

**OFFICIAL PROCEEDINGS  
OF A PUBLIC HEARING ON  
AMENDING ORDINANCE NO. 22  
LAKE COUNTY, MINNESOTA**

July 28, 2015. Lake County Law Enforcement Center, 613 Third Avenue, Two Harbors, Minnesota.  
Commissioners present: Derrick Goutermont (District 2), Jeremy Hurd (District 4), Rich Sve (District 5), Pete Walsh (District 1). Commissioners absent: Brad Jones (District 3).

County staff present: County Administrator Matthew Huddleston, Clerk of the Board Laurel Buchanan, Sheriff Carey Johnson, County Attorney Laura Auron; Highway Engineer Krysten Foster, Land Commissioner Nate Eide, and Administrative Assistant Jenny Goutermont.

The Lake County Board of Commissioners held a Public Hearing on Amending Lake County Ordinance No. 22 for the Management of All Terrain Vehicles (ATV) in the Public Right of Way on Certain County Roads in the County's Jurisdiction. The public hearing was called to order at 6:00 p.m. by Chairperson Rich Sve. In his opening remarks, Commissioner Sve announced that this public hearing is for information only and to hear public comment regarding the proposed changes to Lake County Ordinance No. 22. No action is taken at this public hearing. Public was present for the discussion and provided feedback.

County Administrator Matthew Huddleston provided an overview of the existing ordinance that was adopted on September 24, 2013, and the proposed changes to that adopted ordinance that may be adopted on August 11, 2015. The current ordinance allows ATVs only on certain county roads within the county's jurisdiction. The proposed revisions to the ordinance would allow ATVs on all county roads (with certain exceptions) and would remove the specified speed limit provision. The highest risk roads would be closed.

Proposed additions to the recitals and findings include the following.

1. Safe operation of ATVs in ditches and outside slopes adjacent to County Roads is difficult and in many cases impossible due to the lack of ditches and trees, brush and other vegetation exist immediately adjacent to the edge of the roadway.
2. Most County Roads are appropriate for mixed use and allow for safe operation of ATVs on the shoulder.
3. County Roads that are not appropriate for mixed use will be excluded from ATV use.

Proposed additions to the section on Permitted Operation of ATVs on Roads in Lake County include the following.

1. In accordance with this ordinance and MN Statute § 169.045, it shall be permissible to operate an all terrain vehicle on all gravel-surfaced and paved County Roads within Lake County, except those roads listed as closed in number 2 of this section.
2. County Roads closed to ATV operation:
  - Fernberg Road (CSAH 18) from Jct. Hwy 169 to Lake One
  - CSAH 2 from Jct. CSAH 15 (FH 11) to Jct. Upland Trail

Proposed deletion from the Permitted Operation of ATVs on Roads in Lake County is the speed limit provision. The proposed change would remove the specific reference to a single speed limit. The speed limit provision was discussed at length. Sheriff Carey Johnson discussed reasons for including a speed limit.

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County Attorney Laura Auron discussed that statute addresses due care and prohibits driving too fast for the conditions. ATV operators have the duty to use due care. There was a discussion on adding that provision to the ordinance. It was discussed that the reference to the statute could be added without duplicating the language of the statute. This would minimize redundancy as it is already covered in statute, is still applicable and still enforceable. Those details will not change the scope of the ordinance. The language can still be finessed. Driver experience, surface conditions and winter conditions are other variations affecting the safe operation of an ATV. Highway Engineer Krysten Foster could not recommend a single speed limit that would apply to all roads and machines, from a professional engineering perspective.

Public comments were welcomed and received during the public meeting. Many people voiced opinions in support of the ordinance. There was a discussion on safety, winter conditions, and signage. ATV clubs promote safety training and safe operation of ATVs. From an ATV club perspective, it was discussed that group size and side-by-side travel affect the speed that a group may travel. Group riding dynamics often include having a lead driver in the front and another experienced driver in the back. Another point made was that driving too slow can be dangerous and interferes with traffic. Constituents discussed the importance of getting off the road as soon as possible and onto the trail. An opinion was voiced that a slow person is going to ride up to their ability. The community could benefit from trail accessibility. There was public comment regarding the cost of signs. Commissioner response was that safety is not sacrificed for cost concerns. It was questioned whether it is possible to have different speed limits for gravel and for blacktop road surfaces. It was questioned how people from out-of-town would know the speed limit if it is not posted on a sign. Public comment was heard on the discussion on adding dates that the trail would be open and when the ATVs are allowed on roads. An idea was brought up about setting a date span for multi-use trail systems (i.e. ATV and snowmobiles). A suggestion was April 15 to November 15. An opinion was voiced that there should be a cut-off date that ATVs are allowed on county roads. Having a cut-off date would be too limiting as some years there is a lack of snow. Some people drive ATVs all year round. There was also discussion on using ATVs to plow snow in the winter.

Commissioners voiced appreciation regarding hearing from different perspectives on the various issues raised. The public hearing was recessed at 6:55 p.m. and will be reconvened on Tuesday, August 4, 2015, at 1:30 p.m. during the agenda meeting in the Commissioners' boardroom, 601 Third Avenue, Two Harbors. All interested persons are invited to attend the public hearing or submit comments in writing prior or during the hearing. More discussion is welcome in refining the ordinance. The proposed draft ordinance may be revised as a result of the discussion held at the public hearing. Written comments may be submitted prior to the reconvened public hearing to be admitted as part of the record. There is the potential to take action on this on August 11, 2015, during the regular board meeting in the Commissioners' boardroom, 601 Third Avenue, Two Harbors.

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August 4, 2015. Lake County Board of Commissioners Chairperson Rich Sve reconvened the public hearing at 1:30 p.m. on Tuesday, August 4, 2015, during the agenda meeting of the Lake County Board of Commissioners in the Commissioners' boardroom, 601 Third Avenue, Two Harbors, Minnesota.

Commissioners present: Derrick Goutermont (District 2), Rich Sve (District 5), Pete Walsh (District 1).  
Commissioners absent: Brad Jones (District 3), Jeremy Hurd (District 4).

County staff present: County Administrator Matthew Huddleston, Clerk of the Board Laurel Buchanan, Highway Engineer Krysten Foster, Land Commissioner Nate Eide, Environmental Services Director Christine McCarthy, and County Auditor Linda Libal.

The Board of Commissioners reconvened discussion on language to address speed. Commissioners discussed that the feedback from constituents has been positive and in support of the ordinance. It was discussed that if a speed limit were to be defined in the ordinance, it should include a provision for cases in which the road's speed limit is less than the ordinance defined speed limit. Commissioners would like the ordinance language to include provisions that shows the intent of the County Board for ATV drivers to use due care and follow reasonable speeds for the conditions of the roads. Commissioners were in favor of adding language that may be duplicative of state statute. Commissioner Walsh relayed feedback and concern that he had received from constituents concerned about allowing ATV use on the Scenic Highway 61. It was discussed that the ordinance could be revisited in one year to assess whether any additional roads should be closed to ATV operation than those currently outlined in the proposed revisions to the ordinance.

The County Administrator will update the draft revised ordinance and bring forward options to be considered at the Lake County Board of Commissioners meeting on August 11, 2015.

Commissioner Goutermont moved to adjourn the public hearing at 1:49 p.m. This motion was seconded by Commissioner Walsh, and voted unanimously in favor. The public hearing is adjourned. No additional written comments were received by the Clerk of the Board to be included as part of the written record.

ATTEST:

Laurel D. Buchanan  
Clerk of the Board

Rich Sve, Chairperson  
Lake County Board of Commissioners