know if the city could address the poles.

FUSIONTech LLC owners Justin Whirley and Josh Nelson were present to discuss options for a camera at the playground, as was requested by Councilor Sullivan. Justin Whirley said that he had contacted FirstNet for a camera option, which was about \$5,000 per camera. They'd located a different option for about \$1,300. It would be a cellular camera, with 12-volt power needs, and would be accessed through a cloud management portal. The monthly cost would be about \$35 for a sim card. Councilor Sullivan asked how the data was saved. Justin Whirley said it has a micro-SD that stores 1 terabyte of data. Josh Nelson said the City would need to create a retention schedule to regulate how long video needs to be retained. Councilor Sullivan asked about a camera within city buildings. Justin Whirley said that if a camera was within a city building, it likely wouldn't need a sim card because it could use the building Wi-Fi. Also, camera systems are regulated by statute, and special considerations need to be made for location and

placement. He noted that this discussion was just informational, and the city was not being asked to purchase cameras.

Mayor Heyblom applauded the services of FUSIONTech LLC. Councilor Jensen questioned where the funds would come from if they purchased cameras. Councilor Sullivan said that he was assuming that it would be another Community Development request. He said that the resident, Jerrilyn McAndrew, who wanted to pursue grants on behalf of the city was working on a grant for cameras specifically. Councilor Jensen asked who would be responsible for reviewing the camera footage. Councilor Sullivan said that it would be the police chief's responsibility. Councilor Jensen asked Chief Longoria if cameras were a priority. Chief Longoria stated that it was not his priority, but cameras are a nice tool when needed.

Approval of Consent Agenda

*Motion by Councilor Jensen, seconded by Councilor Sullivan to approve the consent agenda as follows:

- a. Approve the minutes of the April 22, 2025, City Council meeting.
- b. Approve claim register #5132025 Claim 1 in the amount of \$87,336.90.
- c. Approve claim register #5132025 Claim 2 in the amount of \$11,141.57.
- d. Approve American Legion Post 307 to use the Rec building on May 26, 2025, as an alternative

location in the case of bad weather for their Memorial Day program.

Ayes: all present. Motion carried.

Unfinished Business

Small Cities Development Program

More residential projects have been identified through the Day of Action canvassing. Councilor Bruns asked if the grant administrator was still struggling to get contractors to bid on the projects. It was confirmed that getting contractors to bid was still an issue.

East Itasca Joint Sewer Board Update

No update.

Public Safety Building follow-up

No update.

Community Development Discussion

Councilor Sullivan requested earmarking an upcoming community development request for the purchase of electronic speed signs. Chief Longoria shared a quote from a MnDOT approved vendor for speed signs but noted that permission needed to be received from the State and County before installation. He noted that the solar batteries last six years. Chief Longoria also stated a concern regarding where the funds would be coming from for the purchase, as it was not in his budget. Councilor Sullivan said it would be a Community Development purchase. Councilor Bruns stated a preference for three signs with one at each city entrance. Councilor Martire advised getting permission from the County and State before the signs are purchased.

*Motion by Councilor Sullivan, seconded by Councilor Bruns to approve the purchase of three electronic speed signs contingent upon getting approval by the State and County, which would be a July 2025 Community Development request to Mesabi Metallica; also noting the purchase cannot be made until the funds are received from Mesabi Metallica.

Ayes: all present. motion carried.

Councilor Sullivan's original motion was to purchase the electronic speed signs with the June 2025 request; however, Councilor Jensen said that she had a problem with that because the fire department had requested use of the June allocation.

*Motion by Councilor Jensen, seconded by Councilor Martire to earmark the June 2025 request as the fire department's rescue trailer.

Ayes: all present. Motion carried.

Hazardous Buildings

On the May 12, 2025, hearing, the Itasca County judge upheld the City's Order regarding 206 3rd Street.

Day of Action

*Motion by Councilor Bruns, seconded by Councilor Jensen to approve the request to close the clerk's office on June 13, 2025, for Day of Action so that staff can participate.

Ayes: all present. Motion carried.

Baudeck's Storefront Loan Update

The owner of Baudeck's Daycare LLC had informed Administrator/Clerk Kurtock that he was listing the building for sale. If it didn't sell, the bank would foreclose. The Nashwauk storefront loan was subordinate to the Bank's. If foreclosed on, Nashwauk would not receive anything. If it sells, the loan would be satisfied. Attorney Borland advised that the owner signed a personal guaranty, so the city could see action for nonpayment. The Council determined to wait to see if the building sells and if not, then pursue the personal guarantee.

