

AGENDA  
FREDENBERG TOWN BOARD MEETING  
May 6, 2020

**IN KEEPING WITH THE INTENT OF THE OPEN MEETING LAW:  
THE BOARD WILL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT,  
DURING THE OPEN FORUM PORTION OF THIS MEETING**

**NOTE: All issues discussed during the board meeting, including visitor business, are subject to publication in the board minutes, by the media or by other methods.**

1. Call to order
2. Pledge of Allegiance
3. Approval of minutes from April 1, 2020 meeting
4. Treasurer's Report
5. Correspondence
6. Review of bill
7. Reports:
  - a. Clerk
  - b. Roads
  - c. Fire Department
  - d. Cemetery
  - e. Parks/Rec
  - f. Community Center
  - g. Recycling Center
  - h. Other Meetings Attended
8. Open Forum (opportunity for Public to present issues, **TIME LIMIT 3 MINUTES per person.**)
9. Old Business
  - a. East Cook Lake Road paving request
  - b. Conditional Use Permit for Lakehead Trucking at 6464 Fredenberg Lake Road
  - c. Moratorium on Fredenberg Township Gravel Pit
10. New Business
  - a. Beer & Liquor Licenses for township, Resolution 2020-006
  - b. Second Meeting in May on Wednesday, May 20, 2020

**OTHER MEETINGS OR GATHERINGS WHICH MAY INCLUDE A QUORUM OF TOWN SUPERVISORS:** Public Hearing, Thursday, May 14, 2020, at 12 noon, Virtual Meeting with St. Louis County Planning Commission for LTI Holding, LLC, CUP at 6464 Fredenberg Lake Road, Duluth, MN 55803

**May 6, 2020 meeting  
April 2020 CORRESPONDENCE**

**Mail:**

- 04/06/2020 Hermantown Board of Education, Special Meeting April 6,2020 agenda.
- 04/27/2020 Hermantown Board of Education, Regular Meeting April 27, 2020 agenda at 6pm.
- 04/29/2020 St. Louis County Planning & Community Development, Jenny Bourbonais, notification of Public Hearing for LTI Holdings, LLC, 6464 Fredenberg Lake Road, Duluth, MN55803 on Thursday, May 14, 2020 at 12:00pm(noon).

