

AGENDA (subject to change)
FREDENBERG TOWN BOARD MEETING
June 3, 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 BUT THIS IS AT THE BOARD'S DISCRETION AND
NOT MANDATED BY STATUTE**

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.

Call to order

Pledge of Allegiance

Approval of minutes from May 6, 2020 meeting and May 20, 2020 meeting

Treasurer's Report

Correspondence

Review of bills

Reports:

- | | |
|--------------------|--------------------------------------|
| A. Clerk | E. Parks/Rec |
| B. Roads | F. Community Center |
| C. Fire Department | G. Recycling Center |
| D. Cemetery | H. Other Meetings Attended |
| | I. Township Preparedness Plan Update |

Open Forum (opportunity for Public to present issues, **TIME LIMIT 3 MINUTES per person.**)

Old Business

- a. East Cook Lake Road paving request
- b. 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
- c. Proposal for Attorney Service for Enforcement of Township Moratorium

New Business

- a. Petition from West Island Lake Road to become Township Road
- b. Update on 2020 Primary & General Elections
- c. Search for new Township Attorney
- d. Second Meeting of the Board on Wednesday, June 17, 2020

OTHER MEETINGS OR GATHERINGS WHICH MAY INCLUDE A QUORUM OF TOWN SUPERVISORS:

June 3, 2020 Meeting

MAY 2020 CORRESPONDENCE

Mail:

05/05/2020 Deb Roach, resident, in support of moratorium on gravel pits, (in mailboxes of supervisors).
05/25/2020 Noel Pearman, resident, opposed to injunction against gravel pit at 6464 Fredenberg Lake Road and questioned Township timing of moratorium against gravel pits and CUP at that address.
05/26/2020 Hermantown School District, Special Budget Meeting Agenda for May 26, 2020 at 5 pm.
05/26/2020 Hermantown School District, Regular Meeting Agenda for May 26, 2020 at 6 pm.

E-mails:

05/01/2020 St. Louis County, Josh Gorham, County COVID 19 update.
05/01/2020 OSA, May 1, 2020 E-Update.
05/01/2020 MN Dept. of Health, Public Water Systems update.
05/02/2020 MN DNR, remittance advice notification for payments.
05/04/2020 Bill Miller, resident, opposed to gravel pit at 6464 Fredenberg Lake Road.
05/05/2020 Bruce & Lindsey Bacon, residents, opposed to gravel pit at 6464 Fredenberg Lake Road.
05/05/2020 Ken Johnson, Fredenberg Lake Assoc., opposed to gravel pit at 6464 Fredenberg Lake Road.
05/05/2020 Dean Alexander, resident, opposed to gravel pit at 6464 Fredenberg Lake Road.
05/05/2020 Oly & Janet Olson, residents, in support of moratorium on gravel pits in the township.
05/05/2020 Duluth Area Township, Linda Britton, minutes from January 16, 2020 meeting.
05/06/2020 Howard Klatzky, resident, forwarded to Walter Rapp & Tim Wagner, in support of moratorium.
05/06/2020 Bob Terry, resident, opposed to gravel pit at 6464 Fredenberg Lake Road.
05/06/2020 MN Association of Townships, teleconference on Wednesday, 5/13/20, (supervisors notified).
05/07/2020 Census Bureau, Sarah Priest, Regional Weekly Partner Briefings notice.
05/08/2020 MN State Auditor, E-Update for May 8, 2020.
05/08/2020 St. Louis County, Joshua Gorham, Weekly COVID 19 Update.
05/09/2020 MN Association of Townships, Legislative Advocacy Alert (forwarded to supervisors).
05/10/2020 Lynne & Nick Van Deelen, residents, opposed to gravel pit at 6464 Fredenberg Lake Road.
05/10/2020 Tim Wagner, Fredenberg Town Board Supervisor, forwarded letter to County District Commissioner Keith Nelson, stating his vote for Resolution 2020-008 was against and he is in favor of the CUP.

