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MINNESOTA INDIAN AFFAIRS COUNCIL

REPORT TO THE STATE LEGISLATURE ON MEMBERSHIP AND OPERATIONS

February 1996

Minnesota Indian Affairs Council
1450 Energy Park Drive
West - Room 140
St. Paul, Minnesota 55108
(612) 643-3032

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State of Minnesota
INDIAN AFFAIRS COUNCIL

1450 Energy Park Drive
West-Room 140
St. Paul, Minnesota 55108
Phone: (612) 643-3032
Fax: (612) 643-3077

1819 Bemidji Avenue
Bemidji, Minnesota 56601
Phone: (218) 755-3825
Fax: (218) 755-3739

February 1, 1996

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Enclosed is the Minnesota Indian Affairs Council's report to the legislature as required under Minnesota Laws of 1995, Chapter 224, Section 35. The Indian Affairs Council has addressed and made recommendations in the areas requested by the legislature.

The report contains the revised mission statement, goals and objectives recently adopted by the Council at its December 19, 1995 meeting. The revisions made underscore a desire by the Council to foster direct linkages between state agencies and their counterparts within tribal governments and urban Indian program directors in an effort to assure the activities and policy recommendations of the Council best serve to promote efficiency and productive collaboration in serving the needs of Minnesota's Indian communities.

If you have any questions or comments regarding this report, please don't hesitate to contact the Council at either our St. Paul or Bemidji Offices. The Indian Affairs Council looks forward to continuing our work with the state legislature in meeting the needs and building a better future for Minnesota's Indian people.

Sincerely:

A handwritten signature in cursive script that reads "Joseph B. Day".

Joseph B. Day, Executive Director
Minnesota Indian Affairs Council

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27 Sec. 35. [COUNCILS TO REPORT.]

28 (a) The Indian affairs council, the council on affairs of
29 Spanish-speaking people, the council on Black Minnesotans, and
30 the council on Asian-Pacific Minnesotans shall, individually and
31 jointly as provided in paragraph (b), conduct a study of each
32 council's membership and operations. Each council's study must
33 contain recommendations on:

34 (1) removal of council members by the governor;

35 (2) statutory requirements and qualifications for council
36 membership;

37 (3) appointment of the council director, including
38 qualifications;

39 (4) methods of reducing overall costs of the councils
40 through sharing of staff and administrative expenses;

41 (5) methods of improving coordination with other state
42 agencies;

1 (6) methods of reducing burdensome reporting requirements
2 without compromising accountability;

3 (7) methods of educating council members in management
4 issues for state agencies, including but not limited to
5 statewide budget and accounting practices, management practices,
6 and legal liability; and

7 (8) a statement of the mission of each council and
8 measurable impact goals for each council.

9 (b) Each council must make all feasible efforts to
10 coordinate its study with each other council's study, to achieve
11 the maximum possible consistency in recommendations.

12 (c) Each council must consult with the governor's office in
13 studying paragraph (b), items (1) to (3).

14 (d) Each council must submit its report to the legislature
15 by February 1, 1996.

MINNESOTA INDIAN AFFAIRS COUNCIL
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COUNCIL DESCRIPTION AND BACKGROUND INFORMATION

The Minnesota Indian Affairs Council (MIAC) was established in 1963 (MN Statutes Chapter 888, Sec. 2 (3:922)). MIAC is the official liaison between the State of Minnesota and the eleven tribal governments within the state; provides a forum for and advises state government on issues of concern to urban Indian communities; and administers four programs designed to enhance economic opportunities and protect cultural resources for the state's Indian constituencies. The MIAC plays a central role in the development of state legislation, programs and activities affecting the state's Indian population and tribal governments. Minnesota was the first state in the nation to establish an Indian Affairs agency and provided a model for other states to follow as state-tribal issues became increasingly important to address nationwide.

