

KCRC Board Meeting Minutes

December 12, 2023

Meeting Time: 2:00 p.m.

Present: Olson, Bracco & Karvonen

Absent: None

Staff Present: Jesse Patrick, Finance Director; Greg Kingstrom, P.E., Engineer/Manager,

Guests: Sign-in sheet was provided and is attached to these minutes

Meeting was called to order at 2:00 p.m. by Commissioner Olson and the Pledge of Allegiance was recited.

Commissioner Karvonen moved to approve the agenda as presented. Commissioner Bracco supported the motion. Ayes: 3, Nays: 0. Motion carried.

Chairman Olsen opened the Public Hearing at 2:02 p.m regarding Fitzgerald's Abandonment Petition Request Public comment was provided by the following:

Micheal LaMotte requested cooperation in finding a resolution to encroachment and thanked the Board for its efforts thus far in doing so.

Ryan C. Plecha, attorney for Kostopoulos Rodriguez, representing Michael LaMotte spoke regarding the pending petition and hopes of an amicable solution to allow the addition to remain. He also cited the other steps requiring approval by Houghton Township and circuit court if abandonment is approved by the road commission. Also, cited the initial public comment from the May meeting that were in overwhelming support to allow the building addition/smoker enclosure to remain. Also, stated that the addition would have no effect on the community, current snow removal operations or be an overall detriment to function of Front Street in Eagle River. Requested that the Board approve the abandonment petition as presented.

Kathy McEvers, resident of Eagle River, stated that the majority of local residents are not in favor of allowing encroachment to remain, but they are hesitant in speaking out. She does not believe Mr. Plecha's statement that the majority of residents are in favor and that the Fitz's social media page comments from supporters living elsewhere are not relevant. She also stated that parcel is a non-conforming, per the ordinance and therefore, any such additions or modifications should not have been approved by County Zoning and Building Department. Also, she objected to giving public property to the owners of the Fitzgerald's to resolve the issue.

E-mails were received by the following are included in the meeting minutes:
Thomas Hall, Robert Ziebell, Dan Steck, Douglas & Freda Craig

No additional comments received. Chairman Olsen closed Public Hearing at 2:12 p.m.

The regular meeting minutes of November 13, 2023 were reviewed and approved by a motion of Commissioner Karvonen and supported by Commissioner Bracco. Ayes: 3, Nays: 0. Motion carried.

Voucher #28295 and #28296, and Master Vouchers #23-2023 and #24-2023 in the total amount of \$334,689.84 were audited by the Commissioners. Commissioner Bracco motioned to pay the bills as presented. Supported by Commissioner Karvonen. Ayes: 3, Nays: 0. Motion carried.

The Financial Statement was presented by Jesse Patrick, Finance Director.

Engineer/Manager provided a verbal report of current items of general business, operations, proposed 2024 projects and ongoing issues.

Unfinished Business:

Fitzgerald's Restaurant/LaMotte ROW Abandonment Petition – No Action. Decision on abandonment petition will be on the agenda at a future meeting.

New Business:

Finance Director/Human Resources Director presented making additional (optional) year-end payment to MERS. Commissioner Karvonen motioned to make additional 15% payment. Motion was supported by Commissioner Bracco. Ayes: 3, Nays: 0. Motion carried.

Engineer/Manager requested Board to establish meeting day and time for 2024. A motion was made by Commissioner Karvonen to change meetings to the second Tuesday of each month at **6:00 p.m.** Motion was supported by Commissioner Bracco. Ayes: 3, Nays: 0. Motion carried.

Engineer/Manager explained opportunities to apply for RD equipment grants in 2024 for upcoming purchases of major equipment later in 2024 and 2025. Commissioner Bracco motioned to authorize Engineer/Manager to pursue and apply for possible RD grants. Supported by Commissioner Karvonen. Ayes: 3, Nays: 0. Motion carried.

Other

Other items of routine business were discussed.

Opportunity for public comment was offered. Ray Chase, Houghton Township Supervisor, asked when the Road Commission would be voting on the abandonment petition for the Fitzgerald. Chairman Olsen responded that it would likely be on the regular board meeting agenda in January.