**E-mails:**

- 04/01/2020 Calvin & Ruth Janisch, opposed to gravel pit at 6464 Fredenberg Lake Road.
- 04/01/2020 Dean & Terri Alexander, in support for moratorium on township gravel pits.
- 04/01/2020 Barb & Howard Klatzky, in support for moratorium on township gravel pits.
- 04/01/2020 Colleen McCullough, opposed to gravel pit at 6464 Fredenberg Lake Road.
- 04/01/2020 Ken Johnson, Fredenberg Lake Association, in support for moratorium on township gravel pits.
- 04/01/2020 Wendy Johnson, in support for moratorium on township gravel pits.
- 04/01/2020 Bob Terry, in support for moratorium on township gravel pits.
- 04/02/2020 Frank & Karen Koshere, in support of moratorium on township gravel pits.
- 04/02/2020 Mary Christiansen, in support of moratorium on township gravel pits.
- 04/02/2020 MN Association of Townships, Legislative Update & Advocacy Alert.
- 04/03/2020 Office of MN State Auditor, April 3, 2020 E- Update.
- 04/03/2020 St. Louis County, Stephany Medina, COVID 19 update, Week 3.
- 04/07/2020 MN Association of Townships, notice of new online seminars (placed in supervisors mailbox & forward to Tim Wagner & Jim Ray because of offerings for them).
- 04/10/2020 St. Louis County, Joshua Gorham, COVID 19 update.
- 04/10/2020 MN Association of Townships, notice of upcoming teleconferences (forwarded to supervisors, treasurer, clerks).
- 04/10/2020 Office of MN State Auditor, April 10, 2020 E-Update.
- 04/15/2020 St. Louis County Public Works, Amy Oakes, Rena Johnson, new replacement for her.
- 04/16/2020 MN Association of Townships, April 2020 Newsletter.
- 04/17/2020 MN DNR, Megan Toonstra, notice of payment for 3<sup>rd</sup> and 4<sup>th</sup> benchmark for 2020.
- 04/17/2020 Office of MN State Auditor, April 17, 2020 E-Update.
- 04/22/2020 DNR, Kevin Johnson, Snowmobile GIA Spring meetings and Snowmobile Trail Improvement grants (also sent to Jim Ray)
- 04/22/2020 Colvin Township, Jim Hofsommer, Township Meetings during COVID19 Shutdown.
- 04/23/2020 US Census, Sarah Priest, 2020 Census Update and Response Rates.
- 04/23/2020 St. Louis County, Ryan Sauve, 2021 Reappraisal Assessment (sent to Board Supervisors)
- 04/24/2020 WLSSD, Lorilee Blais, WLSSD News Release regarding opening of facilities (forwarded to Deb. Pawlowicz).
- 04/24/2020 Ehlers, Sara Beecher, Notice of filing Continuing Disclosure Service Report for Fredenberg for 2020.
- 04/24/2020 Office of MN State Auditor, April 24, 2020 E-Update.
- 04/26/2020 Kate Kubiak, South St. Louis Soil & Water Conservation District, 60-comment period on St. Louis River Watershed Comprehensive Water Management Plan (sent of Board Supervisors).
- 04/27/2020 MN Association of Townships, new changes to township meetings under Stay At Home Order (sent to Board Supervisors).
- 04/27/2020 St. Louis County, Joshua Gorham, weekly COVID 19 Update.
- 04/27/2020 2020 Census, Sarah Priest, Census Report: Motivation May – Social Media Push Update.
- 04/28/2020 St. Louis County Planning & Community Development, Jenny Bourbonais, notification of Public Hearing for LTI Holdings, LLC, 6464 Fredenberg Lake Road, Duluth, MN55803 on Thursday, May 14, 2020 at 12:00pm(noon), (forwarded to Town Board Supervisors).
- 04/29/2020 St. Louis County, Bradley Gustafson, Public Input in COVID19 Priorities.

**FREDENBERG TOWN BOARD  
SAINT LOUIS COUNTY, MINNESOTA**

**MINUTES OF PROCEEDINGS  
April 1, 2020**

**TIME & PLACE: 7:00 pm  
VIA TELEPHONE CONFERENCE CALL**

Mary Skafte/ clerk informed the Board supervisors & audience on the phone of meeting etiquette on a phone conference to allow for completion of town business. Clay Cich/Chair made a motion declaring a State of Emergency for Fredenberg Township, Deb Pawlowicz seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.**

The monthly meeting was CALLED TO ORDER at 7 pm by Chair Clay Cich, Also, present were: Deb Pawlowicz, Walter Rapp, Jim Ray, Tim Wagner. Mary Skafte & Diane Palmstein/clerks present, Bill O'Brien/Treasurer present. The Board recited the Pledge of the Allegiance. 23 persons were listening via phone conference.

APPROVAL OF MINUTES: March 4, 2020 meeting minutes reviewed by the Board, Walter Rapp made motion to accept without corrections, Jim Ray seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.**

TREASURER'S REPORT: Monthly reconciliation as of 3/11/2020 in checking is \$341,269.29. Total funds available is \$505,194.82, includes 4 CD's totaling \$201,164.70. Nothing unusual to report for the month, 3 CD's are maturing on 4/24/2020, previously Board asked him to meet with bank to check out best rates before reinvesting, because of current health crisis, this may have to be by phone conference and the Board was okay with this.

CORRESPONDENCE: 49 total: 5 mail and 44 e-mails were received and reviewed by the Board. Also 7 e-mails received today were available for review.

