

**Minutes**  
**EAGLES NEST TOWNSHIP**  
**SPECIAL MEETING**  
**December 14, 2022**

Chair Floyd called the meeting to order at 5:05 p.m.

The Pledge of Allegiance was recited.

Purpose of Meeting: Discuss legal strategy for dealing with Kromer lawsuit.

Present: Supervisors Chiabotti, Floyd, and Soderberg, and attorney Scott Witty (via Zoom)

Motion to approve agenda by Soderberg, second by Chiabotti, passed 3/0.

The grounds for closing the meeting were recited. David and Diane Kromer have appealed the damages award relating to the alteration of Spruce Street in the form of a civil action in St. Louis County District Court against the Town of Eagles Nest. The Minnesota Association of Townships Insurance Trust assigned attorney Scott Witty to defend the Town in this action. Recently, the District Court granted the Town's Motion for Summary Judgment, dismissing the Kromers' appeal. The Kromers have requested reconsideration of that Order, along with other post-judgment remedies. The Kromers have also conveyed to Attorney Witty proposals to settle the matter. Attorney Witty has recommended that the Board meet with him in a closed session to discuss the status of the lawsuit and the settlement proposals freely and frankly with him, he could give us his advice without the Kromers or their attorney learning about his advice, and we could give him information, directions and instructions about responding to the offers and the lawsuit.

The ground for closing this meeting is that the attorney-client privilege, under Section 13D.05, subdivision 3(b), of the Open Meeting Law. The subject to be discussed during this closed meeting is the Kromers' lawsuit. The Town Board needs to discuss with its attorney the status of the lawsuit, the Town's legal strategy moving forward, the settlement proposals conveyed by the Kromers and their attorney, and the recommendations, opinions and advice of the attorney with respect to the lawsuit and proposals.

Motion to close meeting by Soderberg, second by Chiabotti, passed 3/0.

During the closed session the Board discussed the lawsuit with the attorney, the attorney shared his advice about the lawsuit and shared the settlement offers from the Kromers. The Board gave directions on how to respond to the settlement offers and how to proceed with the lawsuit.

Motion to adjourn closed session and return to open session by Floyd, second by Chiabotti, passed 3/0.

Motion to adjourn special meeting by Soderberg, second by Chiabotti, passed 3/0.

Respectfully submitted,

---

Richard P. Floyd, Chairman