Charter Township of Ironwood Planning Commission Regular Meeting/Public Hearing April 14, 2016

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, Steve Boyd, Bob Lynn, Sandy Lahtinen

Absent: Darrin Kimbler

Also Present: Eric Brye, Gary Morzenti, Steve Tiziani, Mary Segalin, Jyl Renne Olson - DeRosso, Dean & Kathy Pearson, Ruth Mieloszyk, Katie Saber, John Kangas, Kevin Lyons, Dave Ruotsala (arrived 6:15), Kim Pelkola, (arrived 6:30), LeRoy Johnson

Public Comment: None

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

Public Hearing to Consider: Renewal of Sand and Gravel Pit – Conditional Use Permits for twelve (12) applicants to be considered. See attached applications submitted by LeRoy Johnson for those who wished to renew their special use permits to operate a sand and gravel pit operation in the Charter Township of Ironwood. The twelve (12) applicants had special use permits for the past year and the permits will expire on April 30, 2016.

Open Public Hearing:

A motion to open the public hearing made at 6:07 by Rhode, supported by Boyd to enter into the Public Hearing. Motion carried on unanimous roll call vote.

Roll Call Vote:

Yea: Kafczynski, Boyd, Rohde, Lahtinen, Hofstede, Lynn

Nay: None Absent: Kimbler Abstain: None

Correspondence from Zoning Administrator: As you have indicated this is a public hearing for the renewal of permits for sand/gravel pits. Twelve (12) applications were received. All were renewed last year, 2015. Johnson stated that he has reviewed the applications and supporting documents and all applicants have provided the necessary information and all are properly completed. Follow the former standards of section six (6) of Ordinance 50 and 2010, is just a little piece of that ordinance which remains in place for those to renew their applications. All new applications will have to follow new application procedures from the 2014 Ordinance. Permit Application/Soil Erosion and Sediment Control

Permit, site plans, and conditions to renew their special use permits/April 16, 2015A. pproval of gravel pits material was explained by the Zoning Administrator.

Steve Boyd: Have there been any written complaints in the past year?

LeRoy Johnson: I have not had any since I came on in June. I do know there has been some in regard dust from gravel roadways, other than that, it's been quiet, hopefully we can keep it that way and if complaints are received, that they come to me and I'll act on them as soon as I can. And I'll make sure that all operations are done according to Ordinance 50 and county rules.

Steve Boyd: In your opinion have all the operators met the standard of the ordinance?

LeRoy Johnson: Yes they have.

Written Material: Written letters were read by the secretary from: (see attached letters)

Nancy Nemacheck Diane Cadeau Nick Mieloszyk Holly Jennings Christopher Botkin

The Secretary also stated that if any other citizens wanted to speak, please do so after the written materials were read. (Absence of a sign up sheet to speak)

Citizens wishing to speak:

Ruth Mieloszyk- the speed, the hours, can't sit outside because of the dust, can't hang our clothes out because of the dust, use of the crushers in the pit, jake brakes. I can't see how or why they would need them other than speeding. We just want it quiet, we want it to stop. Hours anytime they want, Monday through Sunday. My husband, Nick, wrote something up a couple of weeks ago and he has written another one on rules/regulations. My neighbor was really upset, she really didn't want to come here, because what good is it going to do, they do what they want anyway. Ruotsala hires different companies to come down here. I've called Ruotsala myself, I've called the supervisor, and nothing gets done. They water the road, it don't last, and then they only water half of the road, it's a gravel road. I can't walk my dogs, I have dogs, pugs, and if dust gets in their eyes, dust can scratch their eyes, then there's the vet bills. We just want to walk down the road again, but can't do that because of the trucks.

Joe Rhode: LeRoy, do you have any comments on these letters?

LeRoy Johnson: Well, I think this is referencing the Ruotsala doing the land operation on Rooni Lane. Which is a gravel road under the control of the county road commission. We can work on the various operations inside the pit with our ordinance but outside of that it does not. I have not visited them while they are working but I will be visiting them this year for sure to see what their operation is and take note of these neighbor problems that if they have dust and you can't hang clothes, watering should be done more often. Actual speed got to be reduced. If theMI State police Weights and Measures guy I will contact him also and he will sit out there as well and look at vehicles coming in and out of there for

illegal activities. They'll be more than happy to do that. I have options at this point and I will be exercising those options should there be problems.