REVIEW OF BILLS: Mary Skafte/clerk informed the Board that the Excellence in Education Banquet was cancelled and requested a motion to rescind Resolution 2020-004, \$100.00 donation, Clay Cich made a motion to rescind Resolution 2020-004, Tim Wagner seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.** Also informed Board of Como Oil contract price for coming year: \$1.099/gallon propane. Board reviewed bills, no corrections. Walter Rapp made motion to accept check # 9944 to 9970, totaling \$14,432.71, Clay Cich seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.**

REPORTS:

**Clerk** – on March 25, 2020, Ryan Sauve from St. Louis and Local Board of Appeal & Equalization, contacted the office to discuss holding our Board remotely with the County and using write in appeals only (there are no provisions/laws to not conduct the Board of Appeal & Equalization in state of emergency), decision needed to be made immediately as tax notifications were being sent out on March 27,2020 and information about write in appeals could be on that notice, or else a special notice would have to be sent out to each Fredenberg parcel owner. This will not impact in person appeals in the future. Clerks contacted each supervisor individually; it was unanimous 5 YEAS to have write in appeals only. Jim Ray made a motion to conduct the Fredenberg Local Board of Appeal & Equalization as write in appeal only for 2020 on April 29, 2020 from 1-2pm in the Fredenberg Board Room, Deb Pawlowicz seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.** Office has received 4 applications for Town Treasurer, each was made aware that in person interviews would not be held at this time but had many questions about work and hours, Clerks asked the Board to allow Bill O'Brien/treasurer to contact applicants to answer questions and provide information pertaining to job duties. Board agreed with plan and Bill O'Brien accepted. Mary Skafte/clerk requested supervisors come to Community Center, Board Room to sign forms but only 1 at a time tomorrow.

**Road Report** – quiet month, will be assessing road conditions following the winter.

**Fire Department-** Members responded to 3 medical calls including 1 mutual aid. The new boiler has been installed and working well, 2 new outside doors were replaced. The Department is focusing on preparing for the COVID19 pandemic, information has been gathered, equipment inventoried, procedures developed, and training held to help with responses during the epidemic. If you need to call 9-1-1, please be prepared to give the dispatcher the following information: Does the patient have a fever? Headache? Muscle pain? Cough? Flu symptoms? Nausea or vomiting? Diarrhea? Abdominal pain or unexplained bleeding? The dispatcher will relay that to the responders so the proper personal protective equipment precautions can be used. This is both for the patient's and the responder's protection. Only 1 or 2 responders will make contact with the patient to provide care, others will be staged outside in case they are needed. Please keep yourself safe, wash your hands, stay home, maintain the proper distances when you need to be out. We are all in this together keeping each other safe. The Fire Department will not be accepting aluminum cans

for the time being. We will let you know when we will be able to resume the collection. The Annual Fishing Opener Pancake Breakfast is tentatively being held on Saturday, May 9, 2020, 7:00am to Noon at the Fredenberg Community Center. More information will be coming out as we get closer. Thank you for all your support.

**Cemetery** – now closed but should open by May 1.

**Parks & Rec** – closed to activities, porta-potty removed from sliding hill.

**Community Center**- closed and posted on all posting sites, keys removed from Minnow Ette. Doors and locks will not be addressed until Stay at Home order expired. Clay Cich spoke with Linda Bergstrand from Fire Dept. and she feels 2 grills are necessary, Board approved \$2,500.00 - \$3,000.00 for grill but costs will be up to \$5,000-\$6,000 with 2 grills. Clerks stated Township has tax exempt status for purchase. Jim Ray made a motion to increase budget for grills to \$6,000.00, Clay Cich seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.**

**Recycle Center** – WLSSD closed facilities on March 17, 2020, they left it up to individual centers to decide to close, our Center closed on March 26, 2020 until further notice. WLSSD grants to townships may be delayed.

**Other Meetings**- Public hearing on CUP for 6464 Fredenberg Lake Road, attended by Jim Ray and Clay Cich on Thurs. March 12, 2020, at 9:45am. Telephone conference with MAT and state townships on March 26, 2020 from 6-7pm, attended by Clay Cich, Deb Pawlowicz, Tim Wagner, Mary Skafte & Diane Palmstein.