05/11/2020 Peter & Carol Zambrano, residents, opposed to the gravel pit at 6464 Fredenberg Lake Road.
05/11/2020 Chris & Melissa Bell, residents, opposed to the gravel pit at 6464 Fredenberg Lake Road.
05/13/2020 St. Louis County, Joshua Gorham, COVID-19 Resources for Businesses to reopen.
05/13/2020 US Census, Sarah Priest, teleconference call notice for May 14, 2020.
05/13/2020 Melissa Bell, gravel pit information related to Beaver River Road reconstruction.
05/13/2020 US Census, Sarah Priest, Regional Weekly Briefings.
05/15/2020 MN State Auditor, E-Update for May 15, 2020.
05/19/2020 MN Association of Townships, May 2020 Newsletter (forwarded to Jim Ray for roads info).
05/19/2020 Jayme Malenius, resident, in support of proposal for new attorney for moratorium.
05/20/2020 Chris & Melissa Bell, residents, in support of proposal for new attorney services for moratorium.
05/21/2020 Steve Fenske/attorney MAT, clarification on reconsidering a motion.
05/22/2020 Steve Overom/township attorney, clarification on reconsidering a motion.
05/22/2020 St. Louis County, Joshua Gorham, Weekly COVID 19 Update.
05/22/2020 MN State Auditor, E-Update for May 22, 2020.
05/28/2020 St. Louis County, Joshua Gorham, COVID-19 weekly update.
05/28/2020 Fran Williams, notice of resignation as township election judge.
05/29/2020 MN State Auditor, E-Update for May 29, 2020.
05/29/2020 St. Louis County, Angela Lepak, Planning Commission Decision Notice,(forwarded to supervisors).

Monthly Reconciliation for Fredenberg Township

As of

5/12/2020

Business Checking Plus Public Funds Balance

\$276,876.45

Outstanding
checks
Outstanding
deposits

-\$21,667.11

Sub Total

\$255,209.34

Investments

WF CD #7554408497 (03/02/21 - 19 month, 0.05 Percent)

\$50,000.00

NBC CD #891416 (3/24/21 -11 month APY of 1.25 percent)

\$51,757.97

NBC CD #891408 (3/24/21 - 11 month APY of 1.25 percent)

\$50,579.77

NBC CD #891390 (3/24/21 - 11 month APY of 1.25 percent)

\$50,579.77

**Total Funds
Available**

\$458,126.85

Checking Account high balance for the reporting period

\$307,782.57

Checking Account low balance for the reporting period

\$276,876.45

Town of Fredenberg

Statement of Receipts, Disbursements and Balances (Schedule 1)

6/2/2020

As on 5/12/2020

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	5,748.80	0.00	0.00	41,581.56	1,752.81	0.00	65,672.88	202,917.51	268,590.39
Road and Bridge	17,829.89	12,136.57	0.00	0.00	12,435.46	0.00	0.00	17,531.00	0.00	17,531.00
Township Buildings	40,000.00	1,500.00	0.00	0.00	15,958.96	0.00	0.00	25,541.04	0.00	25,541.04
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	8,956.19	0.00	0.00	5,283.17	0.00	5,283.17
Parks & Rec	10,000.00	0.00	0.00	0.00	986.36	0.00	0.00	9,013.64	0.00	9,013.64
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	11,278.50	0.00	0.00	64,321.50	0.00	64,321.50
Reservoir Riders	35,802.83	40,206.16	0.00	0.00	48,041.94	0.00	0.00	27,967.05	0.00	27,967.05
Recycling Center	1,978.71	0.00	0.00	0.00	3,557.12	0.00	0.00	(1,578.41)	0.00	(1,578.41)
Total :	395,274.52	61,233.72	0.00	0.00	199,546.09	1,752.81	0.00	255,209.34	202,917.51	458,126.85

