

The Menominee County Board of Road Commissioners held a PUBLIC HEARING in their offices north of Stephenson on Tuesday, November 9, 2010.

Chair Anderson called the hearing to order at 8:45 a.m. with the following persons present or absent:

PRESENT: William Anderson, Roger Betzinger, Mary Maas, Darrell Moilanen and Lisa Savord. Also present were Louis Dupont, Mari Negro, Ray Charlier, Dave Hopps, Chuck Behrend, Tony Kakuk and Dale Axtell.

ABSENT: None.

The Pledge of Allegiance was recited.

Anderson turned the meeting over to Moilanen who explained that a valid abandonment petition had been received and the purpose of the hearing was to hear interested parties for or against the abandonment of that Part of No. 36 Lane, commencing at 1.0 miles west of the centerline of the N-1 [Frenchtown] Road; thence 0.6 miles west between Section 34, T.38N. - R.27W. in Meyer Township and Section 3, T.37N. - R. 27W. in Nadeau Township; thence 1.0 miles through the west half of Section 3, T.37N. - R.27W. in Nadeau Township, Menominee County, Michigan.

Mari Negro, Meyer Township Clerk, stated that the township was opposed to the abandonment. The fire chief also had concerns about providing emergency services to the residents in the area if the road was not maintained. She also noted concern for the emotional wellbeing of emergency responders if they were unable to get to the area when needed. Calls had also been received from township residents that were opposed to the abandonment because they used the area for recreation.

Louis Dupont stated that he is a landowner on that road and that his children intend to build homes on the property over the next ten years. He also felt the road should remain open so people would have access to the stream for fishing and the CFR and State land for other recreational purposes.

John & Darlene Nerat joined the meeting at 8:52 a.m.

Dave Hopps stated that he is a landowner on the road also and that he is for the abandonment as the road being open has created a nuisance for himself and other landowners. He stated there has been trespassing on the privately owned properties on the road, along with vandalism and dumping of trash and animal carcasses. He stated there is no public property bordering the road and that the CFR land is not accessible without trespassing on private property. The police and DNR have both been called regarding the problems. There are kids that use the road for parties and they are building fires on the road, even during dry seasons, creating a possible fire hazard in the area. Several of the camps have been broken into and items stolen. The Dupont property is before the portion of the road that is being requested to be abandoned. The problem is not with the neighbors/landowners on the road. If the road is abandoned he would like to erect a 24' gate that would have a chain that would allow emergency personnel access to the area. He stated that they are just trying to keep trespassers out and would lock the gate during hunting season and other times when the camps aren't occupied.

Ray Charlier stated he was opposed to the abandonment as he was concerned there would be legal issues for new owners accessing their land if any of the properties changed hands.

Dave Hopps stated that he didn't see a problem with any landowner having access if needed.

Mari Negro asked if an abandonment could be reversed.

Moilanen stated it is road commission policy to be sure that no landowners would be landlocked by the abandonment. All the landowners with frontage on the road did sign the abandonment petition. He also noted that by law if the road commission does abandon this road that the DNRE and the Township would be contacted and given 30 days to take over the road due to the Little Cedar River crossing the road. Once a road is abandoned, there is no longer public access and the road property reverts back to the homeowners based on the property surveys.

Mari Negro asked that the road commission use caution in considering the request for abandonment.

Dave Hopps stated that it was only a ½ mile portion of the road that the petition was requesting to



Reserve Hannahville 2% Funds-Town Line Rd to Vincent Ln Const.	17,632.69	
Reserve Hannahville 2% Funds-Town Line Rd to Vincent Ln Pave	26,092.51	
Reserve for MCRC balance of Town Line Rd to Vincent Ln Pave	47,907.00	
Reserve Hannahville 2% Funds-County Line Rd. Borings	5,000.00	
Reserve for Bridge Inspections, Scour & Plans of Action	93,472.50	
Reserve for Design of F-4 Bridge over Big Cedar River	20,145.25	
Reserve for demolition/disposal of old Menominee office	0.00	
Reserve for HVAC/Ventilation Unit-Step Shop	83,835.00	
Reserve for Inglst. Twp. Share of N. Pinewoods Loop Const.	15,432.16	
Reserve for N. Pinewoods Loop Paving	3,880.59	
Reserve for No. 19 Road Paving (Lake Twp)	7,430.49	
Reserve for 3 local bridges (Daggett Twp)	1,777.08	
Reserve for Forest Funds	161,023.46	
Reserve for equipment	55,974.00	(1,293,697.72)
		<u>\$ 537,838.45</u>

There being no questions or comments, Anderson declared the financial report accepted as read.

