

Township of Breitung Agenda-Regular Board Meeting

Township of Breitung Regular Board Meeting 06/20/2024

Breitung Community Center 6:00 PM

- Call the meeting to order/Roll Call
- Acceptance of Agenda
- Approval of Minutes
 - 05/16/24 Regular Board Meeting
 - 06/18/2024 Road Alteration and Road Vacation Hearing
- Approval of May 2024 Treasurer's Report
 - Checks Written 48735 - 48831
 - Total Disbursements-\$138,944.32
 - Fund Balance-\$265,577.47
 - Voided Checks - None
- Correspondence
 - Highway 169 Task Force – Thank You
 - Minnesota State Demographic Center
 - MN DNR – Land Acquisition Letter
 - IRRR Meeting Recap – Breitung Township highlighted, page 4
- Public Input

Reports:

- Police-Attached
- Fire-Attached
- Road and Bridge-Attached
- Recreation
- Wastewater Board
- Ambulance Commission
- Housing-Attached

Old Business

- Recreational Trail Development
- Hoodoo Point Loop Trail Project
- Animal Ordinance
- Stuntz Bay Access Road
- 2024 Infrastructure - IRRR

New Business

- Pay Bills as presented
- Donation Request – Scarlet Stone
- 31 Jasper St – Handicap Parking Request
- Ordinance Number 90-03A – Water & Sewer
- Resolution No 2024-16 – Accepting Donations
- Resolution Appointing Election Judges – Primary Election
- Resolution Appointing Election Judges – Presidential Election
- Reschedule continuation of Annual Meeting

Next Board Meeting

Regular Board Meeting July 18, 2024 at 6:00 PM at the Breitung Community Center

Adjourn

Township of Breitung Regular Board Meeting 05-16-24 at 6:00 PM. In Person Meeting at the Breitung Community Center

Present In Person:

Board Members: Chairman Tim Tomsich, Supervisor Matt Tuchel, Supervisor Erin Peitso, Clerk Amber Zak, Treasurer Jorgine Gornick

Public: Terry Carlson (Tower News), Daniel Reing-Police Chief (arrived late at 6:05 PM), James Batting, Tom Gorsma-Maintenance Supervisor, Trudy Hendricks, Jodi Summit (Timberjay), Doug Erickson, Paul Coughlin, Doug Anderson, Terry Mullery (arrived late at 6:11 PM)

Call to Order @ 6:00 PM by Chairman Tim Tomsich

Acceptance of Agenda

A late incoming request for a Letter of Support for the Highway 169 taskforce was presented to be added to the New Business of the agenda.

Motion by Supervisor Tuchel to accept the agenda as amended

2nd by Supervisor Peitso

Motion Passed 3-0

Approval of Minutes

Motion by Supervisor Peitso to approve the minutes of the 04/18/24 Regular Board Meeting and 04/30/24 Local Board of Appeals & Equalization Meeting as presented

2nd by Supervisor Tuchel

Motion passed 3-0

Approval of Treasurers Report

Motion by Supervisor Peitso to approve the March 2024 Treasurers Report as presented

2nd by Supervisor Tuchel

Motion passed 3-0

Correspondence

- Minnesota Power – Rate Increase to Municipalities
- Thank You to Breitung Police
- MAT training

Correspondence so noted

Public Input

James Battin questioned the status of the requested MNDoT signage for the 50-mph zone as well as for the vehicle noise law signage; Chairman Tomsich indicated that the Township was

waiting for MNDOT and that it warranted a follow-up. The vehicle noise law signage had been ordered, but had not yet been installed.

Reports

- Police – Attached
- Fire – Attached
- Road and Bridge – Attached, Tom Gorsma further mentioned that Thank You's were due for several individuals and businesses including Jerry Chiabotti, Scott Chiabotti, Larry Tveit, Dave Zasadni, L&L Rentals, and the City of Aurora. The individuals and businesses had donated time, work, and/or materials; Clerk Zak agreed to send out Thank You notes the following week.
- Recreation – None
- Wastewater Board –
 - Supervisor Tuchel noted that the wastewater board was a recipient of \$1 Million Congressionally Directed Spending
 - Supervisor Tuchel discussed an option of creating a new piece of wastewater treatment infrastructure: the wastewater board was considering installing Rapid Infiltration Beds, which require a specific type of soil. The board believes that an area of land adjacent to the McKinley Park Sand Pit would likely have the correct soil structure; the next step is for the soil to be tested with borings, a water table test, and a water percolation test. Supervisor Tuchel noted that this type of wastewater treatment system is considerably cheaper than adding a 4th pond to the existing pond infrastructure.
- Ambulance Commission - None
- Housing – Attached

Reports so noted.

Old Business:

Kultala/Breitung Property Exchange – Transfer Complete/Recorded with county

Recorded documents attached for reference, Chairman Tomsich noted that with the exchange now complete, work to change the Thompson Farm Road could continue

Recreational Trail Development

Supervisor Tuchel touched on the background of the matter, stating that several groups had differing interest in the use of land surrounding the McKinley Park Gravel Pit and existing ATV/walking trails. Four members of the community were present to give their opinions on the use of the land:

Doug Erickson: Noted that as a 100% disabled person, use of an ATV to enjoy the wooded area was necessary, removing the ability to use an ATV in that area would completely remove his ability to utilize that public land. He further stated that he was not interested in having a special permit due to his disability, he simply did not want the trail use to change. Mr. Erickson also explained the dangers of creating a law prohibiting ATVs in the area; as a former law enforcement official (DNR), he explained that most emergency calls in the woods could last several hours or even days; further, working in the woods is physically dangerous and was concerned that the current law enforcement (Breitung PD) did not have the training or the equipment to engage in calls of that nature. Additionally, he noted that if the current law enforcement was on a call out in the woods, that would take away from the duties in town; because the property is owned by Breitung, it would be the jurisdiction of the Breitung Police.

Paul Coughlin – Noted that he walks trails often and has not seen a single ATV, he does not understand why if there is good co-existence, why a change needs to be made.

Doug Anderson – Noted he was an 18-year resident, a conservationist and steward to the land and had been clearing trails, cleaning, and maintaining for years. He feels the ability to keep the trails open to ATV users and hikers alike is important and provided a letter stating as such. Within the letter, Mr. Anderson points out that there are no reports of injuries by ATVs in the area, ATVs may be used to suit individual physical abilities, concern that hunting could become an issue as well, and that foot traffic so low in the area that there are no distinguishable foot paths. The full letter is available for review in the clerk's office.

Terry Mullery – Concerned that if changes are made which limit the use of the trail, this type of proposal will expand and continue to impede ATV or other recreationists. He stated there are lots of trails in the area, so many that there are more than can even be fully utilized – Mr. Mullery referenced the Lake Vermilion – Soudan Underground Mine State Park as one source of non-motorized trails.

The board thanked the members of the community for their input. To make sure all sides of the issue have a fair say, the board decided to hold off on making any changes at this time. The board will consider any more input and decide on the issue of closing of the ATV trails at the next regular board meeting in June.

Hoodoo Point Loop Trail Project – Blandin Grant

Chairman Tomsich noted that the grant was submitted and will have a decision in July. If the grant was awarded, JPJ would start the application to the DNR and IRRR for trail construction; Chairman Tomsich noted that if received, it may cover 100% of the cost of the project. If not, Breitung and Tower would have to work together to determine portions of the remaining cost.

Animal Ordinance concerning chickens and other non-domestic/barnyard animals

After discussion, the board determined that they were comfortable with the current number of animals but that the ordinance could be cleaned up a bit to provide clarity; they further requested that the ordinance state that in Soudan-proper, 3 animals were allowed per dwelling. Clerk Zak would work with Bob Pearson to get an ordinance ready for the June meeting.

Stuntz Bay Access Road

The pre-construction meeting was held on 4/25/2024. Chairman Tomsich noted that the work would be done later in the summer; the road would need to be shut down for about a week, Supervisor Tuchel checked Jim Essig at the State Park to see if there would be a possibility of utilizing their entrance for landing users during that time. He also noted that the funding for the project was coming from the State Park Road through the DNR

2023 Infrastructure Improvements

The pre-construction meeting was held 4/25/2024. Chairman Tomsich noted that the work on 1st Avenue and Church Street would happen at the same time as the Stuntz Bay Road. Change Order #1 for Project Number 22-126 changing the final completion date from 7/15/2024 to 08/31/2024 as requested by Contractor was presented.

Motion by Supervisor Tuchel to accept and have Chairman Tomsich sign the change order
2nd by Supervisor Peitso
Motion Passed 3-0

2024 Infrastructure – IRRR

Chairman Tomsich discussed combining the Center Street project, Thompson Farm Road project, and Echo Point Road project and submitting to IRRR for funding. The construction would not happen until 2025, and could potentially including Broadband to Echo Point Road. With funding also coming from MnDot, CDBG, and LRIP, Tomsich was hopeful that the IRRR would also contribute. Additionally, engineering fees of \$89,000 were not eligible for coverage by the current grants, Chairman Tomsich had reached out to Senators, Representatives, DNR, and trail groups to help with the funding of engineering fees. He also noted that the LRIP project was moving forward, the county being the fiscal agent, and the project would happen in 2025.

New Business:

G.R.E.A.T. Families Training

Police Chief Reing requested Time and Reimbursement to attend training in Phoenix, Arizona on July 11 & 12. Reimbursement would be for flight, hotel, and meals. Reing further noted that the State generally gives money back to agencies for large portions of their training costs and he was hopeful that this would be the case in the upcoming fiscal year as well.