Town of Fredenberg

Claims List for Approval

6/2/2021

Date Range : 5/2/2020 To 6/2/2020

Date	Vendor	Description	Claim #	Total	Account #	Account Name	Detail
06/02/2020	Lakehead Trucking, Inc	E.Cook Lake, Woodduck Lane, Beaver River, E.Hunter, Olson, Miller Lane, Utiak	10013	\$43,166.75	201-43171-300- 201-43175-300-	Grading rds Road Construction	\$6,151.00 \$37,015.75
06/02/2020	Donald George Olson	Cemetery(May x2+cleanup)Community Center/Recycle Center(May x1+cleanup)Fire Hall(May x1)	10014	\$625.00			
06/02/2020	James Ray	Mileage for roads.	10015	\$143.75	201-43176-331-	Road Repair	\$143.75
06/02/2020	Clay Cich	Mileage for checking on PEO	10016	\$9.20	100-41110-331-	Council/Town Board	\$9.20
06/02/2020	Tim Wagner	MATT Meetings	10017	\$25.00	100-41110-307-	Council/Town Board	\$25.00
06/02/2020	Fredenberg Volunteer Fire Dept.	1st Half Payment January thru June 2020	10018	\$37,800.00	502-42220-300-	Fire Fighting	\$37,800.00
06/02/2020	Minnesota Power	Town Hall and Skating Rink	10019	\$129.78	100-49570-381- 403-49570-381-	Electric Utilities - Transmission and Distribution Electric Utilities - Transmission and Distribution	\$115.78 \$14.00
06/02/2020	Wells Fargo-Visa	Credit Card Payment, (Mary) Community Center(hand sanitizer,dispensers,mas ks,shields.	10020	\$529.33			

Date Range : 5/2/2020 To 6/2/2020						
<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>
06/02/2020	Wells Fargo-Visa1	Credit Card (Diane) Newsletter, Office	10021	\$751.76	100-42281-211-	TH/CC
06/02/2020	Hartel's DBI/Disposal LLC	Dumpster Pickup May 2020	10022	\$94.42	100-41901-203- 100-42281-241-	Printing Newsletter TH/CC
06/02/2020	Century Link	telephone and High Speed, Public WIFI	10023	\$296.26	863-43230-384-706	Waste (Refuse) Collection
06/02/2020	Lake Country Power	May 2020 Electrical	10024	\$184.67	100-41110-321- 100-41110-325-	Council/Town Board Council/Town Board
					863-49580-381-706	Electric Utilities - Customer Account Expense
					403-49580-381-404	Electric Utilities - Customer Account Expense
Total For Selected Claims				\$83,755.92		\$83,755.92

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

**MINUTES OF PROCEEDINGS
May 6, 2020**

**TIME & PLACE: 7:00 pm
TOWN HALL/COMMUNITY CENTER**

This meeting was held via telephone conference in accordance with MN Statute.

The monthly meeting was CALLED TO ORDER at 7:03 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. Meeting held via telephone conference call. 19 individuals participated with the Board to recite the Pledge of the Allegiance.

APPROVAL OF MINUTES: April 1, 2020 meeting minutes reviewed by the Board, Jim Ray made motion to accept with correction under Old Business B. Conditional Use should be Use, Deb Pawlowicz seconded. **5**

YEAS MOTION PASSED UNANIMOUSLY.

TREASURER'S REPORT: Monthly reconciliation for township completed, checking balance as of 4/10/2020 is \$294,221.43. Total funds including 4 CD's is \$487,546.08. All 3 CD's were renewed for 11 months at 1.25%. Bill O'Brien spoke with 3 of 4 applicants for Treasurer position (1 did not return call), all are interested, and he informed them that when Pandemic over and restrictions lifted, they will be interviewed. Salary was stated between \$12.00 to \$15.00/extra hours worked.

CORRESPONDENCE: 36 total: 3 mail and 33 e-mails were received and reviewed by the Board.

REVIEW OF BILLS: Mary Skafte/clerk informed Board that payment was made to Geek Squad for 1-year tech service and MAT Insurance cost for commercial package was the same as last year. No corrections. Jim Ray made motion to accept check # 9981 to 9999, totaling \$43,077.58, Clay Cich seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.**

REPORTS:

Clerk – contacted Phil Chapman regarding upcoming elections, St. Louis County will have in person voting unless legislation changes. Will be asking for elections judges in the newsletter as training is in June & July. Many calls regarding the Recycle Center opening. Clerks had cancellation of 1 event in June and contacted the other as it is a graduation party, renter will probably reschedule for later in summer but waiting for new rules after May 18, 2020, from State of MN offices. Clerks provided each supervisor with COVID 19 preparedness packet as the Town Hall/office would need it completed and approved to reopen, clerks asked for 1 or 2 supervisor to work with them on procedures especially if outside cleaning service is suggested, Clay Cich, Jim Ray and Deb Pawlowicz will work with clerks on plan. Griddles & table have not been ordered yet because office hasn't received complete quote and Jim Ray stated he spoke with rep. from company to verify voltage issues. Reminded supervisors that payroll period is only for 1 calendar month. Clarified with Steve Fenske/MAT attorney that no supervisor has authority to spend a set dollar amount without Board approval.

