

MINUTES
EAGLES NEST TOWNSHIP
BOARD OF SUPERVISORS MEETING
April 20, 2021

Meeting was held by teleconference
Chair Floyd called the meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.

Sup Richard Floyd, Sup DeAnn Schatz, Sup Kurt Soderberg, Sup Skip Carlson, Sup Frank Sherman, Fire Chief Larry McCray, Clerk Keely Drange, and Treasurer Mary Beth Monte were in attendance.

Roll call votes are taken and unless otherwise stated, all motions carried unanimously.

Agenda, Minutes and Communications List Approval

Sup Soderberg moved, seconded by Sup Sherman to approve the agenda, for the April 20, 2021 Meeting. Motion carried.

Sup Soderberg moved, seconded by Sup Floyd to approve the minutes as revised of the March 16, 2021 BOS meeting. Motion carried.

Communications List: Sup Floyd moved, seconded by Sup Schatz to approve the Communications List. Motion carried.

Citizens' Concerns:

Valerie Myntti asked on behalf of the Eagles Nest Seniors (ENS) when the board would be opening up the hall again. Sup Floyd felt that at this time there is not enough information on the COVID 19 situation to open up the hall. He stated that it would be acceptable for ENS to meet outside in the parking lot.

Reports

Clerk: Clerk discussed the establishment of a new reimbursement form to ensure that a purchase was properly coded for and it was clear who will be receiving the reimbursement. The reimbursement form is to accompany a purchase slip or receipt.

Treasurers Report: A monthly report was made by Treasurer Mary Beth Monte who presented and explained the following: Payroll and Claims List for Approval. Mary Beth discussed how the Clerk's and Treasurer's report does not match the bank statement by \$29.56 due to Emma Hutchinson's check never being received. The check was voided prior to cash control statement being run. The check has been reissued to Emma Hutchinson in this month's check run. Sup Soderberg moved to approve the treasurer's report, seconded by Sup Schatz. Motion carried.

Claims and payroll:

Claims and payroll were reviewed.

Claims of \$11,118.41 Claim # 4213-4238 Checks #'s 10148-10172

Payroll of \$3,559.85 Checks #: 10133, 10135-10147 (Voided check due to PERA 10134)

Sup Floyd moved to approved the payroll and claims and Sup Schatz seconded. Motion Carried.

Fire: Fire report available on file.

Sup Schatz explained that anyone who has comments or concerns regarding the fire department should reach out to her.

Building and Grounds:

Doug Siverhus has resigned as Eagles Nest maintenance and grounds keeper. The township is looking for a new maintenance person. Later in the conversation Sup Schatz stated she had found someone who is interested in the position and would pass along that persons contact information to Sup Carlson.

Mounting the Library box on the side of the lower hall was discussed. Sup Carlson was going to look into mounting options and possible reinforcement of the wall in the lower hall to hang the box up from the ground where it is now.

There is a leak in the lower fire hall. It is leaking through the bathroom light fixture. Sup Carlson will look into options and price ranges to repair or replace the metal roof.

There is a leak in the faucet in the women's bathroom. Sup Carlson will have it repaired when a new maintenance person is on board.

Roads:

Weather has delayed road grading. Grading will take place within the next few days.

Mr. Renner had concerns about a washout located on Dorem Drive. Doug Siverhus, who lives near the end of the road, has not seen where the wash out is located.

Land, water and website:

Report available.

The parcels formerly owned by Breitung Township will become ours with a Quit Claim deed completed. After that we may need to vacate a road on those parcels if deemed appropriate.

Emergency Preparedness: Nothing at this time.

Old Business:

Resolution for the acceptance of Spruce street.

Sup Floyd opened with the purpose of the road:

- 1) To provide egress and evacuation in the event of an emergency for residents on Eagles Nest lakes One, Two and possibly Three.
- 2) To provide the fire department a location for water extraction for the engine and tender.
- 3) If parkland is accepted, Spruce Street will provide access to this area.

Sup Floyd stated that the parkland is related to the road but is a separate issue and the road itself stands alone.

Sup Floyd detailed the cost to build the road is \$33,026. There may be other minor associated costs. Two permits from St. Louis County for right-of-way access and land alteration will be needed. These permits may cost up to \$100. Possible attorney fees for eminent domain petition, hearing and the assistance of an attorney to help the township through that process. Sup Floyd allotted \$2000 for those attorney fees. If parkland is utilized for a turn around the township will need a surveyor's description of that land that is used and a surveyor will be needed to stake the right-of-way. The estimated costs for survey work is \$750.

