

**MINUTES**  
**EAGLES NEST TOWNSHIP**  
**SPECIAL MEETING ATVS ON MIGISI ROAD**  
**SEPTEMBER 3, 2021**

---

Chair Floyd called the meeting to order at 5:00 p.m.  
The Pledge of Allegiance was recited.

Sup Richard Floyd, Sup Kurt Soderberg, Sup Frank Sherman, Keely Drange and Treasurer Mary Beth Monte were in attendance.

Unless otherwise stated, all motions carried unanimously.

**Agenda**

Sup Soderberg moved, seconded by Sup Sherman to approve the agenda, for the September 3, 2021 Special Meeting. Motion carried.

Sup Floyd read the resolution banning OHVs on the Migisi road right-of-way.

Sup Soderberg moved and Sup Sherman seconded to approve the Resolution No. 09-21-14 banning OHVs on Migisi Road right-of-way.

Supervisor comments:

Sup Floyd addressed that there were claims that this meeting violated the open meeting law and that there were threats to report the township to the Minnesota Secretary of State. Sup Floyd stated that he is confident that the township did not violate the open meeting law. He asked that people who make threats and don't get the desired response simply carry through with the threat rather than repeating it again and again. Repeated accusations are disruptive and wastes the time of the supervisors and everyone else in the room.

Sup Floyd also stated that he previously said the township is not going to ban ATVs and that statement was true at the time it was said. He had also said the township did not intend to ban ATVs. It was true we did not plan or expect to ban them. Yet, here is the township talking about banning ATVs on Migisi Road. The township does not want a sanctioned and published ATV trail, part of a large trail system, running through the township. That desire was clearly expressed in the last resolution passed by the township. The township sent out a letter to the Prospectors ATV Club making it clear that we did not want a sanctioned and published ATV route, nor a rally, running through our township. The club chose otherwise, saying they will ride on any road that is legal to do so, forcing the hand of the township to make a decision between two bad alternatives: Either allowing the publicized route and rally run through the township or making part of that route illegal for OHVs and thus precluding the route and rally through the township, but also preventing township residents from using ATVs on Migisi Road. Sup Floyd expects a decision to be made on that tonight.

Sup Soderberg explained that this meeting has been called to discuss the route developed by the Prospectors ATV club and the ATV club of Minnesota. It is a route that was never endorsed by the township. When the Township was approached with the prospect of the trail in the past, the board at the time chose not to endorse it. However, ATVs have been used responsibly in the township for decades. The ATV club carried on with the development of the trail without the endorsement of the township. In the May board of supervisors meeting Ron Potter said that the township would see increased ATV traffic within the township. It wasn't until the board looked at a map that they realized the trail ran right through the township. The township had previously no idea that would be happening. There were several meetings regarding the ATV trail 4 route. The DNR stated they would not open up the taconite trail west of

the Township using the trail 4 route as shown on the map if the township did not endorse it. Sup Soderberg feels the DNR will be good to their word. In an email from Prospector Club president, Nick Wognum, he said that they would take the number in "trail 4" off the map but still show Migisi Road as a legal route. Ron Potter said that the section of the trail would need to be substantially upgraded to fit side by sides. Voting on an ATV ban is not something that Sup Soderberg wants to do but the township really has no choice. This decision is revokable. However, if trail 4 is allowed to go through it will be irrevocable. If it is allowed to come through it will become the trail forever and forever. The board has heard from dozens of residents from Swanson Shores, Walsh Road and Migisi who do not want this to become an ATV trail. Sup Soderberg prefers if that route could stay open to ATV use but not if it was to become part of the large trail system as trail 4. Sup Soderberg explained that he puts the responsibility on the ATV club of Minnesota and the Prospectors ATV club. The township said they did not want the trail. The club has said it is their right and they want that route. This ban is the only way the township can exercise their right over its own roads.

Sup Sherman explained that we are only here to address the specific resolution that was read by Sup Floyd. We are not going to resolve all the ATV issues that have come up through the task force or other discussions. This problem is not a township issue. ATVs have been used in the township for many years without issue. Sup Sherman stated that ATVs can be just as annoying as jet skis and people who play loud music but the community has lived with residents occasionally using ATVs. The problem that we are dealing with has been raised by an outside group. It is an outside group that failed in its lobbying to get what it wanted. The group decided without any input from the township to take it upon itself, with members who live here, who know what it is about and what the issues are, to make our roads useable for their purposes. The reason we are here today is because they want to have a statewide rally on roads that were never designed for it. 7 years ago, the township told the club that they were not interested in assisting the trail club in developing the trail system. The Club got the county to pass a resolution in 2016. The county requires cities like Ely have a say in the matter. The county did not include in their resolution that any township the has a county road affected should also agree. The township did not get to have input on that. It is disingenuous on the part of the ATV club to say that they didn't get any input and that they told us what was going on. When the club originally tried to get the trail system going, the maps they originally printed showed the Taconite trail through the park as the northern route all the way from Ely to Tower. They have been unable through their lobbying to get that accomplished. The prospector club and the Ely Echo, both run by the same man, printed maps in 2020. These maps will be used for the rally. This is the map that no matter what promises Nick Wognum makes it will never be off the internet. This map shows trail 4 and uses Bear Head Road, Walsh Road and Swanson Shores. This is the map that everyone outside of Eagles Nest will use and was printed for the statewide rally that was supposed to happen in 2020 but was cancelled due to COVID. The club did this because they hadn't accomplished what they had hoped to do and have the Taconite trail opened all the way. This issue has the potential to start the township down a very unfortunate road. There is no question there has been gentrification in this township over the last twenty years. There are residents who have lived here a very long time who use ATVs and there is no reason they shouldn't be allowed to. There are also people who have come in and paid a lot of money and bought property with the expectation that things were going to be relatively quiet. They have a right to that expectation also. Sup Sherman stated that he is not that interested in what those who have bought investment properties to rent out to vacationers think about these issues. When it comes to the statewide rally that will come down these roads simply because the trail group could not accomplish through DNR legislation what they wanted to. That is completely unjustified when it comes to the safety and all the other issues that have been discussed in prior meetings. Sup Sherman hopes that if this resolution passes and the Prospector's club is good to their word, they have no reason to come down Walsh Road because they legally have no where to go. We will then address the issue of what we are going to do to allow our residents to enjoy ATVs while not having excessive use of our roads from those who do not live here. Those who pose a danger to themselves and other drivers on those roads. Sup Sherman explained that he is in favor of the resolution for the reasons he stated. He does not view this as the final word on what will happen in the future. If the township and club wanted to revisit this issue after September, Sup Sherman would be open to listening.

