

**Charter Township of Ironwood  
Planning Commission  
Regular Meeting/Public Hearing  
June 15, 2017**

**Call to Order: 6:00 p.m.** The Regular Meeting/Public Hearing was called to order with the Pledge of Allegiance

**Roll Call:** Joe Kafczynski, Joe Rohde, Jason Hofstede, Marlene Saari, Bob Lynn, Darrin Kimbler, Sandy Lahtinen

**Absent:** none

**Also Present:** LeRoy Johnson, Steve Boyd, Marvin LaGrew, Paul Luppino, Pat Steiger

**Public Comment:** None

**Additions and/or Approval of Agenda:** None. Motion made to accept the agenda as presented by Lynn, supported by Kimbler, all in favor. Motion carried.

**Approval of Regular Meeting Minutes:** Motion by Saari, supported by Rohde, to accept the minutes as presented. Motion carried.

**Public Hearing to Consider:** Angelo Luppino, Inc. has submitted to the Planning Commission an application for a special use permit in accordance with the Sand/Gravel Pit Ordinance 50 of 2014. The application is to establish a new sand/gravel pit on North Black River Road. The following parcels listed to be in the new pit are in section 19 T49N, R46W, Parcel #2703-00-515-900, parcel #2703-00-516-100, parcel #2703-00-516-150 and parcels in section 24 T48N-R47W, parcel #2703-02-507-400, Parcel #2703-02-507-500 and parcel #2703-02-507-700. These parcels are located on the west side of North Black River Road.

**Open Public Hearing:**

A motion to open the public hearing made at 6:04 by Kimbler, supported by Kafczynski, to enter into the Public Hearing. Motion carried on unanimous roll call vote.

**Roll Call Vote:**

**Yea:** Kafczynski, Rohde, Saari, Lahtinen, Hofstede, Lynn, Kimbler

**Nay:** None

**Absent:** 0

**Abstain:** None

**Correspondence from Zoning Administrator:** LeRoy Johnson addressed the Planning Commission. Johnson, "I supplied you with a document for a new Sand & Gravel pit applied for by Angelo Luppino, Inc. This is a first for a new sand and gravel pit under on Ordinance 50, 2014, the procedures and requirements are set forth in Section 6, Section 7 on performance standards. The applicant is here

tonight, Mr. Paul Luppino, representing Angelo Luppino, Inc. He will be our first speaker if he wants to speak. Do you want me to continue with my letter?" "The applicant has supplied the proper application, documentation, fee, and presented information in accordance with Ordinance 50, the sections I cited. Notice of the public hearing has been posted throughout the township and the Ironwood Daily Globe, all property owners within the 300 feet radius of the pit parcels also received letters through US mail and Mr. Luppino also received a notice of this public hearing. The proposed sand and gravel pit sits in the RAF district. This district allows sand/gravel pits as a special use in the special use section and requires a special use permit. That's why we're here tonight. The sites have been inspected and I took photos of the sites, there are no apparent problems that I could observe in the operation of a Sand/gravel pit. The application and supporting documents appear to be in order. I provided you with a lot of the documentation (attached), and I have reviewed section 6 & 7 of Ordinance 50, and he has followed and provided us with the information in regards to this. Therefore, my recommendation would be to approve the special use permit for this new pit. Thank you." "There is no correspondence from residents as to this."

**Pat Steiger** – owns property to the North & West. I received this notice in the mail as to the meeting tonight. Has there been a site plan filed?

**Johnson** – yes.

**Steiger** – I would need to see that. And the other thing Paul, you have not talked to me about this at all and I'm kind of shocked by that, and you have no easement to get to my property, are you aware of that.

**Luppino** – yes, I talked to you about going through.

**Steiger** – there is no written easement. Now, I really feel, Paul, you need to spend time with to talk about this, just how you're going to do this. There's a few things I'm concerned with, how close you may be to Maple Creek, number 1, the road issue is number 2, I'm trying to help you on this thing but you did not approach me on how you're going to access your land. And also on this letter that I received from Ironwood Township you also say that you have a proposal down in Section 24, where you bought the three (3) forties, is that going to be a pit too?

**Luppino** – we got to find out where you mean on the map but we do mean all the properties here.

**Steiger** – This is why I'm looking for a site plan, where do you plan on starting?

**Luppino** – Section 19

**Steiger** – Ok, that's where you start to develop, what is your plan in Section 24?

**Hoefstede** – no plan there, these two (2) spots here (map)

**Steiger** – Ok, you have nothing posted in Section 24 in your three (3) forties there. There again, I'm not really sure of how you're coming out of that one. You have no easement from me to get out of, my land and road system surrounds it all. You need to be aware of that, that is why I recommend that you come and we need to have a meeting to talk about this. It can be worked out, but where you're going and how you're going in and how you're coming out becomes a very big issue for me. You may not be aware