OPEN FORUM: no one

### OLD BUSINESS

East Cook Lake Road paving request: no update. Information Meeting with Base 1 on Monday, May 11, 2020 at 7:15pm at the Fredenberg Town Hall, remains tentatively set but depends on Stay at Home Order.

Conditional Us Permit for Lakehead Trucking at 6464 Fredenberg Lake Road: clerk read email from Jennifer Bourbonais, St. Louis Planning and Zoning regarding date of original application (Jan. 21, 2020) and revision (3/18/2020) but County has not put in place a plan to hold public hearings and still exploring 60-day rule. Also read email from Kevin Gray/St. Louis County Administrator: postponement of Planning Commission and Board of Adjustment (except planned virtual/write in only Boards). The Township has not received any new or revised CUP for this property.

### NEW BUSINESS

Quotes for 2020 Township Mowing: Board reviewed 4 quotes received, lowest quote from Don Olson: per time, \$85.00 for cemetery, community center \$140.00, recycle center \$50.00, firehall \$85.00, with cemetery and firehall done 2 x month. Jim Ray made a motion to accept mowing quote from Don Olson, Deb Pawlowicz seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.**

Quotes for 2020/21 Township Road Work: Board reviewed 1 quote received from Lakehead Trucking. Walter Rapp made a motion to accept quote as outlined in proposal from Lakehead Trucking, Jim Ray seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.**

Ordinance for Gravel Pit Moratorium for Township & Resolution #2020-007: Board had both documents in their packet to review. Walter Rapp informed the Board that he spoke with Matt Johnson, Director of Planning & Development and he recommended letters of concern be sent to them as they do carry weight in their decision making and Walter is not in favor of the Township getting back into zoning. Jim Ray voiced concerns about ARDC contract and cost, recommendations made by ARDC and their impact on the community and that the Township had to hire a company to do the study to comply with MN statute for moratoriums. Clay Cich didn't feel the Planning Commission had the best interests of Fredenberg, the Commission didn't consider the public or townships' concerns and recommendations. Deb Pawlowicz felt the Township needed to have more ability to control gravel pits in the area, as clarified by Steve Overom/township attorney, ARDC cost is not a lump sum and can be stopped by the Board if they choose, which she feels comfortable with. Jim Ray stated there were still unanswered questions and felt moving forward with a moratorium and may have the answers. He did feel doing our own zoning can get ugly. Tim Wagner stated he was okay to make a decision with the information presented tonight. Steve Overom/township attorney present at this time and stated he would not give a legal opinion on this matter at this time. Residents given an opportunity to speak: Oly Olson, Patty Wheeler, Greg Flanagan, Deb Roach, Ken Johnson, Katherine Harris, Janet Olson, Bob Terry, Sally Williams, Bonnie Anderson, Patty Monson-Gertz all spoke in favor of the resolution and ordinance for a Moratorium on Gravel Pits in Fredenberg and in opposition to the Conditional Use Permit for 6464 Fredenberg Lake Road by Lakehead Trucking. Mary Skafte, resident on Hunter Lake Road, stated she was a resident in the township when zoning was given to the County and the decision was voted

on at an Annual Township Meeting, before the Town Board approved, zoning became neighbor against neighbors & lawsuits. Diane Palmstein/ resident on 5<sup>th</sup> Ave, Bear Island Road, asked how the entire township was being notified about an ordinance that was presented and passed in one meeting. Clay Cich made a motion to accept and approve Resolution #2020-007, Approving contract for Professional Services with Arrowhead Regional Development Commission, Deb Pawlowicz seconded. **3 YEAS 2 NAYS. MOTION PASSED.** Clay Cich made a motion to approve Ordinance No. 2020-01, Declaring a Temporary Moratorium on Gravel Pits, Borrow Pits & Crushing or Batch Plants Within Fredenberg Township, Deb Pawlowicz seconded. **3 YEAS 2 NAYS. MOTION PASSED, ORDINANCE APPROVED** and will be published in Duluth News Tribune.

