

# City of Plainwell



“The Island City”

Brad Keeler, Mayor  
Lori Steele, Mayor Pro Tem  
Todd Overhuel, Council Member  
Roger Keeney, Council Member  
Randy Wisnaski, Council Member

Department of Administration Services  
211 N. Main Street  
Plainwell, Michigan 49080  
Phone: 269-685-6821  
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## Agenda

### Planning Commission -Public Hearing

Review Zoning Ordinances Sec. 53-73 and 53-115  
re: floodplains, mining and excavation standards.

**November 04, 2020 7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes: 10/21/20 Planning Meeting
5. Chairman’s Report
6. Public Comment:  
The Planning Committee will review Zoning Ordinances Sec. 53-73 and 53-115  
re: floodplains, mining and excavation standards  
Each person who speaks must first state their full name and address and has 2 minutes
7. Old Business:  
A. None
8. Reports and Communications:  
A. 10/12/2020 Council minutes
9. Public Comments
10. Staff Comments
11. Commissioners/Council Comments
12. Adjournment

### Reminder of Upcoming Meetings

November 09,2020 – City Council Meeting – 7.00pm  
November 10, 2020 – DDA BRA TIFA Meeting – 7:30 a.m.  
November 12, 2020 – Parks and Trees Meeting -5:00 p.m.

*The City of Plainwell is an equal opportunity provider and employer*

**CITY OF PLAINWELL  
MINUTES  
Planning Commission  
October 21, 2020**

1. Call to Order at 7:10 p. m. by Colingsworth
2. Pledge of Allegiance was given by all present.
3. Roll Call: Present: Rachel Colingsworth, Lori Steele, Stephen Bennett, Jim Higgs  
Excused: Diana Lubic, Gary Sausaman, Jay Lawson
4. Approval of Minutes – 10 /07/20  
**Higgs motioned to approve minutes Steele seconded.**
5. Chairperson’s Report: - None
6. New Business –  
A. Re-set Public Hearing for mining ordinance for Nov. 4, 2020 at 7 pm  
**Motion by Higgs to reschedule the public hearing was made and seconded by Bennett. Motion passed**
7. Old Business  
A. None
8. Reports and Communications:  
A. 09/28/2020 Council Minutes reviewed by Commission
9. Public Comments – None
10. Staff Comments: None
11. Commissioner Comments: None
12. Adjournment:  
Colingsworth adjourned the meeting at 7:13 p.m.

Minutes submitted by Denise Siegel, Community Development Manager

**CITY OF PLAINWELL  
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND THE CITY OF PLAINWELL ZONING ORDINANCE; TO AMEND SEC. 53-73 PERTAINING TO THE DELINEATION OF THE FLOOD HAZARD OVERLAY ZONE; AND TO AMEND SEC. 53-115 PERTAINING TO THE EXCAVATION, REMOVAL, AND FILLING OF LAND.

CITY OF PLAINWELL, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

**Section 1. Amendment of Sec. 53-73(C).** Sec. 53-73(C) of the City of Plainwell Zoning Ordinance is amended to read as follows:

C. In addition to other requirements of this chapter applicable to development in the underlying zoning districts, compliance with the requirements of this article shall be necessary for all development occurring within the flood hazard area zone. Land uses permitted in the flood hazard overlay zone outlined in this chapter may only be permitted if such land use is permitted in the underlying zoning district, or if the land use is accessory to a permitted principal use within the underlying zoning district. Conflicts between the requirements of this article and other requirements of this chapter or any other ordinance shall be resolved in favor of this article, except where the conflicting requirement is more stringent and would further the objectives of this article to a greater extent than the requirements of this article. In these cases, the more stringent requirement shall be applied.

**Section 2. Amendment of Sec. 53-115.** Sec. 53-115 of the City of Plainwell Zoning Ordinance is amended to read as follows:

Sec. 53-115. EXCAVATION, REMOVAL AND FILLING OF LAND.

