

Minutes of the regular meeting of the Georgetown Township Mineral Mining Board, held Wednesday, February 15, 2023.

Meeting called to order by Chairperson Samy at 7:00 p.m.

It was noted that action of the Mining Board requires a concurring vote of not less than a majority of the members and since only four members are present, all four must vote in favor of the mining license in order for it to be approved. The applicant acknowledged that but still wanted to proceed.

Present: Jeannine Bolhouse, Tom Healy, Kelly Kuiper, Josiah Samy,
Absent: Michael Moores, Jessica Ulberg, Gary Veldink
Also present: Kevin Austin, Mining Official

#230215-01 – Mineral Mining Board Agenda for February 15, 2023

Moved by Kelly Kuiper, seconded by Tom Healey, to approve the agenda as submitted.

Yeas: Jeannine Bolhouse, Tom Healy, Josiah Samy, Kelly Kuiper

Nays: None

MOTION CARRIED UNANIMOUSLY.

#230215-02 – Minutes of the March 02, 2022 Mineral Mining Board Meeting

Moved by Kelly Kuiper, seconded by Tom Healey, to approve the minutes as submitted.

Yeas: Jeannine Bolhouse, Tom Healy, Josiah Samy, Kelly Kuiper

Nays: None

MOTION CARRIED UNANIMOUSLY.

#230215-03 - (ML2301) Top Grade Aggregates, LLC, 3407 58th St., is requesting a revision to the Mining Plan approved on March 3, 2022, to mine on parcels of land in Georgetown Charter Township, Ottawa County, Michigan, described as:

1. P.P. # 70-14-02-300-009, located at 1405 Taylor St., zoned LDR, owned by OCRC
2. P.P. # 70-14-02-300-010, located at 1401 Taylor St., zoned LDR, owned by OCRC
3. P.P. # 70-14-02-300-027, located at 1610 Fillmore St., zoned LDR, owned by OCRC
4. P.P. # 70-14-02-300-028, located at 1606 Fillmore St., zoned LDR, owned by OCRC
5. P.P. # 70-14-03-200-002, located at 1861 Fillmore St., zoned RR, owned by Huizenga Gravel
6. P.P. # 70-14-03-200-001, located at 1949 Fillmore St., zoned RR, owned by Huizenga Development Land LLC.
7. P.P # 70-14-03-100-017, located at 9448 22nd Ave., zoned RR, owned by Huizenga Development Land LLC.

Kurt DeKock, Top Grade Aggregates, presented the request ([application](#), [overview](#), [plans](#)) with the following comments:

Kurt Dekock discussed the approvals from the March 02, 2022 plan and how they are impacted by the revisions being requested. The two additional parcels added to the mining operation are under the

authority of Huizenga Gravel and Huizenga Land Development LLC. The two parties came to an agreement to incorporate the two parcels to improve mining operations while providing for further effective use of the land. The 50ft buffer on the eastern parcel of the OCRC property will remain to ensure a land bridge remains between the Ottawa Parks Department Land and the OCRC parcel. The new fencing boundaries will allow a path for the Menno Lake residents to continue to walk around the lake. Top Grade requests to shift their offsite haul route and primary site access to 22nd Ave. They will build a new access which will have 300 ft of paved HMA. Top Grade will bond with the OCRC for the restoration of the road should increased truck traffic cause wear and breakdown. This application does include a request for approval for a crushing operation. The debris and natural materials left on the OCRC parcels from the previous mining operation will be the only materials permitted to be crushed. There will be no importing of materials to the site. The crushing of natural concrete and materials is much quieter than other types of crushing. The new mining plan includes an updated phase schedule that reflects Top Grades delayed start after the approval last year. It is projected to be an 11-year project in total with mining beginning this year in 2023.

Tom Healey asked Kurt where the actual crushing will occur.

