

MINUTES
EAGLES NEST TOWNSHIP
BOARD OF SUPERVISORS MEETING
AUGUST 17, 2021

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 Frank Sherman, Clerk Keely Drange, Treasurer Mary Beth Monte and Deputy Treasurer Gwen Potter were in attendance.

Unless otherwise stated, all motions carried unanimously.

Agenda

Sup Floyd moved, seconded by Sup Soderberg to approve the agenda, as amended for the August 17, 2021 Meeting. Motion carried.

New Business:

ATV Task Force

Sup Floyd started by clarifying misinformation regarding the township and ATVs.

- 1) The township is not planning on or ever intended to ban ATVs from the township.
- 2) The township does not oppose ATV use on county or township roads.
- 3) The task force established was to give the township recommendations on how to carry out the resolution regarding ATV routing adopted at an earlier meeting by the township. The board has not been "swayed" by the task force one way or another. Tonight's meeting is the first time the recommendations are being discussed and will be voted on. No decision on the recommendations have been made.
- 4) The township is not concerned with the Taconite Trail between Ely and the Beaver River.
- 5) The board is trying to protect the things Eagles Nest residents value such as safety and quiet at the top of the list.

The resolution passed by the board will not be discussed at this meeting. The resolution has been passed and it will not be revisited.

The board supports the southern route of the ATV trail running from Ely to the -Beaver River and over to Tower.

Sup Floyd suggested that they read through the task force recommendations and assign each recommendation to a board member to work on before the next board meeting.

- 1) Letter to ATV Club and Minnesota ATV Association

Ron Potter with ATV Club explained that trail 4 (as shown on the map) has been given that number as a designation so that riders can find their way around by using numbers on the map. It has not been designated a trail in the state grant-in-aid program. The club would propose that it be put into that program in order to get funding to maintain that route. The number "4" can be taken off the map but the route can still be shown as it is still a legal route for riders to use.

If it became illegal to ride on Swanson Shores then Trail 4 as it is shown on the map would no longer be correct.

The DNR has stated they would support the township and not open up the Taconite trail west of the Park.

Ron Potter stated that there are other options if the township chooses to block trail 4. He would like the township to work with the club rather than against it. Mr. Potter would have liked it if the club had been invited to participate in the ATV task force that the township put together.

Sup Sherman stated the township is the road authority and that means the township can place restrictions on township roads, by resolution, and can prohibit the use of ATVs on township roads. With an ordinance it can grant a permit to make township roads part of a corridor access trail.

Mr. Potter explained that the club came to the township seven years ago and the township claimed to not be interested in participating in the development of the trails. The club is willing to work with the township on viable trail options but it is not willing to give up a northern route.

Sup Soderberg moved and Sup Floyd seconded that a letter be drafted to the ATV Association of Minnesota and the Prospector ATV club explaining that the township did not approve the use of the township roads for an ATV trail, to remove the trail 4 designation on the club maps and that the club post to its members that the proposed route is not a corridor access trail at this time.

Sup Sherman would like to amend the language specifying that the proposed route is a corridor access trail. He would like to see it specified as no ATV trail at all. Sup Soderberg will be willing to draft that letter.

The motion to draft a letter to the ATV Association of Minnesota and the Prospectors ATV club with amendments and the recommendations of the ATV task force was approved unanimously.

Sup Floyd suggested that the board keep going through the list of ATV task force recommendations and discuss each recommendation and which to approve and not approve.

Sup Floyd moved and Sup Soderberg seconded the approval of the second item on the recommendation list to develop a road ordinance. This ordinance will define what township roads will be used for and what they are not used for. Sup Floyd thinks that having an ordinance on the books is a good idea. It will mean that the township will have an ordinance in the books to refer to if there is a problem in the future. There may be information in the ordinance pertaining to ATV use. This may take a few months to develop this ordinance. Motion passes.

The third item on the recommendation list is to close all ATV trail access from township roads. Sup Soderberg pointed out that there are many areas to access ATV trails throughout the township and that saying the township will close all access may be way too much. Sup Soderberg stated that this may apply to two or three locations but not all. Sup Soderberg stated that this would be overreach by the township if we closed all access to ATV trails.