The Duties of the Minnesota Indian Affairs Council are:

- 1) Clarify for the legislature and state agencies the nature of tribal governments and the relationship of tribal governments to the Indian people of Minnesota.
- 2) Assist the Secretary of State in the election of at-large members of the Council.
- 3) Make recommendations to members of the legislature on desired and needed legislation to benefit the state's Indian communities and communicate to members of the legislature when legislation has or will have an adverse effect on Indian communities.
- 4) Provide, through the elected apparatus of the Council, an effective conduit to the legislature for programs, proposals and projects submitted by tribal governments, organizations, committees, groups or individuals.
- 5) Provide a continuing dialogue with members of the tribal governments to improve their knowledge of the legislative process, state agencies and governmental due process.
- 6) Assist in establishing Indian advisory councils in cooperation with state agencies that deliver services to Indian communities.
- 7) Assist state agencies in defining what organizations or individuals are eligible for delivery of their respective services.
- 8) Assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community.
- 9) Act as a liaison between local, state and national units of government in the delivery of services to the Indian population of Minnesota.
- 10) Assist state agencies in implementing and updating studies of services to the statewide Indian community.
- 11) Provide, for the benefit of all levels of state government, a continuing liaison between governmental bodies and elected tribal governments and officials.
- 12) Interact with private organizations involved with Indian concerns to develop and implement programs to assist Indian people, as they affect state agencies and departments.

13) Act as intermediary, when requested and if necessary, between Indian interests and state agencies and departments when questions, problems or conflicts exist or arise.

14) provide information for and direction to programs assisting Indian citizens to assume all rights, privileges and duties of citizenship and cooperate and coordinate with local, state and national private agencies providing services to Indian people.

15) Develop educational programs, community organization programs, leadership development programs, motivational programs and business development programs for Indian persons who have been, are or may be subject to prejudice and discrimination.

16) Cooperate and consult with appropriate commissioners and agencies to develop plans and programs to most effectively serve the needs of Indians throughout the state.

17) Review data provided by the Commissioner of Human Services under Sec. 257.072, subd 5, and present recommendations on the out of home placement of Indian children to the Commissioner and the legislature by November 1 of each year.

The State of Minnesota has the twelfth largest American Indian population in the nation. The 1990 U.S. Census identified 49,909 Indian residents in Minnesota, a 36.6% increase from the 1980 Census, which indicates that Minnesota's Indian population is growing at a rate well above the national average and faster than in other upper midwest states. Approximately 48% of Minnesota's Indian population resides within the Twin Cities metropolitan area and 25% reside on reservations. These statistics represent a 25% increase in the number of Indians residing on reservations since the 1980 Census, reflecting a high birth rate among Indians as well as a trend towards Indian people returning to their homelands as employment opportunities are becoming available by recent tribal economic development successes such as the gaming.

Unfortunately, the 1990 U.S. Census data also indicates that Minnesota's Indian people are worse off than minorities living almost anywhere else in the nation. The median income for Indians in Minnesota is \$16,983 compared to \$34,466 for white residents. The poverty rate among Indians is 43.7% and 8.7% for whites. The employment rate for Indians is 49.3% versus 73.3% for whites. High school graduation rates stand at 68.2% for Indians, 82.8% for whites. These divergent statistics prompted the Minneapolis Star-Tribune to report in their July 24, 1992 issue that "...by the measures of poverty, income, employment and education, American Indians lagged behind every other racial group living in the state."

Historically, Indian tribes have maintained a direct relationship with the federal government due to their unique legal and political status. Until the early 1970's the federal government controlled and managed tribal resources and affairs, maintaining Indian programs and policies separate from mainstream domestic programs. Tribal efforts to improve conditions for Indian communities by promoting each tribes' sovereign status and right to be self governing resulted in the passage of the Indian Self Determination and Education Assistance Act of 1972 (P.L. 92-638). This initiative and the changes in federal Indian policy it produced have greatly enhanced the scope and abilities of tribal governing bodies to control their own destinies.

However, as one might expect, greater local control has been accompanied by a reduction in federal domestic per capita outlays for Indians relative to overall federal per capita expenditures. In 1975, federal Indian per capita expenditure was \$1,882 compared to an overall per capita expenditure of \$1,031. In 1992, federal Indian per capita expenditure

REPORT TO THE LEGISLATURE

Minnesota Laws of 1995, Chapter 224, Section 35 requires the four councils of color, including the Indian Affairs Council, to prepare and submit a report to the legislature with recommendations on the following listed areas:

1) Removal of Council Members by the Governor

Unlike the other state councils of color, the Minnesota Indian Affairs Board of Directors are elected rather than appointed officials. Eleven of the thirteen voting members of the Board are the tribal chairs, or their designee, from each of the state's Indian reservations. The remaining two at large members are elected to represent the state's urban Indian communities.