Sup Floyd explained the rules for meeting attendees whom wished to speak regarding Spruce Street.

1. Take names of those who wish to speak
2. Allow 1 minute, *no more*, for each speaker; mute at 60 seconds (with 10 sec. alert)
3. After all have spoken, ask for any other speakers, add to list, and allow 1 minute each

4. After all initial input, allow 30 seconds for each speaker to respond to others' remarks
Speakers will be called on in reverse order to speak.
List of Speakers:

Ellie Fuller
Percy White
Dave Kromer
Diane Kromer
Jodi Vest
Chris McCray
Nita Utterback
Mike Musich
Amy Kromer
Larry Anderson

Sup Floyd reminded citizens on the phone that even if their time to speak was short in this meeting they had a month to submit comments and concerns in writing.

There were approximately 100 written responses from people regarding Spruce street.

Sup Floyd explained that residents should understand they are choosing to live in an area where there is a wildfire risk and that is their choice to live in a high-risk area.

Sup Floyd presented a map with possible escape routes via Spruce Street. He explained the different zones on the map and what zones (areas where residents live) would benefit from Spruce Street egress. He also explained historical wind patterns and which way they come from at what time of year. This explanation details the risk to residents, based on where they live, at different times of the year.

Sup Floyd detailed maintenance on Spruce Street (plowing, grading etc)., The proposed Spruce Street is approximately 700ft. Sup Floyd explained the formula he used to calculate the maintenance cost for Spruce Street and that 1.6% of the roads budget would be used to maintain Spruce Street (that is a high estimate). Sup Floyd stated that 1.6% of the roads budget averaged from 2019 to 2022 equates to approximately \$650 a year.

Sup Floyd explained the road will be easy to build as it is relatively flat, straight and approaches Bear Head State Park Road at a 70-degree angle. He believes it is a very good location for the road.

Sup Floyd and Sup Soderberg did a site visit to Sunshine Lane and believe that this would not be a good alternative location for a fire department water extraction site or site of egress for two reasons. Reason one is that there are areas that are too narrow for two fire trucks or vehicles to pass one another. Reason number two it is a steep drop to the lake and it would be difficult for a heavily weighted vehicles (engine filled with water) to get up the hill.

A concern had been voiced that Fire Chief McCray had a conflict of interest in supporting opening of Spruce Street because it would increase the value of his property, a back lot on the plat. Sup Floyd contacted the St. Louis county tax assessor and the assessor stated that a back lot having access to a lake via Spruce street would not directly increase the property value of that back lot. This would not increase Fire Chief Larry McCray's property value.

Sup Floyd asked Fire Chief McCray about the capacity of the fire engine and tanker in the event of a wildfire or structure fire. The Fire Chief explained that carrying capacity of the new engine is 1,000 gallons and tender 4 carries 1,800 gallons. There are 3 static water tanks throughout the township. Tanks are located on Trygg Road, Swanson Shores and one by the lower hall and each has a 10,000-gallon capacity. Chief McCray explained that a 30x40 cabin needs 400 gallons of water per minute to fight the structure fire. Anything less would not be adequate. Between the tender and the engine, we have the capacity to carry 2,800 gallons to the scene. That gives the fire department 4.5 minutes of the appropriate

gallons per minute to fight the fire. Since we have to truck water to a fire scene, minimal drive time is critical to getting enough water to be effective with fire suppression. The Spruce Street water extraction site is centrally located and in close proximity to the fire hall. This will help to reduce the drive time to and from a water source to the scene of a fire. Chief McCray is looking around the township for other water extraction sites and has found a few additional places on private land.

Sup Floyd detailed that the acceptance of Spruce Street in the township is not an unpopular concept. Sup Floyd counted the written response to the acceptance of Spruce Street and found there was 78 in favor of acceptance and 19 opposed to the acceptance.

Sup Floyd explained that it is very hard to put a dollar amount on human life and that the construction and other associated costs with the building and maintenance of Spruce Street seems like a small price to pay to save lives.

Sup Floyd detailed the specs for the T turn around on the parkland a 24-foot wide top and would extend 40 feet beyond the right-of-way boundary. That would give the township 80 feet on each side totaling 166 feet. Sup Floyd believes that the turn around could be smaller. Spruce Street would need to have a turn around to have a place for the snow to go in the winter time.