Sup Floyd clarified that this recommendation pertains to ATV access to an official ATV corridor access trail.

Jonas Runquist, of the ATV task force, also clarified that this recommendation can be amended to apply to specific roads that access ATV trails and does not need to apply township wide. The ATV task force was thinking specifically about the two trail access routes mentioned by Sup Floyd (Migisi RD and Swanson Shores RD).

Sup Soderberg has stated that he changed his mind about working with the ATV club to gain ATV access on the Taconite trail through the park. He thinks that the township should work with the club in gaining access through the park. If ATV use through the park is approved then ATV access on Swanson Shores and Migisi Road would be only by our residents to access the trail.

Sup Sherman stated that he sees no reason why the board should act on recommendation number three at this meeting. Recommendation number three may be the final action by the board if the township cannot come to some sort of resolution with the ATV club.

Sup Schatz agrees with Sup Sherman. She feels that once you close roads then it is all over. Sup Schatz stated that if Mr. Potter says the club has other options, then the township should work with the club to develop those options. She stated that recommendation number three should be "put on the back burner" for now.

Sup Floyd stated that for the time being recommendation number three will be on hold.

Recommendation number four in regards to ATV signage will state which township roads are not designated as a corridor access route and signs that designate which way to go. The signs would be placed after a decision has been made on what the designated route would be. Sup Floyd has assigned himself to this recommendation as he is the roads supervisor and has access to signage.

Recommendation number five which is the township acquiring the gravel section of Walsh Road from St. Louis County. Sup Floyd stated it is very likely that county would be willing to give that section of the Walsh Road to the township for maintenance. The task force's reasoning behind this recommendation is to give the Township a longer stretch of road in which to maintain control of its use. Sup Floyd recommends putting this recommendation in abeyance and take it up at a later time.

Recommendation number six to restrict ATV use on township roads to local traffic only. Sup Floyd explained that this recommendation will take legal counsel to make sure it is legal for the township to do and how to draft an ordinance to make that happen.

Sup Schatz asked how we would enforce that recommendation. Sup Floyd explained that it would be a challenge to enforce that recommendation because the township does not have a township constable. A township constable is law enforcement for a township and Eagles Nest does not have one.

Mr. Runquist, from the task force, clarified that this recommendation was not necessarily to be put into place to restrict access but more that the rules should be researched to find out the legality of such a recommendation if a problem should arise from future ATV issues. He doesn't feel that at this point it is necessary to put this recommendation in place.

Sup Sherman stated that this recommendation would likely be merged in any discussions that the township would have with legal counsel while an ordinance was developed. While developing the ordinance we can find out if recommendation number six is even legally possible.

Sup Soderberg explained that this recommendation should be merged with the ordinance because different roads within the township may have different issues and may be handled differently from road to road. This recommendation would need be crafted in a way that it is applicable to all township roads within Eagles Nest.

Recommendation number six will be merged with recommendation number two (development of a township road ordinance).

Sup Sherman is assigned to development of the ordinance (recommendation number 2 and 6).

Recommendation number seven is for the township to "lobby" St. Louis County to modify Ordinance 64 to include towns and townships to have a say in road use for roads in their governance. The modification would include getting township approval for road use on roads within the township for any ordinance that the county is considering.

Sup Floyd stated that this would be a recommendation that the township would get the Minnesota Association of Townships involved with.

Sup Soderberg asked the task force to explain the Aitkin County ordinance.

Mr. Runquist explained that currently only the county can issue permits for an ATV trail. However, the

modification of this ordinance would ensure that a city/town/township would be a part of that decision-making process when the ATV use would run through their jurisdiction. In Aitkin County an ATV club is not allowed to apply for a permit for an ATV trail. Only a city/town/township and the County are involved in the decision-making process. Mr. Runquist said that Aitkin county's example is fairly restrictive and he does not think that we should suggest such a restrictive example.

Sup Sherman explained that St. Louis County will not issue a permit for an ATV trail to a club unless the club gets a resolution from the city that it agrees to allow the trail. Sup Sherman clarified that what the task force is asking is that St. Louis County include in Ordinance 64 that it will not issue a permit to an ATV club unless an affected township agrees to allow the trail to run through it.