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The meeting was adjourned at 2:25 p.m. by motion of Commissioner Bracco and supported by Commissioner Karvonen. Ayes: 3, Nays: 0. Motion carried.



Richard Olson, Chairman



Greg Kingstrom, P.E., Engineer/Manager

Keweenaw County

P.O. Box 379
1916 Fourth Street
Mohawk, Michigan 49950
Telephone (906) 337-1610
Fax (906) 337-1404



Board of Commissioners
Richard Olson, Chairman
John Karvonen, Vice-Chairman
Gary Bracco, Member

Administration
Greg Kingstrom, P.E., Engineer/Mgr.
Jesse Patrick, Finance Director

Road Commission

REGULAR MONTHLY MEETINGS - 2024 KEWEENAW COUNTY ROAD COMMISSION MOHAWK, MICHIGAN

Tuesday, January 9, 2024	6:00 P.M.
Tuesday, February 13, 2024	6:00 P.M.
Tuesday, March 12, 2024	6:00 P.M.
Tuesday, April 9, 2024	6:00 P.M.
Tuesday, May 14, 2024	6:00 P.M.
Tuesday, June 11, 2024	6:00 P.M.
Tuesday, July 9, 2024	6:00 P.M.
Tuesday, August 13, 2024	6:00 P.M.
Tuesday, September 10, 2024	6:00 P.M.
Tuesday, October 8, 2024	6:00 P.M.
Tuesday, November 12, 2024	6:00 P.M.
Tuesday, December 10, 2024	6:00 P.M.

All KCRC Board meetings will be held on the 2nd Tuesday of the month at 6:00 PM unless otherwise noted. Special meeting may be scheduled at other times to accommodate other needs.

ATTENDANCE SHEET: (OPTIONAL) FOR KCRC PUBLIC HEARING/BOARD MEETING - DECEMBER 12, 2023

1. Ryan Decha, esq.
2. Mike LaMotte
3. AL WIZMAN
4. Charmaine Parsons
5. John Parsons
6. Kelly McEwen
7. Mary Long
8. Kent Elwood
9. Laura Rajala
10. SANDY LE - in support of abandonment petition
11. Darlene Jordan -
- 12.
- 13.
- 14.

* SEVERAL MORE ATTENDEES, BUT CHOSE NOT TO SIGN

Greg Kingstrom

From: Thomas Hall <th850485@gmail.com>
Sent: Monday, December 11, 2023 11:09 AM
To: Greg Kingstrom
Subject: Eagle River Front Street ROW

RESIDENT OF
EAGLE RIVER

I am writing to you in support of the petition for abandonment of the portion of Front Street outlined. Years ago we would not have supported any commercial change to Eagle River especially the beachfront, but over the past twenty years Eagle River has become a tourist destination due to the historical sites, scenic beauty. One of the main destinations for tourists is Fitzgeralds Restaurant and a benefit to Eagle River and Keweenaw County. We see no harm to the requested abandonment and ask that KCRC vote to approve.

Thomas Hall
Elaine Hall
Eagle River, Mi.

Greg Kingstrom

From: Douglas Craig <douglasbcraig@gmail.com>
Sent: Monday, December 11, 2023 9:33 PM
To: Greg Kingstrom
Subject: Re: Public Comment: Fitzgerald's ROW Encroachment

Keweenaw County Road Commission
c/o Greg R. Kingstrom

It is our understanding that a Petition to Abandon a portion of the ROW for Front Street has been filed as a step toward resolution of the dispute between Fitzgerald's and the KCRC. **We are writing in support of this proposal.** As previously expressed to this Commission we are longtime supporters of "The Fitz" -- and Keweenaw County more broadly -- and hope that this reasonable proposal helps move everyone toward an equitable and timely resolution.

