

**IRON COUNTY ROAD COMMISSION
PUBLIC HEARING**

The Board of County Road Commissioners of Iron County held a Public Hearing on May 14, 2024, at 10:00 a.m. in the Road Commission offices located at 800 West Franklin Street, Iron River, Michigan.

Chairman Schmidt called the meeting to order and led the pledge of allegiance.

Present for the roll call were Chairman Ernie Schmidt, Vice Chairman Ron Frailing, Commissioners Chuck Battan, Dan Germic and Jim Cihak. Interim Supt-Mngr. Brad Toivonen, Finance Director Michelle Johnson, HR-PR Administrator Patti Leonoff, Mastodon Twp. Trustee Dave Smith and Attorney Mark Tousignant were also in attendance. Members of the public present consisted of Carolyn Koski, Dean Stolberg, Anthony Camomilli, Petitioner and Richard Camomilli, Petitioner. Attending via Zoom were Bill Kuhl, member of the public, Bill Henn, MCRC SIP Attorney, and Molly Ombrello, attorney to the petitioners. Letters in objection were received from Russ Stolberg and Bill Stolberg, property owners on the north-south portion of Treeline Dr.

The purpose of the public hearing was to afford members of the public an opportunity to voice their support, concerns, or opposition to the petition of partial abandonment of Treeline Dr.

On April 2, 2024, the Iron County Road Commission received a petition of Abandonment of a Public Road, seeking the partial abandonment of Treeline Drive, a certain public roadway under the jurisdiction of the ICRC as follows:

The portion of Treeline Drive running east and west on the quarter line between the northwest quarter and the southwest quarter of Section 18, T42N, R33W, Mastodon Township, Iron County, Michigan.

The section of roadway being considered includes four (4) property owners, three (3) of which signatures were supplied from. Signatures from seven (7) or more freeholders within Mastodon Township were provided.

PUBLIC COMMENT

Dean Stolberg owns property on the West end of Treeline Dr., in Stambaugh Township. He and his family own property on the North end of Treeline Dr., in Mastodon Township. He said he believes Treeline Dr. should be kept as a county road as it has been used for many years by both his family and residents of Iron County. He thinks Stambaugh Twp. has a problem with the abandonment in how it will affect the tax base in the future. He further explained that he doesn't believe the Road Commission should give up any roads and that the people within Iron County need to be considered. This road is owned by the people of Iron County and that two people should not be able to take over the road for themselves. Concern was also expressed about access to the power lines on the road if it were abandoned.

Anthony Camomilli explained the Camomilli's, Peterson's and Kuhls are working together on an easement amongst themselves and will have it complete in the next couple weeks. As far as the power lines are concerned, the property owners have been in contact with We Energies and will make sure they have access. Any gates will have We Energies locks on them.

Mr. Stolberg asked for verification that Stambaugh Township was notified. He added that his property does have frontage on the Stambaugh portion of Treeline Dr. Interim Supt. Toivonen explained that notice was sent via certified mail to Stambaugh Township. Upon further discussion, clarification was made to the point that the portion of road being abandoned is in Mastodon Township in its entirety.

Bill Kuhl said that he does not want any improvements made to the road, that it is used as a dead-end road and wants it abandoned. He does not see a practical use of the road and does not believe anyone needs access to the road to get access to their property.

Molly Ombrello added that Mr. Stolberg does have other access points to his property, the utility access issue is being addressed, and the plaintiffs are working on an easement between them that is agreeable to them all.

With no further public comment, it was motioned by Commissioner Germic and supported by Frailing to close the public hearing at 10:30 a.m.

Roll call vote: Ayes- Battan, Cihak, Germic, Frailing Schmidt

Nays-None.

Motion carried.

BOARD DISCUSSION

Commissioner Germic requested information as to why the road has not been improved and why it would need to be done now. Discussion ensued regarding Act 51 funding, certified roads and the liabilities that are limited to highway surface defects. Also, COVID brought up a rush of people buying property on previously uninhabited roads that we now need to look at upgrading.

Bill Henn, MCRCSIP added that there is also an option of decertifying roads, where the County is not paid MTF monies nor is it obligated to maintain or repair the road, and it remains public, for use at their own risk. This option is usually only used to avoid landlocking a property owner.

Commissioner Schmidt inquired why the Kuhl's did not sign the petition and to verify they are now in support of the abandonment. Mr. Kuhl said they were initially concerned that they would be responsible for legal costs as written on the petition, but they are in complete support of the abandonment.

Commissioner Schmidt mentioned the inclusion of all the Treeline Dr. property owners on the north-south section in the easement, allowing them to still use the entire the road. The Stolberg family both wrote letters saying that they use the road and have done so for years. He would like to see the draft of the easement before deciding the petition and that if all the property owners on the entire road it would make the decision to abandon much easier. Anthony Camomilli questioned the need for such an easement.

Additionally, the road commission will very likely need to make a new turnaround for plowing operations at the end of the north-south portion of the road.

Richard Camomilli said the road commission already does turn around there and asked Mr. Kuhl if the corner of his property could continue to be used for the turnaround; he agreed.

Commissioner Frailing offered that he doesn't think it's right to disallow the other people that have been using it for years. There were a few letters not in support of the abandonment. He also wanted to make sure a utility easement was done.

Commissioner Battan asked whether Treeline Dr. is a seasonal road; it is not.

Discussion regarding an abandonment possibly requested by Mr. Stolberg could be done later to abandon the north-south section if he chooses to do so.

Interim Supt. Toivonen reminded the Board that our Heavy Maintenance policy requires 100% township participation.

Mr. Kuhl requested clarification as to anyone being landlocked, Interim Supt. Toivonen did not see anyone being landlocked with the abandonment.

Interim Supt. Toivonen asked Mr. Stolberg if he agreed with the abandonment of the entire road, as his brothers had referenced in their letters. Mr. Stolberg feels that if the Road Commission is going to give one person a free road, they should have one too.

Attorney Tousignant noted that the address Mr. Peterson used on the petition is on Treeline Dr., which indicates he may live there. If both sections of the road were to be abandoned, he would lose snow plowing done by the Road Commission on the north-south section. Molly Ombrello offered Mr. Peterson does use the north-south portion and would likely be against the abandonment of that section.

Commissioner Germic asked why the petitioners want the road abandoned. Anthony Camomilli and Mr. Kuhl said they do not see people using it now and want to restrict access and they don't feel it's accessible or maintained.

Mr. Stolberg feels abandoning this road would set a precedence for other people within the county seeking abandonment of their roads for their use.

Commissioner Battan reiterated that Mastodon Twp. would be responsible for paying for the heavy maintenance work; we don't want to drop that on them.


A motion by Commissioner Cihak, supported by Germic, to reject the petition for partial abandonment of Treeline Dr., Mastodon Township, Iron County, Michigan.


Dave Smith, Mastodon Township would like to talk to the Mastodon Township Recreation Committee, regarding a bike trail easement as the Township has 200 acres near Indian Lake.

Roll call vote: Ayes-Cihak
Nays- Frailing, Battan, Germic, Schmidt
Motion failed.

A motion by Commissioner Germic, supported by Frailing, to table the issue until the June meeting so more information can be obtained regarding Mastodon Townships stance on the abandonment, costs involved in updating the road, etc.
Roll call vote: Ayes-Battan, Cihak, Germic, Frailing, Schmidt
Nays-None
Motion carried.

The Public Hearing was adjourned at 11:47 a.m. in a motion by Commissioner Battan, supported by Germic.


Ernie Schmidt, Chairman


Michelle Johnson, Finance Director/Clerk