Motion by Chairman Tomsich to approve the training and reimbursement request
2nd by Supervisor Peitso
Motion passed 3-0

Memorial Benches – Order and placement

Two benches were submitted for approval of order and placement with plaques as follows:

“In Memory of Lon Lamppa 1949 – 2022”

“Keep your eye on the ball and your heart in the game. In loving memory of Terry
‘Bearhunter’ Anderson”

Both benches match previously installed benches in Breitung Township and would be placed on either side of the concession stand at the ball field. Both benches would be fully funded by donations.

Motion made by Supervisor Tuchel to approve the ordering and placement of benches

2nd by Supervisor Peitso

Motion passed 3-0

Pay Bills as Presented

Motion by Supervisor Tuchel to Pay Bills as Presented

2nd by Supervisor Peitso

Motion Passed 3-0

Blight

Current blighted properties were discussed including 2 on properties on Superior Street, 1 property on Jasper Street, a property on the corner of 5th Avenue & Gordon Street, and a property on the Spring Road. The property at 5th & Gordon has a refrigerator outside with the door attached, Police Chief Reing agreed to address it. The Spring Road address would be sent a letter concerning the blight.

Facebook

In order to better connect with the community, it was decided that a Facebook page should be set up for the township. Supervisor Peitso and Clerk Zak agreed to be administrators for the site; the ability for users to comment on posts would be turned off.

Motion by Supervisor Tuchel to have the clerk create a Breitung Township Facebook Page

2nd by Supervisor Peitso

Motion Passed 3-0

Community Picnic

A date was set for the community picnic of Saturday, July 6, 2024 from 12:00 – 3:00 PM

Application for non-domesticated animals - Zak

The board heard a request to keep quail and indicated that the specific animal should be addressed within the ordinance. It was directed that a quail should constitute 1/8 of an animal unit and that roosters would be allowed so long as they did not create a noise nuisance. This addition to the animal ordinance would be voted on in the June meeting.

Letter of Support for Hwy 169 Taskforce

Greg Dostert had dropped off a request for support shortly before meeting time.
Motion by Supervisor Tuchel to send a letter of support of the Hwy 169 Taskforce
2nd by Supervisor Peitso
Motion Passed 3-0

Road Alteration and Road Vacation Hearing – Thompson Farm Road

Tuesday, June 18th, 2024 6:00 PM at the Breitung Community Center

Next Regular Board Meeting

Thursday, June 20th, 2024 at 6:00 PM at the Breitung Community Center

Adjourn

Motion by Supervisor Tuchel to adjourn the meeting @ 7:45 PM
2nd by Supervisor Peitso
Motion passed 3-0



Respectfully Submitted
Amber Zak
Clerk, Breitung Township

**Township of Breitung Statutory Public Hearing 06-18-2024 at 6:00 PM
Road Alteration and Road Vacation Hearing – The Thompson Farm Road
In Person Meeting at the Breitung Community Center**

Present In Person:

Board Members: Chairman Tim Tomsich, Supervisor Erin Peitso, Supervisor Matt Tuchel, Clerk Amber Zak, Treasurer Jorgine Gornick

Public: None

Call to Order: at 6:03 PM by Chairman Tomsich

Opening Statement and Purpose of the Hearing: Chairman Tomsich stated that the purpose of the hearing is to explain the vacation of the Thompson Farm Road Relocation and to hear all interested parties. He further provided the following rules to maintain order during the hearing:

- Discussions will be limited to the state purpose of the hearing
- Anyone wishing to comment or ask questions will be allowed to do so
- No speaker will be permitted to speak more than twice except to answer a question from the board
- Each speaker will be limited to a total of 30 minutes
- No applause or interruptions are permitted
- All comments must be directed to the chair
- Each speaker must state his or her name, address, and the group he or she represents (if any) before speaking
- The board may ask questions of the speakers
- The board may recess the hearing to another date and time in order to properly hear all those concerned, collect further information, or make a final decision.

Finding of Facts:

- The Thompson Farm Road currently rests on a portion of Breitung Township's gravel pit; relocation of the road will allow the resource to be used to its full extent.
- The Thompson Farm Road and its planned relocation rest entirely on Breitung Township property and therefore there can be no damages awarded to other parties
- Relocation of the road will not land-lock any property owners that utilize the road to access their property and therefore no private easements must be granted

No other members of the audience spoke.

Motion to approve the Road Alteration and Road Vacation of the Thompson Farm Road as described in the Order Setting Forth Initial Descriptions and Setting Hearing Date and drawing of the planned alteration (both attached) by Supervisor Tuchel

2nd by Supervisor Peitso

Motion Passed 3-0

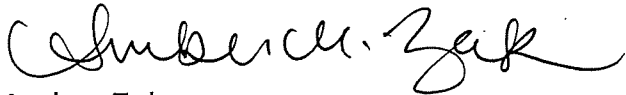
Adjourn:

Motion to adjourn the meeting by Supervisor Tuchel at 6:10 PM

2nd by Supervisor Peitso

Motion Passed 3-0

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Amber Zak". The signature is fluid and cursive, with the first name "Amber" written in a larger, more prominent script than the last name "Zak".

Amber Zak

Clerk, Breitung Township

ORDER SETTING FORTH INITIAL DESCRIPTIONS AND SETTING HEARING DATE

Breitung Township
St Louis County, Minnesota

WHEREAS, the town board of Breitung Township, St. Louis County, Minnesota discussed the alteration and vacation at its Annual Town Meeting the 12th day of March 2024 including the alterations and vacation of the Thompson Farm Road, a town road, portions of said road;

WHEREAS, Resolution 2024-#09 authorizes the Town Board to initiate the alteration of the Thompson Farm Road, as per attached drawing to create a new entrance to the Thompson Farm Road off Hwy 169 which will be approximately 0.2 miles east of the current location, thence along the Township Property line of current parcel 270-0020-03360. This will construct a 1,200-foot section by 24' paved road at this location ending approximately 630' to the South of Hwy 169;

WHEREAS, Resolution 2024-#09 authorizes the Town Board to initiate the vacation of that portion of the Thompson Farm Road directly across Highway 169 from Jasper St and per attached drawing of approximately 1009 ft., upon completion and opening of the new access to Highway 169;

WHEREAS, Minn. Stat. § 164.07, subd. 2 requires the town board to make an order describing as nearly as practicable the road to be altered and vacated, and the new road will run on all Township owned property.

WHEREAS, Hearing will be held June 18th, 2024 @ 6:00pm at the Breitung Community Center, 33 First Avenue, Soudan, MN 55782 where the Town Board will meet and act upon Resolution 2024-#09;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The Thompson Farm Road is proposed to be altered is described as set forth in the JPJ Engineering Site Plan attached hereto.
A more specific description may be developed if granted.
2. The portion of the Thompson Farm Road is proposed to be vacated is described as set forth in the JPJ Engineering Site Plan attached hereto.
A more specific description may be developed if granted.
3. The several tracts of land through which the road passes and their owners are:
Owners
Breitung Township-Parcel 270-0020-03360

4. The Breitung Town Board will conduct a hearing at 06:00 p.m. on the 18th day of June, 2024, at Breitung Community Center, 33 First Avenue, Soudan, MN 55782 to examine the road, receive public comment, consider the matter and take such action as may then be determined.

NOTICE OF RIGHT TO APPEAL

Affected landowners have right of appeal as provided in Minn. Stat. § 164.07, subd. 7 to seek judicial review of damages, need and purpose if the town board does decide to establish, alter or vacate a town road.

Passed and Adopted by the Breitung Township Board this 28th day of March 2024. Chairman Tomsich, Supervisor Tuchel, Supervisor Peitso

For:

Against:

BY THE TOWNSHIP BOARD

Breitung Township Chairperson-Timothy Tomsich

Attest: _____

Breitung Township Clerk-Amber Zak

TOWNSHIP OF BREITUNG

May-24

GENERAL	60,438.20
ROAD & BRIDGE	20,404.48
FIRE	29,590.06
PARK	14,330.97
RECREATION	5,633.25
POLICE	20,104.29
PROJECTS	38,546.22
WATER DEPT	76,530.00
ARPA	0.00
TOTALS	265,577.47

June 4, 2024



From:
Highway 169 North Task Force
c/o 1232 Heather St.
Ely, MN 55731

To:
Amber Zak, Clerk
Township of Breitung - Board of Supervisors
P.O. Box 56
Soudan, MN 55782

Dear Clerk Zak, Chairman Tomsich and Supervisors Tuchel and Peitso,

We would like to take this opportunity to express our thanks for your consideration and Letter of Support to our U.S. Senators, Amy Klobuchar and Tina Smith, and Representative Pete Stauber (CD8) for our request for FY25 Congressionally Designated Spending Projects Funding for **"TH169 Spot SAFETY and Mobility Improvements Reconstruction – Soudan to Ely"** in Breitung and Morse Townships in St. Louis County.

Your support for our Task Force and our working partners at MnDOT District 1 in Duluth and Virginia, Duane Hill, Michael Kalnbach, and Alex Peritz, makes our over 20 plus years of endeavors for these SAFETY and Mobility Improvements so worthwhile to hopefully bring these proposed projects to fruition.

Again, our sincere Appreciation and Thanks for your support!
Sincerely,

A handwritten signature in cursive script that reads "Bill Erzar".