Looking forward to our next visit to the Keweenaw this summer!
All the best,
Doug & Freida Craig

3180 S Sashabaw Road
Oxford, MI 48371
248-736-3707

On Sun, May 7, 2023 at 4:55 PM Douglas Craig <douglasbcraig@gmail.com> wrote:
Keweenaw County Road Commission
c/o Greg R. Kingstrom

I am writing regarding an issue that I believe will be before you at your next meeting: Fitzgerald's Hotel & Restaurant ROW encroachment. Briefly, I wanted to express my hope that the Commission and Mike LaMotte, owner of Fitzgerald's, can resolve this issue to everyone's satisfaction. We have been traveling to the Keweenaw for nearly 40 years. For the last 30+ we have stayed every year at Fitzgerald's. We've known Mike from the time he was a boy running around with a "pet" wolf. He has grown into one of the finest people we have ever met. His compassion for friends, family, co-workers and community is truly something to be admired. Though we live 500 miles away we have given to Keweenaw animal shelters, businesses recovering from fire, and families in need because *he* has made organizing and giving back to his community integral to the business he runs. I have no doubt his building expansion to Fitzgerald's has been handled with the utmost integrity and attention to detail. I hope all involved will do likewise in seeking to resolve this situation so that all may continue to benefit from a successful business and true gift to your community.

Looking forward to our next visit to the Keweenaw and
With kindest regards,
Doug & Freida Craig

3180 S Sashabaw Road
Oxford, MI 48371
248-736-3707

Greg Kingstrom

From: eagleharborstudio@mac.com
Sent: Monday, December 11, 2023 3:48 PM
To: Greg Kingstrom
Subject: Please allow right of way

Please allow Fitzgerald's the right of way as requested.

Robert Ziebell
Eagle Harbor General Store Museum
Eagle, Harbor, MI. 49950

The expansion of the Fitz onto public property has raised many issues, but I believe that the Road Commissioners should focus on two questions to decide whether to grant or deny the petition to abandon part of the Right of Way along Font Street in Eagle River.

The first question you should consider is:

Would it be safe to allow the Right of Way to be severely restricted for several hundred feet along this busy street?

My short answer is NO; it would not be safe.

The FITZ is a business that needs lots of parking spaces for their employees, suppliers, and customers. This petition would effectively narrow the passable pavement to less than 40 feet wide along a 260 foot stretch on the lake side of Front Street. A bottleneck would occur when vehicles are parked on the remaining edges of the narrowed Right of Way. An unsafe situation is likely to occur when there is a crowd of people who open car doors, walk in the pavement and scurry across the street. In the winter, traffic is limited to a single lane when snow is piled on the roadside and is parked on the sides. NO PARKING signs would be not be an effective solution as they are generally ignored because legal parking enforcement is a low priority. I can provide photos that illustrate these problems.

The second question you should consider is:

Would granting this petition lead to more problems for the Road Commission than if you denied it?

My short answer is YES. The Road Commission will have more problems like this when some people see the abandonment of street rights of way as an opportunity to take advantage of weaknesses in our law and ordinance enforcement.

Once the word spreads that the Fitz was successful in their trespassing, others are likely to think that they can get away with similar intrusions. Some people may start adding structures like garages, sheds, trash containers along streets. Ask yourself, who will be responsible for investigating, reporting potential violations and taking remedial or legal action? If the problem is along a street people will assume it is the Road Commission's job to fix the problem. How will the Road Commission justify and enforce their objections? Does the Road Commission have the time and resources to fix these "low priority" problems?

Here are two real examples that may have been a result from individuals using past violations that were ignored in Eagle River.

A large recreational vehicle was parked for months last summer in the Right of Way of East Main Street despite being reported to the Road Commission and to the Sheriff several times.

The Fitz's dumpster has been in the Pine and Front Street Right of Way for years without a permit. Houghton Township has discussed moving their dumpster from the town square down to Front and Pine. I

The hassle dealing with these kinds of actions could be avoided by consistently enforcing laws and ordinances.

I ask the Keweenaw County Road Commissioners to deny this Right of Way abandonment petition in order to insure public safety, and to save the Road Commission, the township, and the county from more problems like this in the future.