Kurt displayed Sheet 1 of 5 of the OCRC Bend in the River Mining Plan dated 01/04/23, and detailed the location across the middle section of the 4 OCRC parcels. A mobile crushing plant will occupy this section and engage in crushing during (3) six week periods of over the first 3 years of the project. The township will be notified prior to the start of the crushing operations. Kurt displayed sheet 2 of 5 of the OCRC Bend in the River Mining Plan dated 01/04/23, to describe where the new site will be compared to the previously approved site. The Hydrogeological study by EGLE is almost complete and Top Grade should receive that shortly.

The Mining Official Presented the [staff report](#).

Josiah Samy asked the board if they had any questions of the applicant or the Mining Official.

Tom Healey stated that his questions had been answered.

Jeanine Bolhouse asked if the two additional parcels added to the operation will be mined. She also asked if the proposed plan does not include trucking and if Kurt could explain the conveyor and dredge. Finally, she asked if the crushing operation will require all three years.

Kurt Dekock stated that most of the material on the two additional parcels had already been mined and that the two additional parcels will be for processing, hauling, and stockpiling. The conveyor system to the processing site significantly decreases truck traffic for hauling and processing. The dredge excavates the material with water and pumps it onto the new site to dry before being further processed. Depending on the conditions, it's possible that Top Grade could accomplish all crushing objectives after only 2 of their requested crushing periods.

Jeanine Bolhouse asked if the township can impact the bond for 22nd Ave to ensure the quality of the street is maintained during operations.

The Mining Official stated that the bond would be coordinated by the Road Commission and that they would be responsible for the terms and construction of it given that it was regarding a county roadway.

Josiah Samy asked Kurt Dekock if he had a good comparison for the sound of this type of crushing, in reference to intensity.

Kurt Dekock mentioned that he doesn't have a good comparison but that the materials to be crushed are all considered natural and are quieter than other materials often crushed in these operations. The sound intensity should be similar to past operations however this mining plan is lower to the ground meaning the sound should be better screened by berms.

Kelly Kuiper asked what the main purpose and benefit to utilizing the 22nd Ave route is for the new mining operation.

Kurt Dekock stated that the curve at Fillmore and Cottonwood has always been a point of increase danger for large trucks and residential traffic. 22nd provided the opportunity for better visuals for drivers and decongestion around the route near the entrance.

Kelly Kuiper stated that the language and amount of bond for the road will be entirely up to the OCRC. She requested that language be added to the condition of approval that clearly states the townships interest in ensuring that the bond for 22nd Ave maintains the quality and upkeep of the road. Kelly asked if the change in the processing location creates more traffic for the operation.

Kurt Dekock stated that the change doesn't directly indicate that more traffic will be created in comparison to the current plan.

Kelly Kuiper asked if the township has received any complaints related to mining operations in the past.

The Mining Official stated that he is not aware of complaints received by the township relating to mining operations on or near this site.

The Chairperson opened the public hearing.

Denise Decker: Cedar Valley Associates

Her organization owns the land along 22nd Ave. She supports the end goal and reclamation plan for the parcels to be mined but does not approve of the new haul route along 22nd Ave. The length of the project has a likelihood of impacting Cedar Valley Associates future plans for the residential areas nearby. She encourages the board to keep the previously approved route the same and to not allow the new truck route on to 22nd Ave.

Andrew Bolt: 227 Begole Street

He supports the end goal and reclamation plan for the parcels to be mined but does not approve of the new truck route on 22nd Ave. He states that 22nd avenue is frequently used by children and other pedestrians and that truck traffic poses a serious risk to them.

Jennifer Koole: 2259 Begole Street

She asked that the board not approve the new truck route so that a greater risk is not posed to her children along the street.

Ron Koole: 2259 Begole Street

He would encourage the board to retain the previous plan for the truck route for the mining operation. Fillmore is meant for truck traffic as a Class A road, so keep the truck traffic on that road. He questioned if the berm is intended for noise and dust screening. He wondered how the Grand River Greenway project is impacted by this operation. He asked how to issue a complaint for any damages that may occur on 22nd Ave due to trucking.

Dave Bouwkamp: 2385 Begole Street

He asked where the crushing will take place on the mining site. He stated that 22nd will not hold up for 11 years of mining truck traffic. Fillmore as a Class A road can handle this type of traffic.