Recommendation: As members of the Indian Affairs Council are elected officials, they are primarily responsible to their constituencies. Removal of council members by the Governor is inappropriate under current law, which appropriately fosters a government to government relationship between the state and Indian tribes. No changes are recommended with respect to the election of Indian Affairs Council members.

2) Statutory Requirements and Qualifications for Council Membership

Statutory requirements and qualifications for membership on the Indian Affairs Council is contained in MN Statutes, Chapter 888, Section 2 (3:922) Subd. 1 and 2. The qualifications for membership on the Council have been amended by the legislature several times since the Council was established in 1963. Originally, the Council consisted of three people appointed by the governor to represent the Red Lake Band of Chippewa, the Minnesota Chippewa Tribe, and the four Minnesota Sioux Reservations. Ex-officio members included the Governor or his designee, two Senators appointed by the Senate Committee on Committees, and two House Representatives appointed by the Speaker of the House.

Amendments to the Council's enabling legislation in 1965, 1967 and 1976 transformed the Council's structure to acknowledge the State's Indian nations as governments with distinct governmental powers as well as providing Indian citizens of the state with a mechanism for enhancing their participation in state government.

Voting members of the Council are the elected chair of the eleven Minnesota Indian tribal governments plus two at-large members elected to the Council to represent Indian communities within the Twin Cities and Duluth metropolitan areas. A person is eligible to serve as an at-large member of the council if they are a qualified voter within the requirements of the Minnesota Constitution, Article VII and a member of a federally recognized Indian tribe that does not have a reservation in Minnesota. The Secretary of State's office conducts elections for at large members every four years.

Ex-officio members of the Council include the Governor or his designee; the Commissioners of Education, Human Services, Natural Resources, Human Rights, Economic Security, Corrections, Minnesota Housing Finance Agency, Iron Range Resources and Rehabilitation, Health, Public Safety, Revenue, and Pollution Control or their designees; three members of the House of Representatives appointed by the Speaker

of the House; and three members of the Senate appointed by its Subcommittee on Committees.

The Council maintains an eight member staff with offices in Bemidji and St. Paul and receives recommendations from a five member Urban Indian Advisory Council appointed by the Indian Affairs Council. Membership of the Advisory Council includes residents of Minneapolis, St. Paul and Duluth.

Recommendation: The current system for establishing representation on the Indian Affairs Council is the result of three amendments to its authorizing legislation since the Council's inception in 1963. These changes correspond with tribal initiatives to assert and utilize their inherent sovereign powers to promote the goal of becoming self governing after years of federal control over tribal territory and resources. The Council's current structure provides both state and tribal governments with an appropriate mechanism for conducting government to government relations as well as addressing the needs and concerns of Indian citizens statewide. No changes to the requirements and qualifications for Indian Affairs Council membership are recommended.

3) Appointment of the Council Director, Including Qualifications

The Executive Director of the Indian Affairs Council is appointed by the Council, which also prescribes the duties and responsibilities of the position. Compensation of the Executive Director is as provided by section 43A.18 (3.922 Subd. 5).

The Executive Director is responsible for operation of the agency offices and staff in Bemidji and St. Paul; developing legislative recommendations reflecting the needs and desires of the state's Indian population; assisting state agencies in identifying needs and determining eligibility for state services; representing the state with tribal governments and vice versa; providing information and resources regarding the state's Indian population; and performing intermediary functions as needed when questions or issues arise between state agencies and Indian interests.

Qualifications for the position of Executive Director of the Indian Affairs Council include proven skills in the areas of public administration, human relations, political science, problem solving and communications. A working knowledge of the history, structures and processes within state and tribal government is also essential.

