

Minutes of the regular meeting of the Georgetown Township Mineral Mining Board, held Wednesday, August 19, 2020

Governor Whitmer's Executive Order 2020-75 provides temporary changes to the Open Meeting Act, allowing a meeting of a public body to be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means.

Due to these Executive Orders, the following Planning Commission members were present via video conferencing: Jessica Ulberg, Tim Smit, Tom Healy, Jeannine Bolhouse, Josiah Samy, Donna Ferguson and Richard VanderKlok. Mannette Minier, Zoning Administrator, and Rod Weersing, Assistant Superintendent, were also present via video conferencing, and 25 members of the public were also present in the audience via video conferencing.

Meeting called to order at 8:06 p.m., after the Planning Commission meeting was adjourned, by Chairperson Tim Smit

Members Present: Tim Smit, Richard VanderKlok, Jessica Ulberg, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Tom Healy

Members Absent: None

Public Present: Mannette Minier, Mining Official; Rod Weersing, Assistant Superintendent

#200819-01 – Agenda for the Meeting

Moved by Richard VanderKlok, seconded by Jessica Ulberg, to approve the agenda as presented.

Yeas: Jessica Ulberg, Tim Smit, Tom Healy, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Richard VanderKlok

Nays: None

MOTION CARRIED UNANIMOUSLY.

#200819-02 - Minutes of the Mineral Mining Board meeting held on November 20, 2019

Moved by Richard VanderKlok, seconded by Donna Ferguson, to approve the minutes as presented.

Yeas: Jessica Ulberg, Tim Smit, Tom Healy, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Richard VanderKlok

Nays: None

MOTION CARRIED UNANIMOUSLY.

#200819-03 – Update on the Bend in the River from Ottawa County Parks and Recreation Commission

Jason Shamblin, Parks and Recreation Director, and Curt TerHaar, Coordinator of Park Planning and Development, presented an update on the Bend in the River Park Plan.

#200819-04 - (ML2002) Renewal of (ML1502) Ottawa County Road Commission -1551 Taylor St.

The mining official presented a [staff report](#).

The consensus of the committee was that the Ottawa County Road Commission would not need to submit a performance bond because they operate under the Ottawa County Board of Commissioner, which is the same for the Parks Department.

The chairman opened the floor to public comments.

James Dykema, Grand Rapids Gravel, made public comments and didn't think that the Ottawa County Road Commission was held to the same standards as Grand Rapids Gravel.

The chairperson closed the floor to public comments.

The consensus of the committee was to not charge a performance bond and to eliminate the Ottawa County Road Commission property that was being leased by Grand Rapids gravel from this mining license since it would operate under the Grand Rapids Gravel mining license.

Moved by Richard VanderKlok, seconded by Jeannine Bolhouse, to acknowledge that insofar as the Township recognizes that the materials that are mined are a natural and valuable resource and this is important to the community and area, the Mining Board grants approval of (ML2002) which is the renewal of (ML1502) Ottawa County Road Commission -1551 Taylor St., , minus the property that is leased by Grand Rapids Gravel since that area would be under the regulations issued for the mining license for Grand Rapids Gravel, and to incorporate the findings and conclusions in the Staff Report dated August 6, 2020, with the following conditions:

- The license shall expire **June 30, 2023 when Grand Rapids Gravel has vacated the Ottawa County Road Commission property**, unless suspended or revoked earlier per the Ordinance. At that time the operator shall return with a more detailed plan, including areas remaining to be excavated and a timeframe for completion of the excavating of materials from the site.
- **A performance bond, is not necessary.**
- The Site shall be operated in compliance with all previous approvals and the conditions of approval.
- The operator shall comply with all federal, state, and local laws, regulations and ordinances.
- All terms and conditions as presented with the initial application materials remain in effect;
- Hours of operation be limited to 7:00 a.m. to 6:00 p.m. Monday to Friday, 8:00 a.m. to 3:00 p.m. Saturday, and no Sundays or holidays;
- The haul route shall continue as approved with the previous approvals. All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets;