Brandon Roby: 2245 Begole Street

He is really looking forward to the end state and final version of the area after the park comes to fruition, however, he encourages the board to keep the previously approved route the same and to not allow the new truck route on to 22nd Ave. His son is dropped off at the end of 22nd Ave by the school bus and he must walk up the street to get home to Begole Street. Increased mining truck traffic poses a risk to his son's route with no suitable walking path beside the street and the limited visibility of large haul trucks. He also doesn't like the idea of construction of the large berm along 22nd and the traffic that will be required to create it.

The Chairperson closed the public hearing.

Chairperson Josiah Samy addressed the questions posed to the board and the applicant during the public hearing. He stated that the complaint process for road issues on 22nd should be directed to OCRC via email. He reiterated that the purpose of the berm is to screen some noise of the processing operation and also screen visibility of the operation from the residents using the road.

Kurt Dekock stated that Top Grade is not opposed to keeping the trucking route and access on Fillmore Street via the Huizenga entrance and exit.

Tom Healey asked where the route would go if kept on the previous access.

Kurt Dekock stated that the haul route would most likely go north on the Huizenga Gravel parcel and then turn west towards the processing plant. It would then continue southeast to connect back with the Fillmore entrance and exit. If and when Huizenga Gravel would engage in more mining operations that affected the route, Top Grade would modify the route to avoid impeding Huizenga's operations. The main ingress and egress to the site would remain consistent with whatever was approved by the board.

Ross Veltema, owner of Top Grade, stated that if Huizenga Gravel would engage in more mining operations that affected the route, Top Grade would modify the route to avoid impeding Huizenga's operations.

Tom Healey asked how long Huizenga Gravel will still be mining on their site.

Kurt Dekock stated that he estimates another few years possibly.

Tom Healey asked roughly how many kids there are utilizing this road frequently and what type of use.

Jennifer Koole of 2259 Begole stated that she has 4 kids that frequently bike down that street and she knows of at least 2 more children from the other residents.

Tom Healey asked whether Begole could be utilized for the activities that the children were using 22nd Ave for.

Jennifer Koole of 2259 Begole Street stated that Begole is a dirt road which causes the kids to want to utilize 22nd for more biking and recreational activities due to the smooth surface.

The Chairperson asked the Mining Official to provide options for a motion. The Mining Official provided options for a motion.

Kelly Kuiper stated that she prefers the access to remain the same as the previous approval from March 02, 2022. She does not want the precedent to be set to establish more haul routes on streets that are primarily residential access routes. She said if there is the possibility to keep access routes on Class A roads that we should keep it there.

Moved by Jeannine Bolhouse, seconded by Kelly Kuiper, to adopt the staff report as finding of fact and to approve a Mineral Mining License for (ML2301) Top Grade Aggregates, LLC, 3407 58th St., for a revision to the Mining Plan approved on March 02, 2022, to mine on parcels of land in Georgetown Charter Township, Ottawa County, Michigan, described as:

1. P.P. # 70-14-02-300-009, located at 1405 Taylor St., zoned LDR, owned by OCRC
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As shown on the following plans – OCRC Bend in the River Mining:

1. Sheet 1 of 5, Existing Conditions, dated revised 01/04/23
2. Sheet 2 of 5, Existing Conditions, dated revised 01/04/23
3. Sheet 3 of 5, Mining Operations Plan – Mining Area, dated revised 01/04/23
4. Sheet 4 of 5, Mining Operations Plan, dated revised 01/04/23
5. Sheet 5 of 5, End Use Plan, dated revised 01/04/23

The approved revisions include the following:

1. Revisions to the Ottawa County Parks Department parcel boundary to the east, including the land bridge.
2. The additional parcels.
3. Revisions along Menno Lake parcel boundary to leave in use the existing walkway path and reinforce the existing berm to that lake.
4. Approval to crush existing on the site natural material that is mixed in with leftover debris from the previous mining operation for the time specified in the plan.
5. Revised mining schedule.
6. Revised location for the processing plant on the Huizenga Development Land LLC property.

