

Waterloo Township Board Meeting Minutes

28 May 2019 7:00 P.M.

9773 Mt. Hope Road

Munith, MI 49259

Call to Order: 7:00 p.m.

Pledge

Present: Lance, Walz, Kitley, McAlister. **Absent:** Morency. Also present: Charlie Barnum, Building Inspector; Rodney Walz, County Commissioner for District 2; 5 residents and Rob Hayes and Larry Bamford representing Aggregate Industries.

Public Comment: Sheila Conant from Hideaway Lane spoke of the poorly maintained private gravel road with easements that run along the southeastern shore of Clear Lake. She is looking for ways to improve the road a keep it maintained. She will contact us again when she has more information on special assessment practices and other ways to help them in their quest for a good road. She was asking for a form to submit for a Special Assessment District. She will then follow through providing the information to the Township.

Consent Agenda: Kitley motioned with support from McAlister to approve the consent agenda as presented. Aye/all; no/none. **Absent:** Morency. Motion carried. Charlie Barnum said building is down this year. Kitley stated that the Firemen's Association chicken BBQ on Memorial Day was a great success. 600 chicken halves were gone between 1:15 and 1:30.

SPECIAL ORDER: Rob Hayes gave an update on the mining and reclamation for Aggregate Industries. Lance motioned with support from McAlister to approve the annual permit renewal for Aggregate Industries for 1 year beginning July 1, 2019 with the following conditions:

The new permit expires on July 1st, 2020.

1. The new permit will apply to the existing 50.23+/- acres plus the original parcels of the operation, as listed below:
 - i. 10-12-200-001-01
 - ii. 10-01-426-001-00
 - iii. 10-01-476-001-00
 - iv. 10-12-200-001-02
 - v. 10-12-100-001-00 (new parcel in expansion)
 - vi. 10-01-451-001-00 (new parcel in expansion)
2. This permit will be valid until 7/1/2020.
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, as amended, resolution # R-13-11-20-1 continue to be met.
4. 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.
5. All haul routes remain at existing locations (as of November 20th, 2013).
6. All processing plants and stockpile locations shall remain at the existing locations.
7. 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.
8. Monitoring of wells 2, 3, 4, 5, 6, 7, the freshwater lake, Pond Lilly, and Clear Lake all continue on a monthly basis.
9. 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.
10. 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).
11. Clearing of new sites will commence only after fences are installed and will occur only during normal allowed operating hours as described in the Waterloo Township Sand and Gravel Extraction Ordinance as amended. All required permits shall be acquired by Aggregate Industries for any and all tree/brush removal activities.
12. Cells 1-4 of phase I must be reclaimed by the end of calendar year 2019.

13. Phased reclamation shall occur such that no more than 2 cells (shown in figure C6 of the supplemental information packet dated September 3^{0th}, 2013) shall be actively mined at any time. For example, before cell 3 mining begins, reclamation shall begin on cell 1.
14. Any changes to the signed copy of the lease agreement between Aggregate Industries and the DNR must be communicated to the township for review.
15. Reclamation activity is carried out according to the document provided to Waterloo Township by Aggregate Industries on December 6th, 2013, entitled "The Reclamation Plan".
16. Any changes to the reclamation plan are to be communicated to the township, as outlined in the Township Sand & Gravel Extraction Ordinance, as amended.
17. No extractive operations will occur below ground water level within the new expansion areas.
18. No water will be discharged offsite by the operation.
19. The existing Reclamation Surety Bond #929570818 shall remain in effect, with the following details:
 - i. The "penal sum" in the first paragraph remains Seven Hundred Twenty-One Thousand and Fifty Dollars (\$721,050.00).
 - 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. In the second paragraph, the "effective" date should be June 17, 2013, and the "Renewal" date should be June 27, 2019.
 - iv. The "aggregate liability" under the first paragraph on the second page shall remain Eight Hundred Twenty-One Thousand and Fifty Dollars (\$821,050.00).
20. *Applicant shall provide to the Township prior to September 15, 2019, evidence that it has renewed the applicable insurance policies for the remaining term of this Permit renewal, including complete copies of the renewed insurance policies and endorsements demonstrating continued compliance with all the insurance requirements of Section 8.03 of the Township Ordinance, which relevantly provides:*
 - i. 8.03 Insurance. The applicant shall provide a liability insurance policy underwritten by a provider licensed in the State of Michigan to cover property damage for surface and/or subsurface occurrences and bodily injury in an amount not less than Four Million (\$4,000,000.00) Dollars per occurrence, in any combination of primary and umbrella coverage, naming Waterloo Township, its elected officials and appointed officials as additional named insureds and provide a copy of this policy to the Township Clerk. Said insurance shall provide an endorsement which provides that the general aggregate limit of the operator's commercial and general liability applies to the site. Waterloo Township must be sent a notice of intent to cancel the insurance 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.
21. Aggregate Industries shall continue to comply with all setback requirements established in previous approvals, including but not limited to the 150 foot setback from Green Road, and shall not engage in any extraction within any setback area, including but not limited to the road, the right-of-way and the associated setbacks from Green Road. Although Aggregate Industries applied for extraction within Green Road, its right-of-way, and the associated setbacks, that approval is not granted by this renewal, and Aggregate Industries shall be required to apply for an amendment to its SUP and extraction permit in order to conduct any extraction within Green Road, its right-of-way, and the associated setbacks.
22. Replace concrete benchmark.