Vouchers # 11-0002, 11-0004, 11-0005, 11-0007, 11-0008 and 11-1031 – Maas asked for clarification of an arbitration cancellation fee and Betzinger asked for clarification of an invoice for a Gen-set and pump. Moved by Betzinger, seconded by Maas that the vouchers be approved and ordered paid. Carried unanimously.

Dave Hopps re-entered the meeting at 9:09 a.m.

Act on proposed abandonment of a portion of No. 36 Lane – Moilanen stated that a public hearing on the requested abandonment had been held earlier in the morning. He noted that two property owners, Perras and Silva, would have no legal access to their property if the road were abandoned. If the board were to approve the abandonment, they could do so on the condition that legal easement was granted in writing to all property owners. Due to the Little Cedar River crossing the road, if the abandonment is approved then the road commission must notify the MI DNRE and the township to give them the opportunity to take over jurisdiction of the road. Due to concerns over the loss of access to public lands and Meyer township’s concerns for emergency access, it was moved by Betzinger, seconded by Maas that the road not be abandoned. Carried unanimously.

Discuss request for Adopt a County Road for 2 miles of CR 551 – A request had been received from the Wilson SDA Junior Academy to adopt 2 miles of CR551 near the school. Moved by Anderson, seconded by Maas to approve the request and have the appropriate signs posted. Carried unanimously.

Dave Hopps left the meeting at 9:20 a.m.

Adopt Ingallston Township Fire Station/Hall road into county road system – Moilanen stated that the road commission had been maintaining the road, but it had never been adopted into the county road system. Currently the hall has an M-35 address, and after discussion with central dispatch, it was decided the road could be named Fire Station Lane. Maas stated that Menominee Township had the same issue years ago and had been told that the road commission would not adopt the road unless the township had it paved first. Moilanen stated that the difference in the two situations was whether the road had been maintained by the road commission in the past 15 years. He also noted that if the road was in a new subdivision then it would have to be built per the subdivision plans. Moved by Betzinger, seconded by Anderson to adopt Fire Station Lane in Ingallston Township into the county system. 2 Ayes – Anderson, Betzinger; 1 Nay - Maas.

Discuss finishing of front portion of Menominee cold storage building – Moilanen stated that the city building inspector would like information on what the road commission will be doing in the spring to finish the face of the Menominee cold storage building. Betzinger recommended that the road commission visit the site in the spring to evaluate all of the Menominee buildings and decide on a course of action at that time. Moilanen will give the building inspector this information.

Discuss attendance at the Southern MI Road Commissions Annual Conference being held Dec. 6-8, 2010. – Betzinger & Maas will not be attending; Anderson will let Savord know if he decides to go.

Discuss 2011 regular meeting schedule – Moved by Betzinger, seconded by Anderson to hold the

Reorganizational Meeting on Monday, January 3, 2011 and the monthly regular meetings at 9 a.m. on the following Tuesdays: January 11, February 8, March 15, April 12, May 10, June 7, July 12, August 9, September 13, October 11, November 8 and December 13. Carried unanimously.

Any other business – Moilanen stated that proposals had been received for the design of CR 338 and that he would be utilizing UP Engineering & Architects at a cost of just under \$17,000.

Public Comment – Dale Axtell asked if Moilanen could give Menominee Township an estimate to fix Bay de Noc Road and River Drive. Moilanen stated the township would have to let him know what they wanted done. He also noted that the portion from 48<sup>th</sup> Ave. to Evergreen is federal aid eligible, but the remainder is not.

Mr. Axtell also asked about the special meeting the road commission had to discuss the county 3-way funding program – he had originally been told it was closed to the public. Moilanen stated that originally a meeting was going to be held with just those on the committee attending, but several members of the committee had been advised not to hold a closed meeting. The special meeting was called by the road commission, advertised and open to the public. No decisions were made at the meeting pending further information from the county board whether the money was still in the budget and if the cities/villages were eligible for the funds.

Mari Negro thanked the board for their decision not to abandon No. 36 Lane and asked if the petitioners could appeal the decision. Moilanen stated he was unsure how many times they could resubmit for abandonment and would have to check the law. Louis Dupont thanked the board also.

Darlene Nerat asked why Menominee Township had to pay for maintenance of a road in the township if Ingallston Township did not. Moilanen stated that there were different circumstances in these two instances.

Dale Axtell asked how many miles of roads were in Menominee Township. Moilanen stated he would have to check and get back to him.

There being no further business, Anderson declared the meeting adjourned at 9:53 a.m.

---

Road Commission Finance Director/Clerk

---

Chair