With the following conditions:

1. All previous approvals shall remain in effect (included as follows) and approval is granted for the revised stipulations as noted.
2. This license shall expire on June 30, 2027 unless suspended or revoked earlier per the Ordinance. Prior to expiration, the operator shall apply for renewal by returning with a

- more detailed plan, including areas remaining to be excavated and a timeframe for completion of the excavating of materials from the site.
3. 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 is based on \$1,000 per acre remaining to be reclaimed or restored. The last approval required a bond of \$18,700. The revision to the work near the eastern boundary adds roughly 2.5 acres of land to be restored or reclaimed. Therefore, \$2,500 dollars will be added to the bond for a required total of \$21,200. The full amount shall be submitted to the Township no later than April 7, 2023 in order for the mining license to remain in effect. The amount of the guarantee may be periodically reduced upon request by the mining company, proportionate to the number of acres that are reclaimed or restored.
 4. The site shall be operated in compliance with the plans as presented and conditions of approval.
 5. The operator shall comply with all federal, state, and local laws, regulations and ordinances.
 6. All required permits must remain in effect for the duration of the project.
 7. The hours of operation are limited to 7:00 a.m. to 6:00 p.m. on Monday to Friday, 8:00 a.m. to 3:00 p.m. on Saturday, no Sundays, and no holidays as stipulated on the plans.
 8. Approval from the Ottawa County Road Commission must remain in effect.
 9. All entrances and exits to the site shall be securely locked during hours when mining operations are not permitted on the site.
 10. The off-site haul/truck route shall be west on Fillmore St. or east onto Cottonwood Dr. from the existing Huizenga Gravel entrance on Fillmore. The revised off-site haul route as shown on OCRC Bend in the River Plan Sheet 4 of 5 dated 1/04/23 is NOT APPROVED. The Off-Site haul route shall comply with OCRC Bend in the River Mining plan sheet 4 of 5 dated 02/03/22, which is the previously approved plan.
 11. All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets.
 12. All berms are to be maintained.
 13. 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.
 14. 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.
 15. 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.
 16. Dust control measures shall be instituted to comply with the Michigan Clean Air Act (Act No. 345 of 1965, as amended) and to prevent dust from being a nuisance to adjoining property.
 17. Noise control measures shall be instituted to comply with any applicable Michigan statute, rule or regulation and Section II(15) of Township Ordinance No. 135, [section 38-72 of this Code] including amendments.
 18. The licensee shall comply with all soil erosion, wetlands and floodplain rules and regulations of the State of Michigan, Ottawa County and the township.
 19. Fueling of vehicles on any site shall comply with statutes, rules and regulations enforced and implemented by the Michigan Department of Environmental Quality.
 20. 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.

21. Upon termination of mining operations, the licensee shall be responsible to reclaim the site in accordance with reclamation plans approved by the review board. 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.
22. 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.
23. 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.
24. In no event shall any additional materials be allowed to be brought onto the site or added to any stockpiles; it was not requested as part of the application.
25. The license DOES include a crushing operation as noted on the plan for the natural surface material left behind from the previous operation. The crushing shall occur only during a total of three 6-week periods over the course of the first (3) three years of this project. Top Grade will alert the Township in advance of each period of crushing. Crushing will ONLY be of on-site natural material and building foundation debris left from structures that had been on the site. This crushing shall be done following the guidelines laid out by EGLE's Air Quality Division.
26. A soil removal permit from EGLE shall be submitted to the Township and must remain in effect for the duration of the operation.
27. The operation on the site shall continue to work towards the Bend in the River Reclamation Plan.
28. A copy of the hydrogeological investigation will be provided to the Township and all operations will be contingent upon the EGLE permitting and all other necessary agency reviews and approvals.

Yeas: Jeannine Bolhouse, Tom Healy, Josiah Samy, Kelly Kuiper

Nays: None

MOTION CARRIED UNANIMOUSLY.

#230215-04 – Public Comments

No one was present to make public comments at this time.

#230215-05 – Other Business

There was no other business at this time.

#230215-06 – Adjournment – The meeting was adjourned at 8:42 p.m.

MOTION CARRIED UNANIMOUSLY.