of this, Maple Creek Road, blacktop 5 miles in, we did, as a courtesy for Gogebic County, on their right of ways, part of their tax, we did all of that with culverts last year, my company spent \$185,000 on washouts, the whole area up there, it was bad, my roads are not open to the public, and that reason is what happened 5 years ago, we got \$5,000 damage on the bulldozer because somebody got in there and got stuck, I'm not going to say anymore, but since that time our land's become gated. So, if you need access, you're going to have to deal with me. I'm not for or against, for it basically, but there's a lot of questions that have to be answered. Site plan, we do a site plan and I do a plan for our Ironwood Township pit in Bessemer, aerial photos, everything, we do what area we're going to work in and LeRoy, you have that on file, and I would like to see. The biggest issue I have is road access, that's the biggest issue. We have a massive road system out there and Keweenaw is the only company that has the right to use our roads, it is not an easement, it is a gentlemen's agreement because Keweenaw has timber in the area, we travel on their roads, they travel on ours. Gravel situation, whole different ball game. I just want to review the site plan. You're dealing with Maple Creek, you're eventually going to deal with another creek, and you have several streams involved there on the part that you would travel on. You have another site, (Map), creek comes right down through here, actually it empties and crosses right there. I would like to see the site plan.

**Johnson** – in his site plan he is planning, in that area Maple Creek sits on this side of it, his operation would have to go to the Northwest.

**Steiger** – Do we have the paperwork on the site plan. I don't want to hold up your whole program, I need time to review this.

**Johnson** – he already has the permit from the soil erosion office for that site. I gave you his plan. You could have stopped in, that's why you're given a notice.

**Hoefstede**- Does this have anything to do with whether we grant the permit or not?

**Johnson** – No

**Kimbler** – Ordinance 50 doesn't regulate roads within the property.

**Johnson** – These are all private roads

**Steiger** – I don't disapprove it if you approve it, but I need to work with Luppino, the road issue is an issue. It may not have to do with your approving the pit, but it has a lot to do with access. I think it would be best Paul if you take the time tomorrow, and you pick the time, and I'd be happy to sit down with you and talk about this. Nothing here we have to do in public.

**Kimbler** – I move we close Public Hearing and reconvene into our regular meeting. Seconded by Rhode.

**Hoefstede** – Before we do are there any other public comments. (None)

**Close Public Hearing:**

A motion to close the Public Hearing and reconvene the regular meeting made by Kimbler, supported by Rhode.

**Roll call vote:** All in favor, motion carried. Regular meeting reconvened at 6:20 p.m.

**Consider Application for Special Use Permit(s) for:**

The application is to establish a new sand/gravel pit on North Black River Road. The following parcels listed to be in the new pit are in section 19 T49N, R46W, Parcel #2703-00-515-900, parcel #2703-00-516-100, parcel #2703-00-516-150 and parcels in section 24 T48N-R47W, parcel #2703-02-507-400, Parcel #2703-02-507-500 and parcel #2703-02-507-700. These parcels are located on the west side of North Black River Road.

**Kimbler** – Move that we approve the above as listed parcel.

**Hoefstede** – Conditions.

**Lahtinen-** I for one would like to know about the Maple Creek Stream crossing. I don't know if there's a bridge there, I haven't been back there, but Mr. Steiger's points about ingress & egress are very important. If we approve it now and we end up in court because you can't get into your property when you want to haul or if there's going to be constant battles about whether or not you can use the roads. Mr. Steiger is willing to sit down and talk about it, I guess I would like to see both of you reach a conclusion. I'm not saying I'm against it, but he does have some legitimate concerns, that's all I'm saying.

**Steiger** – I have worked with Paul before and we get along fine it's just he has to talk to me about when he's doing this and his company, would you be doing it in the winter time (No).

**Johnson** – I think you two can discuss it, I was hoping that those accesses and easements would eventually be taken care of.

**Kimbler** – And again, under Ordinance 50, ingress & egress are not part of Ordinance 50, we are just to approve the gravel pit on the merit and he has complied with everything that is in Ordinance 50 according to the Zoning administrator. I cannot see any lawsuits to the township because again we are only going by Ord. 50 and to have him come back at a meeting would be improper.

**Johnson** – that's what I supplied you with. That he followed the two sections, as far as setbacks from property lines and sitting in the middle of everything and the Maple Creek issue while I looked at it, I was there, it is sort of downhill and away from the one site and he's up on a hilltop, to the Northwest, away from the creek. When he starts in there, I don't know if he's starting right away, I don't think so, he can burm that area so there's be no run off going to the creek, to the Southeast, Maple Creek. Maple Creek touches that area and then moves away. Soil erosion guys going to take a look at it as well. He's got the plan.

**Rohde** – I'd like to second that motion.

**Lahtinen** – I still have one other question for Mr. Steiger. You said you gated your property, now isn't that all Commercial Forest Land there? (reply – yes it is) Does the public have access to the property then?