New Business

Street Name Change Request

*Motion by Councilor Bruns, seconded by Mayor Heyblom to approve the request from ISD 319 School Board to rename the portion of Platt Avenue East that extends past Hillcrest to the school campus from Platt Avenue East to Spartan Way, if a street sign is requested, it will be at the School's expense.

Ayes: all present. motion carried.

Upstairs Kitchen Upgrade

Mayor Heyblom presented a quote for the upstairs kitchen upgrade, which would be replacement of all the kitchen cabinets. He stated that the cabinets smelled bad and were moldy. The quote for the work was from Delich General Contracting LLC in the amount of \$10,113. Mayor Heyblom stated that the Masons would pay \$5,000 toward the project. Councilor Jensen said she toured the upstairs kitchen, and it was not clean. She suggested the condition of the cabinets was not bad, but they needed to be cleaned and maintained. Councilor Martire asked where the funds would come from. Mayor Heyblom said it would come from the general fund.

*Motion by Mayor Heyblom, seconded by Councilor Martire approve the quote from Delich General Contracting LLC in the amount of \$10,113 and for the city to pay for half of the upgrade, as the Masons would pay the rest.

Councilor Bruns said he needed to do a walk through first and asked if Mayor Heyblom was willing to table the request until the next meeting. Councilor Jensen asked for a 2nd quote. The motion was withdrawn.

Red Rock Run Donation

*Motion by Councilor Martire, seconded by Councilor Bruns to approve the donation of \$100 from the Nashwaug Community Fund for the 4th of July Red Rock Run, which would list the City on the run's t-shirt.

Ayes: all present. Motion carried.

Clerk's Office Door

*Motion by Councilor Jensen, seconded by Councilor Bruns to approve the quote from Korpi Builders to install a 2nd exit door from the clerk's office in the amount of \$5,263.85.

Ayes: all present. Motion carried.

Department & Committee Reports & Requests**Ambulance Service**

*Motion by Councilor Bruns, seconded by Councilor Martire to accept the resignation of Paul Vraa from the Nashwaug Ambulance Service effective May 12, 2025.

Ayes: all present. Motion carried.

Fire Department

*Motion by Councilor Bruns, seconded by Councilor Martire to accept the request from Joe Martire to end his leave of absence effective June 1, 2025, and resume the role of Fire Chief.

Ayes: all present. Motion carried.

Councilor Jensen asked why the leave of absence request had changed because it was originally through the end of the year. Councilor Martire said Joe Martire can change it whenever he wants.

Street Department**Blacktop Quote**

Public Works & Utilities Lead Jason Martire presented a blacktop quote from SBS Blacktop Service Inc. for the removal and placement of asphalt in two locations in the amount of \$9,200. One location was along Deering Avenue, which would be a temporary fix to the storm sewer heave in the amount of \$6,200. The other part of the quote is for the alley behind the post office in the amount of \$3,000.

*Motion by Councilor Bruns, seconded by Councilor Martire to approve the quote from SBS Blacktop Service Inc. for the removal and placement of asphalt in two locations in the amount of \$9,200.

Ayes: all present. Motion carried.

Flagpole Holders

PW&UL Martire provided a quote from Graybar Electric for flagpole holders and potted plant hangers in the amount of \$8,160. He noted the quote did not include Christmas decoration holders. Because the Beautification Committee would not be putting up flowerpots this year, the Council decided not to order those holders yet.

*Motion by Councilor Martire, seconded by Councilor Bruns to approve the purchase of the flagpole holders in the amount of \$4,080 from Graybar Electric.

Ayes: all present. Motion carried.

Councilor Sullivan recommended the Beautification Committee make a request toward the end of the year for beautification efforts for the next year.

Logging in Industrial Park

PW&UL Martire made the recommendation for the logging of city lots along Platt Avenue East. Councilor Bruns asked if it would be the city paying a logger or getting revenue from the sale of timber, as he doesn't think it should be a cost to the city. The Council directed PW&UL Martire to have a conversation with a logger.

Zoning Permit Application

*Motion by Councilor Jensen, seconded by Mayor Heyblom to approve the zoning permit application for Louis Clark to build a 22'x24' garage at 511 1st Street.

Ayes: all present. Motion carried.

Commission & Committee Updates

Personnel Committee Recommendation Regarding Fire SOG Document

The Personnel Committee made a recommendation related to the revision of section 2.5 within the Nashwauk Fire Department Standard Operating Guidelines & Policy document, which is to replace section 2.5 in its entirety with zero-tolerance language related to alcohol and drug use.

