

OFFICIAL PROCEEDINGS  
KEWEENAW COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING  
May 12, 2021

A special meeting of the Keweenaw County Board of Commissioners was held on May 12, 2021 beginning at 6:30 p.m. The meeting was held in person and via Zoom due to the COVID 19 pandemic.

The meeting was posted on the door of the Courthouse and on the County website.

Commissioners present: Bob DeMarois, Randy Eckloff, and Don Piche in person, Del Rajala/Mohawk, Jim Vivian/Central.

Motion by DeMarois supported by Eckloff and unanimously carried to accept the agenda as submitted.

Molly Ombrello, attorney for Keweenaw Resort/John Mueller, spoke on behalf of her client. Last week she apprised the Board of an alternate proposal for the Board to consider which would allow the bike trails to open sooner as Keweenaw Resort was willing to purchase the property without the 1946 deed restriction and reverter being removed. The DNR has raised multiple issues. After last week's meeting, the only thing for the Board and Keweenaw Resort to consider was the split of money for the parcels. The amendment to the purchase agreement will have the following things, some repeated from last week's meeting. Keweenaw Resort would purchase the property subject to the public purpose restriction and reverter, record the trails easement and because of the public purpose restriction staying in effect, the conservation easement is no longer required. The County will support rezoning the 63 acres that is not in the DNR reverter area, from Conservation Environmental Protection to Resort Services 2 or a Planned Unit Development. Mr. Mueller is willing to pay \$279,500 with the public purpose restriction and reverter remaining on the property. The DNR may take a stance that a transfer of ownership of this property would violate the public purpose restriction and then the DNR may take ownership of the property by exercising the reverter. Keweenaw Resort will pay \$200,000 to the county for the 63 acres that are not subject to the deed restriction (aka-the potential rezoning area) and \$79,500 will be allocated to the portion of the property that is subject to the DNR deed restriction and reverter. The \$79,500 will be held in escrow by Keweenaw Title and after closing, the county and Keweenaw Resort will jointly file a request that the DNR confirm in writing that the 1946 deed restriction is a use restriction and not an ownership restriction and both parties will work to obtain confirmation of this within 180 days. If the DNR confirms that the deed restriction is a use restriction and not an ownership restriction within 180 days, the County will receive the funds from Keweenaw Title that were held in escrow; otherwise, Keweenaw Resort will receive the funds from escrow. The proposed closing will be within a couple of weeks.

Motion by Eckloff supported by DeMarois to approve the amended purchase agreement as stated and received and allowing Attorney Miller to work with Attorney Ombrello to close the transaction. Board polled. Ayes: DeMarois, Eckloff, Vivian, Rajala, Piche. Nays: None. Motion carried.

Being mid-May, the Copper Harbor community would like to see the bike trails open as soon as possible. Since the transfer of ownership may take a couple of weeks, motion by Rajala supported by DeMarois and unanimously carried to allow Attorney Miller to work with the CHTC to get a written license agreement in place with the following terms, allowing Attorney Miller and CHTC to negotiate if necessary:

- CHTC to agree to terms and conditions for operating and maintaining the trails that are in the trails easement
- Trails with man-made features to remain closed pending ownership transfer (Danimal, Flying Squirrel and Overflow)
- Signage to be posted and pictures provided at trail heads advising public that the trails are in possession and under control of CHTC, not the County, and that no person under 18 are to be on the trails unless accompanied by a parent or legal guardian
- Use of the trails conditioned upon each participant signing an annual waiver of liability
- No royalties or license fees

Motion by Rajala supported by DeMarois and unanimously carried to allow Attorney Miller to seek out a surveyor to survey the following for Mount Horace Greeley as the auction nears; the area around the antenna tower building and the adjacent support structures and to survey the easements for the water wells and water line.

Time was allowed for public comment.

There being no further business, motion by DeMarois to adjourn at 7:22 p.m. Meeting adjourned.

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Donald Piche, Chairman

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Julie Carlson, Clerk