**Steiger** – It's legal to gate CFA land. If you come out there and you want to go for a walk, I'm not denying that, but I can stop all vehicles.

**Lahtinen** – It's just vehicle traffic.

**Steiger** – See, normally what we do, is during fishing season, like this Spring and in the Fall, we unlock the gate, pull the lock, cuz some fishermen I gave keys to, some I don't, so I say "the hell with it, you guys go and fish there cuz it's gone, in the Spring and the Fall when the trout come in.

**Lahtinen** – so is there a danger to people using the property if trucks are operating.

**Steiger** – Five years ago we started to develop the hiking trail down along Maple Creek, and we did about ¼ of a mile of it and we got to a steep hill and we graveled it and put felt in, felt is what keeps the gravel from washing down, it's a steep hill, well that didn't last very long because the four wheelers got in there and just tore the hell out of it so you cannot control the four wheelers, if you have a gate they go around it, they don't give a damn, so part of the trail did get graveled, it's good, it's very walkable, but I'm not going to finish it just because of what the four wheelers do.

**Lahtinen** – But then that gate would have to be open for Mr. Luppino to get to his pit site.

**Steiger** – We're not talking about Maple Creek, he can get to his pit in 19 right now without going through my gate. We have a main gate but apparently you're going through his yard, while we're on the subject I got another thing to bring up and this is as good a time as any, we have a large gravel pit out there, it's been there for 35 years, private, we use it for all of our roads and Keweenaw 'roads, I'll tell you right out, never had a permit through Ironwood Township. What do you want me to do, do you want me to permit it? It never occurred to me because we were not selling gravel to the public. I don't know what the rules state, LeRoy would know. This pit is also available to Gogebic County because sometimes they get some bad washouts out there and it's right there for them, easy access. LeRoy, you want to go out there and look at it with me sometime, like I said, I don't know what the rules are for gravel.

**Johnson** – if you're using it on your own property, that's no problem. If you're taking it off your property,

**Steiger** – Well, then I'm saying the county's using it, it's our pit but we don't charge the county. No income derived from any municipality, you see there's restrictions on CFA rules, you can have gravel pits on CFA land, but you cannot sell it/profit, so we never did. That's what the rules state, see a couple years back, the Forest Service, they used some gravel and they used part of it for a disposal area when they did some remodeling. They had concrete, that's what it was, we dumped it in our pit. If I need to permit it, I'll do what the rules tell me to do. But it is a large pit, over the years there's been a lot of gravel, all the way down to Maple Creek. It's been used everywhere. Ok, you call me sometime and I'll take you out there, it's not very far, it's just right on the back side of Copper Peak. I'm not hiding anything.

**Johnson** – I don't know everything. Thank you for letting me know.

**Lahtinen** – One other question, under CFA you can't sell the gravel. Isn't your property CFA or is it private?

**Steiger** – CFA rules as a landowner you cannot sell gravel. You're not supposed to have deer blinds on CFA, those are the rules, but it's a lot like Keweenaw, Keweenaw has a lot of gravel pits everywhere, there available when they need them close by, that's how it works.

**Hoefstede** – I remember when Mr. Gladowski was here, he told us it was the same thing. They don't need to be permitted because it's just used on their roads. I think this is a great place for a gravel pit, out and away from the public, surrounded by timberland and a happy neighbor, it looks like. This is why we have Ordinance 50 as far as I'm concerned. All I's are dotted and t's are crossed. Any other discussion (none)

**Roll Call vote** on the motion by Kimbler, seconded by Rohde, to approve the permit as presented.

**All in favor**, motion carried.

**Old Business:**

Second Reading of Burning Ordinance: Johnson commented that fire department was called out on occasion only to find out DEQ issued permits that the fire department knew nothing about. As a former fire chief he was concerned about improper fire runs. Fines were charged if permits weren't issued and a run was called out. Scott Carlson and Mark McDonald have received the ordinance. Enforcement was discussed. DNR website was discussed. People without computers who couldn't access the website were a concern. Motion by Kimbler, seconded by Saari, to table the burning ordinance until more information became available. Motion carried.

**New Business:** Master Plan Five (5) Year Review was discussed. MSU checklist will be used as a guide for working on the review. A subcommittee of Hoefstede, Saari, Kimbler will meet and bring minutes of the subcommittee to the next Planning Commission meeting. Motion by Kimbler, seconded by Lynn, to start the process of reviewing the five (5) year Master Plan. Roll call vote, all in favor. Motion carried.

**Public Comment:** None

**Adjournment/Schedule next meeting:** A motion by Rohde, supported by Kafczynski, to adjourn the Meeting/Public Hearing at 7:02 p.m. Next meeting will be September 21, 2017, 6:00 p.m. Motion carried.

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Jason Hofstede, Chairman

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Sandy Lahtinen, Secretary