Sup Soderberg stated that Harold Langowski, who is a seasonal resident in the township and works for the city of Ely and does this type of work. He thinks that the township could consult with him to see what Ely has done in regards to the ATV trail through Ely.

Sup Sherman would be in support of the township requesting the county amend ordinance 64 along the lines of what the task force has suggested. Sup Floyd stated that it appears there is a consensus from the board for go forward with recommendation number seven.

Recommendation number eight was that the task force considered a proposal for the township to support the ATV club to be allowed to use ATVs within a small strip of Bear Head State Park that contains the Taconite trail and connects to the Taconite west of the park. The recommendation of the task force was to not support ATV use within the park.

Sup Soderberg suggests that the township take out the section in our previous resolution that opposes the use of the Taconite trail through the park for ATVs. This would be to support negotiations with the ATV club so that they are in good faith and can go forward with that option or explore other options.

When asked two residents from Swanson Shores verbally objected to the Taconite trail through the park being used as an ATV trail. They cite the main reason for their objection is the noise from ATVs. Sup Floyd responded by stating that Ron Potter pointed out a meeting or two ago that leaves from trees might muffle some of the noise from ATVs in the summer. In the winter windows are closed and block some noise from the snowmobiles.

Sup Soderberg asks Ron Potter if there are studies that have been done on the noise from ATVs and how far that noise travels. Mr. Potter stated that studies have been done. When he previously worked for the DNR and built the Virginia OHV site the DNR hired an acoustic engineer. He worked across the country participating in audio emission discussions. Mr. Potter explained that ATVs can't legally be more than 99 decibels loud at a 20-inch half throttle that is a measurement up close to the engine at a high rpm from an ATV. If you take that sound from 475 ft. away it will register at 41 decibels. That is the level of normal room conversation and is well within Minnesota Pollution Control Agency (PCA) standards. Mr. Potter explained that for most of that trail noise is not an issue as he is the closest to the Taconite trail in the park. Most of the Taconite in the park is at least a quarter to a half mile away from the nearest residents.

Jonas Runquist, from the task force, stated the reasons the task force was opposed to the Taconite being opened up to ATVs. He stated that they feel that it "chips away" at our state park. If the ATV use is allowed on the non-motorized trail the State of Minnesota is giving up more and more of its park's non-motorized trails. It also sets a precedent for other state parks and other non-motorized trails. If that trail is opened up to ATV use in the park you open up Walsh road and Swanson Shores to be used by non-residents as a short cut to access the trail.

Sup Soderberg stated that it is not a short cut to access the trail from that way. No one looking for direct access to the Taconite trail will come through that part of the township. That route is not shorter. It would only be residents who would use these roads to access the trail. Sup Soderberg explained the he thinks that this [Taconite trail through the Park] is the best option.

Sup Sherman wanted to point out that he heard at the County Meeting at Fortune Bay that the State

Legislators said that this trail route through the park would not happen.

Sup Soderberg stated that he heard that from the State Representative, Rob Eklund, and the County Commissioner, Paul McDonald, that "it would be a heavy lift" to get the ATV use through the park allowed. It would take legislation to get it done. They suggested that the township promote the southerly route as the solution. They did not say it couldn't be done.

Sup Floyd stated that he wasn't sure if Representative Eklund seemed willing to try to get ATVs in the park approved.

Sup Schatz stated that she did say to Jonas before getting the task force together that you should invite someone from the other side to be a part of the task force. She didn't understand why Mr. Potter wasn't invited to be a part of the task force. When putting together a task force you should hear from both sides.

Sup Soderberg moves and Sup Schatz seconds that the clause where the township opposes the use of the Taconite trail for ATVs through the park be removed from the last resolution at the current time.

Sup Floyd stated that he is opposed to the removal of the clause at this time until he gives it more thought.

Sup Sherman stated that the township can table recommendation number eight at this time without having to remove the clause from the resolution.

Sup Soderberg explained that he feels that the township can't even discuss the option of using the Taconite trail for ATVs because the resolution states that the township is opposed to it. The township should remove the clause from the resolution in order to open discussions with the ATV club. The clause can always be added back to the resolution.