Correspondence: None

- **Old Business:** Walz gave a report on the last Parks and Recreation Committee meeting. There is the possibility of creating a rain garden in some of the lower wet areas around the walking path. A book exchange container may be put out there also. A temporary one has already been placed inside the Township entry area. An additional work day will take place in the Munith Park on Wednesday, June 5th at 2:30 to finish putting in the play equipment. Foot path has been excavated and planted with grass seed. A sign will be forthcoming along with benches. Parks and Recreation Committee members have been attending Jackson County Parks and Recreation meetings and trying to collaborate to make improvements at Portage Lake and Clear Lake County Parks.
- **New Business:**

- Beals gave the report on what the Planning Commission worked on at their last meeting. Most of the last meeting was spent looking at the comments from the staff at the Jackson County Planning Commission. Comments were given on solar farms materials that were sent to them. Approval of the Draft Amendments to the Waterloo Township 2018 Master Plan Chapter 2, Planning Issues, Goals & Objectives.
- Lance motioned with support from Kitley to adopt proposed amendments to the Master Plan as presented. Aye/all; no/none. Absent: Morency. Motion carried.
- The Civil Infractions Ordinance was discussed. Beals stated that the Planning Commission will request a rewrite for the Civil Infractions Ordinance part of the Zoning Ordinances. The law firm will be asked to assist in this rewrite. Lance motioned with support from McAlister to approve Ordinance # O-17-09-26-1 as presented. Aye/all; no/none. Absent: Morency. Motion carried.
- Kitley motioned with support from Walz to approve the purchase of a replacement laptop computer from IT Right at a cost of \$1,124. Roll call vote: Yes/Lance, McAlister, Walz, Kitley. No/none. Absent: Morency. Motion carried.
- Lance motioned with support from Kitley to approve the land division application from Mark and Debra Stephens with the original parcel # 000-05-18-400-002-02 with resulting parcels #000-05-18-400-02-15 with 2 acres, parcel # 000-05-18-400-02-16 with 2 acres and parcel #000-05-18-400-02-14 with 19.52 acres. Aye/all; no/none. Absent: Morency. Motion carried.
- Lance motioned with support from Kitley to approve the land division application from Gerald Steinhauer with the original parcel #000-10-04-351-001-00 resulting in two parcels: #000-10-04-351-002-00 with 4.87 acres and #000-10-04-351-003-00 with 25.9 acres. Yes/all; no/none. Absent: Morency. Motion carried.
- Walz motioned with support from Lance to approve the land division application from Leslie Brauer, II with the original parcel #000-05-33-351-001-03 resulting in two parcels: #000-05-33-351-001-05 with 64.4 acres and #000-05-33-351-001-06 with 36.9 acres. Yes/all; no/none. Absent: Morency. Motion carried.
- There was discussion regarding replacement of a very old emergency siren located in the Munith Park. Kitley stated that she had talked with Henrietta Supervisor Grimes and that Henrietta is will to pay \$10,000 toward the cost of the new siren because it benefits the Henrietta residents as well as Waterloo residents. Lance motioned with support from McAlister to purchase a new emergency siren for the Munith Park located at 103 S. Main Street from West Shore Services, Inc. at a cost of \$22,250. Roll call vote: Yes/McAlister, Walz, Kitley, Lance. No/none. Absent: Morency. Motion carried.
- There was also discussion on a new water hydrant somewhere between Henrietta and Waterloo Townships. Lance also stated that Territorial Road is scheduled to be resurfaced as well as Mt. Hope Road. Mt. Hope Road will be done by the end of summer. It will be done from I-94 area to M-106.

Other Business That Comes Before The Board:

Public Comment: Beals stated that some of the Jake Brake signs are now up in our Township. The Truck Route signs have not been placed yet. Discussion took place about placement of signs not being where Township suggested.

Adjournment: Walz motioned with support from McAlister to adjourn at 8:30 p.m. Aye/all; no/none. Absent: Morency. Motion carried.

The next Planning Commission meeting will be on Tuesday, June 18, 2019 7:00. The next regular Board meeting will be on Tuesday, June 25, 2019 at 7:00 p.m. with a Budget Hearing Meeting at 6:30 p.m. prior to the 7:00 p.m. meeting. Minutes will be published in the Stockbridge Community News at the end of each month, on our website at www.waterlootwpmi.com and on our Facebook page at: waterlootownshipmichigan.

Submitted by: Janice Kitley, Clerk