

Waterloo Township Board Meeting Approved Minutes

28 June 2022 7:00 P.M.

9773 Mt. Hope Road

Munith, MI 49259

Call to Order and Pledge: 7:00 p.m.

Present: Lance, McAlister, Kitley, Walz. Also present: 10 residents, Deputy Jim Moore.

Public Comment: Sharon Houck said a prayer for the Township, fire personnel and police personnel. She said she is very pleased with the new flags in Munity. She also recommended Bill Richardson for the open Trustee position. Richardson updated us on the Bill #431 regarding the Township losing any control of the gravel pits and HB #5981 stripping Townships from any zoning power in qualified residential treatment programs. He also talked about the new website being worked on. We still need to give feedback.

Consent Agenda: Kitley motioned with support from McAlister to accept the consent agenda as presented. Aye/all; no/none. Motion carried. Kitley motioned with support from Walz to pay Post Audit bills in the amount of \$2,025.01. Roll call vote: Yes/Lance, McAlister, Walz, Kitley. No/none. Motion carried. Deputy Moore gave a police report for May: Dispatched complaints=23 calls for service, 35 traffic stops, 18 citations and 1 property damage traffic crash.

Correspondence: None

- **SPECIAL ORDER:** Permit renewal for Aggregate Industries: Lance motioned with support from McAlister to approve the Permit Renewal from Aggregate Industries for one additional year with the following conditions:

Motion for the Aggregate Industries annual permit –2022 renewal

Lance motioned with support from Walz to approve Aggregate Industries extraction permit application for one year with the following conditions:

1. The new permit will apply to the parcel containing the site plant, the two parcels added in 2013 as 'phase I' and 'phase II', the two parcels north of Green road containing the Freshwater Lake, and the 2021 approved Green Road property. Additional parcel info available below:
 - a. Phase I – 28.67 acres +/-, south of Green Road
 - b. Phase II – 21.56 acres +/-, north of Green Road
 - c. Green Road and the adjacent setback area – approximately 17.79 acres
 - d. Parcel #s involved in this permit:
 - i. 10-12-200-001-01 (site plant and reclaimed DNR area – DNR owned)
 - ii. 10-01-426-001-00 (parcel containing north end of freshwater lake – State owned)
 - iii. 10-01-476-001-00 (parcel containing south end of freshwater lake – State owned)
 - iv. 10-12-200-001-02 (Doan Concrete – DNR owned)
 - v. 10-12-100-001-00 (phase I is in this parcel – MDNR owned)
 - vi. 10-01-451-001-00 (phase II is in this parcel – MDNR owned)
2. This permit will be valid until 7/1/2023.

3. All requirements and conditions imposed by the Planning Commission in its recommendation of approval to the Board in April 2013, for the special use permit for phases I & II, as amended, resolution # R-13-11-20-1 continue to be met.
4. All requirements and conditions imposed by the Planning Commission in its recommendation of approval to the Board on March 16th 2021, for the special use permit for the Green Road project, as amended, resolution # 2021-03-16-01 continue to be met.
5. All requirements and conditions imposed by the Township Board in its resolution # 2021-03-23-1 for the Green Road project, as amended, continue to be met.
6. Aggregate Industries is to comply at a minimum with all provisions of the Waterloo Township Zoning Ordinance and Sand and Gravel Extraction Ordinance as amended.
7. All haul routes remain at existing locations (as of November 20th, 2013).
8. All processing plants and stockpile locations shall remain at their existing locations.
9. Any 'primary feeders' installed to sort material for the conveyor will be located at a low level and very near to a mining face in order to minimize any noise levels coming from the unit.
10. Monitoring of wells 2, 3, 4, 5, 6, 7, the freshwater lake, pond lilly, and clear lake all continue on a monthly basis.
11. Aggregate Industries will send quarterly well monitoring updates to the Waterloo Township Engineer so that the well monitoring sites can be closely followed. If necessary, the Township Engineer will contact the Township board and Aggregate Industries in order to discuss any concerning levels and take appropriate action.
12. Regular inspections will be made by the township engineer for at least the purpose of monitoring the extraction depth to ensure that it is maintained at a level at least 10 feet higher than the water table (as projected by the frc&h 2012 report).
13. Any changes to the signed copy of the lease agreement between Aggregate Industries and the DNR must be communicated to the township for review.
14. Reclamation activity is carried out according to the document provided to Waterloo Township by Aggregate Industries on December 6th, 2013, entitled "The Reclamation Plan".
15. Any changes to the reclamation plan are to be communicated to the township, as outlined in the Township Sand & Gravel Extraction Ordinance, as amended.
16. No water will be discharged offsite by the operation.
17. The existing Reclamation Surety Bond #929570818 shall remain in effect, with the following details:
 - i. The "penal sum" in the first paragraph remains Nine Hundred Sixty Thousand (\$960,000.00).
 - ii. The amount required to "reimburse the Obligee for costs and reasonable expenses and fees", in the last paragraph on page one, shall remain One Hundred Thousand Dollars (\$100,000.00)
 - iii. Include the mining of Green Road, its right of ways and setbacks.
 - iv. The "aggregate liability" under the first paragraph on the second page shall remain One Million Sixty Thousand 1,060,000.00).
18. Aggregate Industries shall provide proof of bond payment that shows the bond is active as of today's date (6/28/22).
19. Waterloo Township must be sent a notice of intent to cancel the insurance policy not less than twenty (20) days before the cancellation thereof. Failure of the operator, or any persons, firm or

corporation named in the policy to maintain the insurance shall be cause for immediate cessation of operations.