The motion by Sup Soderberg to remove the clause from the resolution was put to a vote. It received 2 Ayes (Sup Soderberg and Sup Schatz) 2 Nays (Sup Floyd and Sup Sherman). Motion fails.

Sup Sherman moved and Sup Soderberg seconded tabling Recommendation number eight and engaging with the Prospectors trail group to discuss the use of ATVs in Bear Head State Park. Motion passes.

Recommendation nine is to continue expressing opposition to the corridor access trail and to meet with the DNR to advocate for the southern route.

Sup Floyd asked Ron Potter how much of the southerly route is completed. Mr. Potter stated that 90 percent of the trail is completed. The current bridge over the beaver river is a temporary bridge. The club worked as quickly as possible to complete the temporary bridge and approach to the bridge. One club member contributed \$55,000 to get that part of the trail completed. The permanent bridge will be completed this winter. The ground needs to be frozen to complete the bridge. He also stated the southern route is not a solution to the northern route.

Mr. Potter was asked why the southerly route is not a replacement for the northern route and why it can't be expressed to ATV riders that the proposed Trail 4 is not a short cut to Tower. Mr. Potter replied that Trail 4 is a legal route and that ATV riders who know that will go that way. Riders who come to the end of the Purvis Road will not know where to go if there is no sign and that he would like to be able to put a sign there to indicate where to go.

Sup Floyd asked Mr. Potter about an alternative trail that would parallel the Taconite trail but would tuck behind topographic features. Mr. Potter said that he had mentioned that at a previous meeting. However, he wanted to make sure about what they are trying to accomplish by using a trail like that. He would like to do a sound test on the taconite trail to see if another trail was really necessary. Also, as a task force member stated, we would then be "chipping away" at the park. The ATV club does not want to use the park; they want to use the state trail. He wants to make sure that they keep those two things separate.

Forty years ago, they took the state trail corridor away from the park and it is now a multi-use recreation corridor and the club wants to use that and not the park. If the sound study shows the trail needs to be moved for sound reasons that can be done. A lot can be done with terrain by dropping down into valleys.

Sup Soderberg and Sup Floyd both agreed that Recommendation eight and nine are very closely related. Sup Floyd feels that it is no use to advocate for the southern route because that is done and the permanent bridge will be done this winter.

Sup Floyd asked Mr. Runquist to clarify the second part of recommendation number nine. Mr. Runquist explained that the second part explains that the intent is for the board to continue expressing opposition to the Taconite trail being used for ATVs and the continued "chipping away" at the state park.

Sup Floyd said there are other immediate things to attend to and like other recommendations recommendation number nine can be postponed. The other supervisors agreed.

Sup Soderberg asked Sup Floyd how to start a dialogue with the ATV club while keeping the task force recommendations in mind. Sup Floyd recommends the same process that has been used in the past [task force] with a limited scope focused on getting the Taconite trail through the park opened up to ATV use with possible detours to limit noise.

The task force members were asked if they would be interested in carrying on. One present member said they would consider carrying on. Sup Floyd stated that this task force is to work together to accomplish a common goal.

The accepted recommendations are one, two, four, six and eight and nine have been combined. Number five will be in abeyance. Number three was not accepted.

Sup Soderberg moved and Sup Floyd seconded to form a committee consisting of 2 members of the Board of Supervisors, 2 members of the Task Force, 2 members of the Prospector ATV Club and 2 members of the Township community who are ATV users to determine what off-road trail options, including the Taconite Trail, might be used in lieu of the prospective Corridor Access Trail number 4 following Bear Head State Park Road, Walsh Road and Swanson Shores Road. Motion Passes.

Sup Soderberg stated that the DNR stated that they would not issue a permit to the ATV club for a portion of the Taconite Trail in support of the township's decision. As of right now the ATV club had not applied for a permit. The DNR stated that they would keep the township "in the loop" if a permit was going to be issued.

Ron Potter stated that he did not want to be on the ATV committee in the township. He felt there was other members who could better represent the ATV club.

He stated that he did not remove the ATV map from the website but that the township also said they supported the Taconite Trail use and then turned around and opposed it in a resolution. Mr. Potter went on to discuss his issue with the township writing letters to the DNR and St. Louis County to block access to their land and a letter to the IRRB to block funding to the club.