Road Report – 2020 Road Review was provided to the Board prior to the meeting, completed by Jim Ray & Greg Kaneski (road contractor for 2020). There are no "date to be completed" on items as it is dependent on when equipment available. Jim Ray is looking into hiring a contractor to fill cracks on Fredenberg Lake Road, Usiak & Birch Acres Roads.

Fire Department- roof completed. Members responded to 4 calls, included 2 medical and 2 grass/brush fires. Department holding business meetings via zoom and working on equipment & training through social distancing & online opportunities. Due to COVID 19 Annual Fishing Opening Pancake Breakfast fundraiser cancelled this year. As everyone gets their homes & cabins ready for summer, please be aware that we are in wildfire season. Everything is very dry & fires can spread very quickly. Burning is not allowed without a special permit from DNR. At the time of this writing, campfires are still allowed but must be in a fire ring & follow all the suggestions listed on the MN DNR forestry website. Also included was a flyer on Staying Fire Safe which will go in the newsletter. Tim Wagner checked with Linda Bergstrand, the Department currently has enough PPE as St. Louis County donated some but can use more masks.

Cemetery – Gate is open

Parks & Rec – Nets are up on tennis courts, pickle ball nets won't be put out until Stay at Home restrictions are over. Jim Ray had a concern about playground equipment and hoped parents are using proper precautions but has not seen large groups gather in pavilion and township may have to post if that happens. Clay Cich informed the Board that 2 roads have been cut into the bog in the Park and St. Louis County Sheriff Dept. has been notified and he will meet

with them at the Park.

Community Center- Walter Rapp replaced step non skids and installed on back stairs and a new flag.

Recycle Center – WLSSD is gradually opening their facilities but with social distancing & other precautions in place. Our Recycle Center remains closed, but Deb Pawlowicz has a call into Lorilee Blais to discuss opening, extra hours/days will probably be added when it does open. Hazardous Waste Day in June is most likely cancelled.

Other Meetings- MAT telephone conference on April 12, 2020 (Deb Pawlowicz, Clay Cich, Jim Ray, Mary Skafte & Diane Palmstein) and April 30, 2020 (Mary Skafte, Deb Pawlowicz, Clay Cich & Diane Palmstein), phones are muted except for speakers from MAT. Tim Wagner completed webinar for new township officer. April 29, 2020 Local Board of Appeal & Equalization held from 1-2 pm via a virtual meeting, no appeals were presented or heard.

OPEN FORUM: no one

OLD BUSINESS

East Cook Lake Road Paving Request: clerks provided information and forms to residents on West Island Lake Road for petition to become a Fredenberg Township Road, Bob Smith/rep from Association informed the Board that their Association was 17/19 present in favor. He asked what improvements need to be made to have it up to Township standards, Jim Ray stated he will reassess and do accurate measurements and look at a rock in road that may need to be moved. Pete Emerson/rep from East Cook Lake Road also informed the Board that he has meet with MN Power and they maybe in favor of including the paving assessment on leases in Unincorporated Township Parcels. A new petition is on hold until West Island Lake Road is decided on. Patty Monson-Geertz/rep from East Cook Lake Road, asked the Board to wait on any decisions regarding East Cook Lake Road until other alternatives are explore and the meeting with Base 1 is held, which may be able to be done virtually.

Conditional Use Permit for 6464 Fredenberg Lake Road: WebEx virtual meeting to be held on Thursday, May 14, 2020 at 12 noon, via invitation through St. Louis County, Angela Lepak. Resolution 2020-008 was presented and reviewed by the Board. Clay Cich explained that the moratorium includes a study by ARDC that will inform our community where gravel pits should be. ARDC will provide general information, hold public hearings to inform the residents. Without a plan, St. Louis County has stated the township cannot put any restrictions on gravel pits. The township would take over zoning just for gravel pits (it exempts existing gravel pits). There would be a Township Zoning Board established for gravel pits, but he was unsure who are members of that board but ARDC will guide the township. Deb Pawlowicz made a motion to accept & adopt Resolution #2020-008, Objecting to a Conditional Use Permit for LTI Holding, LLC for a Conditional Use Permit for a General Purpose Borrow Pit, Clay Cich seconded.