Bill Erzar, Chair
For the
Highway 169 North Task Force
c/o 1232 Heather St.
Ely, MN 55731
218-343-7448 (cell)
zar@frontiernet.net

203 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Telephone: 651-201-2473
TTY: 651-297-4357



Dianna Sundahl, Clerk
Breitung Township
PO Box 56
Soudan, MN 55782

Dear Clerk:

The State Demographer is required by law to produce annual population and household estimates for each of Minnesota's cities and townships. Enclosed you will find a sheet containing the April 1, 2023, population and household estimates for your jurisdiction.

These estimates are being sent to you now for review and comment. It's important that our estimates are accurate, as they are used to distribute state aid to cities and townships. If you have questions about how our estimates impact a specific program, please contact the state agency responsible for that program.

The enclosed figures represent estimated population and household changes since the 2020 Census. The number of households corresponds to the number of occupied housing units. A household may be a single family, one person living alone, or any group of people who share the same living area. While we believe that our estimates are usually accurate, we realize there may be occasional problems. For this reason, we value your comments. We may not be aware of such changes as housing demolitions, the gain or loss of group quarters (like college dormitories, nursing homes, etc.), construction of public housing and the gain or loss of mobile homes.

Please note that our estimates:

- pertain to one year ago, not the present;
- have also been sent to your county auditor for review;
- are subject to change and are not considered final until they are released to the Minnesota Department of Revenue in July.

If you are satisfied with our estimates, it is not necessary to contact us or provide any further information. If you wish to challenge our estimates, please send us the appropriate data described in the enclosed challenge guide by **June 24, 2024**. Questions or comments should be directed to Eric Guthrie by email or at the address listed on the letterhead. **The best way to reach us is by e-mail at local.estimatedata@state.mn.us.** You may also try to reach us by phone at (651) 201-2473.

Thank you for taking time to review these estimates.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Brower', with a long horizontal flourish extending to the right.

Susan Brower
State Demographer

Enclosures

DATE: June 1, 2024
TO: Dianna Sundahl, Clerk
Breitung Township
FROM: **Susan Brower**
Minnesota State Demographer
SUBJECT: 2023 Population and Household Estimates

Your April 1, 2023 population estimate is 525.

Your April 1, 2023 household estimate is 264.

If you have any questions or comments about these estimates, please contact the State Demographic Center, 203 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, phone (651) 201-2473 or send an e-mail to local.estimated@state.mn.us. All challenges must be submitted in writing. Please refer to the enclosed sheet for details.

HOW TO CHALLENGE THE POPULATION AND HOUSEHOLD ESTIMATES FROM THE STATE DEMOGRAPHER

The legal responsibilities of the State Demographer with respect to local population estimates dictate that we be able to defend any revisions to the estimates. Consequently, we need documentation for our files. Cited below are types of information we will accept with a challenge to our estimates. You may select whichever approach is most appropriate for your situation. However, the more information you can provide the better. No challenges will be accepted after June 24.

1. You may send us the number of active residential utility accounts in April 2022 and April 2023. We would prefer electrical accounts, but water and sewer accounts are acceptable. Please summarize your data. We don't need a list of all utility customers. Summary data for intervening years are helpful. Utility data are much more useful when provided together with building permit data (see #2 below).
2. Another approach is to provide the number of housing units added and lost by calendar year for the years beginning with 2020. Building and demolition permits are a good source of such information. Be sure to include mobile homes and apartments, and indicate whether any of the apartments were for the elderly. Please try to be as specific as possible about the type of unit involved (single-family, apartment, mobile home, etc.).
3. An actual count of persons or households may be accepted, but places with more than 100 people must contact the State Demographer before proceeding with a count. The count you submit should be for 2024. We will interpolate a number for 2023. You must provide the following information:
 - a. List the house number and street name of each housing unit in your city or township. If there is more than one unit at an address, please list each unit and provide an apartment number.
 - b. Indicate whether the unit is occupied or vacant. If the unit is occupied, indicate the number of residents. Only year-round residents should be counted. Young people away at college or in the military, elderly persons who have moved to a nursing home in another town and seasonal (summer) residents should not be counted.
 - c. Group quarters such as nursing homes, dormitories, jails and group homes should not be counted as housing units. Give us the name and address of the facility and the number of residents.
 - d. After you have listed each housing unit, you must summarize your data and give us the total number of residents, the total number of vacant units and the total number of occupied units.
 - e. Please indicate when the count was completed.

Any additional information you can provide about your community will be appreciated. Changes in vacancy rates, the conversion of summer homes to year-round use, and changes in employment opportunities are the types of things we like to hear about when we are evaluating an estimate. One final request--when you write to us, please provide your mailing address and a telephone number or e-mail address where you can be reached during the day.

Thank you.



Town of Breitung - McKinley Cmpgd
Po Box 56
Soudan Mn 55782

May 24, 2024

Greetings!

The Minnesota Department of Natural Resources (DNR) Parks and Trails Division operates a land acquisition program. Our goal in acquiring land within state park boundaries is to protect and preserve this land so that future generations have beautiful places to go to enjoy Minnesota's natural resources. This letter is to acquaint you with our program and to invite you to contact us if you are interested in selling your land to the DNR either now or at some point in the future.

The Parks and Trails Acquisition Program prioritizes its land purchase opportunities based on the quality of the natural and cultural resources within the parcel of land, the ability of the land to enhance recreational opportunities, and the threat that future development of the land may pose to park operations or visitor enjoyment. We offer values for land that are based on an independent appraisal. The typical park acquisition takes 12-18 months to complete. Because of the state funding cycles and the time each acquisition takes to complete, we try to have a list of willing sellers divided into three timeframes: 1) those who wish to sell now; 2) those who wish to sell within the next 1-3 years; and 3) those who think they may want to sell to the DNR but have no immediate plans to sell their land now. Full or partial donations are always appreciated and may provide you some financial benefits.

If you are interested in the Parks and Trails Land Acquisition Program and would consider selling your land to the DNR, please contact me, Jim Essig, Lake Vermilion-Soudan Underground Mine State Park Supervisor at 218-300-7003, jim.essig@state.mn.us, or feel free to stop by the park office.

There is no obligation for you to sell your private land to the DNR now or ever. If you are not interested in selling your property, you do not need to do anything further. The DNR Parks and Trails Division only acquires land from willing sellers.

As always, feel free to contact me should you have any other comments, questions, or concerns. The DNR's Division of Parks and Trails' vision is to create unforgettable park, trail and water recreation experiences that inspire people to pass along their love for the outdoors to current and future generations. Your property may help us achieve this vision!

Sincerely,

Jim Essig
Lake Vermilion-Soudan Underground Mine State Park Supervisor

From: Iron Range Resources & Rehabilitation <IRRRB@public.govdelivery.com>
Sent: Tuesday, May 28, 2024 4:21 PM
To: clerk@breitungtownship.org
Subject: IRRR Board Meeting Recap - May 28



May 28, 2024

FOR MORE INFORMATION:

Jordan Metsa, Communications Director
218-735-3061, Jordan.Metsa@state.mn.us

Businesses, communities, housing and outdoor recreation in northeastern Minnesota receive over \$13 million in economic development funding

At today's Iron Range Resources & Rehabilitation (IRRR) Board meeting, an estimated \$9.5 million in business loans and grants, \$2.9 million in housing grants, \$793,652 in infrastructure grants and \$52,600 in trails grants were reviewed to advance projects in northeastern Minnesota. Agency investment for all projects combined is over \$13.2 million. Total project investment is estimated at \$66 million. The projects are expected to diversify the local economy, increase the regional tax base, retain and create jobs, grow the housing inventory, modernize essential infrastructure and expand outdoor recreation.

"The project investments made today are expected to have a substantial impact in the Taconite Assistance Area. The business development projects especially will increase the number of living-wage jobs, grow our manufacturing sector and

upgrade critical operations equipment for existing businesses,” said Commissioner Ida Rukavina. “The agency’s new fiscal year budget was also approved which enables us to continue investing in the region’s businesses, communities and workforce. I am excited for the future of our region and for everyone living here.”

Business Development Loans & Grants

Agency Investment: \$9,475,000 | Total Project Investment: \$26,150,000

- **Hibbing Economic Development Authority (HEDA), Hibbing: \$4,500,000** to construct a 34,000-square-foot manufacturing facility on an existing city-owned lot. The entire building will be leased to Advanced Machine Guarding Solutions (AMGS) to accommodate its future growth plans. AMGS was founded in 2021 and is located in Hibbing. It designs and produces safety steel wire mesh guarding for the automation industry. AMGS also supplies other manufacturing companies’ safety products to ensure the operating equipment meets OSHA standards in the U.S. and Canada.
- **Cast 7 LLC, Hibbing: \$275,000** to purchase and install a new waterjet machine and new pneumatic manipulators. The waterjet machine is key to finishing freshly cast stainless steel products. The manipulators will alleviate the strenuous burden of operators handling hot and heavy parts. The new equipment will streamline the casting process to help meet the projected demand for casting.
- **L&M Supply Inc., Grand Rapids: \$1,000,000** to provide the gap funding needed to construct a 200,000-square-foot greenfield, state-of-the-art distribution center. The new distribution center will replace one that is operating in nearby LaPrairie but is not large enough to accommodate the company’s current operations and anticipated future growth. Due to the continued company growth, the facility is no longer capable of processing, storing and distributing the volume of goods needed to support the stores. The agency provided a previous loan of \$2,500,000 for the project.
- **Finnegan’s Farm, Two Harbors: \$950,000** to purchase equipment that will extract oils from hemp plants. Finnegan’s must currently send their hemp material to the metro area for processing, which is time consuming and cost prohibitive. Processing in-house will expand operations and lead to cost savings.
- **Fond du Lac Cannabis Corporation, Brookston: \$2,500,000 Loan and \$250,000 Grant** to support a start-up business that will supply medical and adult use cannabis products to the community. The business will consist of three components: cultivation, manufacturing and retail. Cultivation and manufacturing will take place in the town of Brookston, Minnesota in an 18,000-square-foot building. Retail operations will occur in a separate building along the Highway 210 Corridor in Carlton County, Minnesota.