- D. Second Township Board Meeting in April on Wednesday, April 15, 2020: Clay Cich made a motion to hold this meeting, Deb Pawlowicz seconded. **3 YEAS 2 NAYS. MOTION PASSED TO HOLD MEETING.**

OTHER MEETINGS: Telephone conference with MAT and northern MN townships on Thursday, April 2, 2020 from 6-7pm. Local Board of Appeal & Equalization, Wednesday, April 29, 2020 from 1 – 2 pm in the Fredenberg Town Board Room, Board Supervisors with St. Louis County assessor (remotely). Appeals by written form by mail or email to Township.

ADJOURNMENT: Clay Cich made a motion to adjourn meeting, Walter Rapp seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.** Meeting adjourned at 8:55 pm.

Respectfully submitted,

Clerk

Board Chair/Co-Chair

As on 4/10/2020

Fund	Beginning Balance	Receipts	Sale of Investments	Transfers In	Disbursements	Purchase of Investments	Transfers Out	Ending Balance	Investment Balance	Total Balance
General Fund	103,258.45	3,416.34	0.00	0.00	25,848.49	0.00	0.00	80,826.30	201,164.70	281,991.00
Road and Bridge	17,829.89	12,136.57	0.00	0.00	5,233.41	0.00	0.00	24,733.05	0.00	24,733.05
Township Buildings	40,000.00	1,100.00	0.00	0.00	6,849.46	0.00	0.00	34,250.54	0.00	34,250.54
Storm Clean up	33,777.26	0.00	0.00	0.00	0.00	0.00	0.00	33,777.26	0.00	33,777.26
Fire Hall Bond	63,000.00	430.21	0.00	0.00	56,750.00	0.00	0.00	6,680.21	0.00	6,680.21
Road Paving	13,027.38	1,211.98	0.00	0.00	0.00	0.00	0.00	14,239.36	0.00	14,239.36
Parks & Rec	10,000.00	0.00	0.00	0.00	947.50	0.00	0.00	9,052.50	0.00	9,052.50
Cemetery	1,000.00	0.00	0.00	0.00	0.00	0.00	0.00	1,000.00	0.00	1,000.00
Fire Department	75,600.00	0.00	0.00	0.00	4,846.50	0.00	0.00	70,753.50	0.00	70,753.50
Reservoir Riders	35,802.83	24,534.62	0.00	0.00	48,041.94	0.00	0.00	12,295.51	0.00	12,295.51
Recycling Center	1,978.71	0.00	0.00	0.00	3,205.56	0.00	0.00	(1,226.85)	0.00	(1,226.85)
<b>Total:</b>	<b>395,274.52</b>	<b>42,829.72</b>	<b>0.00</b>	<b>0.00</b>	<b>151,722.86</b>	<b>0.00</b>	<b>0.00</b>	<b>286,381.38</b>	<b>201,164.70</b>	<b>487,546.08</b>

Monthly Reconciliation for Fredenberg Township As of 4/10/2020

Business Checking Plus Public Funds Balance	\$294,221.43
Outstanding checks	-\$7,840.05
Outstanding deposits	
Sub Total	\$286,381.38
Investments	
WF CD #7554408497 (03/02/21 - 19 month, 0.05 Percent)	\$50,000.00
NBC CD #891416 (4/24/20 - 7 month APY of 2.0 percent, \$1164.70 from previous CD)	\$51,164.70
NBC CD #891408 (4/24/20 - 7 month APY of 2.0 percent)	\$50,000.00
NBC CD #891390 (4/24/20 - 7 month APY of 2.0 percent)	\$50,000.00

**Total Funds Available** **\$487,546.08**

Checking Account high balance for the reporting period	\$341,269.29
Checking Account low balance for the reporting period	\$294,221.43