The use of land for the excavation, removal, mixing, crushing, filling, or depositing of any type of earth material, sand, topsoil, clay, aggregates, stones, gravel, or rock is not permitted in any zoning district, except under a permit or approval granted by the authority of this Ordinance or other City ordinance. This regulation does not apply to normal soil removal or fill for basement or foundation work when a building permit has previously been duly issued within the same calendar year by the Building Inspector for such basement or foundation or for minor earth material removal or fill of less than three-hundred (300) cubic yards in total. Minor earth material removal or fill may include, but is not limited to, work related to the installation of a pool or hot tub, driveway, street, swale, drainage ditch, or pond. This regulation shall also exclude those excavations or fill required or directed by a Federal or State agency to provide for flood mitigation or removal of contaminated soils. No property shall be filled or graded so as to cause or increase a discharge of surface water run-off onto abutting ~~premises~~ properties or properties within 500 feet in such a manner that will

cause flooding, inconvenience or damage to adjacent properties or properties within 500 feet and shall generally maintain existing drainage courses. No property shall have fill deposited which exceeds three hundred (300) cubic yards in total without a permit or approval pursuant to a City ordinance. When property is developed or modified, existing grades on adjacent property shall have priority favored status.

**Section 3. Severability and Captions.** This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

**Section 4. Repeal.** Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

**Section 5. Effective Date.** This Ordinance is ordered to take effect eight (8) days following publication of adoption in *INSERT LOCAL NEWSPAPER*, a newspaper having general circulation in the City, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

ROLL CALL VOTE:

YES:

NO:

Declared adopted on:

\_\_\_\_\_  
Brad Keeler, Mayor

\_\_\_\_\_  
Brian Kelley, Clerk

DRAFT

(October 29, 2020)

**CITY OF PLAINWELL  
ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND THE CITY OF PLAINWELL ZONING ORDINANCE; TO AMEND SEC. 53-3 TO ADD A DEFINITION PERTAINING TO MINING OPERATIONS; AND TO AMEND SEC. 53-54 TO ADD A SPECIAL APPROVAL USE AND STANDARDS PERTAINING TO MINING AND FILL OPERATIONS IN THE INDUSTRIAL DISTRICT.

CITY OF PLAINWELL, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

**Section 1. Amendment of Sec. 53-3.** Sec. 53-3 of the City of Plainwell Zoning Ordinance is amended to add the following definition in alphabetical order:

**MINING OPERATION.** The ~~commercial mining~~, removal, loading, filling, processing and/or transporting of topsoil, sand, stones, rocks, clay, gravel, or other ~~such earth~~ minerals on, to, or from a lot, tract or parcel, and including the incidental maintenance of machinery or equipment used in connection with such mining or fill operation. Minor alterations of the grade elevation by cutting or filling earth (not to exceed 300 cubic yards of material) for noncommercial purposes, such as preparing ~~a plot~~ land for construction, shall not constitute a mining or fill operation.

**Section 2. Amendment of Sec. 53-54.** Sec. 53-54 of the City of Plainwell Zoning Ordinance is amended to add the following special approval use in alphabetical order:

G. Mining operations within the \_\_\_\_\_ zoning district, subject to the following standards.

1. Additional Site Plan Requirements. In addition to the regular application materials and site plan as required for any special approval use, an application submittal for a mining or fill operation shall be accompanied by all of the following additional information:

- a. Name and address of the owner(s) of the land on which mining or fill will take place.
- b. Name, address and telephone number of the person or ~~corporation who~~ entity which will be conducting the actual mining or fill operation.
- c. Location, size and legal description of the subject property, and total site area to be mined or filled.
- d. A reclamation plan for extraction or fill and reclamation for the total project, which shall include:
  - (1) Surface overburden and topsoil stripping and stockpiling plans.
  - (2) Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, blowing dust, sedimentation problems and public safety concerns.