Steve Boyd: Does dust come from the road or pits?

Ruth Mieloszyk: the roads where the trucks are going.

Steve Boyd: At the last meeting we had a similar discussion to that. We pointed out that the reason nothing gets done is that we don't receive written complaints at the time it's happening. When we do receive any written complaints it's right before the meeting. Its' really hard for us to act on this now. If there are trucks running at 6 in the morning, call every one of us at 6 in the morning and you'll get our attention.

Ruth Mieloszyk: there are trucks running at 5:00 in the morning. I have the called supervisor numerous time about the trucks, then Ruotsala, then Cloverland about his trucks going very fast

Steve Boyd: We have the authority to change the permits and to take action based on written complaints. But it's based on the written complaints. You should write it down, send it to us in writing, it's hard to do something on just what people say. It's always been that way, at the last meeting it was this same issue was brought up. I'm not disagreeing with you at all, I just want to be sure that what we have is correct. You know we have a bulldog here that will go after someone, and I think that is great. The hours were liberalized to coordinate with the schedules of some of the big projects going on, that's where that came from originally. But if we have someone violating that and if it's Sat. morning at 6 am and trucks are rolling out of there, we want to know about it. If we've got 12 complaints, we checked them out, 3 of them are valid, then we could either limit their hours, refuse to let them have a permit, that would be our option, but without something coming in it, it's difficult to act on that.

Katie Saber – address,5034 North Star Road, Many,many years living next to a very, very active pit until recent years. I would like to ask the commissioners to truly reconsider the hours of operation Monday – Friday, I can tell you having lived through it for many, many years, you know you get home from work at 6 o'clock and all summer long you don't have an hour or two to even be in your yard, or have your windows open, or what not. It really takes a toll on a person's life and quality. I would request to seriously consider the hours of operation no later than 6 pm M- F and on Saturday 8 – 12. People who live there or close to a pit have at least Saturday afternoon to do something or have people over or whatnot. Thank you.

Dave Ruotsala – I've heard the conversations about the Rooni Lane pit. I don't think the neighbors realize, last summer we were very inactive, just sand, because we ran out of 22 A, so we didn't haul any 22 a out of there. If it was a dry day,, I personally went out there. The year prior we had a very busy year and the times we water that road there are files in our office. Every day that I'd go out there, I recorded it, temperatures, the days I watered it, sometimes two or three times a day, it's all documented, these people can say the fallacies all they want to but it's all documented. And this that they're trying to say that we run illegal operation. I'm willing to pull up any of our driver's worksheets and their documented time. Unless they did it for free, no company works for free, the times are documented the times they punch in. This 5 o'clock in the morning, and some days they might have come in empty but they do not pull out of the pit until 6 o'clock. We're under the old ordinance, that's a grandfathered pit. Sometimes the operation is different than the new ordinance. So, these people aren't going to tell me I've got it all documented, the day it was, the humidity of that day, when we

watered it, the time we've watered it. I've watered it a lot, a lot more than, you know, I personally and the two truckers we have, Tony Merconti is so conscientious about these people on that road that he won't go, I mean if it's dusty he'll call me right away, Dave it's dusty, so I'll go out there right away. But on a sunny/windy date, the county had some kind of rebound, it's red material, yeah, when I water it heavy it does get muddy, so now they're mad at that so I don't know which way they really want it. We consciously put a huge effort into watering that road. It's beyond your jurisdiction, that road, it's a county road. But I personally take it as a, for them to say that I don't watch that road, is so untruthful, it's unbelievable. You people better watch how you're talking because I got it all documented.

Ruth Mieloszyk – There are some days that you water on one side and not the other.

Dave Ruotsala- and that road it's not a busy road, so I water one way. Why should I water two ways when I can go down the middle of the road, that road is kind of hogbacked to start with, so I run the center, we do water that road and these people are saying that we don't, you better rethink because it's documented

Ruth Mieloszyk -I've seen you water

Dave Ruotsala -So what's the problem?

Ruth Mieloszyk -It dries up so fast

Dave Ruotsala - Yes, I can't help it. Somedays I've watered maybe three times, and it takes a great effort to water with a truck three times.