Date Range : 4/5/2020 To 5/5/2020

Date	Vendor	Description	Claim #	Total	Account #	Account Name	Detail
05/04/2020	Minnesota Assoc. of Townships	Town Ship Insurance Package 2020/2021	9981	\$6,381.00	100-41110-381-	Council/Town Board	\$6,381.00
05/04/2020	National Bank of Commerce	Road Paving Loan Payment	9982	\$8,956.19	380-43175-621-224	Road Construction	\$8,956.19
05/04/2020	Hartel's DBI/Disposal LLC	Dumpster Pickup March/April 2020	9983	\$239.64	863-43230-384-706 100-43230-384-703	Waste (Refuse) Collection Waste (Refuse) Collection	\$188.84 \$50.80
05/04/2020	Forum Communications	Advertising: LBAE/ Ordinance	9984	\$357.00	100-41420-343- 100-41420-343-406	Recording and Reporting Recording and Reporting	\$114.00 \$243.00
05/04/2020	Lake Country Power	April 2020 Electrical	9985	\$102.22	863-49580-381-706 403-49580-381-404	Electric Utilities - Customer Account Expense Electric Utilities - Customer Account Expense	\$77.72 \$24.50
05/04/2020	Superior Lighthouse, LLC	Web Page, Annual Hosting and Domain	9986	\$281.99	100-41903-310-	Web Site	\$281.99
05/04/2020	Steve Happy	Port-a-potty recycle center April 2020	9987	\$85.00	863-43250-300-706	Sewage Collection and Disposal	\$85.00
05/04/2020	JobaHQ	Advertisement for Treasurer	9988	\$294.80	100-41420-343-	Recording and Reporting	\$294.80
05/04/2020	Como Oil and Propane	473.5 gallons @ 1.17.9 per gallon	9989	\$567.18	100-49671-383-	Heat utilities- propane	\$567.18
05/04/2020	St. Louis County Public Works Dept	Snowplowing Township Rd, 2nd 1/2 2019/2020	9990	\$6,737.28	201-43125-224-	Ice and Snow Removal	\$6,737.28



Date Range : 4/5/2020 To 5/5/2020

Date	Vendor	Description	Claim #	Total	Account #	Account Name	Detail
05/04/2020	Wells Fargo-Visa1	Credit Card (Diane) Newsletter, C/C flag-step Grids	9991	\$860.94	100-41901-203- 100-42281-241-	Printing Newsletter TH/CC	\$622.65 \$238.29
05/04/2020	Wells Fargo-Visa2	Credit Card (Mary) Computer Geek Squad Renewal	9992	\$214.74	100-41425-311-	Clerk	\$214.74
05/04/2020	Century Link	telephone and High Speed, Public WIFI	9993	\$296.26	100-41110-321- 100-41110-325-	Council/Town Board Council/Town Board	\$61.19 \$235.07
05/04/2020	Minnesota Power	Town Hall and Skating Rink	9994	\$192.29	100-49570-381- 403-49570-381-	Electric Utilities - Transmission and Distribution Electric Utilities - Transmission and Distribution	\$177.93 \$14.36
05/04/2020	Jamar Company	Roof Repair Fire Hall	9995	\$6,432.00	502-42280-223-	Fire Stations and Buildings	\$6,432.00
05/04/2020	Overrom Law	Fine Sharing, COVID-19, Gravel Pit	9996	\$1,905.75	100-41140-304-703 100-41140-304-406	Legal Consultation Legal Consultation	\$308.25 \$1,597.50
05/04/2020	Lakehead Trucking, Inc	Stubberud Road, Grading Township Roads	9997	\$9,109.50	213-43171-300-217	Grading rds	\$9,109.50
05/04/2020	Tim Wagner	MATT Meetings	9998	\$50.00	100-41110-207-	Council/Town Board	\$50.00
05/04/2020	James Ray	Mileage for roads.	9999	\$13.80	201-43176-331-	Road Repair	\$13.80

