

# 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

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## Agenda

### Planning Commission -Public Hearing

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.

**December 16, 2020 7:00 PM**

**Via Zoom Meeting:**

<https://us02web.zoom.us/j/89720804216?pwd=cmdUd2FkOWhNbnMvVzcvWXpCMWlCQT09>

Password for video connection: ky8zdi

Phone number: 1-312-626-6799 Meeting ID: 89720804216

Passcode: 006242

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes: 11/04/20 Planning Meeting
5. Chairman’s Report
6. Public Comment:

Review and 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.

7. New Business: None
8. Old Business: None
9. Reports and Communications:
  - A. 11/09//2020 Council minutes
10. Public Comments
11. Staff Comments
12. Commissioners/Council Comments
13. Adjournment

#### Reminders:

**City Administration Offices closed – Dec. 24 & 25/Dec. 31 & Jan. 1, 2021**

**City Council Meeting – Monday, Dec. 28, at 7 p.m.**

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

**CITY OF PLAINWELL  
MINUTES  
Planning Commission  
November 4, 2020**

1. Call to Order at 7 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  
Diana Lubic, Gary Sausaman, Jay Lawson
  4. Approval of Minutes – 10 /21/20  
**Higgs motioned to approve minutes Sausaman seconded.**
  5. Chairperson’s Report: - None
  6. New Business – Public Hearing Opened at 7:05 pm
    - A. Public Hearing for mining ordinance review of Sec. 53-73 and 53-115  
No public was present. Nathaniel Mehmed Planner from Williams and Works presented the highlighted changes to the language to make the ordinance cleaner.  
Public Hearing closed at 7:13 p.m. **Higgs Motioned to recommend to Council the adopted language as presented in regards to the Mining Ordinance. Sausaman seconded the motion. All in favor vote motion carried.**
- Discussion around Sec. 53-3 amendments re: mining operations and Sec. 53-54 ordinance to amend special use approval. Sausaman asked about the property off of 1<sup>st</sup> and 2<sup>nd</sup> St. that is zoned R1A, asking if this was possible to be the mining location within Plainwell, with the only access begin 1<sup>st</sup> and 2<sup>nd</sup> Street, for trucks to travel and the zoning would be an issue it was decided this is not a good idea.
- A public hearing was set for Wednesday, Dec. 2 at 7 pm. **Higgs motioned to set the public hearing on Wed., Dec. 2, 2020 at 7 p.m. Steele seconded. All in favor vote motion carried.**
7. Old Business
    - A. None
  8. Reports and Communications:
    - A. 10/12/2020 Council Minutes reviewed by Commission
  9. Public Comments – None
  10. Staff Comments: Envy has opened; Tree Lighting/Light up the Night Event
  11. Commissioner Comments:  
Lubic – apologized for missing a lot meeting lately.  
Bennett – Asked if we were still on time with the mill demo. Steele responded we are 2 wks. behind.

Steele – Nothing

Sausaman – Mentioned the new Library is open and how stunning it is.

Higgs – Nothing

Lawton – Nothing

12. Adjournment:

Colingsworth adjourned the meeting at 7:38 p.m.

Minutes submitted by Denise Siegel, Community Development Manager

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(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 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.

**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

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**MINUTES**  
**Plainwell City Council**  
**November 9, 2020**

1. Mayor Keeler called the regular meeting to order at 7:00 PM in Plainwell Council Chambers.
2. Scott Smail 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, Councilmember Keeney and Councilmember Wisnaski. Absent: None.
5. Approval of Minutes/Summary:  
Clerk Kelley noted an error in the presented minutes – Item 12 noted a motion was made by Wisnaski and seconded by Keeney. Councilmember Keeney was not at the meeting and the second was from Councilmember Overhuel. Clerk Kelley asked the minutes be amended as such.  
**A motion by Steele, seconded by Overhuel, to accept and place on file the Council Minutes and Summary of the 10/26/2020 regular meeting, as amended. On voice vote, all voted in favor. Motion passed.**
6. Public Comment: None.
7. County Commissioner Report: None.
8. Agenda Amendments: None
9. Mayor's Report:  
Mayor Keeler thanked the Department of Public Services for their work on the vandalism case, and noted great progress with the demolition.
10. Recommendations and Reports:
  - A. Community Development Manager Siegel presented Council with a summary of changes to the Zoning Code related to the delineation of the flood hazard overlay zone and to the excavation, removal and filling of land. She reported the Planning Commission has reviewed the language changes and held the required public hearings. She noted the documents were drafted by the City Planner and reviewed by the City Attorney. At the November 4, 2020 meeting, the Planning Commission recommended approval. Councilmember Overhuel thanked the Planning Commission for their hard work on these issues.  
**A motion by Keeney, seconded by Wisnaski, to approve Ordinance 387 to modify the city's delineation of the flood hazard overlay zone, and the excavation, removal and filling of land. On a roll call vote, all voted in favor. Motion passed.**
  - B. Superintendent Pond reported having solicited proposals for lift station and plant tank cleanings. One proposal came in with a typographical error which resulted in a false total quoted charge. There was discussion on how to handle the discrepancy with the group agreeing to accept the low bid as amended.  
**A motion by Keeney, seconded by Wisnaski, to accept a revised bid from Plummers' Environmental for a three-year contract for lift station and plant tank cleanings for a total contract price of \$78,750.00. On a roll call vote, all in favor. Motion passed.**

11. Communications:

**A. A motion by Steele, seconded by Overhuel, to accept and place on file the September 2020 Public Safety Report, the October 2020 Investment and Fund Balance Reports and the Draft Planning Commission Minutes from November 4, 2020. On a voice vote, all in favor. Motion passed.**

12. Accounts Payable:

**A motion by Keeney, seconded by Wisnaski, that the bills be allowed and orders drawn in the amount of \$90,320.63 for payment of same. On a roll call vote, all in favor. Motion passed.**

13. Public Comments: None

14. Staff Comments:

Director Bomar reported the new patrol vehicle is now in service bringing the fleet to four (4) patrol vehicles. He noted working with law enforcement agencies and schools to implement a program for at-risk youths. He discussed the charges being brought against the suspects in the vandalism case, who are awaiting arraignment.

Superintendent Pond reported Operator Kim Brown has taken examinations for wastewater licensure.

Community Development Manager Siegel reported new business openings on North Main, South Main and Allegan Street. She noted the Indoor Farmers Market opened with 19 vendors and 110 patrons. She confirmed a December 4 Holiday Celebration including the tree lighting at 7pm.

Personnel Manager Lamorandier reported ongoing reviews of Covid changes.

Superintendent Nieuwenhuis reported collecting leaves and that the new loader is in service.

Clerk Kelley gave a report of thanks to the voters, Public Safety specifically Dave Kuitert, Election Inspectors and Administration. The November 3, 2020 election had a record turnout of voters and had very few problems.

City Manager Wilson reported that staff will continue to plan for Covid-related policies and contingencies and noted everyone needs to remain vigilant.

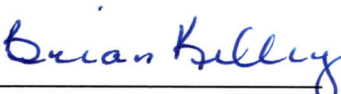
15. Council Comments: None

16. Adjournment:

**A motion by Steele, seconded by Overhuel, to adjourn the meeting at 7:34 PM. On voice vote, all voted in favor. Motion passed.**

Minutes respectfully  
Submitted by,  
Brian Kelley  
City Clerk/Treasurer

MINUTES APPROVED BY CITY COUNCIL  
November 23, 2020

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Brian Kelley, City Clerk