The advisory board recommended funding four of the business development projects with the exception of the Fond du Lac Cannabis Corporation project. However, Commissioner Rukavina plans to move the project forward. She said, "The Fond du Lac manufacturing project successfully completed the application process according to the agency's guidelines. Furthermore, the agency's proficient team exerted considerable effort to thoroughly evaluate the project before presenting it to the board. That said, this project will support numerous new manufacturing jobs in a rural area of St. Louis County that will further diversify and strengthen our region's economy. For these reasons, I will move this project forward."

Housing Grants

Agency Investment: \$2,924,750 | Total Project Investment: \$34,587,561

- **East Range Joint Powers Board: \$20,000** to fund the East Range Seller Readiness Rehabilitation program, which will help a minimum of 10 home sellers make repairs using a short-term loan that will be repaid at closing. The newly refurbished homes will meet inspection requirements for purchase through traditional financing, which increases the homes resell ability.
- **Center for Energy & Environment (CEE): \$298,171** to pilot an owner-occupied rehabilitation loan program that targets five communities across the Iron Range with the oldest housing stock: Hibbing, Chisholm, Eveleth, Ely and Aurora. A minimum of 45 low interest housing rehabilitation loans will be provided to existing homeowners in the targeted communities.
- **Bois Forte Band of Chippewa: \$356,579** to rehabilitate up to three vacant units on the Vermilion Sector of the Bois Forte reservation. The project is part of an overall housing plan to rehabilitate seven vacant units across the Bois Forte reservation and provide much needed housing options for workers.
- **Lake County Housing & Redevelopment Authority: \$350,000** to construct a new two-story, 27-unit market rate workforce apartment building.
- **Center City Housing Corp.: \$1,900,000** to construct 52 new workforce housing rental units including a three-story apartment building (one- and two-bedroom units) and town homes (three- and four-bedroom units) to replace the blighted housing units located at Haven Court Apartments (commonly known as Greenhaven Apartments). The new development, Cobb Cook Place will be located about 10 blocks from Haven Court Apartments.

Development Infrastructure Grants

Agency Investment \$140,000 | Total Investment \$1,726,000

- **City of Coleraine: \$140,000** to construct the infrastructure and site work for development of a 6,000-square-foot addition to Home and Comfort Assisted Living. Home and Comfort is currently in a 5,000-square-foot facility which will be completely renovated along with the 6,000-square-foot expansion. When completed, the newly expanded facility will provide 22 private rooms and two shared rooms and serve up to 26 residents.

Community Infrastructure Grants

Agency Investment \$530,000 | Total Investment \$3,431,785

- **City of Eveleth: \$180,000** to add new water metering technology infrastructure to all residential and commercial properties.
- **City of Biwabik: \$150,000** to construct the infrastructure and make facility upgrades to the Vermillion Trail Campground including a new lift station, trail and road reconstruction and bathroom facility upgrades.
- **City of Beaver Bay: \$200,000** to construct a new water intake for the city's municipal water system.

Infrastructure Grant Increases

Agency Investment \$123,652

IRRR previously provided grant funding for the two projects. The grant increases are due to construction bids being higher than originally anticipated.

- **Breitung Township: \$33,652** to construct the infrastructure related to improvements of the sanitary and storm sewer system on First Avenue and Church Street.
- **City of Keewatin: \$90,000** to improve the O'Brien Reservoir Recreation Area and partially reconstruct North First Street.

Regional Trails Grants

Agency Investment \$52,600 | Total Investment \$105,200

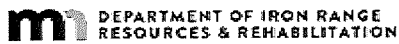
- **City of Hoyt Lakes: \$37,600** to repave biking and walking trails and resurface the parking lot at the Midway Recreation Area.
- **Gunflint Trail Society: \$15,000** to build a new accessible boardwalk trail, update other trails, add a kiosk and develop interpretive signage at the Chik-Wauk Museum and Nature Center located at the end of the Gunflint Trail in Cook County.

The projects reviewed at today's board meeting support the agency's fiscal year 2024 spending plan which helps to fund projects in business, community and workforce development in the Taconite Assistance Area.

Fiscal Year 2025 Budget & Spending Plan

The FY25 IRRR budget and spending plan was approved at the May 28 board meeting. The \$62 million investment strategy exemplifies the agency's unwavering commitment to fostering a more prosperous living and working environment in its service area. Strategic priorities and funding include:

- Improve conditions for economic growth with \$28 million of resources in community and workforce development. Funds include a \$6 million program to promote the preservation, rehabilitation and investment in regional housing stock and neighborhoods.
 - Support public works infrastructure, broadband and business and industry with spending of \$16 million, 26% of the budget. Infrastructure funding assists communities in modernizing, redeveloping and replacing foundational assets in order to attract business investment and expansion.
 - Invest funds in natural and recreational assets to generate diversification and economic impact while contributing to the quality of life in the region.
 - Produce a fiscally sound spending plan that includes reserve funds for unforeseen future needs.
-



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BREITUNG POLICE DEPARTMENT

SERVING BREITUNG TOWNSHIP, THE TOWN OF SOUDAN, AND THE CITY OF TOWER

PHONE: (218) 753-6660
FAX: (218) 753-2407

41 1ST AVE • P.O. BOX 6
SOUDAN MN 55782

DANIEL REING
CHIEF OF POLICE

May 2024 Police Report

Calls for Service (ICRs) 123

Arrests 2

1 adult male arrested for Disorderly Conduct
1 juvenile male arrested on a felony warrant

Citations 12

1 adult male issued citation for Driving After Suspension (DAS)
1 adult female issued a citation for Driving After Revocation (DAR)
1 adult female issued a citation for speed (69/50)
1 adult female issued a citation for speed (82/60)
1 adult female issued a citation for speed (83/60)
1 adult male issued a citation for speed (70/50)
1 adult male issued a citation for speed (92/60)
1 adult male issued a citation for Disorderly Conduct, also arrested

TZD Seat Belt Enforcement

1 adult male issued a citation for No Seat Belt
1 adult female issued a citation for No Seat Belt
1 adult male issued a citation for No Seat Belt
1 adult male issued a citation for No Seat Belt



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SOUDAN MN 55782

CHIEF OF POLICE

May was a very busy month. Two more G.R.E.A.T. classes were completed. The students really enjoyed the class as did the staff. We are already planning our classes for next year. Our department also participated in the annual Kids, Cops, and Cars located in Virginia. Our annual Taser and Defensive Tactics training was completed this month as well. A special thank you to Ivette Reing and Steven Freshour for your help! The Officers received very valuable training that is priceless. Summer is quickly approaching, be safe.

A reminder to please slow down and pull over for emergency vehicles when their emergency lights and sirens are active. I have observed this to be quite an issue recently. We want to be safe getting to the call and for the public traveling. Pull over, it is the law. We have also received complaints on ATVs speeding around Soudan and Tower. Please watch your speed, wear a helmet, and obey all traffic laws. Speeding traffic is a continuous complaint in our area. We are strictly enforcing the speed limit between Tower and Soudan, it is 50 mph.

Have a good week,

Daniel Reing
Chief of Police
Breitung Police Department

Breitung Fire & Rescue
Box 337
33 1st Ave.
Soudan, Mn. 55782

May 2024 Fire Dept Report

Our regular monthly fire department meeting was held on 04/10/2024.

This month's training consisted of Engine Operations which was conducted by Blue Fire Training. We also conducted our quarterly SCBA checks.

We received two calls for service which were a sunken boat by Hugo Island and a chimney fire in which we assisted the Tower Fire Department.

Road and Bridge June 2024

Preparing baseball field and hosting ball games

Usual mowing and trimming

Repaired water lines at McKinley Park

Spraying weeds

Grading roads

Maintenance on equipment and buildings

Continued televising sewer laterals

Working with contractors to replace sewer laterals

Adjusting docks after heavy rains

Removing downed trees after storms

Great Lakes pipe in town cleaning and televising sewer mains

Bo Zupetz has sprayed for bugs at ballpark and McKinley park

Schweiss lawn service has sprayed for weeds in town and McKinley park

Anti-siphoning water system installed at McKinley park

Housing Committee Report

June 2024

Dianna Sundahl

- Tower Area Collaborative did not meet for the Month of May, June meeting scheduled for the 26th @ Tower City Hall 7:30am.
- 2 members from the group created and presented the TAC potential housing project to developers at the Building and Development Summit in Virginia at the Iron Trail Motors Event Center on May 22nd. Don't have all the details since we did not meet as a group yet.
- MHP Housing Workshop was May 21st in Grand Rapids from 9am-3pm and I attended virtually, the weather was too bad to travel. Communication techniques were taught to the group. Our next Workshop is July 17th and 18th in Grand Rapids.
- MHP is hosting an Emerging Developers Initiative 2024 for the Iron Range. The goal of this initiative is to create more Housing Developers up on the Iron Range. There were 12 people in attendance from the Iron Range including myself. We met in Duluth at UMD. This is a program I am attending on my own, and for my own personal development.
- The City of Tower created a LHFTF "Local Housing Trust Fund" through a new Ordinance that will be used for Housing needs in the City of Tower. The Ordinance is not available online yet. Details of the Trust Fund are in the ordinance. The Trust Fund will be managed by TEDA and matching funds are available through MHP and IRRR. If the Board has interest in something like this, I can bring back more information.

