

AGENDA
FREDENBERG TOWN BOARD MEETING
May 20, 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 all the board minutes, by the media or by other methods.

Call to order

Pledge of Allegiance

Old Business

Resolution 2020-008: Resolution Objecting to a Conditional Use Permit for LTI Holdings, LLC for a Conditional Use Permit for a General Purpose Borrow Pit

New Business

Reopening of Fredenberg (Art Weller) Recycle Center

Proposal for Attorney Services for Enforcement of Township Moratorium

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:

2.1. 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.

2.2. 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).

2.3. 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.

3. **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:


3.1. 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.

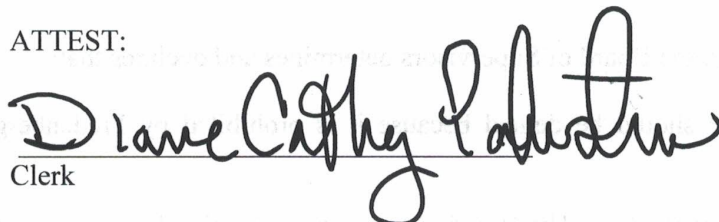
3.2. That no activity may be conducted pursuant to this CUP that is not permitted by any Fredenberg Township Ordinance enacted prior to Fredenberg Township Ordinance No. 2020-01.

3.3. 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.

3.4. 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: 5 NAYS: 0


Chairman

ATTEST:

Clerk

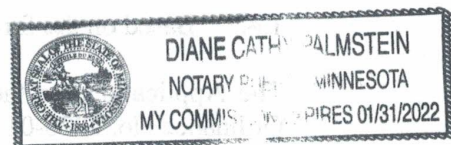


EXHIBIT A

**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),

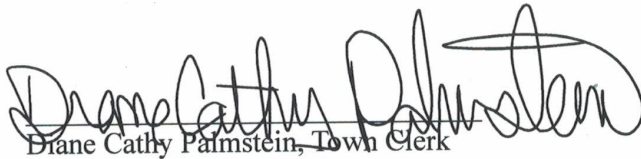
WHEREAS: The Town Board of Fredenberg has deemed:

1. 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".
2. 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.
3. 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