Sup Sherman stated that this matter is time sensitive and that solutions need to be found before the rally. Some action needs to be taken by resolution before the rally September 17-19.

Ron Potter explained that the rally will not take place on Trail 4 (from Purvis up Bear Head on to Walsh Road to Swanson Shores to the Taconite Trail) because the DNR will not open up the Taconite trail west of the park without township support. However, the rally will use a different route on Migisi Road on to county land.

Sup Soderberg moved seconded by Sup Schatz to recess for five minutes and resume at 8:48. Motion passes.

The meeting resumed at 8:48 pm

The recommendations are prioritized and who they are assigned to as follows:

- 1) Recommendation one - Sup Soderberg
- 2) Recommendation two and six - Sup Sherman
- 3) Recommendation four -Floyd
- 4) Recommendation seven - Schatz
- 5) Recommendation eight and nine (the second part of number nine is a moot point)-

The task force members will talk amongst themselves and select two former task force members to be members of the committee.

Two members of the committee who are ATV users who live within the township are Steve Groteboer and Bob Larson.

Two members on the committee who represent the Prospectors ATV club are Frank Pengal and Tom Maggio.

Two Board members who will be Sup Floyd and Sup Soderberg.

A committee meeting is set for Monday, August 23 at 5:00 pm.

The Task Force recommendations are prioritized and who they are assigned to as follows:

- Priority 1—Recommendation one-Supervisor Soderberg
- Priority 2—Recommendation four-Supervisor Floyd
- Priority 3—Recommendations two and six-Supervisor Sherman
- Priority 4—Recommendation seven-Supervisor Schatz
- Priority 5—Recommendation eight and nine-on hold (the second part of number nine is moot)
- Priority 6—Recommendation five-on hold
- Not accepted—Recommendation three

Sup Floyd moved and Sup Schatz seconded that the township donate \$550 to Northwoods Partners. Motion passes.

Sup Soderberg moved and seconded by Sup Schatz to let the Eagles Nest Director of Emergency Management, Mike Ostlund, and Fire Chief, Larry McCray, decide when to put on and end burn bans in Eagles Nest Township. Motion passes.

Sup Sherman felt that Mike Ostlund and Chief McCray should follow the MN DNR guidelines when issuing or removing a burn ban. Sup Soderberg explained that because they are professionals, they would follow the guidelines set forth by the DNR and in some cases may be slightly more stringent based on the special circumstances in Eagles Nest.

Sup Soderberg asked what is expected of the supervisors when it comes to the annual meeting. Sup Floyd explained that the supervisors are considered citizens in the meeting. It is not required but is expected that each supervisor will have a report of their special area.

The annual meeting will be held inside and masking will be required.

Old Business:

Supervisor Candidate interviews.

Candidates that are interviewed: Scott Elliot(1st) and Dave Chiabotti (2nd)

Each candidate is interviewed separately. One goes into the fire hall while the other is being interviewed. That way the second to be interviewed does not have time to think of answers while the other is being interviewed when the first candidate does not.

Supervisors will each take a turn asking a question until they are done with the questions. The questions are:

- 1)Why do you want to be a supervisor?
- 2)On a yearly basis how often are you gone from the township?
- 3)Have you been on a board before?
- 4)Based on the discussion tonight [ATV], what would you have done differently?
- 5)How much say do you think citizens should have in the decisions the board makes?
- 6)At the beginning of each year each supervisor is assigned an area of expertise. Do you have a particular area of interest or do you have any level of experience with buildings and grounds?
- 7)What sort of research have you done about the township and township government?
- 8)What is your best personal or professional trait?
- 9)When would you be available to start?

Sup Sherman explained that at the last board of supervisors meeting the question was brought up what would be better for the township to have our maintenance person and groundskeeper be either an employee of the township or a contractor.

Sup Sherman consulted with Minnesota Association of Township (MAT) attorney Steve Fenske regarding some of the legal issues. If these positions were hired as contractors to maintain the township's MAT insurance each contractor would need to carry \$1.5 million in liability insurance. If the contractors don't have the \$1.5 million policy and carry the typical \$1 million liability policy, they would need to get an additional umbrella policy. If the township is using contractors, then it would have a little less control on how they fulfill the duties. However, it does not seem that the township currently exerts that much control over these positions.