If anyone has any questions, feel free to contact Dianna Sundahl @ deputyclerk@breitungtownship.org

Dianna Sundahl

clerk@breitungtownship.org

From: supervisor2 <supervisor2@breitungtownship.org>
Sent: Tuesday, June 18, 2024 12:56 PM
To: Chairman; Erin Peitso - Supervisor; clerk@breitungtownship.org
Subject: FW: Maps for June 20 Township board meeting
Attachments: Maps for June 20 Breitung Township Board Meeting.docx

Matt Tuchel
Breitung Township Supervisor
Supervisor2@breitungtownship.org
218-780-2560

----- Original message -----

From: Aaron Kania <aaronkania@icloud.com>
Date: 6/14/24 9:41 AM (GMT-06:00)
To: Matt Tuchel <Supervisor2@breitungtownship.org>
Subject: Maps for June 20 Township board meeting

Matt,

You had requested that I attend the June 20th Township board meeting. I am still planning to attend. In preparation for that I've updated the maps that we discussed at the last ad hoc trails meeting we had on March 26th.

Also in reading the Timberjay reporting from the last board meeting there was a concern from Doug Erikson about not being able to use the sand pit south of McKinley. On the attached map, I have left the access road to the sand pit as an existing ATV route. There is a gate on this access road. There are no plans to use this for a hiking trail. The proposed hiking trail is far enough away from the pit that if someone were to be shooting in the pit, it would likely be safe for hikers to use the trails at the same time.

If you have any questions please feel free to give me a call or we could meet prior to the meeting if more explanation is necessary in preparation.

Thank you,

Aaron Kania

Potential Network of All Trails north of Tower:



Green Lines: Hiking/Winter Trails

Black Lines: ATV trails

White Lines: Paved Trails

Existing Trail status north of Tower and proposed actions:



Legend:

- Black Lines are existing ATV trails
- Red lines are ATV trails requested to vacate.
- White lines are potential proposed ATV trails.
- Green Lines are approved and constructed hiking/winter trails (Pine Ridges McKinley Paved)

Yellow Lines are approved hiking/snowshoe approved by Tower but not yet built.

Blue Line is proposed Breitung hiking/snowshoe trail connector

Brown Lines are boundaries for City of Tower lands

Close up of trails by Sand Pit:



Legend:

Black Lines are existing ATV trails

Red lines are ATV trails requested to vacate.

Brown Lines are boundaries for City of Tower lands

Green Lines are approved and constructed hiking/winter trails (New McKinley Paved)

Blue Line is proposed Breitung hiking/snowshoe trail connector

From: Scarlet Stone <ads.timberjay@gmail.com>
Sent: Wednesday, June 19, 2024 7:42 PM
To: clerk@breitungtownship.org
Subject: Re: TS Community Rummage Sale

Hi,

I hope to be at the meeting.

I, Scarlet Stone, Soudan resident am requesting funding from Breitung Council to purchase (10) re-usable signs for an annual Tower-Soudan Garage Sale event. To be held in conjunction with Ely's Blueberry Festival on July 27, from 8-3. Size of signs is 18"x20" weather-resistant color included/ with wire frames.

Andrews Cameras in Virginia does signage for the Inn. Barb Tucker-owner Quoted (10) 2-sided print for \$150 (\$135 plus \$15 shipping); The quote for 1-sided print is (\$113 plus \$15 shipping).

The choice of text makes these re-usable. The "Today" event signs: I plan to put 3 in Tower; 3 in Soudan includes covering entrances from east/west and Hoodoo. The other 4 will be up days prior to the event to get persons to sell.

Below is the quote from Barb Tucker of Andrew's Cameras of Virginia:

ORDINANCE NUMBER 90-03A

BREITUNG TOWNSHIP

St. Louis County Minnesota

An Ordinance Establishing Sewer Use Regulations.

An ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s); and providing penalties for violations thereof.

Be it ordained and enacted by the Board of Directors of the Breitung Water and Sewer Commission and Breitung Township Board, Soudan Minnesota as follows:

Article I Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meanings hereinafter designated:

Section 1. Abandonment – Any access to the sewer system that will no longer be used for the purpose of adding waste to the sewer system.

Section 2. ACT – The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.

Section 3. ASTM – American Society for Testing Materials

Section 4. AUTHORITY – The sewer board, as defined herein, or its representative thereof.

Section 5. Backflow Valve- Refers to a check valve specifically designed to prevent the reverse flow of sewage in a lateral.

Section 6. BOD5 OR BIOCHEMICAL OXYGEN DEMAND – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° Centigrade in terms of milligrams per liter (mg/l).

Section 7. BUILDING DRAIN – that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

Section 8. BUILDING SEWER – the extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection. Also known as a Lateral.

Section 9. TOWNSHIP – the area within the corporate boundaries of the Plat of Soudan as presently established or as amended by ordinance or other legal actions at a future time. The term “Township”

when used herein may also be used to refer to the Water Commission or Township Board and its authorized representative.

Section 10. - Township Engineer - Refers to the Township's engineering firm of Breitung Township.

Section 11. CHEMICAL OXYGEN DEMAND (COD) – the quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (mg/l).

Section 12. Clerk - when used herein, refers to the Township Clerk of Breitung Township.

Section 13. COMPATIBLE POLLUTANT – Biochemical oxygen demand, suspended solids, ph, and fecal coli form bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which effluent concentration limits imposed by the permit.

Section 14. CONTROL MANHOLE – a structure specially constructed for the purpose of measuring flow and sampling of wastes.

Section 15. EASEMENT – An acquired legal right for the specific use of land owned by others.

Section 16. FECAL COLIFORM – Any number of organisms common to intestinal tract of man animals whose presence in sanitary sewage is an indicator of pollution.

Section 17. FLOATABLE OIL – Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.

Section 18. GARBAGE – Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

Section 19. INCOMPATIBLE POLLUTANT – Any pollutant that is not defined as a compatible pollutant (Section 9) including non-biodegradable dissolved solids.

Section 20. INDUSTRY – Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E, and I.

Section 21. INDUSTRIAL WASTE – Gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade, or business, or from the development, recovery, and processing of natural resources, as distinct from residential or domestic strength wastes.

Section 22. INFILTRATION – Water entering the sewage system (include building drains and pipes) from the ground through such mean as defective pipes, pipe joint, connections, and manhole walls.

Section 23. INFILTRATION /INFLOW (I/I) – The total quantity of water from both infiltration and inflow.

Section 24. INFLOW – Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, surface runoff, street wash waters, or drainage.

Section 25. INTERFERENCE – the inhibition or disruption of the wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the Facility's NPDES and/or SDS permit. The term includes of sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the City.

Section 26. MPCA – Minnesota Pollution Control Agency.

Section 27. NATIONAL CATEGORICAL PRETREATMENT STANDARDS – federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307(b) if the Act.

Section 28. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT – A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.

Section 29. NATURAL OUTLET – any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake, or other body of surface water or ground water.

Section 30. NON-CONTRACT COOLING WATER – The water discharged from any use such as air conditioning, cooling, or refrigeration, or during which the only pollutant added, is heat.

Section 31. NORMAL DOMESTIC STRENGTH WASTE – Wastewater that is primarily introduced by residential users with a BOD₅ concentration not greater than 250 mg/1 and a total suspended solids (TSS) concentration not greater than 275 mg/1.

Section 32. PERSON – Any individual, firm, company, association, society, corporation or group.

Section 33. PH – The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

Section 34. Premises - Refers to a lot, parcel of land, building, or establishment.

Section 35. PRETREATMENT – The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly owned treatment works. (See Section 23)

Section 36. PROPERLY SHREDDED GARBAGE – The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27 cm) in any dimension.

Section 37. SEWAGE – The spent water of a community. The preferred term is wastewater.

Section 38. SEWER – a pipe or conduit that carries wastewater or drainage water.

- A. Building sewers - Refers to sewer, soil pipe and drain pipes constructed within and under buildings.
- B. Collection Sewer – A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
- C. Combined Sewer – A sewer intended to serve as a sanitary sewer and a storm sewer.
- D. Force Main – A pipe in which wastewater is carried under pressure.
- E. Interceptor Sewer – A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- F. Lateral - A privately owned pipeline connecting a building sewer or Collection Sewer to a sewer main.
- G. Private Sewer – A sewer which is not owned and maintained by a public authority.
- H. Public Sewer – A sewer owned, maintained, and controlled by a public authority.
- I. Sanitary Sewer – A Sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
- J. Storm Sewer or Storm Drain – A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

Section 39. SEWER BOARD – The term “Board” when used herein may also be used to refer to the treatment authority and its authorized representatives of the Tower Breitung Waste Water Board (aka TBWWB).

Section 40. SHALL – is mandatory; “may” is permissive.

Section 41. SIGNIFICANT INDUSTRIAL USER – Any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307(a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

Section 42. SLUG- Any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24 hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

Section 43. STATE DISPOSAL SYSTEM (SDS) PERMIT – Any permit (including any terms, conditions, and requirements thereof) issued by the MPCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

Section 44. SUSPENDED SOLIDS (SS) OR TOTAL SUSPENDED SOLIDS (TSS) – the total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", latest edition, and referred to as non-filterable residue.