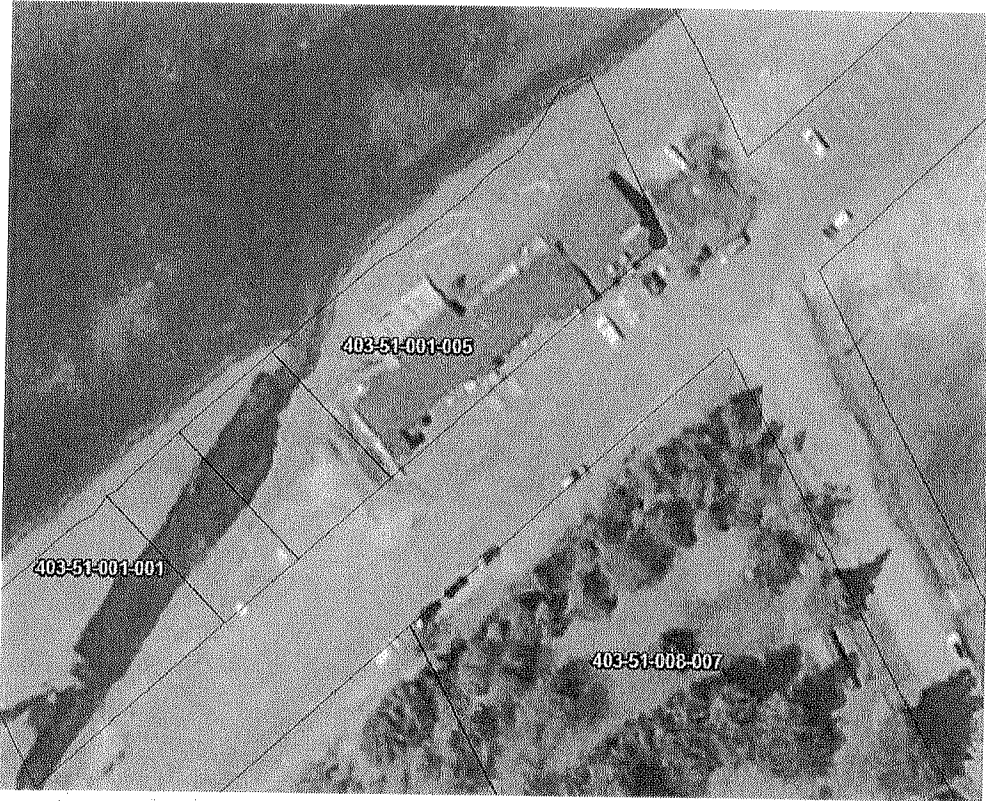
Dan Steck

Eagle River Michigan

12/10/2023

RESIDENT

Satellite view and lot lines



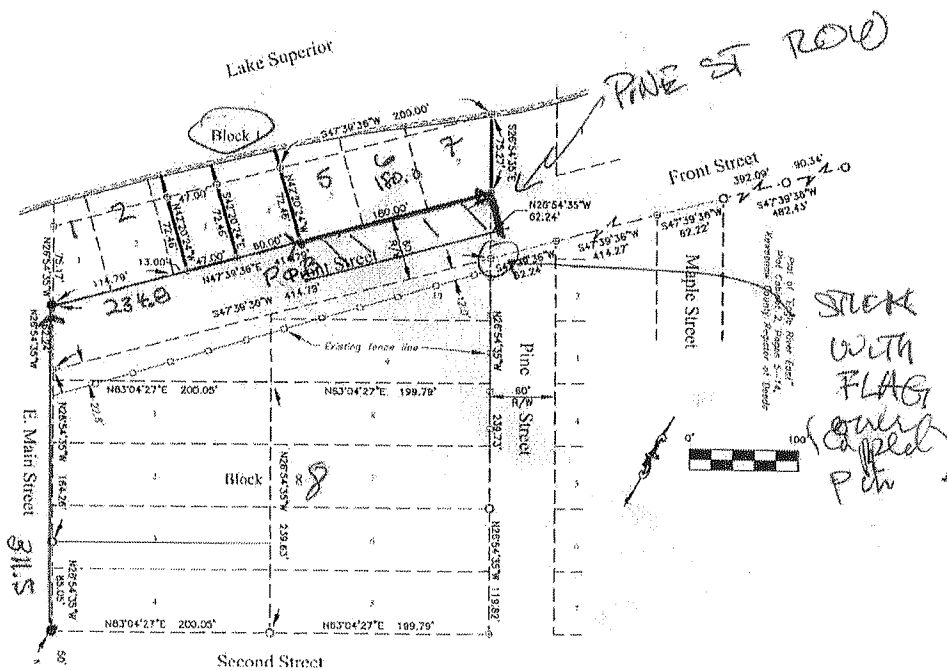
The red dot marks the southeast corner of the lot and the original building. The northeast corner of the new building (not shown) is attached to the old building at that spot.
 (Keweenaw County 2022
<https://colligogis.com/web/>)