- (3) A feasible and detailed plan for the re-use of the reclaimed site, consistent with the zoning district(s) in which the ~~facility~~ land is located and consistent with the intent and vision of the City Master Plan.
- (4) Surface water drainage provisions and outlets.
- (5) The location and size of any existing or proposed structures and any proposed vehicle or equipment staging and parking areas.
- (6) Approved soil erosion permits. If such permit has not been issued, a copy of the permit application may be appended to the special approval use application and any approval shall be conditioned upon issuance of such soil erosion permit.
- (7) Proposed haul routes.

(8) Proposed noise and dust minimization plans.

2. Reclamation. All extraction or fill areas shall be reclaimed progressively as they are worked out. The Planning Commission shall determine the amount of the site that may be open at any time; however, at no time shall more than twenty (20) acres be used for active mining or fill. Reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks remaining above water level and below water level to a depth of six (6) feet shall be graded to angles which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion and any other potential deterioration. Top soil of a quality equal to that occurring naturally in the area shall be placed or replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where ~~used~~ reclaimed, topsoil shall be applied to a minimum depth of four (4) inches and sufficient to support vegetation. Vegetation shall be restored by the appropriate seeding of grasses and/or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion. Upon cessation of mining operations, the operating company or landowner, within a reasonable time period (not to exceed 12 months), shall remove all plant structures, foundations, buildings, stockpiles and equipment; provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan, may be retained. Substantial completion of reclamation and rehabilitation shall be completed within one (1) year after termination of the fill, mining or excavation activity.
3. Site Development Requirements.
  - a. Setbacks- in which no part of the mining or fill operation may take place, except for ingress and egress, shall be as follows:
    - (1) Excavation below the existing grade of adjacent roads or property lines shall not take place within one hundred (100) feet from any adjacent property line or road right-of-way.
    - (2) No structures or machinery will be stored, erected or maintained within one hundred (100) feet of any property line or road right-of-way.

- b. If fencing, landscaping, and/or berming is deemed a reasonably necessary requirement, the Planning Commission shall specify the type, size, characteristics, and location of the required fencing, landscaping, and/or berming.
  - c. Interior access roads, parking lots, haul roads, crushing and processing operations, loading and unloading areas, and stockpiled materials shall be maintained and operated so as to limit the nuisance caused by any wind-blown dust.
  - d. Hours and days of operation for the mining or fill operation shall be established by the Planning Commission as part of the special approval use.
  - e. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of sixty (60) decibels at any property line.
  - f. All mining operations shall be located on or near a primary road, as defined by the Allegan County Road Commission, for ingress and egress thereto; and on a road which if used as the access to the proposed operation will not result in significant increase in truck traffic through an area developed primarily for residential purposes. Where necessary as determined by the Planning Commission, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck traffic created by the operations as a condition of the permit, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads, that may not be constructed to accommodate a large volume of heavy vehicles. The operation shall be managed and controlled so that truck and heavy equipment traffic generated by the use is controlled by the permit holder and haul routes to and from the site shall be approved by the Planning Commission.
  - g. No crushing or processing shall occur unless expressly approved by the Planning Commission.
4. Failure to maintain all required county, state or federal licenses and/or to develop and maintain a surface mining or fill operation in accord with the terms of the special approval use may result in the immediate revocation of a special approval use permit and any and all other sanctions and/or penalties available to the City, county, and/or state.
5. ~~Evidence of~~ Continuing Use. A special approval use permit for a mining or fill operation shall not ~~expire unless it is deemed abandoned by the Zoning Administrator~~ last for over two (2) years unless extended by the Planning Commission. When the Zoning Administrator determines a mining or fill operation or portion thereof to be abandoned, he/she shall give the ~~operator-landowner~~ written notice of ~~their-the~~ intention to declare the mining or fill operation or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the ~~operator-landowner~~ shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, he/she shall not declare abandonment.
6. Financial Guarantees. A ~~minimum-monetary~~ performance guarantee shall be filed with the City Treasurer. The performance guarantee shall be in the form of a letter of credit,



~~a certified check, a cash bond or an insurance policy~~ cash or surety bond acceptable to the City and with the City named as ~~an insured party~~ the beneficiary. The ~~bond security~~ shall be returned when all conditions stipulated in the special approval use permit have been met and the special approval use permit ~~revoked~~ deemed ended prior to ~~its~~ the security's release. There shall be no partial release of the ~~bond security~~. The City shall determine the amount of the monetary security guarantee.