Section 45. TOWNSHIP – The area within the boundaries of the Township of Breitung as presently established or as amended by ordinance or other legal actions at a future time. The term "Township" when used herein may also be used to refer to the Township Board and its authorized representatives.

Section 46. TOXIC POLLUTANT – The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards issued pursuant to Section 307(a) of the Act.

Section 47. Unpolluted Water – Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities. (See Non-Contract Cooling Water, Section 23)

Section 48. USER – Any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system.

Section 49. WASTEWATER – The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water, and storm water that may be present.

Section 50. WASTEWATER TREATMENT WORKS OR TREATMENT WORKS – an arrangement of any devices, facilities, structures, equipment, or process owned, or used by the City of the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions , improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Section 51. WATERCOURSE – A natural or artificial channel for the passage of water, either continuously or intermittently.

Article II

Control by the TBWWB

Section 1. The TBWWB shall have control and general supervision of all public sewers and laterals in the township that directly affect the wastewater treatment operation. Township maintenance personnel shall be responsible for administering and enforcing the provisions of this ordinance to the end that a proper and efficient public sewer is maintained. The TBWWB can be utilized by the Township for expertise and will have the final decision making capability if they become aware of something that will affect the wastewater treatment facilities operation.

Article III

Compliance

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner or public or private property within the Township, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the Facility's NPDES/SDS Permit.

Section 3. Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Section 4. The owner(s) of all buildings or properties from which wastewater is discharged, and which is situated within the Township and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of suitable lateral to the public sewer in accordance with the provisions of this Ordinance, within (90) days of the date said public sewer is operational, provided said public sewer is within 300 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer

connections are not

made pursuant to this section, an official 60 day notice shall be served instructing the affected property owner to make said connection.

Section 5. In the event an owner shall fail to connect a public sewer in compliance with a notice given under Article III, Section 4 of the Ordinance, the Township must undertake to have said connection made and shall assess the cost thereof against the benefitted property. Such assessment, when levied, shall bear interest at the rate determined by the Township Board and shall be certified to the Auditor of the County of Saint Louis, Minnesota and shall be collected and remitted to the Township in the same manner as assessments for local improvements. The rights of the Township shall be in addition to any remedial or enforcement provisions of this ordinance.

Article IV

PRIVATE WASTEWATER DISPOSAL

Section 1. Where a public sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

Section 2. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain appropriate county permits.

Section 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the county.

Section 4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the county.

Section 5. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this Ordinance. Within 120 days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank of pit filled with suitable material.

Section 6. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the Township.

Section 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

Article V

BUILDING SEWERS AND CONNECTIONS

Section 1. Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD₅, and suspended solids, as determined by the TBWWB.

Section 2. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Township.

Section 3. Applications for permits shall be made by the owner or authorized agent. No person shall extend any private building drain beyond the limits of the building or property for which the Sewer and Water permit has been given.

Section 4. There shall be two (2) classes of building sewer permits: (A) for residential and commercial service, and (B) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the Township. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

Section 5. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Township from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Section 6. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through and adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The Township does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

Section 7. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Township or its representative, to meet all requirements of this ordinance.

Section 8. The size, slopes, alignment, materials, or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations.

Section 9. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Section 10. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.

Section 11. The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the Township or the procedures set forth in appropriate specifications shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the Township prior to installation.

Section 12. The applicant for the building sewer permit shall notify the Township when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Township or authorized representative thereof.

Section 13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the Township.

Section 14. No person shall make a service connection with any public sewer unless currently licensed as a plumber or prior approval of Township.

Section 15. See Article 11 for lateral connections.

Article VI

USE OF PUBLIC SERVICES

Section 1. No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contract cooling water to any sanitary sewer.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the Township and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet or approval of the Township and upon approval and the issuance of a discharge permit by the MPCA.

Section 3. No person(s) shall discharge or cause to be discharge any of the following described waters or wastes to any public sewers:

- A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to

the operation of the system. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketenes, aldehydes, peroxides, chlorates, per chlorates, bromides, carbides, hydrides, and sulfides.

- B. Solid or viscous substances which will cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or grass griding, or polishing waters.
- C. Any wastewater having a pH or less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to other structures, equipment, and personnel of the wastewater disposal system.
- D. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) if the Clean Water Act.

Section 4. The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation, and ground water, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The TBWWB may set limitations lower than limitations established in the regulation below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the TBWWB will give consideration to such factors as the quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the Facility's NPDES and/or SDS permit, capacity of the wastewater treatment works, degree of treatability of wastes in the wastewater treatment works, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the TBWWB are as follows:

- A. Any wastewater having a temperature greater than 150°F (65.6°C), or causing individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature of exceeding 104°F (40°C), or having heat in

amount which will inhibit biological activity in the wastewater treatment works resulting in interference therein.

- B. Any wastewater containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C or 65.6°C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/1, whether emulsified or not.
- C. Any garbage not properly shredded, as defined in Article I Section 36. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- D. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- E. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.
- F. Non-contact cooling water or unpolluted storm, drainage, or ground water.
- G. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system.
- H. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the TBWWB in compliance with applicable state or federal regulations.
- I. Any waters or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment works in excess of the limits per the MPCA guidelines.
- J. Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule, regulation, ordinance of any regulatory agency, or state or federal regulatory body.
- K. Any waters or wastes containing BOD₅ or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Section 17 of this Article.

Section 5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Section 4 of this Article, and/or which in the judgment of the TBWWB, may have a deleterious effect upon the wastewater treatment facilities, processes or equipment; receiving waters and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the Township may:

- A. Reject the wastes,
- B. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Clean Water Act and all addendums thereof,
- C. Require control over the quantities and rates of discharge, and/or,
- D. Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

If the Township permits the pretreatment or equalization of waste flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owners' expense, and shall be subject to the review and approval of the Township pursuant to the requirements of the MPCA.

Section 6. No user shall increase the use of the process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sections 3 and 4 of this Article, or contained in the National Categorical Pretreatment Standards or any state requirements.

Section 7. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the expense of the owner(s).

Section 8. Grease, oil, and sand interceptors shall be provided when, in the opinion of the TBWWB, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 4(b), any flammable wastes as specified in Section 3(a), sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the TBWWB. Any removal and hauling of the collecting materials not performed by the owner's personnel, must be performed by a currently licensed waste disposal firm.

Section 9. Where required by the Township, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such

necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approval by the Township[. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be safe and accessible at all times.

Section 10. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the Township, be required to provide laboratory measurements, tests, or analyses of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the Township or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling, and laboratory analyses to be performed by the owner shall be as stipulated by the Township. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State, and Local standards are being met. The owner shall report the results of measurement and laboratory analyses to the Township at such times and in such manner as prescribed by the Township. The owner shall bear the expense of all measurements, analyses, and reporting required by the Township. At such times as deemed necessary, the Township reserves the right to take measurements and samples for analysis by an independent laboratory.

Section 11. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the TBWWB.

Section 12. Where required by the Township, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the TBWWB for review and approval prior to the construction of the facility.

Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. Users shall notify the TBWWB immediately upon having a slug or accidental discharge of substances or wastewater in violation of this ordinance to enable countermeasures to be taken by the TBWWB to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any liability for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the Sewer Board and/or Township on account thereof under any State and Federal law. Employees shall insure that all employees who may cause or discover such a discharge, are advised of the emergency notification procedure.

Section 13. No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within 30 days after receipt of written notice from the Township, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Township may deem

necessary. Upon the owner's refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of 30 days, the TBWWB may cause such work to be completed at the expense of the owner or representative thereof.

Section 14. Whenever any lateral becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Township may direct. Each day after 7 days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Township may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the Township.

Section 15. The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt, or any mineral deposit from entering the public sewer system.

Section 16. In addition to any penalties that may be imposed for violation of any provision of this chapter, the Township may assess against any person the cost of repairing or restoring sewers or associated facilities damaged as a result of the discharge of prohibited wastes by such person, any may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the Township.

Section 17. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the TBWWB and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Board of treatment, subject to payment therefore by the industrial concern, providing the National Categorical Pretreatment Standards and the Facility's NPDES and/or State Disposal System Permit limitations are not violated.

Article VII

Section 1. Any person violating this provision is guilty of a misdemeanor and/or applicable State of Minnesota criminal offenses pursuant to Minnesota Statutes.

Article VIII

USER RATE SCHEDULE FOR CHARGES

Section 1. Each user of sewer service shall pay the charge(s) applicable to the type of service, and in accordance with the Breitung Water & Sewer Commission Public Utility Rate Sheet.

Article IX

POWERS AND AUTHORITY OF INSPECTORS

Section 1. Duly authorized employees or agents of the TBWWB or Township, shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the Township's sewer system in accordance with the provisions of this ordinance.

Section 2. The TBWWB or other duly authorized employees are authorized to obtain information concerning industrial processes which have direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential however, the industry must establish that the revelation to the public of the information in question, might result in an advantage to competitors.

Section 3. While performing necessary work on private properties, duly authorized employees of the TBWWB or Township shall observe all safety rules applicable to the premises established by the industrial user, and the industrial user shall be held harmless for injury or death to TBWWB/Township employees and the TBWWB /Township shall indemnify the industrial user against loss or damage its property by their employees and against liability claims and demands for personal injury or property damage asserted against the industrial user and growing out of the gauging the sampling operation, except as such may be caused by negligence or failure of the industrial user to maintain safe conditions as required in Article VI, Section 9 of this ordinance.