- If any berms are created, they are to be maintained;
- No future reclamation approvals are implied by the approval of this reclamation plan and the applicant must obtain approval as required by all other Township ordinances;
- Approval from the Ottawa County Road Commission must remain in effect;
- All entrances and exits to the site shall be securely locked during hours when mining operations are not permitted on the site.
- All vehicles used to transport excavated material shall be loaded in a manner so that the material cannot be unintentionally discharged from the vehicle. Vehicles shall be cleaned of all material not in the load-bed prior to entering the public streets. If materials excavated from the site are deposited or spilled upon the public roadway, it shall be the responsibility of the licensee, without requiring any action or request by the township, to immediately remove the spilled or deposited material;
- A licensee shall comply with all soil erosion, wetlands and floodplain rules and regulations of the State of Michigan, Ottawa County and the township;
- Fueling of vehicles on any site shall comply with statutes, rules and regulations enforced and implemented by the Michigan Department of Environmental Quality;
- All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets.
- If filling of an excavated area is necessary during reclamation, only inert material, as defined by the Michigan Solid Waste Management Act (Act No. 641 of the Public Acts of 1978, as amended) shall be used.
- Upon termination of mining operations, the licensee shall be responsible to reclaim the site in accordance with reclamation plans approved by the review board, **which is the Bend in the River Plan**. If the licensee fails to reclaim the site as required by the approved reclamation plans, the township may come upon the site and reclaim the land in accordance with those plans and may use the proceeds of the performance guarantee (if any) required by this article to defray the costs of the reclamation.
- Upon the cessation of all mining operations (or any phase of operations, as applicable) except stockpiling, and within a reasonable period of time, not exceeding 12 months thereafter, all tanks, buildings, stockpiles, and equipment shall be removed from the site unless the building or structures can lawfully be used on the site for other purposes as permitted by applicable laws or ordinances.
- Storage and stockpiling of mined products after cessation of mining activities may be permitted by the review board by annual license granted for that limited purpose. In no event shall any additional materials be allowed to be added to these stockpiles and a license granted for storage or stockpiling of mined products shall not interfere with or excuse reclamation as otherwise required under this article.
- **In no event shall any additional materials be allowed to be brought onto the site or added to any stockpiles.**
- **The license does not include a crushing operation.**
- No additional materials are required of the applicant at this time since the initial application contained all the required submittal materials and nothing has changed as of this time. In addition, a site inspection was conducted and the site is in conformance with the terms of the initial mining license as well as other Township ordinances;
- And with the condition that the operation on the site continues to work towards the Bend in the River Reclamation Plan.

Tom Healy stated that to address the concern of equity, it was difficult to push out the occupant of the property to enact different standards and that property was under the control of the Grand Rapids Gravel license until they exit the property. He said it was reality.

Yeas: Jessica Ulberg, Tim Smit, Tom Healy, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Richard VanderKlok

Nays: None

MOTION CARRIED UNANIMOUSLY.

#200819-05 - (ML2003) Renewal of (ML1504) Huizinga Gravel. The request is for a renewal of an existing mining license for the excavation of materials located on the Huizinga Gravel mining site and processing of those materials. **No request was made to bring additional materials onto the site for processing and no request was made for a crushing operation. Currently neither exist on the site. ([details](#), [completed land](#), [mining plan](#), [phasing plan](#))**

Bill Huizinga represented the applicant and presented the request.

The mining official presented a [staff report](#).

Richard VanderKlok said that he agrees with the performance bond and that the reclamation plan timetable makes sense.

The Mining Official clarified that Ottawa County Parks would take the northern portion and the reclamation plan would only be for the southern portion that was not included in the Bend in the River Plan.

Bill Huizinga stated that they planned to create a residential development with water and homes around the water. He said that it would fit in the area and will be a great location for development.

Jeannine Bolhouse said that she was confused about how much land Ottawa County wants.

Jason Shamblin explained the plan for that land and that it was being restored as per the Parks. He said that there will have to be a land split.

Jeannine Bolhouse asked about the amount of the plan and it was pointed out. She thinks a bond is needed and required.

There was discussion about the acreage remaining to be restored and it was noted that the Board could determine an amount for the performance bond but it could be reduced if evidence was produced that it should be less.

Bill Huizinga explained the plan to have a peninsula with land and how the land could be calculated since they still did not know how much materials would be extracted. He noted they were in discussion with Ottawa County.

The Zoning Administrator noted that coming back with evidence to lower the bond was what GRG did.

Josiah Samy agreed to go higher on the bond, \$1000 per acre with 70 acres remaining to be restored, but could be revised. He was okay with the license through 2025 and the reclamation plan due then.

The Mining Official noted that they normally hold the renewal meeting in the winter prior to the June 30 expiration.

Tim Smit said that he was okay with the \$70,000 bond, the license to expire in 2025 and for the reclamation plan to be submitted then.

Donna Ferguson and Jessica Ulberg were in agreement.

Tom Healy asked about the reclamation plan.

The Mining Official explained the parcels and the reclamation plan.

Tom Healy said the timeline was ten years and he asked about the reclamation plan.

The Mining Official said yes one was always required and the Bend in the River was the plan, with the mining company coming in for the remainder of the land.

Tom Healy said that if the mining was going to be wrapped up in 3 years, would a reclamation plan be required.

The Mining Official explained that the Bend in the River Plan was the reclamation plan.

Tom Healy discussed the need for a reclamation plan related to the timeframe of completion.

Tim Smit noted that the reclamation plan could still change since it is still many years away.

The chairperson opened the floor to public comments.

James Dykema, Grand Rapids Gravel, made public comments and didn't think that the Huizinga was held to the same standards as Grand Rapids Gravel.

The Mining Official explained the difference was related to the fact that the initial GRG plan had no areas left to be excavated and their revised plan had only a small portion remaining to be excavated. She noted that Huizinga has the entire two parcels remaining to be excavated.