Councilor Martire said that the proposed revision needs to be relooked at because he does not agree with the language within that related to the employees being on "unofficial" duty.

Anthony Marinaro said the fire department should be able to look at the proposed revision before adoption. He stated language needed to be cleaned up regarding alcohol consumption at trainings which had been approved by the department. Councilor Sullivan said that the policy language was from the League. He noted that the acting Chief had called before the meeting and confirmed that the language was fine for consideration.

Brenden Johnson said he understood the zero tolerance but the policy needs clarity on off-site trainings. The last one he attended was at a brewery. The current language eliminates the department's ability to have alcohol at retirement parties, picnics.

*Motion by Councilor Bruns, seconded by Councilor Martire to approve the recommendation from the Personnel Committee related to the revision of section 2.5 within the Nashwauk Fire Department Standard Operating Guidelines & Policy document, which is to replace section 2.5 in its entirety with zero-tolerance language related to alcohol and drug use, striking the 3rd bullet point, which stated participation in any other activities where the firefighter is serving as a representative of the Fire Department, either officially or unofficially.

Mayor and Council Updates

Councilor Bruns said Necia Nunn requested the placement of the library kiosk to the pavilion. Administrator/Clerk Kurtok suggested its placement at city hall, as it would be more visible.

Councilor Martire shared his discussions with Chief Longoria related to the ATV ordinance. They determined to reroute the ATV trail around town and purchase more signs. Chief Longoria stated a preference for a 10-mph speed limit. Mayor Heyblom asked them to come forward with a recommendation for Council consideration.

Councilor Bruns shared a 4th of July update. There will be a veteran's display at the pavilion.

Adjourn

The meeting was adjourned at 7:12 p.m.

City Administrator/Clerk/Treasurer

City of Nashwauk
May 6, 2025
Special City Council Meeting

Mayor Heyblom called the meeting to order at 5:00 p.m. in the Council Chambers of Nashwauk City Hall.

Members present: Councilor David Bruns, Councilor Sheila Jensen, Councilor Terry Sullivan, Mayor Greg Heyblom.

Members absent: Councilor Tom Martire.

Also present: Administrator/Clerk April Kurtrock, Police Chief Lee Longoria, Fire Chief Rob Coughlin, Public Works & Utilities Lead Jason Martire, Assistant Fire Chief Mark Marinaro.

Project Discussion

The purpose of the meeting was to discuss city projects. Mayor Heyblom presented the projects and invited Councilor discussion. The projects were the public safety building, public works building, Rec Center renovations, high school renovations, and the 3rd Street utility project.

Councilor Sullivan asked if the quote in the packet for the Rec Center renovation project was inclusive. Public Works & Utilities Lead Jason Martire said it would have made the building move in ready for the Street Department. The building would still need other things done, like gutters and roofing improvements. Councilor Sullivan said he went to the rink frequently during the winter and he did not see it being used that much for hockey, especially. Each time he visited, he saw 4-5 kids on the ice. If there was outdoor ice, he furthered, it could likely be ready 2-3 weeks sooner and could be used whenever anyone wanted to use it. Councilor Bruns stated he was not willing to give up the Rec without the installation of an outdoor rink. PW&UL Martire confirmed that the first month of ice was busy, but by February it slows down. Martire also confirmed that the Zamboni can be used on an outdoor rink. Mayor Heyblom stated that if the Council is going to consider using the Rec as the Street Department garage, then the quote needs to be updated and fine-tuned to include gutters, roofing, a warming shack within the building, and an outdoor rink. Councilor Jensen expressed frustration because when the Council reviewed the Rec quote originally, they were ready to vote, but then at the next meeting, the project moved on to a proposal for a brand-new public works building.

Regarding the potential high school renovation project, Councilor Jensen said it pains her to consider demolition of the building but was not of the position that the city needed to take it over. Councilor Sullivan said that the district had released videos of the school prior to the referendum, which outlined that the buildings were not easily updated and that would be an issue for the city if the buildings were assumed. Councilor Bruns said that everything the city has heard up to this point is that renovation of an old building is going to cost more than a new building. Regarding the newer part of the buildings, the city has not received cost estimates for making them a stand-alone building. Mayor Heyblom said the figures need to be received on that said that reportedly ICS was working on getting the figures together. Public Works & Utilities Lead Jason Martire said there is water/sewer to the building coming in from Roberts Avenue and he noted that HVAC would likely be needed. Councilor Sullivan asked who ICS was working on the quotes for—the city or the school? Mayor Heyblom said they were doing it on behalf of the city. Administrator/Clerk Kurtrock said she would reach out to ICS. The Council discussed that if the Rec Center was used for the street department, the high school gym could be the new community center and discussed its potential

uses. Collectively the Council agreed that when considering moving the Street Department in the Rec, it makes sense to consider using the high school as a community center.