Supervisor thoughts on the acceptance of Spruce Street:

Sup Carlson spoke with Jeff Schulze and he has a new grader with a 14-foot-wide blade. Sup Carlson feels that with the new blade Jeff Schulze may have trouble crowning the road properly. Sup Carlson has noted that there are attorneys for and against this proposal and he is wondering which lawyer we believe. He feels that this issue will go to court and we cannot foresee how much this will cost the township. Sup Carlson stated that he is not against protecting lives and safety. However, he thought that this road isn't needed for what it is being proposed for.

Sup Soderberg stated that he thinks this is a very good proposal. He feels that the township should believe the attorney that represents us and that our attorney has said that we are within our rights to accept this road. Sup Soderberg feels that we should pass this resolution and move forward.

Sup Sherman stated that he has done a site visit to both the proposed Spruce Street and Sunshine Lane, he has read all correspondence from attorneys, and citizens against and for the proposal. He also feels that the adjacent residents to the platted road knew that this was a possibility the road could be accepted and built. The purpose and benefit for this road is to increase capacity for the fire department to protect lives. This will also benefit the township in providing a point of egress for residents in the event of an emergency. If we are litigated against that is the choice of the people who are unhappy with this decision and it does not have come to litigation. Litigation is a choice that those people choose to make and it has nothing to do with the validity of their arguments, legally. Litigation shouldn't intimidate the board from making a decision it feels is in the best interest of its residents.

Sup Schatz detailed an experience she had being locked into her residence with no way out. It upsets her that it has to come to litigation. The acceptance of this road is not for any one individual's pleasure this is for the safety of the township. She stated that everyone buys property not knowing what will happen and that things change. She supports the fire department and thinks that the acceptance of Spruce Street is a good decision. She thanked everyone for participating this evening.

Sup Floyd addressed two questions from participants in the meeting. There will be no special assessment for this proposal and there is money in the budget for building this road. The road will be built down the centerline of the right-of-way. The right-of-way will be staked and the contractor will work off of the staked right-of-way.

Sup Floyd made two amendments to the resolution. In the 6th Whereas clause the word abandoned was replaced with vacated. Sup Floyd moved for this amendment change and Sup Soderberg seconded the change. Sup Carlson voted nay. Sup Floyd, Schatz, Soderberg and Sherman voted aye. Motion carried.

Sup Floyd moved and Sup Soderberg then seconded an amendment to a change in the specs for the T turn around on the parkland. The new specs are that the Township of Eagles Nest shall build and maintain a gravel road with a 18-foot driving surface over the platted Spruce Street between Bear Head State Park Road and Eagles Nest Lake Number 1. The second part to add to the resolution is that a T turn-around with a 24-foot-wide driving surface and extending 20 feet beyond each right-of-way boundary line be built at the lake end of the road, contingent upon reallocation of a portion of the adjacent dedicated park land. Sup Sherman, Schatz, Soderberg, Floyd voted aye and Sup Carlson nay. Motion carried.

Sup Floyd moved and Sup Schatz seconded the resolution to support the motion on the acceptance of Spruce Street as amended. Sup Floyd, Schatz, Soderberg and Sherman voted aye and Sup Carlson voted nay. Motion carried.

Sup Sherman discussed the Resolution Adopting Discrimination and Harassment Policy and how after reviewing literature from the Minnesota Association of Townships it is recommended that our township adopt this policy. This policy will establish a code of conduct and a mechanism to punish discrimination or harassment should it occur. Sup Sherman moved and Sup Carlson Seconded the Resolution Adopting Discrimination and Harassment Policy. Motion carried.

New Business:

Sup Sherman stated that a conflict-of-interest resolution needed to be competed since he is in a paid position with the fire department and a township supervisor. Sup Soderberg moved and seconded by Sup Floyd seconded approval of Resolution Authorizing Contract with Interested Officer Under Minn. Stat. § 471.88, subd. 6. Sup Floyd, Schatz, Soderberg and Carlson voted aye. Sup Sherman abstains. Motion carried.

Supervisor Concerns: None at this time

Adjournment:

Sup Floyd moved, seconded by Sup Soderberg to adjourn. Motion carried.
The meeting adjourned at 9:08 PM.

Respectfully submitted,

Keely Drange, Clerk