Date Range : 4/5/2020 To 5/5/2020

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>	
Total For Selected Claims							\$43,077.58	\$43,077.58

Clay Cich		Chair, Town Supervisor				Date	
Debra Pawlowicz		Town Supervisor				Date	
James L Ray		Vice Chair, Town Supervisor				Date	
Tim Wagner		Town Supervisor				Date	
Walter Rapp		Town Supervisor				Date	

**RESOLUTION #2020-008**  
**TOWN OF FREDENBERG**  
**ST. LOUIS COUNTY, MINNESOTA**  
**RESOLUTION OBJECTING TO A CONDITIONAL USE PERMIT**  
**FOR LTI HOLDINGS, LLC FOR A CONDITIONAL USE PERMIT**  
**FOR A GENERAL PURPOSE BORROW PIT**

WHEREAS, LTI Holdings, LLC (“Applicant”) has applied for a conditional use permit (“CUP”) from St. Louis County (“County”) for a general purpose borrow pit (“Gravel Pit”); and

Whereas, the Gravel Pit is proposed to be located in a residential area in Fredenberg Township and within 175 feet of Fredenberg Lake; and

Whereas, Fredenberg Township was provided with a copy of the application for CUP staff report and a notice of the Public Hearing (“Notice of Hearing”) by letter from St. Louis County dated April 20, 2020; and

Whereas, the Board of Supervisors has reviewed the application for a CUP and staff report and determined to make comments and a recommendation pursuant to the terms of this Resolution.

**THE BOARD OF SUPERVISORS OF FREDENBERG TOWNSHIP, MINNESOTA HEREBY ADVISES THE COUNTY AS FOLLOWS:**

**Legal Status.**

Fredenberg Township has duly adopted Ordinance No. 2020-01, An Ordinance Declaring a Temporary Moratorium on Gravel Pits, Borrow Pits and Crushing or Batch Plans within Fredenberg Township, a copy of which has previously been provided to the County and has been recorded with the St. Louis County Recorder’s Office.

Fredenberg Township approved Resolution 2020-005, a copy of which is attached hereto as Exhibit A, with respect to an application for CUP previously made by Applicant. The Board of Supervisors hereby re-affirms Resolution No. 2020-005.

The Notice of Hearing included the following statement:

“Even if a CUP is granted by the Planning Commission, the current moratorium to prohibit any gravel pit, borrow pit, crushing or batch plant from commencing operations prior to November 1, 2020, or the effective date of zoning regulations enacted in Fredenberg Township remains in effect.”

Based on the foregoing, the Board of Supervisors determines and declares that:

The Application for the CUP should be denied because it is prohibited by Fredenberg Ordinance No. 2020-01.

**Substantive Defects in the Application.** The Board of Supervisors hereby determines and declares that the application for a CUP contains the following substantive defects:

The application indicates that it is an expansion of an existing pit but does not identify the site or any other features of the existing pit.

The application indicates that a total of nineteen acres will be excavated, but the CUP is requested for a forty-acre parcel and no legal description of the nineteen-acre parcel is provided. This led to a proposed condition on the staff report that the extracting use activity shall be limited to less than forty acres (emphasis added).

The Application for the Permit is incomplete and erroneous and should be denied based on these factors in addition to the items set forth in the Town Resolution No. 2020-05.

**Conditions.** The Board of Supervisors hereby determines and declares that, in the unlikely event that the Planning Commission determines to approve the application, the following conditions be included in the approval:

That no activity may be conducted pursuant to this CUP until the current Fredenberg Township moratorium on any gravel pits, borrow pits, crushing or batch plants expires.

That no activity may be conducted pursuant to this CUP that is not permitted by any Fredenberg Township Ordinance enacted prior to Fredenberg Township Ordinance No. 2020-01.

That the extraction activity permitted by this CUP is limited to nineteen acres described by a legal description to be provided to the Planning Commission within ten (10) days of approval of the CUP.