Regarding a new public safety building, Councilor Bruns asked about the building and needs within the fire department. Fire Chief Coughlin said the Council needed to do what is in the best interest of the community. Councilor Jensen said she was in favor of using the Rec and high school gym for a community center over considering a new public safety building; further, she advised about the optics of not fixing 3rd Street but pursuing a public safety building. Assistant Fire Chief Marinaro said that the department would have enough space if they built a lean-to.

Mayor Heyblom said the City needs to determine priorities and compare wants versus needs.

For an action plan, Council determined that information regarding the high school renovations would be needed, an updated Rec Center cost would be needed to include all aspects of the project. PW&UL Martire and Administrator/Clerk Kurtrock would work with Engineer Jamnick for an entire quote package regarding putting the street department in the Rec and installing an outdoor rink.

*Motion by Councilor Sullivan, seconded by Councilor Bruns to adjourn at 6:05 p.m.

Ayes: all present. Motion carried.

City Administrator/Clerk/Treasurer

**City of Nashwauk
April 29, 2025
Special City Council Meeting**

Mayor Heyblom called the meeting to order at 5:30 p.m. in the Council Chambers of Nashwauk City Hall.

Members present: Councilor David Bruns, Councilor Sheila Jensen, Mayor Greg Heyblom, Councilor Tom Martire entered the meeting at 5:45 p.m.

Members absent: Councilor Terry Sullivan.

Also present: Administrator/Clerk April Kurtock, consultant Breanne Rothstein of Thrive LLC.

Zoning Code Reform

The purpose of the meeting was to meet with consultant Breanne Rothstein of Thrive LLC, who was performing zoning code reform services and review the proposed zoning code changes and updates. The City is updating its zoning code to help remove barriers to housing development, making the code easier to use, and update definitions. The Council reviewed a red-line document for the ordinance general provisions, zoning districts, and the zoning map. There were definitions that were no longer supported by case law, like assembly uses, single/detached unit, condominium. Some listed uses were conditional that needed to be permitted, like home occupations and public utilities. The changes included updating key commercial corridors to allow mixed-use developments and multi-family developments. The Council also discussed allowances for accessory dwelling units and revised parking standards.

The Council will meet on June 10th for a public hearing to adopt the new zoning ordinance and official zoning map. Breanne Rothstein stated she would provide a summary of changes for Council's review prior to the meeting.

Adjourn

The meeting was adjourned at 7:17 p.m.

City Administrator/Clerk/Treasurer

April Kurtock

From: gheyblom@gmail.com
Sent: Thursday, May 1, 2025 11:13 AM
To: April Kurtock
Subject: Upstairs Kitchen Quote
Attachments: Nashwauk Kitchen .pdf

Hi April,

Could you place this on the next agenda. I would like the Council to consider completing this upgrade with or without Mesabi Metallics project moneys.

The Masonic Lodge is will to make a donation to the City to help pay for some of the remodel.

Any questions let me know.

Thanks,

Greg A Heyblom
12 2nd Street
Nashwauk, MN 55769
218-969-1066

Delich General Contracting LLC

2206 Martin Street
Grand Rapids, MN 55744
218-244-3480
delichgeneralcontracting@gmail.com
LIC#BC794177



Estimate

PREPARED FOR

CUSTOMER NAME

Nashwauk City Hall

PREPARED DATE

April-21-2025

Description	Total
Upstairs Kitchen Cabinets and Countertops	
Project Source Oak Unfinished Cabinets, Laminate Countertops, Sink And Faucet	\$7,838.00
Lacquer Finish	\$875.00
Demo	\$800.00
Electrical And Plumbing	\$600.00

Total \$10,113.00

(B) Sections 90.01 *et seq.* shall be effective upon passage and publication.
(Ord. 207-02, passed 12-30-2002)

CAMPING

§ 90.25 PUBLIC CAMPING AREAS TO BE DESIGNATED.

(A) There shall be no tent camping or trailer camping or other camping in any public area within the city limits of the City of Nashwauk except in those areas specifically designated by official city signage as public camping areas.

(B) Any violation of this section shall constitute a petty misdemeanor and shall be punishable by the maximum fine as authorized by state law as amended from time to time.