5 YEAS. MOTION PASSED UNANI-

MOUSLY. Oly Olson, Bruce Anderson, Kathy Stingl, Patty Wheeler, Deb Roach, Mike Anderson, Ken Johnson, Bob Terry & Janet Olson thanked the Board for their support in favor of the moratorium.

Moratorium on Fredenberg Township Gravel Pits: Jim Ray felt this issue was discussed with CUP.

NEW BUSINESS:

A. Resolution 2020-006, Beer and Liquor Licenses in Township (Blue Max, Eagles Nest, Hi-Banks, Minnowette): presented and reviewed by the Board, Clay Cich made a motion to adopt Resolution 2020-006 and submit to St. Louis County, Jim Ray seconded. **4 YEAS 0 NAYS 1 (Tim Wagner) ABSTAIN. MOTION PASSED.**

B. Second Meeting of Board on May 20, 2020 at 7pm will be held via Zoom phone conference. Jim Ray made a motion to hold June 3, 2020 Town Board Meeting at 7:00pm via Zoom telephone conference, Deb Pawlowicz seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.**

OTHER MEETINGS:

Public Hearing on CUP revision for 6464 Fredenberg Lake Road by LTI LLC. on Thursday, May 14, 2020 at 12 noon via virtual meeting on WebEx. MN Association of Township Zoom telephone conference on May 13, 2020 from 4:30 pm to 5:00pm.

ADJOURNMENT: Jim Ray made a motion to adjourn meeting, Clay Cich seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.** Meeting adjourned at 8:34 pm.

Respectfully submitted,

Clerk

Board Chair/Co-Chair

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

**MINUTES OF PROCEEDINGS
May 20, 2020**

**TIME & PLACE: 7:00 pm
TOWN HALL/COMMUNITY CENTER**

The second monthly meeting was CALLED TO ORDER via telephone conference, at 7 pm by Chair Clay Cich. Also present were Deb Pawlowicz, Tim Wagner, Jim Ray and Walter Rapp. Bill O'Brien/treasurer, Mary Skafte and Diane Palmstein/clerks were also present. 23 residents listened while the Board recited the 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: Walter Rapp made a motion to reconsider Resolution 2020-008, Tim Wagner seconded, discussion followed: Clay Cich felt a legal opinion was necessary before voting because of how a change in vote may impact other issues the Board is dealing with. Jim Ray stated today he requested clerks to contact Steve Overom/township attorney for clarification, Diane Palmstein/ clerk read email from Steve Overom with his clarification under Robert Rules for reconsidering a motion and attorneys' statement that the vote was for the Resolution only, Clay Cich stated he had not received this email and that the township doesn't follow Roberts Rules of Order and clerk clarified that it was sent at 5:43pm forwarded to Jim Ray because it was at his request to contact our attorney and opened in the office at 6:15pm tonight but she had also spoken to Steve Overom and he reiterated the ability of a Board to reconsider a motion. Walter Rapp felt he, as a supervisor, had the right to request a reconsideration of the Resolution. Deb Pawlowicz stated she didn't feel she had enough information as tonight was the first, she heard about these issues and suggested it be tabled until the Board meeting in June to gather more information on legality of reconsideration. Walter Rapp agreed to table his motion. Deb Pawlowicz made a motion to table the reconsideration of Resolution 2020-008 until June Board Meeting, Clay Cich seconded. **4 YEAS 1 NAY (Tim Wagner). MOTION PASSED. Resolution will be reconsidered on June 3, 2020 Board Meeting.** Clerks will contact Steve Overom/township attorney and Steve Fenske/MAT attorney, for a written legal clarification.