Steve Boyd: Do you subcontract out with the pit?

Dave Ruotsala - Cloverland was there not last year, but the busy year. We're in a short season, 4 -5 months maximum if you don't work those hours you're not gonna get done, then you're penalized, \$500 to \$1000 dollars a day by the cities

Ruth Mieloszyk -Plan ahead, seriously

Dave Ruotsala - What do you think we're trying to do. What I'm saying is this thing on the one side of the street, we do make a conscious effort to make that road wet, then if I douse it with water, then there's mud and they're mad at the mud.

Mary Segalin – Is there any way we can talk to the road commission to put a different product down on that road for a base so we can change the base instead of turning it into mud. How long is that road, ½ mile?

Dave Ruotsala – ½ mile, ends at pit. County Road goes just a little past, maybe 50 feet.

Bob Lynn – years ago, if I recall correctly, the road commission bought chemicals out of Wausau, They were probably pretty pricey but I don't know how long it would last, I don't how effective it was either, if watering was as good as the chemicals. I do think there was a problem storing chemicals, but it does seem to me that we could get together with the road commission to discuss this and maybe come up with some alternatives.

Dave Routsala – this summer is going to be a light summer because we don't have any local work. Maybe a septic any or something. So you can all rest easy this year. Everybody had a rash of projects, the city had a tremendous year, but now it's over, who knows when the next project and who will get it.

Steve Boyd – Jason, can you check with the road commission and find out what the options are. Whether it's chemicals, adding some type of aggregate, what all the options that it would cost, specifically for the length of that section, for ½ mile. I'd be curious to know what the options are.

Sandy Lahtinen – But Steve, you did mention that the hours were recently changed for these big projects coming up. With no projects coming up, is there any chance of starting at 8 a.m vs. 6 a.m. or ending at 6 p.m. versus 8 p.m. That's where we had the majority of concerns in our written comments.

Dave Ruotsala – Dust issue doesn't come until afternoon. There's dew in the mornings, and it's not dusty really in the mornings. It's really from 11 o'clock on and if you water it it will stay pretty much wet all day until the sun and the wind hits it. So the best time is the morning.

Sandy Lahtinen— Ok, end earlier. I mean before everyone worked until 6 oclock or ½ days and if there's a big project and you get special permission to work that extra time to finish that project on time because I've seen on a couple of the letters that no one is against special projects and getting permission to work longer, but it's the day in and day out that they're never being able to plan anything. That's what I'm hearing, I don't know about the rest of you?

Jason Hoefstede – Mr. Ruotsala, how long has that pit been there, active, with the current permit?

Dave Ruotsala – It's probably I want to say five years for sure, maybe six, maybe seven, somewhere in there.

Jason Hoefstede– And, how long have you folks lived there

Ruth Mieloszik – I lived there since 1989. My husband lived there since 1980.

Jason Hofstede- Me personally, I live right next to a gravel pit. It's not right on a gravel road like you folks. I have some experience with trucks rolling in way before the start time, sitting there for an hour or two, and then hauling out. And they're still coming down the road and waking you up. I really only had traffic by my house for 2 and ½ to 3 weeks and I knew that was coming to an end because the road was almost done. I also knew there was a gravel pit there when I moved there so I'm not going to complain about the gravel pit that's there after I moved there. Granted, that's not your situation but it's not true of all these people. As far as the road goes, like everybody said we can't control anything that happens on the road. We can try to move things along, but as far as you're telling us about the dust, I would definitely take your complaints to the road commission when they have a meeting. As far as hours of operation, I think personally again that the Saturday start time is too early. I don't think that needs to be 6 am on Saturday, personally, oh 8 am on Saturday, I'm sorry, I'm talking about the end time, 8 pm is too late, personally again. And like you operators are saying, it's probably going to be a slow year for you. And I guess I would like to see some type of compromise about hours, especially, when it's not planning to be so busy.