4) Methods of Reducing Overall Costs of the Councils Through Sharing of Staff and Administrative Expenses

The sharing of office space and administrative staff for the Indian Affairs Council, Asian Pacific Council, Council on Black Minnesotans and the Spanish Speaking Affairs Council for the purpose of reducing overall operating costs was investigated by staff from these councils with few, if any, real cost savings identified. Current law requires the Indian Affairs Council to maintain offices in Bemidji and St. Paul. IAC also administers cultural resource and economic development programs benefiting Indians which require the full efforts of current administrative staff to operate efficiently. Other councils also expressed the importance of maintaining offices within or near their various constituencies, which is both understandable and prudent in fulfilling the mission of assisting different minority communities to become more aware of and involved in state politics and governmental services.

In exploring this issue, the benefits of training and educating both administrative and program staff of the various councils of color to better utilize available resources and technology would yield greater benefits with respect to cost containment.

Recommendation: Each council of color should continue to maintain its own offices and administrative autonomy in order to best serve its respective constituencies and carry forward its mission. Cost savings should be pursued through the inclusion of council staff persons in a broader array of state agency training and technical assistance services aimed at improving efficiency in the implementation of the councils' programs and initiatives.

5) Methods of Improving Coordination with Other State Agencies

Current changes in federal fiscal and program delivery policies are making significant and far reaching impacts upon the way state and tribal governments fund and operate government services at the community level. While these changes mean less in the way of federal assistance dollars, they also allow states and tribes much greater autonomy in the design and allocation of resources towards meeting community needs. At no other time in recent history will the ability of state and tribal governments to cooperate in the delivery of government services play such a vital role in determining the quality of life for people residing within Indian communities in Minnesota.

The inclusion of state agency commissioners or their designees as ex-officio members of the Indian Affairs Council was instituted to improve access and coordination of Council activities with the various state agencies serving the state's Indian population. The Indian Affairs Council has found these agency representatives to be responsive to Council requests and believe improvement in coordination efforts lies with the Indian Affairs Council making more and better use of this valuable resource in the following ways:

- * Broadening the agency representatives' exposure and communication with Indian governments, groups and individuals throughout the state to improve coordination at the level state services are actually provided to Indian communities.
- * Engage agency representatives in discussions regarding Indian issues pertinent to their agency's respective mission and programs at the outset and solicit their active involvement in the Council's problem solving, policy formulation and program development activities.

Recommendations: Improving the Council's performance in its role as a coordinator facilitating the delivery of state services to Indian people is based upon maintaining and improving proactive Council policies and activities that fully engage the resources afforded to it in accomplishing its mission. The Council's commitment to providing strong leadership and quality services to the state's Indian population would be greatly enhanced by the creation of a Policy Analyst position within the Council. This position is needed to research and report to the Council on the many changes occurring in federal, state and tribal program policies and funding mechanisms as well as identifying opportunities where coordination and collaboration can make a real difference in the quality of people's lives.

6) Methods of Reducing Burdensome Reporting Requirements without Compromising Accountability

The Indian Affairs Council does not consider its current reporting requirements to be burdensome nor do they compromise its accountability.

7) Methods of Educating Council Members in Management Issues for State Agencies, Including but not Limited to Statewide Budget and Accounting Practices, Management Practices and Legal Liability

Orienting new members of the Indian Affairs Council, as well as keeping all members abreast of new laws and changes in state policies and practices, is an assigned duty of its Executive Director.

Recommendations: The Indian Affairs Council has requested its Executive Director to provide annual training for Council members on state legislative processes; state management issues and practices; harassment, equal opportunity and other liability issues; and Council procedures and legislative mandates. It has further requested that such training opportunities be coordinated with the other minority affairs councils as appropriate.

8) Mission Statement and Measurable Impact Goals

Vision Statement:

The Indian Affairs Council's vision is to strive for the social, economic and political justice of all American Indian people while embracing our traditional cultural and spiritual values.

Mission Statement:

The mission of the Indian Affairs Council is to protect the sovereignty of the eleven Minnesota Tribes and the well-being of American Indian people throughout the state of Minnesota.

To accomplish that mission, the Indian Affairs Council adopts the following goals, objectives and action statements.

Governmental Goals:

To function as a liaison between the State of Minnesota and tribal governments by fostering a government-to-government relationship between tribes and the State.

To communicate information on tribal sovereignty to the Governor, Governor's Cabinet, constitutional officers, State Legislature, and county and local governments.