(C) The section becomes effective upon its passage and publication according to law.
(Ord. 190, passed 9-7-1993) Penalty, see § 10.99

CHAPTER 91: ANIMALS

Section

91.01	Definitions
91.02	Dogs and cats
91.03	Non-domestic animals
91.04	Farm animals
91.05	Impounding
91.06	Kennels
91.07	Nuisances
91.08	Seizure of animals
91.09	Animals presenting a danger to health and safety of city
91.10	Diseased animals
91.11	Dangerous animals
91.12	Dangerous animal requirements
91.13	Basic care
91.14	Breeding moratorium
91.15	Enforcing officer
91.16	Pound
91.17	Interference with officers
91.18	Feeding waterfowl and pigeons
91.99	Penalty

§ 91.01 DEFINITIONS.

Nashwauk, MN Code of Ordinances

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

(1) **DOMESTIC ANIMALS.** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

(2) **FARM ANIMALS.** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

(3) **NON-DOMESTIC ANIMALS.** Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, non-domestic animals shall include:

(a) Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

(b) Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

(c) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

(d) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

(e) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

(f) Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this section, including but not limited to bears, deer, monkeys and game fish.

AT LARGE. Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

DOG. Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

OWNER. Any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

RELEASE PERMIT. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Clerk/Treasurer in accordance with the

Nashwauk, MN Code of Ordinances

regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established by City Council from time to time.

§ 91.02 DOGS AND CATS.

(A) *Running at large prohibited.* It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."

(B) *License required.*

(1) All dogs over the age of 6 months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog licenses shall be issued by the City Clerk/Treasurer upon payment of the license fee as established by City Council from time to time. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog that has not been vaccinated against distemper and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated.

(2) It shall be the duty of each owner of a dog subject to this section to pay to the City Clerk/Treasurer the license fee established by City Council from time to time.

(3) Upon payment of the license fee as established by City Council from time to time, the Clerk/Treasurer shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the City Clerk/Treasurer. A charge shall be made for each duplicate tag in an amount established by City Council from time to time. Dog tags shall not be transferable from 1 dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period.

(4) The licensing provisions of this division (B) shall not apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show. If the animal owned is a service animal which is capable of being properly identified as from a recognized school for seeing eye, hearing ear, service or guide animals, and the owner is a blind or deaf person, or a person with physical or sensory disabilities, then no license shall be required.

(5) The funds received by the City Clerk/Treasurer from all dog licenses and metallic tags fees as established by City Council from time to time, shall first be used to defray any costs incidental to the enforcement of this chapter; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

Nashwauk, MN Code of Ordinances

(C) *Cats.* Cats shall be included as controlled by this division insofar as running-at-large, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this section shall also apply to cats unless otherwise provided.

(D) *Vaccination.*

(1) All dogs and cats kept harbored, maintained, or transported within the city shall be vaccinated at least once every 3 years by a licensed veterinarian for:

- (a) Rabies - with a live modified vaccine; and
- (b) Distemper.

(2) A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the City Clerk/Treasurer, the Animal Control Officer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have 7 days in which to present the certificate(s) to the City Clerk/Treasurer or officer. Failure to do so shall be deemed a violation of this section.

Penalty, see § 91.99

§ 91.03 NON-DOMESTIC ANIMALS.

It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Penalty, see § 91.99

§ 91.04 FARM ANIMALS.

Farm animals shall only be kept in an agricultural district of the city, or on a residential lot of at least 10 acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

§ 91.05 IMPOUNDING.

(A) *Running at large.* Any unlicensed animal running at large is hereby declared a public nuisance. Any Animal Control Officer or police officer may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of the dog or other animal, if known. The Animal Control Officer or

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police officer shall not enter the property of the owner of an animal found running at large or the owner of an unlicensed animal unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction to search for and seize the animal. In case the owner is unknown, the officer shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(B) *Biting animals.* Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the city pound for a period of not less than 10 days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner's choosing, not outside of the county in which this city is located, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property.

(C) *Reclaiming.* All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least 5 regular business days, unless the animal is a dangerous animal as defined under § 91.11 in which case it shall be kept for 7 regular business days or the times specified in § 91.11, and except if the animal is a cruelly-treated animal in which case it shall be kept for 10 regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

(1) Payment of the release fee and receipt of a release permit as established by City Council from time to time.

(2) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and

(3) If a dog is unlicensed, payment of a regular license fee as established by City Council from time to time, and valid certificate of vaccination for rabies and distemper shots is required.

(D) *Unclaimed animals.* At the expiration of the times established in division (C) of this section, if the animal has not been reclaimed in accordance with the provisions of this section, the officer appointed to enforce this section may let any person claim the animal by complying with all provisions in this section, or the officer may sell the animal to the University of Minnesota, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any money collected under this section shall be payable to the City Clerk/Treasurer.