20. Aggregate Industries shall provide satisfactory documentation and declaration pages showing proof of insurance coverage in amounts required by the ordinance.
21. Aggregate Industries will maintain with Waterloo Township a \$20,000.00 replenishable escrow account in which the township can withdraw applicable funds. This account shall be replenished upon notification from Waterloo Township once the balance drops to \$5000.00.
22. *Community Benefit Royalty*: Consistent with Applicant's Application, Applicant will voluntarily compensate Waterloo Township for such extraction activities as stated in the November 25, 2020 application for an extraction permit, a royalty in the amount \$0.20 per ton of processed material from the Project (estimated payment of \$180,000). Applicant shall report the quantity of material and associated revenue and provide a monthly report of the royalty to the Township. During the duration of the Project, Applicant shall pay royalty amounts monthly and make checks payable to "Waterloo Township."
23. *Grit and Gravel Bike Ride*: As presented during the Planning Commission's February 16, 2021 meeting, Applicant must coordinate with "EPIC Races" to ensure that the annual Grit and Gravel bike race may be conducted as normally scheduled, through an alternative route, agreeable to EPIC races, while Green Road is closed for Project activities.

Aye all/ no none. Motion carried.

Old Business: None

New Business:

Parks & Recreation: Walz stated that Randy Heatley has joined the committee to fill the empty position and she feels that he has much to offer the group. She said they will be engaging with the County Parks Committee on planning projects for Clear Lake County Park. There is so much that is needed to improve the condition of the park. She said there are 19 flags up in Munith and 3 in Waterloo Village. They are waiting for the rain garden planting until it dries up a bit. The fire hydrant has been installed in the Munith Park for aiding the fire departments. They are discussing the new sign for the Munith Park.

Planning Commission: Richardson stated they are continuing working on Article 9 with the following changes: a) Going to one agricultural district from the current A1 and A2; b) Eliminate the RNF district and review any current RNF parcels for reclassifying; c) Potentially reducing the current Ra, R2 and R3 districts to two R districts; d) Eliminated Item ii (on site energy systems) from table 9-2. They reviewed a Special Land Use request and are going forward with a public hearing for the request on July 19, 2022 at 7:00 p.m. It was also stated that Green Road is to reopen in November. She also asked that incoming Special Use Permits be stamped and dated.

- Lance stated that there were 4 people in the Township interested in the vacant Trustee position. All 4 are well qualified. Lance stated that legally McAlister should abstain from voting for John Beck and Walz should abstain from voting for Erin Walz. Walz nominated Joh Beck to be the Trustee with support from Kitley. Aye/Walz, Kitley. McAlister abstained. McAlister opined that John Beck was legally selected based upon the vote totals. Lance disagreed. (Subsequent to the aforementioned discussion, a legal opinion was sought and Supervisor Lance was in error per Attorney General opinion from 1977. John Beck was legally selected to fill the open role as Trustee.)

- Kitley motioned with support from Walz to amend the budget as follows: \$3,000 to Assessor Salaries; \$20,000 to Police Contract; \$6,000 to Building Department; \$1,000 to Zoning. The total of \$30,000 will come out of the Capital Improvement line 101-265-970-000. Roll call vote: Aye/McAlister, Walz, Kitley, Lance. No/none. Motion carried.
- Kitley motioned with support from Walz to accept the contract from HSC Assessing in the amount of \$3,050 per month for one year beginning September 1, 2022. Roll call vote: Yes/Walz, Kitley, Lance, McAlister. No/none. Motion carried.
- Kitley motioned with support from McAlister to approve the cost of \$4,050 to replace 6 desks and other components in work stations. Roll call vote: Yes/Kitley, Lance, McAlister, Walz. No/none. Motion carried.
- Kitley motioned with support from Lance to accept the Election Workers for the primary election August 2 as presented. Aye/all; no/none. Motion carried.
- Back to the question of the Trustee position. Lance motioned with support from Kitley to appoint Bill Richardson to the Trustee position with his enormous history helping out the Township. Aye/Lance, Kitley. No/McAlister, Walz. McAlister motioned to accept Erin Walz for the position. No support. It was stated a special election would have to be held at the Township expense. (Previous discussions of candidates prior was rendered moot by legal opinion on 7/1/2022.)
- Discussion on having a special meeting to revisit the Trustee issue.

Other Business That Comes Before the Board:

Public Comment: Cynthia Richardson expressed her disappointment in the Board's lack of decision on the Trustee position, stating that her husband had the most qualified for the position. David Wesner asked the Board to hold a special meeting rather than a special election. Lance motioned with support from Kitley to hold a special meeting for the purpose of revisiting the Trustee issue on Friday night July 1, 2022 at 6:00. Aye/all; No/none. Motion carried.

Adjournment: Walz motioned with support from McAlister to adjourn at 8:20 p.m.

The next Planning Commission meeting will be Tuesday, June 19, 2022 at 7:00 p.m. The next regular board meeting will be on July 26, 2022 at 7:00 p.m. Minutes will be published in the Stockbridge Community News at the end of each month, on our website waterlootwpmi.com and on our Facebook page at: [waterlootownshipmichigan](https://www.facebook.com/waterlootownshipmichigan).

Submitted by: Janice Kitley, Clerk