

## Waterloo Township Board Meeting Minutes

July 23, 2020 7:00 P.M.

9773 Mt. Hope Road

Munith, MI 49259

**Call to Order:** 7:00 p.m.

### Pledge

**Present:** Lance, Kitley, McAlister, Walz, Morency.

**Public Comment:** Cynthia Richardson announced herself as a write-in candidate in the November election for Republican Precinct Delegate.

**Consent Agenda:** Kitley motioned with support from McAlister to accept the consent agenda as presented. Aye/all; no/none. Motion carried.

**SPECIAL ORDER:** Permit renewal for Aggregate Industries. Lance motioned with support from Morency to accept their permit renewal request for one year with the following conditions:

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 7/1/2021.
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 20<sup>th</sup>, 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. Cells 1-4 of phase I must be reclaimed by the end of calendar year 2020.
12. Any changes to the signed copy of the lease agreement between Aggregate Industries and the DNR must be communicated to the township for review.
13. Reclamation activity is carried out according to the document provided to Waterloo Township by Aggregate Industries on December 6<sup>th</sup>, 2013, entitled "The Reclamation Plan".
14. Any changes to the reclamation plan are to be communicated to the township, as outlined in the Township Sand & Gravel Extraction Ordinance, as amended.
15. No extractive operations will occur below ground water level within the new expansion areas.
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 Eight Hundred Sixty-Seven Thousand Five Hundred (\$867,500.00).
  - 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 Nine Hundred Sixty-Seven Thousand Five Hundred (\$967,500.00).
  - v.
18. *Applicant shall provide to the Township prior to September 15, 2020, 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.
19. 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.
20. Replace and or establish a new concrete benchmark and share that information with the Township by the end of calendar year 2020.
21. Aggregate Industries shall remove the overburden in cell 8 within 60 days of the granting of the permit.
22. Doan plant shall be demolished and restored by the end of the 2020 calendar year.
23. Aggregate Industries will work with Waterloo Township to establish a \$5000 replenishable account in which the township can withdraw applicable funds.
24. If Aggregate Industries has not submitted an application with a new site plan by the end of the 2020 calendar year, a closure plan shall be submitted for the existing site plan by January 31<sup>st</sup>, 2021.

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Yes/Lance, Morency, McAlister, Kitley; No/Walz. Motion carried.

**Correspondence:** None.

**Old Business:** Wendy stated that the Parks and Recreation group met in person this time. Rain garden is still in the planning stages. They are still working on updating the Waterloo Township Recreation Plan. The footpath is having more activity. Still looking at trying to get some updating from Jackson County done to Clear Lake County Park.

**New Business:** Morency stated that the Planning Commission was working on the Air BnB issues for the ordinances. They reviewed section 6, 3.8 , looking toward reviewing 7. Schulz will be conferring with our attorneys. Looking at doing things electronically or over speaker phones if pandemic worsens. Glenn Seeds was looking to get rezoning done on their commercial property to allow for a marijuana growth in their facility. They want the Board to look at reviewing their marijuana ordinance for commercial growths.

Because of Zoning and allowed used of land in the township, Lance said the Planning Commission should look at the request. They could make recommendations and get back to the board with their feelings. They could recommend that we rescind our ordinance or keep it with conditions. Mr. Tapping was told to make a formal complaint regarding an Air BnB. Zoning Administrator and Zoning Enforcement people will address it.

Kitley motioned with support from Morency to pre-buy \$1,000 in propane from Avery Oil and Propane at \$1.459 a gallon. Roll call vote: Yes/Morency, McAlister, Walz, Kitley, Lance. No/none. Motion carried.

**Public Comment:** Pat Deanhofer asked about Mt. Hope Road and was told it will be resurfaced before November 1, 2020. It was originally pushed back because of a strike last year and now they have a new contract with that company. It could start as early as August. Nate Glenn suggested calling Baker Propane for a lower price. Glenn also spoke further about the marijuana growth possibilities for the township in jobs, etc.

**Adjournment:** Walz motioned with support from McAlister to adjourn at 7:50 p.m. Aye/all; no/none. Motion carried.

**The next Planning Commission meeting will be on Tuesday, August 18, 2020. The next regular Board meeting will be on Tuesday, August 25 at 7:00 p.m. Minutes will be published in the Stockbridge Community News at the end of each month, on our website at [www.waterlootwpmi.com](http://www.waterlootwpmi.com) and on our Facebook page at: waterlootownshipmichigan.**

Submitted by: Janice Kitley, Clerk