New Business

Reopening of Fredenberg (Art Weller) Recycle Center: Deb Pawlowicz, supervisor overseeing the Center, has discussed with Center employees and WLSSD reopening, adding an extra day and hours and procedures to be followed, recycle employees agree with plan. Deb Pawlowicz thought maybe opening on May 25, 2020, which is Memorial Day would work but supervisors discussed issues of holiday pay, recycle policy for working the day after/before a holiday and it was decided that the Center would open on Wed. May 27, 2020. Clay Cich made a motion to reopen the Art Weller Recycle Center on Wed., May 27, 2020 from 3-8pm, Saturday, May 30, 2020 from 9 – 1pm, and the following week, Monday, June 1 from 3-8pm, Wednesday, June 3 from 3-8pm and Sat. June 6 from 9-1pm. Deb Pawlowicz seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.** Further extended hours will be discussed on June 3 Board Meeting. Clerks have purchased supplies: hand sanitizer, disinfectant, gloves, masks, face shields for employees. Opening will be publicized on: Town Hall Marche, NextdoorFrendenberg and Fredenberg.org.

Proposal for Attorney Services for Enforcement of Township Moratorium: Clay Cich stated he consulted with Steve Overom/township attorney and was informed that he has not done trial lawyer services for a while and other health issues prevent him from handling this case. Clerks had spoken to him also and currently he has no plans to retire or take leave because of health issues. Jim Ray read the cover letter and proposal from Chris Dahlberg/attorney. His fees are \$250/hour with a \$5,000.00 retainer and he estimates 40 hours needed for this project (rough estimate \$10,000.00). Jim Ray did not feel his services are required at this time. Deb Pawlowicz questioned if we needed immediate need for legal advice, what would we do. Walter Rapp asked why we were now looking for a new township attorney, when the proposal is for a specific matter, if there was a contract with Steve Overom and why this decision needs to be addressed now and suggested tabling it until the next meeting. Clay Cich stated he contacted Chris Dahlberg because he was a former County Commissioner and member of the Planning and Development Commission for the County. Clay Cich made a motion to table the proposal for

Attorney Service, Deb Pawlowicz seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY. Item will be on agenda for June 3, 2020 Board meeting.**

Complaints About Trucks on Township Roads: Jim Ray/road foreman stated there have been recent complaints about trucks on township roads, directed at Lakehead Trucking. He reminded residents that there are no restrictions on township roads, only axle load limits during spring thaw. Our roads do not have any engineered axle load rating and not required to have them. There have been incidents that were witnessed and reported. He supported the township addressing concerns of residents regarding the conditional use permit for 6464 Fredenberg Lake Road but felt there are considerations on both sides. He agreed it was an emotional issue, and everyone needs to remain civil. Undermining the reputation of a company or individuals should not be tolerated. Supervisors are placed in a difficult position and need to remain objective and not be distracted. He stated it is his understanding our paved roads have an adequate base and asphalt surface to support current use. He felt in the future when paving township roads, that having the engineers hired for the project approve the adequacy of the base and surface. Clay Cich asked about what issues have occurred and felt Lakehead Truck has helped the township bring our road up to a good standard, in accordance with our 5-year plan

Adjournment: Clay Cich made a motion to adjourn the meeting, Deb Pawlowicz seconded. **5 YEAS. MOTION PASSED UNANIMOUSLY.** Meeting adjourned at 8:36pm.

Respectfully submitted,

Clerk

Board Chair/Co-Chair

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

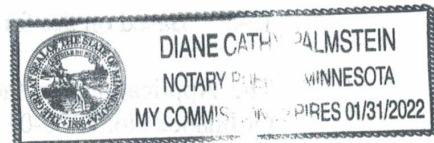


EXHIBIT A

**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),

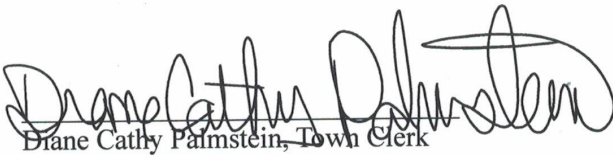
WHEREAS: The Town Board of Fredenberg has deemed:

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

COVID -19 PREPAREDNESS PLAN FOR THE TOWN OF FREDENBERG

The Town of Fredenberg is committed to providing a safe and healthy workplace for all of our employees and residents. To ensure that, we have developed the following COVID-19 Preparedness Plan in response to the COVID-19 pandemic. Supervisors and employees are all responsible for implementing this plan. Our goal is to mitigate the potential for transmission of COVID-19 in our township building sites and community, and that requires full cooperation among our employees, supervisors, and residents. Only through this cooperative effort can we establish and maintain the safety and health of our community and its buildings.