Section 4. Duly authorized employees and agents of the TBWWB or Township shall be permitted to enter all private properties through which the Township holds a duly negotiated license for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said license. All entry and subsequent work, if any, on said license, shall be done in full accordance with the terms of the duly negotiated license pertaining to the private property involved.

Article X

PENALTIES

Section 1. Any person found to be violating any provisions of this ordinance, shall be served by the Township with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Section 1 of this Article, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined up to the maximum amount for each violation. Each day in which any such violation occurs shall be deemed as a separate offense.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to the Board/Township for any expense, loss, or damage occasioned by the Board/Township by reason of such violation.

Article XI

Sewer Laterals

Section 2. CLERK'S AUTHORITY TO ENFORCE. The Township Clerk shall be charged with the administration of the sewer system and the enforcement of the provisions of this chapter as advised by a Township authorized agent.

Section 3. SEWER LATERALS, CLEANOUTS, AND CONNECTIONS.

- A. All laterals from the building wall to the sewer main are the property of the property owner of the connected building. The owner is responsible for all costs associated with lateral work and the Township will take the responsibility repairing the road or alley surface reconstruction. All property owners whose properties are connected to a sewer main or are otherwise connected to the township's sewer system by sewer lateral shall at their own expense maintain the sewer lateral in a fully functioning condition and ensure the lateral is free of cracks, leaks, inflow or infiltration of extraneous water, root intrusion or open joints. Frozen or clogged laterals between the main and the building are the responsibility of the property owner. Property owners shall ensure that laterals drain freely to the sewer main without excessive sags that collect grease and sediment. Whenever defective laterals are found, the property owner, at the sole expense of the property owner, shall repair or replace the lateral. Unusual repair circumstances costs will be evaluated on a case by case basis by the Breitung Board. The Township Representative shall determine the extent of the repair required. A more limited repair than complete replacement of the lateral may be permitted at the sole discretion of the Township Representative. The following requirements shall be met.
 - a. A replaced or repaired lateral shall not be covered or backfilled until it has been inspected by a representative of the Township.
 - b. All repaired or replaced laterals shall be brought into compliance with the requirements of Article 5 Section 11.
- B. No person, firm, or corporation shall break or cut into or connect to any sewer in any street, easement, or right-of-way in the Township under the control of the Township without first securing a permit so to do from the Township Representative. Prior to beginning work, detailed plans describing the work to be done shall be submitted to and approved by the Township Representative or his designee.
- C. Each property utilizing the township's sewer system shall have a separate lateral connected to the sewer main. Notwithstanding the foregoing sentence, branched, or common laterals shall be permitted only in the following instances:
 - a. Where a lateral is maintained by a homeowner's association or other entity that is party to a formal, recorded lateral maintenance agreement.
 - b. Where more than one building or other structure is situated upon the same lot, in which case all such buildings and structures may, by permit authorized by the Township Representative, be joined in the use of one connecting sewer; provided that the connection conforms in all other respects to the provisions

- of this title and a drawn plan of the joint connection be first submitted to and approved by the Township Representative.
- c. Where, in the opinion of the Township Representative, it is impossible or impractical to connect a building on a single lot to the main sewer except in conjunction with the connection of a building or buildings on other lots, a joint connection may be allowed, provided that the connection conforms in all other respects to the provisions of this title and a drawn plan of the joint connection be first submitted to and approved by the Township Representative. A permit for each individual lot covering the identification of the responsible party for maintenance and liability for maintenance and overflow damages shall be required.
 - d. Where two or more structures on separate parcels are connected to a branched or common lateral, each property shall be disconnected from the branched or common lateral and a new separate lateral shall be constructed upon the transfer of title of either property by sale.
- D. A cleanout approved by the Township Representative shall be installed and maintained, at the sole expense of the property owner, on all laterals. The installation of the devices shall be required as follows:
- a. When building a new structure on a property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;
 - b. As a condition of approval of any project that requires a building permit from St. Louis County.
 - c. One Month prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument, or writing;
 - d. Whenever the Township finds that a sewage spill emanating from a lateral has reached public property, including but not limited to a city street or the Township storm drain system, or has flowed onto private property owned by another property owner;
 - e. Whenever the Township finds that a sewage spill emanating from a lateral presents a threat to public health, even if it has not flowed across a property line.
- E. Backflow Valves.
- a. On laterals serving properties where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet above the rim of the nearest manhole or other sewer access point uphill from the point of connection of the lateral to the public sewer in any new or existing drainage system, approved types of backflow valves may be required by the Township Representative. The installation of the devices shall be required under the same circumstances as set forth in subsections D. (a) through (e), inclusive, of this section.
 - b. Where a backflow valve is required, the valve shall be installed in the lateral at the point of lowest elevation of the ground surface along the alignment of the lateral, or at such other location as is permitted by the Township, providing

- that any such location, the elevation of the ground surface is not less than two feet below the lowest trap served by the building sewer.
- c. The backflow valve shall have cleanouts directly upstream and downstream of the valve. The cleanouts shall be connected to the lateral by means of wye fittings. The backflow valve shall be accessible from the surface and protected by the use of precast access box of concrete or heavy-duty plastic approved by the Township Engineer.
- d. The cleanouts shall be positioned at an elevation at least three inches above the ground in order to prevent the obstruction of the vent opening or the inflow of surface water.
- F. Any owner whose property meeting the elevation criteria of this section that has no backflow valve, or has a defective or improperly installed backflow valve, shall be responsible for all damage that results from the lack of such a device, or the failure of the defective or improperly installed device to prevent such damage.

Section 4. INSPECTIONS AND REPAIRS OF SEWER LATERALS.

- A. Property owners shall provide to the Township a report of the results of an inspection of, the laterals on their property prepared by Township Staff based on availability or a licensed plumber or inspection service using closed circuit television (CCTV) inspection or other inspection or test method approved by the Township Representative, and if found defective, repair the lateral, as follows:
 - a. When building a new structure on property with an existing lateral, or when otherwise proposing to connect a previously unconnected structure to an existing lateral;
 - b. As a condition of approval of any remodel project that requires a building permit from St. Louis County.
 - c. One month prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument, or writing;
 - d. Whenever the Township finds that a sewage overflow emanating from a lateral presents a threat to public health, even if it has not flowed across a property line. In the absence of a specific deadline, all inspection and testing work shall be completed within sixty days of notification by the Township that such inspection is required. Existing laterals shall not be used if they are found to be defective by the inspection or if they fail Township mandated tests or if they were constructed of materials deemed unacceptable by the Township Representative.
 - e. The Township retains the right to inspect any lateral.
- B. As part of its periodic construction and maintenance of sewer mains, the Township may discover defective laterals. The Township may order the property owner to conduct an inspection, repair, or replacement of any lateral that the Township knows or reasonably suspects to be defective.
- C. The lateral shall be considered defective if it has any of the following conditions: displaced joints, root intrusion, substantial deterioration of the lines, damaged clean-out, defective clean-out, inflow, infiltration of extraneous water, or other conditions

- likely to substantially increase the chance for a lateral blockage, or if, within a period of one year, a lateral suffers two or more blockages resulting in overflows.
- D. In the absence of a specific deadline established by the Township Clerk, all repair or replacement work shall be completed within ninety days of notification by the Township that such repair or replacement is required.
 - E. Roots, grease, or other material which have accumulated in a lateral cleaned or maintained shall be prevented from entering the sewer main during the maintenance or repair of the lateral. In the event that material is permitted to enter the main causing or contributing to the cause of a sewage spill, the property owner and/or contractor performing such maintenance work, in addition to any criminal penalties imposed, shall be held civilly liable to the city for any fines or other expenses incurred by the Township resulting from the spill.
 - F. The Township shall have the authority to recover from a property owner the Township's expenses incurred in responding to sewer overflows on private property. In addition to any actual expenses incurred by the Township resulting from an overflow, the Township may impose civil administrative penalties against a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, according to the following schedule:
 - a. See Fee Schedule for the first violation.
 - b. See Fee Schedule for a second violation occurring within three years after the first violation.
 - c. See Fee Schedule for each additional violation within a three-year period exceeding two violations.
 - G. The Township Clerk shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this section that exceeds the direct costs of the Township upon a showing by the property owner of severe financial hardship, or upon a showing that the property owner has satisfactorily repaired the lateral to a degree sufficient to ensure avoidance of further violations.
 - H. The provisions of this section shall not be construed to require or obligate the Township to enter into a reimbursement agreement if, in the sole discretion of the Township Board, to so enter into the agreement would not be in the best interests of the Township or would be detrimental to the health, safety, or welfare of the Township.

Section 5. CAPPING OF SEWER.

- A. Prior to the demolition of a building with sewer access or abandonment of sewer lateral, the property owner is responsible for capping of the sewer by a licensed plumber.

Article XI

VALIDITY

Section 1. This ordinance shall be in full force and take effect from and after its passage and approval and publication as provided by law.

Section 2. All other ordinances and parts of other ordinances inconsistent or in conflict with any part of this ordinance, are hereby repealed to the extent of such inconsistency or conflict.

Article XII

PROHIBITED DISCHARGES INTO THE SANITARY SEWER SYSTEM

Section 1.