Plat of Survey

The East 47 feet of Lot 3 and Lots 5, 6, & 7, Block 1
 Town of Engle River
 Houghton Township, Keweenaw County, Michigan

Legend
 ○ - Found iron, size & type as noted
 ⊙ - Calculated point
 ⊗ - Sit capped 1/2" rebar, P.S. #46675
 P.S. - Professional Surveyor
 R/W - Right-of-way

Bearings based on the Michigan State Plane
 Coordinate System, North Zone in International Feet
 NAD83 (2011) as obtained by GPS measurements



The petition asks that the red hash area be abandoned. (Marked here on the 2023 Fitz survey)

This area is 20 feet wide, 180 feet long adjacent to the existing building, and 180 feet plus a few more feet along Front Street so that it extends it into the Pine Street ROW

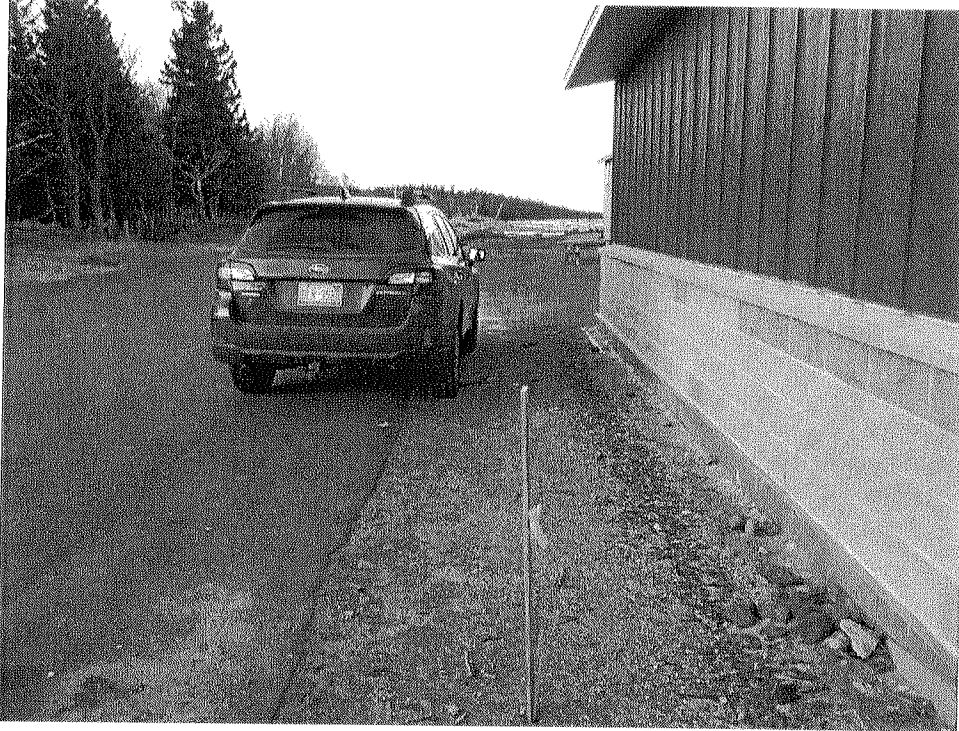
The intrusion of the Fitz into the Front & Pine Street Right of Way



Note red dot
marks the
Fitz lot
corner in
both photos



Parking along the lake side edge of the bottleneck



The flagged stake is 40' from the landside edge (left in this photo) of the Front Street ROW.