Supervisors and employees are responsible for implementing and complying with all aspects of this COVID-19 Preparedness Plan. The Town of Fredenberg supervisors have full support in enforcing the provisions of this policy.

Our employees are our most important assets. We are serious about safety and health and keeping our employees working in the Town of Fredenberg. Employee involvement is essential in developing and implementing a successful COVID-19 Preparedness Plan. We have involved our employees in this process by having town clerks and recycle center attendants' input. Our COVID-19 Preparedness Plan follows Centers for Disease Control and Prevention (CDC) and MN Department of Health (MDH) guidelines, federal OSHA standards related to COVID-19 and Executive Order 20-48, and addresses:

- Hygiene
- Engineering and administrative controls for social distancing
- Customers controls and protections for drop off and pick-up
- Housekeeping, including cleaning, disinfecting and decontamination
- Prompt identification and isolation of sick persons
- Communication and training that will be provided to supervisor, employees; and
- Supervision necessary to ensure effective implementation of the plan.

Screening and policies for employees exhibiting signs and symptoms of COVID-19

Employees have been informed of and encouraged to self-monitor for signs and symptoms of COVID-19. The following policies and procedures are being implemented to assess workers' health status prior to entering the workplace and for employees NOT to report when they are sick or experiencing symptoms. No employees with signs or symptoms of illness is allowed to report to work and must contact Board Supervisor assigned oversight of the area immediately. The Town of Fredenberg has implemented policies that promote employee stay at home when they are sick, or a household member is sick or when required by a health care provider to isolate or quarantine themselves or a member of their household. Encouraged employee self-monitoring. Employees have the right to decline a work shift.

The Town of Fredenberg has also implemented a policy for informing workers if they have been exposed to a person with COVID-19 at their workplace and requiring them to quarantine for a required 2 week period and the Recycle Center would be closed for that quarantine period.

Handwashing

Basic infection prevention measures are being implemented at our buildings at all times. Employees are instructed to wash their hands for at least 20 seconds with soap and water, frequently but especially at the beginning and end of their shift and after using the bathroom. Employees will be provided: masks or face shields, gloves, hand soap, towels, and hand sanitizer.

Respiratory etiquette: Cover your cough or sneeze

Employees and visitors are being instructed to cover their mouth and nose with their sleeve or a tissue when coughing or sneezing and to avoid touching their face, in particular their mouth, nose, and eyes, with their hand. They should dispose of tissues in the trash and wash or sanitize their hand immediately afterward.

Social Distancing

Social distancing is being implemented in the workplace through the following engineering and administrative controls: telework, flexible work hours, staggered shifts, reducing the number of employees in workplace at one time, maintain 6 feet of distance between individuals, signage and instructions for employees/residents, and ongoing communication between employees, their concerns and Board Supervisors. The Recycle Center will follow attached Attendant rules. Employees, residents, supervisors are prohibited from gathering in groups and in confined areas.

Housekeeping

Regular housekeeping practices are implemented, including routine cleaning and disinfecting of work surfaces, equipment and other areas in the work environment, including restroom and drop-off and pick-up locations, high touch areas (phones, keyboards, touch screens, door handles, railings and printers). Each employee will disinfect their area at the end of shift. Custodians will be contacted by Town Clerks when cleaning at the Town Hall is necessary.

Communication and training

The Preparedness Plan was communicated to all employees on this date: _____ and necessary training was provided. Instructions will be communicated to residents about how to drop-off, pick-up and delivery will be conducted to ensure social distancing between residents/employees and about the recommendation that residents use face masks when dropping off, picking up or in a township building. This will also be posted in the monthly Fredenberg Newsletter and on the doors of the Recycle Center and Community Center. This COVID-19 Preparedness Plan has been presented, reviewed, and adopted by the Town of Fredenberg Board Supervisors and posted throughout the township buildings on _____.

It will be reviewed monthly at the town board meetings.

Certified by: Board Supervisors