That a legally valid, enforceable, notarized easement for the access from Fredenberg Lake Road to the nineteen acre gravel pit site with a complete legal description and drawing prepared by a registered surveyor be provided to the Planning Commission within ten (10) days of the approval of the CUP.

This Motion was adopted by the Board of Supervisors on this 6 day of May, 2020, upon the following votes: **YEAS:**\_\_\_\_  
**NAYS:**\_\_\_\_ **ABSTAIN:**\_\_\_\_

\_\_\_\_\_  
Chairman

ATTEST:  
  
\_\_\_\_\_  
Clerk

EXHIBIT A

RESOLUTION #2020-005

TOWN OF FREDENBERG

ST. LOUIS COUNTY, MINNESOTA

**RESOLUTION OBJECTING TO CONDITIONAL USE PERMIT FOR LTI HOLDINGS LLC'S REQUEST FOR BORROW PIT AS AN EXTRACTIVE USE-CLASS II AT 6464 FREDENBERG LAKE ROAD, DULUTH, MN**

**WHEREAS:** The St. Louis County Board adopted a Comprehensive Plan for St. Louis County and for Fredenberg Township; and

**WHEREAS:** LTI Holdings LLC, located in Fredenberg Township, has applied for a conditional use permit for a borrow pit at 6464 Fredenberg Lake Road (located in Fredenberg Township),

**WHEREAS:** The Town Board of Fredenberg has deemed:

The permit does not comply with our Fredenberg Concept Map (part of Fredenberg Township Comprehensive Land Use Plan, which St. Louis County reviewed and accepted to use as a guideline for planning and zoning in our community), which places the said property as "rural residential".

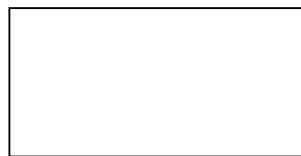
The Township will not authorize use of Fredenberg Lake Road, Olson Road and Miller Lane (all township roads) are not engineered for this type of use for heavy equipment and will not be authorized for use.

There are adverse effects to local properties/residents in the area: traffic noise, dust, and changing the character of the neighborhood.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF FREDENBERG TOWNSHIP, ST. LOUIS COUNTY, MINNESOTA, AS FOLLOWS:**

Clay Cich made a motion to adopt Resolution 2020-005, supported/seconded by Jim Ray and was declared adopted on March 4, 2020, upon the following votes:

YEAS: 3 NAYS: 1 ABSENT: 1 **MOTION PASSED RESOLUTION PASSED**



\_\_\_\_\_  
Diane Cathy Palmstein, Town Clerk

\_\_\_\_\_  
Clay Cich, Town Board Chair

**RESOLUTION #2020-006**

**TOWN OF FREDENBERG**

**ST. LOUIS COUNTY, MINNESOTA**

**RESOLUTION CONCERNING THE MORAL CHARACTER OF LOCAL OWNERS OF BUSI-  
NESSES WITH BEER/LIQUOR LICENSES**

**WHEREAS:** The Town Board of Supervisors of Fredenberg Township must advise the County Board of Commissioners for St. Louis County on matters pertaining to the issuance of a license to a business selling beer and liquor within the Township; and

**WHEREAS:** The Town Board of Supervisors of Fredenberg Township has not received any negative complaints against any of the owners of these establishments.

**NOW, THEREFORE, BE IT RESOLVED,** that it has been approved by the Fredenberg Town Board that the owners of the establishments doing business as: Blue Max, Eagles Nest Resort, Fredenberg Minnoette and HiBanks Resort are of good moral character and repute.

\_\_\_\_\_ made a motion to adopt Resolution 2020-006, supported by \_\_\_\_\_ and was declared adopted on May 6, 2020, upon the following votes:

YEAS: \_\_ NAYS: \_\_ ABSENT: \_\_ ABSTAIN: \_\_

\_\_\_\_\_  
Diane C. Palmstein, Town Clerk

\_\_\_\_\_  
Clay Cich, Town Board Chair