(E) In the event that the city pays for the impoundment of an animal, the city shall have a civil cause of action against the owner of the animal. In addition, if the owner of the animal owns real estate, the city can assess those fees on the real estate taxes. The fees are a

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one-time assessment to the taxes, and the city shall notify the Itasca County Auditor of the amount of fees to be assessed.

(Ord. —, passed —) Penalty, see § 91.99

§ 91.06 KENNELS.

(A) *Definition of kennel.* The keeping of 3 or more dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “kennel;” except that a fresh litter of pups may be kept for a period of 3 months before that keeping shall be deemed to be a “kennel.”

(B) *Kennel as a nuisance.* Because the keeping of 3 or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of 3 or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the city. Penalty, see § 91.99

§ 91.07 NUISANCES.

(A) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least 5 minutes with less than 1 minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

(B) *Damage to property.* It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

(C) *Cleaning up litter.* The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on their own property, on the property of others or on public property.

(D) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, to search for and seize the animal.

(E) *Other.* Any animals kept contrary to this section are subject to impoundment as provided in § 91.05. Penalty, see § 91.99

§ 91.08 SEIZURE OF ANIMALS.

Any police officer or Animal Control Officer may enter upon private property and seize any animal with the permission of the owner of the property, if that person is also the owner of the animal, provided that the following exist:

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(A) There is an identified complainant other than the police officer or Animal Control Officer making a contemporaneous complaint about the animal;

(B) The officer reasonably believes that the animal meets either the barking dog criteria set out in § 91.07(A); the criteria for cruelty set out in § 91.13; or the criteria for an at large animal set out in § 91.01(E);

(C) The officer can demonstrate that there has been at least 1 previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;

(D) The officer has made a reasonable attempt to contact the owner of the animal and the property to be entered and those attempts have either failed or have been ignored;

(E) The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, to search for and seize the animal. If the officer has the permission of the owner, a property manager, landlord, innkeeper, or other authorized person to enter the property or has obtained a pass key from a property manager, landlord, innkeeper, or other authorized person to have that key shall not be considered unauthorized entry, and a warrant to search for and seize the animal need not be obtained; and

(F) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the animal is not possible.

§ 91.09 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY.

If, in the reasonable belief of any person or the Animal Control Officer or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the person or officer may destroy the animal in a proper and humane manner whether or not the animal is on the property of its owner. Otherwise, the person or officer may apprehend the animal and deliver it to the pound for confinement under § 91.05. If the animal is destroyed, the owner or keeper of the animal destroyed shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination. If the animal is found not to be a danger to the health and safety of the city, it may be released to the owner or keeper in accordance with § 91.05(C).

§ 91.10 DISEASED ANIMALS.

(A) *Running at large.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the city, any animal which is diseased so as to be a danger to the health and safety of the city, even though the animal be properly licensed under this section, and a warrant to search for and seize the animal is not required.

(B) *Confinement.* Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person, the Animal Control Officer or a police officer. The officer shall have a qualified

veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the city, the officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the city for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

(C) *Release.* If the animal, upon examination, is not found to be diseased the animal shall be released to the owner or keeper free of charge.

Penalty, see § 91.99

§ 91.11 DANGEROUS ANIMALS.

(A) *Attack by an animal.* It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

(B) *Destruction of dangerous animal.* The Animal Control Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

(C) *Definitions.* For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **DANGEROUS ANIMAL.** An animal which has:

- (a) Caused bodily injury or disfigurement to any person on public or private property;
- (b) Engaged in any attack on any person under circumstances which would indicate danger to personal safety;
- (c) Exhibited unusually aggressive behavior, such as an attack on another animal;
- (d) Bitten one or more persons on two or more occasions; or
- (e) Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(2) **POTENTIALLY DANGEROUS ANIMAL.** An animal which has:

- (a) Bitten a human or a domestic animal on public or private property;
- (b) When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
- (c) Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

(3) **PROPER ENCLOSURE.** Securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the

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animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

(a) Have a minimum overall floor size of 32 square feet.
(b) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed 2 inches, support posts shall be 1¼-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.

(c) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than 2 inches.

(d) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than 2 inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

(4) **UNPROVOKED.** The condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

(D) *Designation as potentially dangerous animal.* The Animal Control Officer shall designate any animal as a potentially dangerous animal upon receiving evidence that the potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in division (C)(2). When an animal is declared potentially dangerous, the Animal Control Officer shall cause 1 owner of the potentially dangerous animal to be notified in writing that the animal is potentially dangerous.