With employees there is a state law that employees need to be provided with a wage theft form. We have not to date provided this form to Roger Nyquist. If we decide to go down the employee route we will need to provide this form to Roger and resolve the compensation issue. Sup Sherman stated that Roger has been non-responsive to his messages. He may start to look into other people who would be available for this position.

Whatever is decided for the maintenance person the same situation will exist for Ron Potter and the plowing situation. Whatever is decided both positions will be treated the same.

Sup Sherman would like to table this discussion until he can speak directly with Roger Nyquist to see what can be done about this situation, what his preference is and what his insurance coverage is.

Ron Potter has provided the township with an insurance rider in the past. Sup Sherman has not looked close enough at the policy to see if the coverage is adequate enough for the MAT insurance requirements. Sup Sherman will look into this matter further and have more information at a later date.

Citizens' Concerns: None

Sup Soderberg moved and Sup Schatz seconded to approve Board of Supervisors Minutes for July 20, 2021. Motion passes.

Sup Soderberg moved and Sup Sherman seconded to approve Special Meeting Minutes for August 16,

2021. 3 ayes (Sups Floyd, Sherman and Soderberg) and 1 abstention (Sup Schatz). Motion passes.

Sup Schatz moved and Sup Floyd seconded to approve the communications list as amended for August 17, 2021. Motion passes.

Reports

Clerk: Nothing at this time.

Treasurers Report:

A monthly report was made by Treasurer Mary Beth Monte who presented and explained the following: Bank statement, deposits, and payroll and claims List

Claims and payroll:

Claims and payroll were reviewed.

Payroll of \$3,408.87. Check numbers 10256-10267

Claims of \$1,380.06. Check numbers 10268-10276/ claim numbers 4285-4293

Sup Floyd moved to approved the payroll and claims and Sup Soderberg seconded. Motion passes.

Sup Soderberg moved to approved the treasurer's report, seconded by Sup Schatz. Motion passes.

Building and Grounds:

In addition to what was reported earlier, Sup Sherman explained that there are significant issues in the lower hall separate from the roof. Sup Sherman did a walkthrough of the lower hall with Mark Kawell to get his professional advice on those issues and get a better idea of the cost of some of those issues. The township will need to have a discussion at some point on how much money they want to put into the lower hall.

The upper hall, other than a few small issues, seems to be in relatively good shape.

Sup Sherman did consult with Larry Anderson on how to handle the thermostat.

Sup Sherman thinks that by next meeting the Mesabi Trail Group will have the township sign moved to its final location back against the property line on the same side and will face the same direction it currently is.

Fire: Fire report available on file.

Sup Schatz wanted to thank all the people who came out to the Evacuation drill. Everything went well and everybody did a great job.

The township lost a founding member of the fire department, Pete Davis.

Roads:

Sup Floyd contacted Jeff Schulze about Spruce Street. He thinks in about two weeks he will begin "grubbing" the road. He may have other projects going at the same time but Sup Floyd thinks he should be done before snowfall.

Land, water and website: Report available.

Emergency Preparedness:

Sup Sherman reported the Tower Ambulance Commission may start to have monthly meetings. Chief, Larry McCray, may not want to attend every meeting if the ambulance commission starts to hold monthly meetings. The Township may want to choose a backup if that happens.

The Township may need to pay on the Tower Ambulance Contract next meeting. The contract needs to be approved.

Supervisor Concerns:

Sup Soderberg would like to hold the meeting earlier in the evening the extent to that makes it possible for the working people to attend.

Sup Soderberg moved and seconded by Sup Schatz to hold future meetings at 5pm, effective the September board of supervisors meeting. Motion passes.

The annual meeting on August 31st will still be held at 7pm.

Sup Sherman mentioned the Purple Air link that has been posted on the website and Facebook that shows the air quality for Eagles Nest.

Adjournment:

Sup Soderberg moved, seconded by Sup Sherman to adjourn. Motion passes.
The meeting adjourned at 10:31 PM.

Respectfully submitted,

Keely Drange, Clerk