Tim Smit noted that this was very different from the GRG operation because GRG was bringing materials onto the site.

Tom Healy said that the proposal presented from GRR was that they could be completed in three years and this timeline was not established by the Mining Board.

Josiah Samy said that this is a different scenario.

Moved by Jeannine Bolhouse, seconded by Josiah Samy, to state that insofar as the Township recognizes that the materials that are mined are a natural and valuable resource and this is important to the community and area, the Mining Board grants approval of (ML2003) which is the renewal of (ML1504) Huizinga Gravel, as shown on the site plan dated 7/2/20, and to incorporate the findings and conclusions in the Staff Report dated August 6, 2020, with the following conditions:

- The license shall expire **June 30, 2025**, unless suspended or revoked earlier per the Ordinance. At that time of renewal of this license (ML2003) in 2025, a reclamation plan shall be submitted for the property that will not be included in the Bend in the River Park Plan. A firm date of completion shall also be provided.
- **A performance bond, as required in Sec. 26.81 of the Mining Ordinance, is to be paid to the Township relative to the acres of land remaining to be reclaimed or restored. The amount based on \$1,000 per acre remaining to be restored or reclaimed is \$70,000, as determined by the Mining Board. This amount shall be submitted to the Township no later than September 15, 2020 in order for the mining license to remain in effect. Technically the bond should have been paid prior to the expiration of the mining license on June 30, 2020. The amount of the guarantee may be periodically reduced upon request by the mining company, proportionate to the number of acres that are reclamation or restoration.**
- The Site shall be operated in compliance with all previous approvals, including the conditions of approval.
- All terms and conditions as presented with the initial application materials remain in effect
- The operator shall comply with all federal, state, and local laws, regulations and ordinances.
- Hours of operation be limited to 7:00 a.m. to 6:00 p.m. Monday to Friday, 8:00 a.m. to 3:00 p.m. Saturday, and no Sundays or holidays.
- The haul route shall continue as approved with the previous approvals. All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets.
- If any berms are created, they are to be maintained.
- No future reclamation approvals are implied by the approval of this reclamation plan and the applicant must obtain approval as required by all other Township ordinances.
- Approval from the Ottawa County Road Commission must remain in effect.
- All entrances and exits to the site shall be securely locked during hours when mining operations are not permitted on the site.
- All vehicles used to transport excavated material shall be loaded in a manner so that the material cannot be unintentionally discharged from the vehicle. Vehicles shall be cleaned of all material not in the load-bed prior to entering the public streets. If materials excavated from the site are deposited or spilled upon the public roadway, it shall be the responsibility of the licensee, without requiring any action or request by the township, to immediately remove the spilled or deposited material.
- A licensee shall comply with all soil erosion, wetlands and floodplain rules and regulations of the State of Michigan, Ottawa County and the township.
- Fueling of vehicles on any site shall comply with statutes, rules and regulations enforced and implemented by the Michigan Department of Environmental Quality.

- All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets.
- If filling of an excavated area is necessary during reclamation, only inert material, as defined by the Michigan Solid Waste Management Act (Act No. 641 of the Public Acts of 1978, as amended) shall be used.
- Upon termination of mining operations, the licensee shall be responsible to reclaim the site in accordance with reclamation plans approved by the review board, **which is the Bend in the River Plan and the plan to be submitted for the next approval of renewal for the property not included in the Bend in the River Plan.** If the licensee fails to reclaim the site as required by the approved reclamation plans, the township may come upon the site and reclaim the land in accordance with those plans and may use the proceeds of the performance guarantee required by this article to defray the costs of the reclamation.
- Upon the cessation of all mining operations (or any phase of operations, as applicable) except stockpiling, and within a reasonable period of time, not exceeding 12 months thereafter, all tanks, buildings, stockpiles, and equipment shall be removed from the site unless the building or structures can lawfully be used on the site for other purposes as permitted by applicable laws or ordinances.
- Storage and stockpiling of mined products after cessation of mining activities may be permitted by the review board by annual license granted for that limited purpose. In no event shall any additional materials be allowed to be added to these stockpiles and a license granted for storage or stockpiling of mined products shall not interfere with or excuse reclamation as otherwise required under this article.
- **In no event shall any additional materials be allowed to be brought onto the site or added to any stockpiles.**
- **The license does not include a crushing operation.**
- No additional materials are required of the applicant at this time since the initial application contained all the required submittal materials and nothing has changed as of this time. In addition, a site inspection was conducted and the site is in conformance with the terms of the initial mining license as well as other Township ordinances;
- The operation on the site shall continue to work towards the Bend in the River Reclamation Plan.

Yeas: Jessica Ulberg, Tim Smit, Tom Healy, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Richard VanderKlok

Nays: None

MOTION CARRIED UNANIMOUSLY.

#200819-05 – Public Comments

There were public comments.

#200819-07 – Other Business

A. [2019 Fall Annual mining inspections](#) were presented.

#200819-08 – Adjournment

The meeting was adjourned at 9:15 p.m.