- A. The discharge of water from roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation into the Township sewerage system results in flooding and overloading of the sewerage system. When this water is discharged into the sanitary sewer system it is treated at the sewage treatment plant. This results in very large and needless expenditures. The Town Board, therefore, finds it in the best interest of the Township to prohibit such discharges.

Section 2. Discharge Prohibited.

- A. Except as otherwise expressly authorized in this Section, no water from any roof, surface, groundwater sump pump, footing tile, swimming pool, or other natural precipitation shall be discharged into the sanitary sewer system. Dwellings and other buildings and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year-round discharge capability to either the outside of the dwelling, building, or structure, or is connected to Township storm sewer or discharge through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge.

Section 3. Disconnection.

- A. Any person having a roof surface, groundwater sump pump, footing tile, or swimming pool now connected and/or discharging into the sanitary sewer system shall disconnect or remove same. Any disconnects or openings in the sanitary sewer system shall be closed or repaired in an effective, workmanlike manner.

Section 4. Inspection.

- A. Every person owning improved real estate that discharges into the Township's sanitary sewer system shall allow an employee of the Township or a designated representative of

the Township to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the Township inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this ordinance.

Section 5. Future Inspections.

- A. Each sump pump connection identified will be reinspected as needed.

Section 6. New Construction.

- A. All new dwellings with sumps shall have a pump and shall be piped to the outside of the dwelling.

Passed by the Breitung Township Board of Soudan, Minnesota on the .

Timothy Tomsich
Chairman

Attest:

Amber Zak
Township Clerk

Published in the XXXXX, MONTH DAY YEAR

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

WHEREAS, Breitung Township is authorized to accept and maintain donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens; and

WHEREAS, the following persons and entities have offered to contribute the donations set forth below to the township:

WHEREAS, the terms or conditions of the donations, if any, are as follows:

WHEREAS, all such donations have been contributed to the township for the benefit of its citizens, as allowed by law; and

WHEREAS, The Township Board finds that it is appropriate to accept the donations offered.

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

1. The donations described above are accepted and shall be used in accordance with noted terms or conditions either alone or in cooperation with others, as allowed by law.
2. The town clerk is hereby directed to acknowledge to each donor the town's acceptance of the donor's donation.

Adopted by the Town Board of Breitung Township on April 28th, 2024. Chairman Tim Tomsich, Supervisor Matthew Tuchel and Supervisor Erin Peitso

Ayes:
Nays:

Approved: Chairperson

Attested: Clerk

Timothy Tomsich – Chairman

Amber Zak - Clerk

RESOLUTION APPOINTING ELECTION JUDGES 2024-17

WHEREAS: Minnesota Statutes § 204B.21 allows Breitung Township to appoint election judges;

WHEREAS: Minnesota Statutes § 204B.19, subdivision 2 requires that an election judge (1) can read, write, and speak the English language, (2) is not the spouse, parent, child, or sibling of any election judge serving in the same precinct or any candidate of the election, (3) is not domiciled, either permanently or temporarily with any candidate at the election, or (4) is not a candidate in the election;

WHEREAS, the base number of required election judges for an election in Minnesota under Minnesota Statutes § 204B.22 has been determined to be a minimum of (4) Four for the precinct of Breitung Township ;

WHEREAS, the clerk recommends election judges due to the anticipated voter turnout, election judge availability, and necessity of maintaining party balance at all times during the day; and

WHEREAS: the following list of judges fulfills the requirements listed in Minnesota Statutes § 204B.19, subdivision 2:

Jorgine Gornick

Randy Winkler

Teresa Doliner

Cindy Zollar

Dianna Sundahl

Katy Popesh

Kathleen Zavodnik

Stephanie Ukkola

Miranda Kishel

Renee Pearson

Trudy Hendricks

Laurie Anderson

Sally Turk

Corrine Hill

Jayne Sundeen

WHEREAS: under Minnesota Statutes § 204B.21, subdivision 2, a resolution is mandatory if the appointment of the election judge is within 25 days of the election in which the election judge will serve.

WHEREAS: 08 / 13 /2024 is the date of the election in which the election judge is to serve;

NOW, THEREFORE BE IT RESOLVED: the Town Board of Breitung Township hereby appoints the following election judges as eligible to serve in the Minnesota Primary Election on August 13th, 2024, pending completion of their training and otherwise qualifying for the office:

Jorgine Gornick

Randy Winkler

Teresa Doliner

Cindy Zollar

Dianna Sundahl

Katy Popesh

Kathleen Zavodnik

Stephanie Ukkola

Miranda Kishel

Renee Pearson

Trudy Hendricks

Laurie Anderson

Sally Turk

Corrine Hill

Jayne Sundeen

BE IT FURTHER RESOLVED: the Town Board of Breitung Township hereby authorizes any election judge to be compensated as required by Minnesota Statutes § 204B.31, in an amount set by the Town Board at their regular hourly rates for the clerk and deputy clerk and at \$ 15.00 per hour for all other trained election judges, which is not less than the prevailing Minnesota minimum wage, (plus meals the day of the election);

BE IT FURTHER RESOLVED: the Town Board of Breitung Township hereby authorizes the Town Clerk to add additional election judges as needed and allowed by Minnesota Statutes § 204B.21.

Passed this 20th day of June, 2024

BY THE BREITUNG TOWN BOARD: Chairman Tomsich, Supervisor Peitso, Supervisor Tuchel

Ayes:

Nayes:

Tim Tomsich, Town Board Chair

Attest:

Amber Zak, Township Clerk

RESOLUTION APPOINTING ELECTION JUDGES 2024-18

WHEREAS: Minnesota Statutes § 204B.21 allows Breitung Township to appoint election judges;

WHEREAS: Minnesota Statutes § 204B.19, subdivision 2 requires that an election judge (1) can read, write, and speak the English language, (2) is not the spouse, parent, child, or sibling of any election judge serving in the same precinct or any candidate of the election, (3) is not domiciled, either permanently or temporarily with any candidate at the election, or (4) is not a candidate in the election;

WHEREAS, the base number of required election judges for an election in Minnesota under Minnesota Statutes § 204B.22 has been determined to be a minimum of (4) Four for the precinct of Breitung Township ;

WHEREAS, the clerk recommends election judges due to the anticipated voter turnout, election judge availability, and necessity of maintaining party balance at all times during the day; and

WHEREAS: the following list of judges fulfills the requirements listed in Minnesota Statutes § 204B.19, subdivision 2:

<u>Jorgine Gornick</u>	<u>Katy Popesh</u>	<u>Trudy Hendricks</u>
<u>Randy Winkler</u>	<u>Kathleen Zavodnik</u>	<u>Laurie Anderson</u>
<u>Teresa Doliner</u>	<u>Stephanie Ukkola</u>	<u>Sally Turk</u>
<u>Cindy Zollar</u>	<u>Miranda Kishel</u>	<u>Corrine Hill</u>
<u>Dianna Sunsdahl</u>	<u>Renee Pearson</u>	<u>Jayne Sundeen</u>

WHEREAS: under Minnesota Statutes § 204B.21, subdivision 2, a resolution is mandatory if the appointment of the election judge is within 25 days of the election in which the election judge will serve.

WHEREAS: 11 / 05 /2024 is the date of the election in which the election judge is to serve;

NOW, THEREFORE BE IT RESOLVED: the Town Board of Breitung Township hereby appoints the following election judges as eligible to serve in the Presidential Election on November 5th, 2024, pending completion of their training and otherwise qualifying for the office:

<u>Jorgine Gornick</u>	<u>Katy Popesh</u>	<u>Trudy Hendricks</u>
<u>Randy Winkler</u>	<u>Kathleen Zavodnik</u>	<u>Laurie Anderson</u>
<u>Teresa Doliner</u>	<u>Stephanie Ukkola</u>	<u>Sally Turk</u>
<u>Cindy Zollar</u>	<u>Miranda Kishel</u>	<u>Corrine Hill</u>
<u>Dianna Sunsdahl</u>	<u>Renee Pearson</u>	<u>Jayne Sundeen</u>

BE IT FURTHER RESOLVED: the Town Board of Breitung Township hereby authorizes any election judge to be compensated as required by Minnesota Statutes § 204B.31, in an amount set by the Town Board at their regular hourly rates for the clerk and deputy clerk and at \$ 15.00 per hour for all other trained election judges, which is not less than the prevailing Minnesota minimum wage, (plus meals the day of the election) ;

BE IT FURTHER RESOLVED: the Town Board of Breitung Township hereby authorizes the Town Clerk to add additional election judges as needed and allowed by Minnesota Statutes § 204B.21.

Passed this 20th day of June, 2024

BY THE BREITUNG TOWN BOARD: Chairman Tomsich, Supervisor Peitso, Supervisor Tuchel

Ayes:

Nayes:

Tim Tomsich, Town Board Chair

Attest:

Amber Zak, Township Clerk

Notice of Breitung Township Continuation of Annual Meeting

Breitung Community Center, 33 First Avenue, Soudan, MN
Breitung Township
St. Louis County, MN

Notice is hereby given to the qualified voters of Breitung Township, County of St. Louis, State of Minnesota that the continuation of the Annual Town Meeting held March 12, 2024 will be held on Thursday, August 15, 2024 immediately following the Regular Town Board Meeting at:

Breitung Community Center, 33 1st Avenue, Soudan, MN 55782

In case of inclement weather, the meeting may be postponed until August 22, 2024 at 6:00 PM.

The Annual Meeting will commence at 7:00 PM to conduct all necessary business prescribed by law.

Amber Zak
Town Clerk, Breitung Township
Dated the 1st day of August 2024