(E) *Evidence justifying designation.* The Animal Control Officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

(1) That the animal has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).

(2) That the animal has been declared potentially dangerous and the animal has then bitten, attacked, or threatened the safety of a person or domestic animal as stated in division (C)(1).

(F) *Authority to order destruction.* The Animal Control Officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing 1 or more of the following findings of fact:

(1) The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or

(2) The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

(G) *Procedure.* The Animal Control Officer, after having determined that an animal is dangerous, may proceed in the following manner: The Animal Control Officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the City Council for a review of this determination.

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(1) If no appeal is filed, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction, unless the animal is already in custody or the owner consents to the seizure and destruction of the animal.

(2) If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the City Council, which shall set a date for hearing not more than 3 weeks after demand for the hearing. The records of the Animal Control or City Clerk's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the City Council shall make an order as it deems proper. The City Council may order that the Animal Control Officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Animal Control Officer. If the owner does not immediately make the animal available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction.

(3) No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

(H) *Stopping an attack.* If any police officer or Animal Control Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

(I) *Notification of new address.* The owner of an animal which has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address, and the name of the new owner, if any.

Penalty, see § 91.99

§ 91.12 DANGEROUS ANIMAL REQUIREMENTS.

(A) *Requirements.* If the City Council does not order the destruction of an animal that has been declared dangerous, the City Council may, as an alternative, order any or all of the following:

(1) That the owner provide and maintain a proper enclosure for the dangerous animal as specified in § 91.11(C)(3);

(2) Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. § 347.51 as may be amended from time to time;

(3) Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;

(4) If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed 6 feet in length) and under the physical restraint of a person 16 years of age or older. The muzzle must be of a design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration;

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(5) If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in M.S. § 347.51 as it may be amended from time to time, and shall have a microchip implant as provided by M.S. § 347.151, as it may be amended from time to time;

(6) All animals deemed dangerous by the Animal Control Officer shall be registered with the county in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the Animal Control Officer.

(7) If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

(B) *Seizure.* As authorized by M.S. § 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

(C) *Reclaiming animals.* A dangerous animal seized under § 91.12(B), may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under § 91.12(B), is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under § 91.11(F), and the owner is liable to the city for costs incurred in confining and impounding the animal.

(D) *Subsequent offenses.* If an owner of an animal has subsequently violated the provisions under § 91.11 with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in § 91.11(F). If the owner is found to have violated the provisions for which the animal was seized, the Animal Control Officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of § 91.12(C). If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under § 91.11(F) and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

§ 91.13 BASIC CARE.

All animals shall receive from their owners or keepers kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in a humane manner will be subject to the penalties provided in this section.

§ 91.14 BREEDING MORATORIUM.

Every female dog or female cat in heat shall be confined in a building or other enclosure in a manner that it cannot come in contact with another dog or cat except for planned breeding. Upon capture and failure to reclaim the animal, every dog or cat shall be neutered or spayed prior to being transferred to a new owner.

§ 91.15 ENFORCING OFFICER.

The Council is hereby authorized to appoint an animal control officer(s) to enforce the provisions of this section. In the officer's duty of enforcing the provisions of this section, he or she may from time to time, with the consent of the City Council, designate assistants.

§ 91.16 POUND.

Every year the Council shall designate an official pound to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction.

§ 91.17 INTERFERENCE WITH OFFICERS.

No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council to capture dogs, cats or other animals and convey them to the pound while engaged in that operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this chapter, or in any other manner to interfere with or hinder the officer in the discharge of his or her duties under this chapter.

Penalty, see § 91.99

§ 91.18 FEEDING WATERFOWL AND PIGEONS.

(A) *Policy and purpose.* Waterfowl waste deposited near bodies of water or within the watershed can have deleterious effects upon the environmental conditions within those bodies of water and waterfowl waste may carry bacteria and viruses that cause disease. By enactment of this section, the City Council intends to protect the public health, safety, and welfare of the citizens of Nashwauk from such effect. The City Council also deems that pigeons are a nuisance in that their waste and nesting cause problems for landowners and citizens of the city.

(B) *Definition.* For the purpose of this section the following definition shall apply unless the context clearly indicates or requires a different meaning.

WATERFOWL. Includes, but is not limited to, geese, ducks, and sea gulls.

PIGEON. Includes all non-domesticated pigeons.