7. Inspection and Amendments. Permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year by the Zoning Administrator to ensure compliance with the permit and Ordinance.

Special approval use permits for mining or fill operations may be amended by the Planning Commission in accordance with the following procedures:

- a. A request for amendment of a special approval use permit must be made at least thirty (30) days prior to the expiration of the existing permit.
  - b. The written request shall provide information concerning the mining or fill operation/activities conducted during the current year and also show that such operation/activities are in compliance with the special approval use approval and the permit requirements.
  - c. Any financial guarantee shall also be established or revised in accordance with Section 53-54, G, 6 above ~~for~~ for the duration of the extension of the special approval use permit.
8. Modification of the Site Plan. The site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission may require the modification of the site plan when:
    - a. Modification of the plan is necessary so that it will conform to existing laws.
    - b. It is found that the previously approved plan is clearly impractical to implement and maintain.
    - c. The approved plan is obviously not accomplishing the intent of the Ordinance.

9. No mining or fill operation shall be approved if it would cause very serious consequences.

**Section 3. Severability and Captions.** This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

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ROLL CALL VOTE:

YES:

NO:

Declared adopted on:

\_\_\_\_\_  
Brad Keeler, Mayor

\_\_\_\_\_  
Brian Kelley, Clerk

DRAFT

DRAFT

(October 29, 2020)

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4. Failure to maintain all required county, state or federal licenses and/or to develop and maintain a surface mining or fill operation in accord with the terms of the special approval use may result in the immediate revocation of a special approval use permit and any and all other sanctions and/or penalties available to the City, county, and/or state.
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permit have been met and the special approval use permit deemed ended prior to the security's release. There shall be no partial release of the security. The City shall determine the amount of the monetary security guarantee.

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ROLL CALL VOTE:

YES:

NO:

Declared adopted on:

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Brad Keeler, Mayor

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Brian Kelley, Clerk

**MINUTES**  
**Plainwell City Council**  
**October 12, 2020**

1. Mayor Keeler called the regular meeting to order at 7:00 PM in Plainwell Council Chambers.
2. Peter Dams of Lighthouse Baptist Church gave the invocation.
3. Pledge of Allegiance was recited.
4. Roll Call: Present: Mayor Keeler, Mayor Pro Tem Steele, Councilmember Overhuel and Councilmember Wisnaski. Absent: Councilmember Keeney.
5. Approval of Minutes/Summary:  
**A motion by Steele, seconded by Overhuel, to accept and place on file the Council Minutes and Summary of the 09/28/2020 regular meeting. On voice vote, all voted in favor. Motion passed.**
6. Public Comment: None.
7. **Presentation:** Jeff Haas with Brody and Caitlin Honeysett presented, in person, the Chris Haas Volunteer of the Year Award for 2020 to Del Beier. A plaque inscription was read and presented to Mrs. Beier, who was nominated by Gun Plain Township resident Anne Conn, who was also in attendance.
8. County Commissioner Report:  
Commissioner Rick Cain reported the County is moving forward with the Rock Tenn site with thanks to City Manager Wilson's advice. He also reported the County is moving forward with the courthouse project. Finally, he gave an overview of the County's millage request on the November ballot noting that, if passed, the County will use the resources to reinstate services that have been cut over the years due to funding restrictions.
9. Agenda Amendments:  
**A motion by Steele, seconded by Overhuel, to amend the agenda to add as Item 11E, a closed session as permitted under Section 8(d) of the Open Meetings Act to consider the acquisition of real property. On a voice vote, all in favor. Motion passed**
10. Mayor's Report:  
Mayor Keeler said it is nice to see progress with the demolition.
11. Recommendations and Reports:
  - A. City Manager Wilson updated Council on the progress of the Paper Mill Demolition Project. He specifically noted that no injuries have been reported on site, and the security concerns that have arisen. He also noted that requests for giving out bricks are being held until further testing can be done on the bricks and whether they will be used elsewhere on the project. Included in the update was a listing of bills paid and payable for Melching and GHD for project work. Council asked several questions and was asked to consider the combined pay request totaling \$819,881.00  
**A motion by Overhuel, seconded by Wisnaski, to authorize approve pay application #2 for expenses incurred for demolition and engineering totaling \$819,881.00. On a roll call vote, all voted in favor. Motion passed.**