Steve Tiziani – I'd like to comment on that. Just because it's 8 o'clock, it doesn't mean everyone is running out there working until 8. I mean, it was a big project last year like you said. I think they should be left and have that option. Right now, everyone's picking on the gravel trucks. I mean, I live out by Triplett's on Lake Road, and Triplett's/Jarvi, there's a lot of trucks that go around the clock out there. I mean it's pretty hard for anyone to start picking on just gravel trucks, I mean, I'm not going to park my truck at 8 o'clock and have log trucks drive past me at 10 o'clock. I mean that's not fair, and it's not going to happen.

Jason Hofstede – It's a different business though.

Steve Tiziani— Well, I realize but It's still a truck on the road. It's noisy, whether you want to call it a log truck or a dump truck.

Jason Hofstede - Logging is for a summer at a time and then it's done for twenty years. It's not a continuous type of thing.

Steve Tiziani – Well, neither is a dump truck.

Sandy Lahtinen – Steve, I do have to respond to that. I never filed a complaint because I knew that those jobs had to be done. But last year, there were those double semis going down Lake road to your pit, and then when they were done the smaller operators would come in the evening. It would have been fine If you're walking down the road, or walking a dog, or riding a bike and the trucks would slow down and just go around but some of them would go straight by. We just quit using Lake Road all summer long, entirely because it was too dangerous to be on while the trucks were hauling.

Steve Tiziani – Well, you should have called and complained.

Sandy Lahtinen– Well, I didn't, because I knew the highway project had to be completed but if I knew it would keep continuing...

Steve Tiziani – That projects been done for six months, don't you come in here and start complaining about things right now. I've done this for fourteen years and going to these meetings and it's the same thing every year. So it's not now to bitch about them, you've got to bitch when the problems out there

Sandy Lahtinen – but if people knew the project was ending like the highway project. Everyone says there's so few projects, yeah you can get through a time, but you know that's it's going to end.

Steve Boyd – Were they speeding?

Sandy Lahtinen – all of the time. But not all of them, and some were very good. However, when you get no relief from it with the hours from 6 am to 8 pm. It makes for a difficult summer. And also, the roads are crumbling from all the excessive hauling. The people on Rooni Lane, that's gravel. To find a solution would be nice.

Steve Boyd – you'd have to call the sheriff for speeding. And better yet, get the license plate number.

Dave Ruotsala – Some clarification. On a county road there's no time limit as to when you can drive and when you can't drive. So, because our trucks idle out to the pit at 5 in the morning, in the summer, it

gets light at 4. And they get down there and they grease their machines and the stuff that don't make noise, that's all legitimate as far as I'm concerned because I don't stop people from going fishing at 4 o'clock in the morning and you know everybody's got to respect each other and that's exactly what we try to . We're not here to upset our neighbors, we have no intention of doing that, but at the same time, it's a tough racket, just think, it's almost May 1st and the road limits are on, so then you've only got til October. Someone's got to make payments on this equipment so you gotta hustle and make time and anybody's that's been in business knows that. I think it's a little respect on everybodys' part and everything will go fine.

Steve Boyd – If it's a slow year, is your choice of when to use the pit strictly by the job or do you tend to not go in the pit in the afternoon or evening or how does that work?

Dave Ruotsala — We don't go in the evenings ,a lot of people say we work way late on Saturday afternoons. I can show you the time cards. There's a rare, rare exception that we can get trucks to work past noon. They got families to and we appreciate their family life and to keep a trucker you gotta respect their family life. And like now, we don't have 22 8 crushed and we won't crush any on a project we don't have. So chances are we'll be buying that from Tiziani so our pit will get used very little.

Katie Saber— Another question I have is we're talking about roads but what about the operations within the pit. That was my experience over the years. The crushing type of operation, again it was a different pit than Ruotsalas. You know, it was within a residential area. But the actual operation within the pit. The constant backing up of the trucks, the crushers, that's something that until 8 o'clock at night is, I experienced it many times when there were projects whereas 6 o'clock would have been nice to turn that off as far as within the pit itself. Where as there's some residents that can't hear that versus when you live next to a pit, so I'm just throwing that out there as a consideration for the hours of operation that's it's more than a truck just going down a public road, it's also the operation within the pit itself.

Steve Boyd – There's specific things inside the ordinance on crushing.

LeRoy Johnson – the DEQ has requirements that also covers dust, noise, distance from neighbors

Joe Rhode – how long does a crushing operation usually last once you start? I mean it goes all day but does it go many days in a row.