To promote and enhance government-to-government relations and protocol between Minnesota Tribes and the State of Minnesota.

To address the needs and interests of American Indians residing outside of reservations.

Objectives:

Clarify for the legislature and state agencies the nature of Tribal governments and the relationship of Tribal governments to the American Indian people of Minnesota.

Cooperate with state and federal agencies to develop policies that enhance service programs for American Indian people in Minnesota.

Provide an effective conduit for the Legislature for programs, proposals and projects submitted by Tribal governments, organizations, committees or individuals.

Actions:

Develop a policy directive that provides:

a clear protocol for relations between tribes and state government (Governor's Office and legislature),

guidelines for state agencies that provide services for American Indian people and tribes,

a format for the Indian Affairs Council to review proposed changes in state laws and regulations that affect American Indian people and tribes.

Insure that all ex-officio members (governor, legislators, agency heads, etc.) of the Indian Affairs Council are notified of all meetings.

Hold an annual pre-session meeting between legislators and tribal leaders to discuss pending legislation.

Assist the Secretary of State in establishing an election of at-large members of the council.

Work with reservation staff, tribal leaders and leaders in the urban American Indian community to develop informational materials on American Indian history, culture and contemporary concerns and provide these materials to elected and staff people from federal, state and local government.

Provide a continuing dialogue with members of the Tribal governments to improve their knowledge of the legislative process, state agencies, and governmental due process.

Action:

Develop a legislative update report that would be sent to all Tribal leaders to inform them about progress on legislative issues.

Represent the interests of Minnesota Tribes on the Governors' Interstate Indian Council.

Actions:

Attend the annual meeting of the Governors' Interstate Indian Council.

Develop a formal proposal to host the 50th anniversary of the Governors' Interstate Indian Council at a Tribal location in Minnesota.

Make recommendations to members of the legislature on desired and needed legislation to benefit the statewide American Indian community and communicate to the members of the Legislature when legislation has or will have an adverse affect on the statewide American Indian population.

Economic Goals:

To support Tribal socioeconomic development efforts designed to promote Tribal self-sufficiency.

To support tribal efforts to improve education and training opportunities for American Indian people.

Objectives:

Provide more effective oversight for the Indian Business Loan Program.

Actions:

Create an Economic Development Committee of the Indian Affairs Council to develop goals, objectives and guidelines for the Indian Business Loan Program.

Assist in establishing American Indian advisory councils in cooperation with state agencies that provide services to the American Indian community.

Actions:

Invite management from at least one state agency to quarterly meetings of tribal chairs to discuss development of advisory councils.

Invite all ex-officio members of the Indian Affairs Council to an annual meeting to discuss issues of common concern to American Indians and state agencies.

Explore opportunities with rural economic development programs for closer cooperation in promoting economic development on reservations.

Assist state agencies in defining what groups, organizations, committees, councils or individuals are eligible for their delivery of respective services.

Act as a liaison between local, state and federal government in the delivery of services to the American Indian people.

Assist state agencies in implementing and updating studies of services to the statewide American Indian population.

Interact with private organizations involved with Indian concerns to develop and implement programs to assist Indian people as they affect state agencies and departments.

Act as an intermediary between American Indian interests and state agencies departments when questions, problems or conflicts arise.

The Indian Affairs Council may revise, amend, add to or delete from this plan at any time they deem necessary.

Cultural Goals:

To encourage individual Tribes to support the preservation of traditional American Indian culture, language and values.

To foster an independent identity for American Indian people and organizations distinct from the culture and values of other Minnesota residents and organizations.

To promote a mutual understanding among American Indian and non-Indian people in the State of Minnesota.

Objectives:

Provide information and directions to programs to assist American Indian citizens to assume all the rights, privileges and duties of citizenship and to coordinate and cooperate with local, state, national, and private agencies providing services to American Indian people.

Coordinate efforts by Tribes to develop educational programs, community organization programs, leadership development programs, motivational programs and business development programs.

Cooperate and consult with appropriate commissioners and agencies to develop plans and programs to most effectively serve the needs of American Indians throughout the state.