(C) *Feeding prohibited.* No person may feed waterfowl on private or public property in the city or place or permit to be placed on the ground, shoreline, body of water, or structure any food, food by-products, garbage, or animal food, which may reasonably be expected to intentionally result in waterfowl feeding. The feeding of pigeons is prohibited except for pigeon control programs contracted for by the City Council. No person shall feed a non-domesticated pigeon nor place feed in a place or manner that a reasonable person would expect to result in feeding a non-domesticated pigeon. This section does not apply to domesticated pigeons such as those kept for racing, entertainment, performance or agricultural purposes.

(D) *Exceptions.* The prohibition against feeding waterfowl shall not apply to the following persons:

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- (1) Veterinarians who have custody of or manage waterfowl;
 - (2) Persons who, acting within the scope and course of their employment with any governmental entity, have custody of or manage waterfowl;
 - (3) Persons who are trapping or taking waterfowl where such trapping or taking is authorized pursuant to a permit issued by the Minnesota Department of Natural Resource; and
 - (4) Persons contracted by the city for a pigeon control program.
- (Ord. 212-06, passed 7-27-2006; Am. Ord. 231-16, passed 6-28-2016) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) *Separate offenses.* Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this section.

(B) *Misdemeanor.* Unless otherwise provided, violation of this chapter shall constitute a misdemeanor punishable as provided in § 10.99.

(C) *Petty misdemeanor.* Violations of §§ 91.02, 91.07, 91.13 and 91.14 are petty misdemeanors punishable as provided in § 10.99.

(D) A first violation of § 91.18 shall result in a written warning from city staff. A subsequent violation of § 91.18 shall be a petty misdemeanor.
(Ord. 212-06, passed 7-27-2006; Am. Ord. 231-16, passed 6-18-2016)

CHAPTER 92: STREETS AND SIDEWALKS

Section

Digging Permits

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| 92.01 | Permit required |
| 92.02 | Fee |
| 92.03 | Endorsement required |
| 92.04 | Application |
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| 92.15 | Obstructions prohibited |
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DIGGING PERMITS

§ 92.01 PERMIT REQUIRED.



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Minnesota

DAY OF
ACTION

presented by



U. S. Steel

June 13, 2025
Nashwauk

200 VOLUNTEERS NEEDED

Join us **June 13, 2025**, as we revitalize public spaces, homes and small businesses across the entire community of Nashwauk in one Day of Action!



All experience levels welcome; please let us know if you have specialty skills you'd like to put to use.



Perfect opportunity for families, service projects, and team building. Youth 12-16 must be accompanied by an adult.



Lunch, aid, and more provided!

SCHEDULE

- 8:00 AM Volunteer Check-in
- 8:30 AM Morning Project
- 11:30 AM Lunch
- 12:15 PM Volunteer Reconnect
- 12:30 PM Afternoon Project
- 3:00 PM Day of Action Concludes

Sign up for the morning, afternoon, or full day!



www.unitedwaynemn.org/dayofaction

218-215-2420

City of Nashwauk
Notice of Hearing on Proposed Assessment

Notice is hereby given that the Nashwauk City Council will meet at 5:30 p.m. on June 10, 2025, at Nashwauk City Hall, 301 Central Avenue to consider, and possibly adopt, proposed assessments for the following parcel:

- 202 2nd Street, Nashwauk, MN 55769; Parcel Number 95-410-0305; for the purpose of unpaid utility charges.

Such assessment is proposed to be payable in equal annual installments extending over a period of 1 year, the first of the installments to be payable on or before the first Monday in January 2026 and will bear interest at the rate of 1% percent per annum from the date of the adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2026. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

Property owners may at any time prior to certification of the assessment to the county auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City of Nashwauk. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. Property owners may at any time thereafter, pay to the City of Nashwauk 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. If you decide not to prepay the assessment before the date given above the rate of interest that will apply is 1 percent per year.

The proposed assessment roll is on file in the city clerk's office. Written or oral objections will be considered at the meeting. No appeal to district court may be taken as to the amount of an assessment unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

Under Minn. Stat. §§ 435.193 to 435.195, the council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person 65 years of age or older, one retired by virtue of a permanent and total disability, or a member of the National Guard or other reserves ordered to active military service for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in that law and Ordinance (Resolution), all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of this law and the resolution corresponding to each assessment, may, within 30 days of the confirmation of the assessment, apply to the city clerk for the prescribed form for such deferral of payment of this special assessment on

his/her property.

An owner may appeal an assessment to district court pursuant to Minn. Stat. § 429.081 by serving notice of the appeal upon the mayor or clerk of the city within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or clerk.

April Kurtock
City Administrator/Clerk/Treasurer

Published May 29, June 5, 2025