Sup Soderberg wanted to reinforce what he said that this is not something he wants to do and if the resolution passes, he would be willing to try and work something out with the Prospectors Club to revoke

this. He believes that local residents should have access to the trail along Migisi Road. He has no interest in the route coming along our roads for those who want to get from one point to another and have no real interest in the township.

Sup Floyd opened up for comment from the public. He started by asking for a show of hands of those who would like to speak.

Four people raised their hands. Sup Floyd asked each person to stand state their name, where they lived and what they would like to say. He set a time limit of 10 minutes for each person to speak.

Jeff Benn- Swanson Shores Road  
Penny Reedy- Resident of Ely  
Don Passinen- Hwy 169 on Clear Lake.  
Frank Pengal-1250 Walsh Road

Sup Floyd expects the passing of this resolution to be a stop gap solution. The township expects to have an ordinance in place before the rally. Ordinances take a little longer to enact. The Prospector's ATV club and the ATV Association of Minnesota said they will ride on whatever roads are legal. If the township has an ordinance making it illegal to drive on a road the club will not use that route for a rally or as part of their trial system. The township would put up signs saying no ATVs on Migisi Road. This ordinance would apply to all ATV use, even residents.

The board is not trying to ban local residents from riding the roads. The township is trying to ban an ATV route that passes through the township from one point to another that will attract a great number of people from outside the township.

Sup Soderberg noted that there is no access on the Sunshine Road. There is a gate on that road.

Sup Sherman stated that local residents are not the problem they are the victims of this unfortunate situation. The statute that regulates the use of ATVs specifically says that a town acting through its governing body may by resolution or ordinance prohibit the operation of all-terrain vehicles on town roads in its jurisdiction. What the township is doing today has the force of law. It doesn't have any more enforcement capability than anything that goes on around the township. The township does not have a police force and it relies on the good faith of the people who are subject to the Township's rules to comply. If someone wanted to go through Migisi they can, but would be breaking the law. If the Prospector club is true to their word, then they will not do that. The objective here is to prevent all other riders from outside the township from coming down the Walsh Road. We are not discussing the long-term resolution, we are only dealing with the next couple of weeks.

Sup Soderberg stated there is another route that could be used for the ride. This route [Trail 4] if it is put in place will be the route forever. This is an issue of the Prospectors ATV group doing this because they think they can. Most ATV riders are not an issue; it is years from now the potential problems if the township makes this the permanent route. Sup Soderberg stated that he wished that the Prospector's group would come up with another solution instead of saying "We've got to do it this way". It is a matter of them [ATV Club] saying "it's our way or no way". We want to work with them to figure out a different way and not to run the streets through the township.

Banning ATVs for some riders and not others is not in consideration. This is a total ban because there are a bunch of problems if we only ban for nonresidents and not residents as well. It is a ban for all on Migisi only.

Closing remarks from supervisors:

Sup Floyd explained that this is a dilemma for the township. The township can either allow increased OHV traffic through the township or it can make a portion of trail illegal to traverse by OHV traffic and thus preventing travel through the township of people from anywhere. Objective to banning ATV use on Migisi

road would be to block an official route connecting all parts of the state. Banning OHVs on Migisi is the only way we can accomplish this on short notice. If the ATV club commits to removing the highlighted route from their maps, both digital and in print, and discontinuing rallies that run through the township, the resolution might be repealed. If the public takes issue with this they should appeal to the club and the association -- appeal to them to abandon trail 4 with the exception of the portion of trail 4 that runs from fishing lakes to Hwy 169. That is a route that does not affect the township at all. Sup Floyd stated there are two bad options but he will vote for the one he thinks is right for the township.

Sup Soderberg stated that if you want to see something different than this one should talk to the Prospectors ATV club and the ATV Association of Minnesota. They are the ones insisting that they must have this rally and route through the township. That is the group that is adamant about what they want. There are two bad options. There is no direct route to Tower right now. Even if you took Migisi road and that cut over area you still have to go south to the Babbitt to Tower route. It is them who are so adamant about needing this route for their rally and permanent route. Sup Soderberg urges the public to talk to the ATV groups about another route. The vast majority of people that Sup Soderberg has heard from say that they do not want an ATV route down Bear Head State Park Road, down Walsh, down Migisi or Swanson Shores to connect to trail 4 or whatever it becomes. The vast majority of people said no. Sup Soderberg said he will vote in favor of it [the resolution].

The Motion to ban OHVs from Migisi Road was put to vote. 3 ayes (Sups Floyd, Soderberg and Sherman) and 1 absence (Sup Schatz).

**Adjournment:**

Sup Soderberg moved, seconded by Sup Sherman to adjourn. Motion carried.  
The meeting adjourned at 5:50 PM.

Respectfully submitted,

---

**Keely Drange, Clerk**