Steve Tiziani – a couple of weeks.

Dave Ruotsala -And that's another thing we run into our problem. With our geographical location, we're lucky to get a crusher here. When they come here If you tell them you can only work from this time to this time, they probably won't even come. Because why should they come here and only work ten (10) hours a day, they got the same problem we got, short season. So if you got a five million dollar crushing operation going, they're not going to work an eight hour day, they'd rather not. They'd stay over there in WI and crush over there and make all kinds of money. So, people have to also realize that, when people come 500 miles to crush your gravel, they're not working eight (8) hours a day. That I can guarantee you that. Do you agree with that?

Steve Tiziani – correct.

Sandy Lahtinen – But that's just crushing Dave. We're talking about all summer long. Of course, for situations like that, they're short term and limited people are impacted, and it's going to end. But we're talking May to September or whatever. For the letters, anyway, that were sent in.

Jason Hofstede – any other public comments.

Steve Boyd – We're not at a place right now that we can change the ordinance. Do we need to have a committee. The only problem I have is that we're not getting written complaints until need starts. There's issues I'd like to address them, but we're not hearing about it. If we're not hearing about it. I see two issues here, one is if people are violating now within the ordinance, someone's running trucks at 4 in the morning, and the other thing is do we change the hours of operation. And there's obviously pro and con on that, there's two separate things. But if we have violations, I'm saying that if someone is violating, please let us know when it happens. I have no problem with addressing those immediately, I think we should. Discussion of change of hours came a couple years ago and we wanted to make sure the pit operators could operate as the demands came from local jobs. There's always been some variance in there that if you want more hours you can request them. If you don't have a job you're not going to operate your pit. I assume that you're going to operate as minimal of time as possible, so somewhere in there the ordinance was an attempt to meet both needs. If somethings not working out we can look at addressing that, but if there's a violation, we need to know about it so can respond to it right away. And the realization also that the ordinance governs the pits, not the roads. And it's frustrating because you come here and you're not going to get a response on someone speeding on your roads But it's a reality that we don't govern the roads. And if you see someone speeding, please report it. And if it's governed by us and the pit, tell us and if it's governed by the state or the county it needs to be addressed. And I think it's our responsibility that we need to be responsible to our people but once again, address violations as they happen so we can address them right away.

Sandy Lahtinen – well maybe we should publish that somehow so people know that they have to have it in writing if a complaint occurs and then we won't get them at a meeting. I mean do people know that this is how they should handle a complaint? The people here at the meeting know but the public?

Steve Tiziani – we've been going over this every year.

Sandy Lahtinen—(addressing Ruth Mieloszik) would that be something that would satisfy your road that you immediately call the supervisor or would that be you LeRoy.

Ruth Mieloszik – I've called the supervisor. Maybe my neighbors are right, why bother.

LeRoy Johnson— With your written complaint, I can write a letter to the road commission so they address it so as far as dust control, they should be able to help out with the sand/gravel pit operators. Put a binder on that would last longer. The water will evaporate off, if you've got a bad base it's going to turn the road to mud which is not any better. You can't walk on it. Hopefully there's a light at the end of the tunnel for all of this and it has to happen through cooperation from everyone. There have to be written complaints, we can't act on verbal complaint.

Ruth Mieloszik – For me, I did not know that.

Steve Boyd – When you called the supervisor were you told that?

Ruth Mieloszik - No

Sandy Lahtinen – So maybe there's confusion on how to file a complaint and with who.

Bob Lynn – We could use the newsletter too. A small article in the newsletter on how to report a complaint, it goes out to all residents.

Dave Ruotsala – The first two years we operated there, when Rick, my brother-in-law, was the supervisor at the time. We split a load of pickle juice with the township. We paid for our share, it was like \$1800 for our share, we'd do our road and then they'd go in front of residences on gravel roads and put the rest of it. there's a lot of gravel roads in front of people's houses. Whatever happened to that, I tell you one thing, the county is hard get to do anything with right now. They're lacking money like every else. If you get it on after a light rain it'll last a long time. The trick is if I get another load, I'll water the road on a sunny day when I know they're coming. We can't order that ourselves, it has to go through the county for some reason, some restrictions. Like this summer, I won't order it at all because we don't intend to use it.