The car is parked close to the edge of the proposed abandonment where a customer might park to allow a passenger to exit.



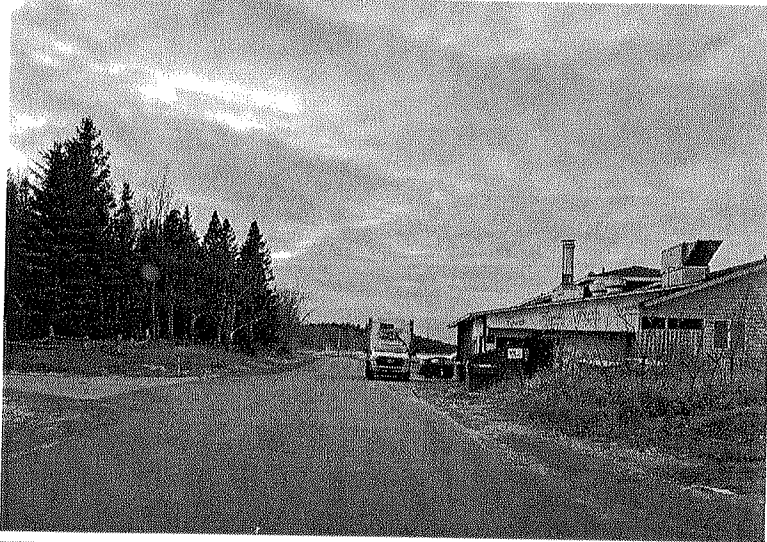
The white dashes on the pavement mark the "normal" paved lane edge. An open driver side door would extend into the traffic lane.

Employee, vendor and winter parking in the bottleneck

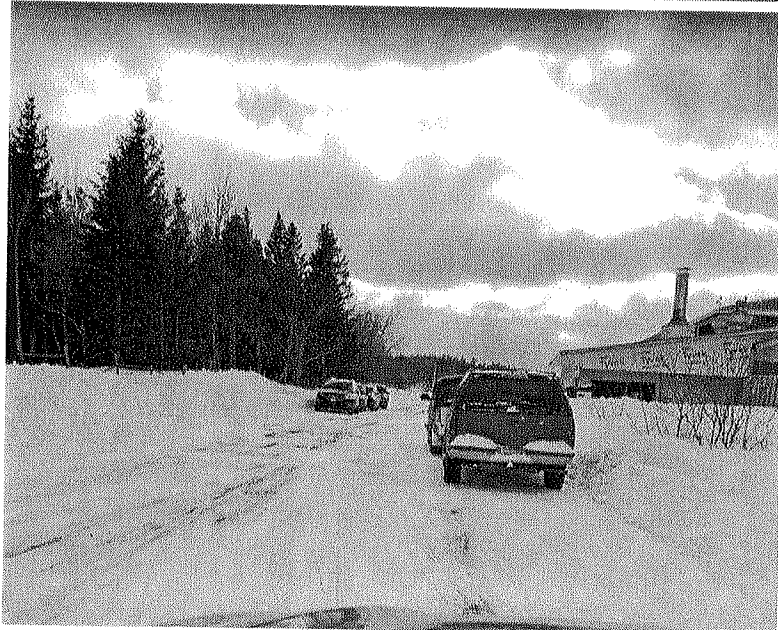


The yellow dashed line marks the pavement center

When the Fitz is open, it is common for one or more employee vehicles to be parallel parked near the dumpster and two or more vehicles parallel parked near the flagged stake on the right that marks the Pine and Front ROWs.



Delivery trucks in the bottleneck. Small trucks usually park parallel to Front (as shown) and large trucks usually park perpendicular. Before the expansion trucks could back in closer to the kitchen and only partially block the Front & Pine intersection.



Employees parked on both sides along the bottleneck last February.