Action:

Review data provided by the Commissioner of Human Services under Section 257.072, subd 5, and present recommendations on the out-of-home placement of American Indian children to the commissioner and legislature by November 1 of each year.

Provide information to the Minnesota public that describes American Indian culture, governance, traditions, etc.

Action:

Develop marketing strategies to coordinate information materials (existing and newly developed) that describe American Indian culture for various target groups in Minnesota (e.g. legislature, schools, etc.).

GOVERNOR

LEGISLATURE

IAC MEMBERS
13 members

UIAC MEMBERS
5 members

EXECUTIVE DIRECTOR

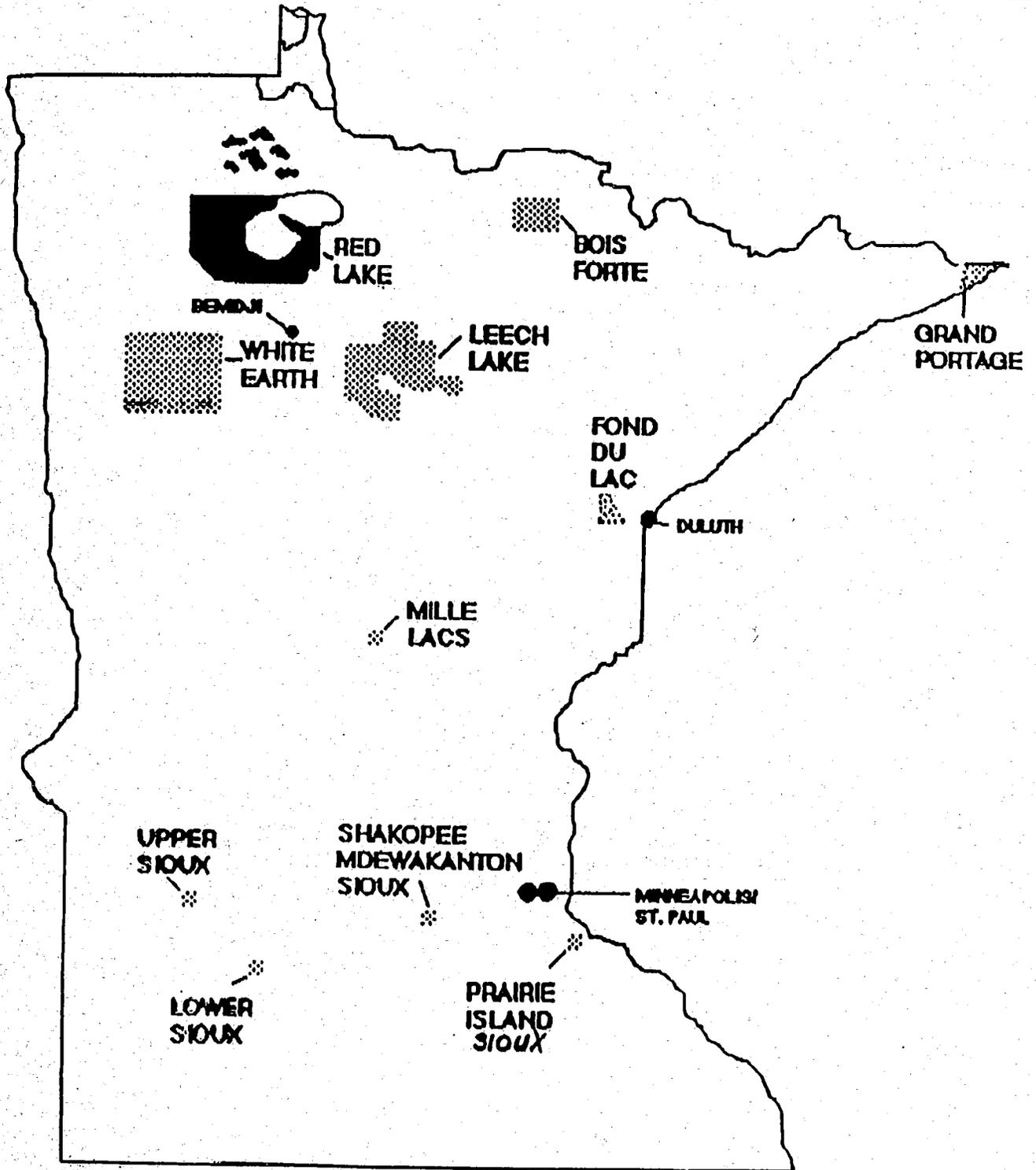
Bemidji Office

Administration
Indian Business Loan
Indian Burial Program
Economic Opportunity

St. Paul Office

Administration

MINNESOTA INDIAN RESERVATIONS



BOARD OF DIRECTORS
Minnesota Indian Affairs Council
1995-96

CHAIRMAN:

Robert "Sonny" Peacock
Chairman, Fond du Lac Reservation
105 University Road
Cloquet, MN 55720
(218) 879-4593, FAX: (218) 879-4146

VICE-CHAIRMAN:

Dallas Ross
Chairman, Upper Sioux Community
P.O. Box 147
Granite Falls, MN 56241
(612) 564-3853, FAX: (612) 564-2547

SECRETARY:

Loretta Gagnon, At-large
1028 Van Slyke Ave.
St. Paul, MN 55116
(612) 293-5191, FAX: (612) 293-5193

TREASURER:

Paula Jean Claymore, At-large
HTC/Stride (w)
7145 Harriet Ave S.
Minneapolis, MN 55421
(612) 861-7481, FAX: (612) 866-2304

MEMBER:

Gary Donald
Chairman, Bois Forte Reservation
P.O. Box 16
Nett Lake, MN 55772
(218) 757-3261, FAX: (218) 757-3312

MEMBER:

Norman Deschampe
Chairman, Grand Portage Reservation
P.O. Box 428
Grand Portage, MN 55605
(218) 475-2277/79, FAX: (218) 475-2284

MEMBER:

Alfred "Tig" Pemberton
Chairman, Leech Lake Reservation
Route 3, Box 100
Cass Lake, MN 56633
(218) 335-8200, FAX: (218) 335-8309

MEMBER:

Roger Prescott
Chairman, Lower Sioux Community
R.R. #1, Box 308
Morton, MN 56270
(507) 697-6185, FAX: (507) 697-6110

MEMBER:

Marge Anderson
Chair, Mille Lacs Band of Chippewa
HCR 67, Box 194
Onamia, MN 56359
(612) 532-4181, FAX: (612) 532-4209

MEMBER:

Curtis Campbell
Chairman, Prairie Island Mdewakanton Community
1158 Island Blvd.
Welch, MN 55089
(612) 385-2554/1-800-554-5473
FAX: (612) 388-1576

MEMBER:

Bobby Whitefeather
Chairman, Red Lake Band of Chippewa Indians
P.O. Box 550
Red Lake, MN. 56671
(218) 679-3341, FAX: (218) 679-3378

MEMBER:

Stanley Crooks, Sr.
Chairman, Shakopee Mdewakanton Community
2330 Sioux Trail N.W.
Prior Lake, MN 55372
(612) 445-8900, FAX: (612) 445-8906

MEMBER:

Darrell "Chip" Wadena
Chairman, White Earth Reservation
P.O. Box 418
White Earth, MN 56591
(218) 983-3285, FAX: (218) 983-3641
P.O. Box 243
Mahnomen, MN 56557
(218) 935-2757, FAX: (218) 935-2390

URBAN INDIAN ADVISORY COUNCIL:

Chair:

Valerie Sheehan
Rm 308 - City Hall,
Minneapolis, MN 55415
(612) 673-3028, FAX: (612) 673-2108

Vice-Chair:

Nora Hakala
320 W. 2nd St.
Duluth, MN 55802
(218) 723-4657, FAX: (218) 722-1321

Secretary:

Sharon Day
MIATF
1433 E. Franklin, Ste #1
Minneapolis, MN 55404
(612) 870-1723, FAX: (612) 870-9532

MEMBER:

Roy James Roberts
The City, 1535 E. Lake St
Minneapolis, MN 55407
(612) 724-3689, FAX: (612) 724-0692

MEMBER:

Barbara Briseno
965 Payne Ave. Ste 100,
St. Paul, MN 55101
(612) 771-6077, FAX: (612) 771-6781