Bob Lynn – How long does that treatment last? (See above)

Steve Boyd – we don't regulate what time roads are open or closed. Anyone can drive on a road at 5 in the morning, but if it's coming out of a pit, we can regulate. If you knew that a truck was coming out of a pit at 5 in the morning, that's a different story, that is our responsibility. We regulate what comes out of a pit, that's where our jurisdiction lies. If you feel that you've written a complaint about a legitimate thing let me know. Anytime you send written complaints and you do not receive satisfaction, I want to know about it. If you feel that you've written a complaint about a legitimate thing that's not being recognized, I want to know.

Dave Ruotsala – When we're operating out there that road has less dust on it than when we're not. There's clouds of dust from the mailman, fed ex, some of these people have to use some common sense, and say Ruotsala is watering that road, it's nice when he's got it.

Sandy Lahtinen – What would it cost to blacktop the road? (Several responses, too expensive)

Speaker - (Didn't identify himself)I have a pit. We want board to know that we want to be good neighbors. If there's a violation and we know it, we're going to get a hold of those guys. If they continue to do it, they won't haul out of our pit. I think some of it is communication.

Steve Tiziani – Just like the saying goes, there's always one bad apple in every bunch. Don't penalize all of us for that one guy.

Sandy Lahtinen – Who would they send the complaint to?

LeRoy Johnson- I would respond

Bob Lynn- Important that all complaints be in writing, can call the office, but have it in writing, a phone call can get lost in the shuffle. We can get a copy of the written complaint. Both office and written letter

Mary Segalin – Or maybe send a copy of email to LeRoy. It might be easier for some people.

Dave Ruotsala –Speeding, if you're paying that trucker \$44.00 an hour, wants the trucker to go speed limit. He's pulling 90 to 110 pounds of material. Our neighbors often say we're going too fast. Mr. Kennedy pulled us over one day, unless posted otherwise, 50 MPH. It's not happening, going into Spring Creek.

Steve Tiziani – hard to go over the speed limit, people are passing trucks more than anything, when you're box is empty it sounds like you're going 70 MPH

Sandy Lahtinen – I think this highway project was a real lesson for all of us. There was more trucking in one summer than there has been for years. When we were rebuilding Lake Road, same thing. If we see how it goes this summer, and if it slows down and people aren't complaining, and if they do complain we deal with it. What do you think Joe?

Joe Kafczynski – Let's wait til we get the complaint. And we can go from there.

Dave Ruotsala- There's two sides to that ordinance. Talk to both side. You know, we get huffy about this. This isn't an easy racket. People got to give us some leeway. Luppino faces this too.

Steve Tiziani – We're working for the people, short time. They need a load of gravel for their driveway, we're going to get it for them.

Sandy Lahtinen – I don't think there's any dispute with that. I think what these letters said were the roads and excessive noise/dust and things like that. I don't think anyone's ever complained about hauling for special projects.

End Public Hearing and Reconvene Special Meeting: At 7:00 p.m. a motion made by Boyd supported by Lynn, to close public hearing and reconvene regular meeting. Motion carried on unanimous Roll Call Vote:

Roll Call Vote:

Yea: Kafczynski, Boyd, Rohde, Lahtinen, Hofstede, Lynn

Nay: None Absent: Kimbler Abstain: None

Jason Hofstede: Put all pits together rather than approve them all at once. Motion by Rhode, supported by Kafczynski to approve all the pits at once. Roll call Vote.

Roll Call Vote:

Yea: Kafczynski, Boyd, Rohde, Lahtinen, Hofstede, Lynn

Nay: None Absent: Kimbler Abstain: None

Motion carried.	
Public Comment: none	
Adjournment/Schedule Next Meeting: Motion by La Meeting/Public Hearing and to set a Public Hearing D for May 19 th , 6:00 P.M. Mary Segalin will post the moto the public. Motion carried. Meeting adjourned a	Date on the approval of the new Zoning document eeting and provide copies of the Zoning document
Jason Hofstede, Chairman	Sandy Lahtinen, Secretary

A motion made by Boyd/Rhode to ask the road commission for available options/cost, both on ½ mile radius & to do it themselves for Rooni Lane. Jason will look into it and report back at next meeting.