- B. City Manager Wilson provided information related to structural changes to Building 3 and recommended Council approve a Change Order for reclaiming wood and bricks as well as design engineering fees. The changes will make for a more aesthetically pleasing look to the exterior wall being created in Building 3  
**A motion by Wisnaski, seconded by Overhuel, to approve Change Order 3 for the Paper Mill Demolition Project in the amount of \$38,000 for reclaiming additional wood and brick, as well as design engineering fees. Motion passed.**
- C. City Treasurer Kelley requested one additional banking institution to be added to the previously approved listing, so that the city can diversify its idle cash reserves.  
**A motion by Steele, seconded by Wisnaski, to adopt Resolution 2020-21 to update the listing of approved depositories for city funds. On a voice vote, all in favor. Motion passed.**
- D. City Treasurer Kelley reminded Council that resolutions were passed earlier in the year to allow for the waiver of utility billing penalties and water shut-offs in accordance with Executive Orders issued by State Government. With recent court decisions invalidating those Executive Orders, the resolutions are also invalid going forward. Council's direction is sought regarding continuance of any waivers, which would require an ordinance amendment. Council's deliberation directed staff to continue charging penalties and turning water off as provided in existing ordinances, with notice given to customers as soon as possible. Treasurer Kelley noted that the penalties and shut-offs would return in November 2020.

12. Staff Comments:

Superintendent Nieuwenhuis reporting the loose leaf pickup started today and would continue through Thanksgiving week, weather dependent. He also reported that hydrant flushing went well and that lead/copper testings have been submitted.

Community Development Manager Siegel reported working on permits and zoning issues. She noted that the Indoor Farmer's Market is still planned with restrictions recommended by health officials. Plainwell will be the only indoor market in Allegan County. She also asked for ideas about the tree lighting celebrations.

Director Bomar reported working on fire and lockdown drills with the schools. Mayor Pro Tem Steele inquired about parked tractor-trailers on North Sherwood. City Manager Wilson inquired about facemask laws.

Superintendent Pond reported that two (2) blowers are fully functional at the treatment plant.

13. Recommendations and Reports (continued):

- E. **A motion by Steele, seconded by Wisnaski, to go into Closed Session at 8:02pm to discuss acquisition of real property. On a voice vote, all in favor. Motion carried.**

**A motion by Steele, seconded by Overhuel, to return to the Regular Meeting at 9:16pm. On a voice vote, all in favor. Motion carried.**

**A motion by Overhuel, seconded by Wisnaski, to authorize the Mayor to enter into negotiations with a property owner of 55 acres of land in Gun Plain Township for consideration as a future real property acquisition. On a voice vote, all voted in favor. Motion passed.**

14. Communications:

The City of Plainwell is an equal opportunity employer and provider

A. A motion by Steele, seconded by Overhuel, to accept and place on file the ~~October~~ September 2020 Investment and Fund Balance Reports. On a voice vote, all in favor. Motion passed.

15. Accounts Payable:

A motion by Wisnaski, seconded by Overhuel, that the bills be allowed and orders drawn in the amount of \$316,556.32 for payment of same. On a roll call vote, all in favor. Motion passed.

16. Public Comments: None

17. Council Comments: None

18. Adjournment:

A motion by Steele, seconded by Overhuel, to adjourn the meeting at 9:23 PM. On voice vote, all voted in favor. Motion passed.

Minutes respectfully

Submitted by,

Brian Kelley

City Clerk/Treasurer

MINUTES APPROVED BY CITY COUNCIL

October 26, 2020

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Brian Kelley, City Clerk