

MEETING

CITY OF WALKER

MINERAL MINING REVIEW BOARD

Wednesday, February 18, 2009

3:00 PM

The meeting of the Mineral Mining Board of Review was called to order by Steve Versluis, Chairman at 3:00 p.m. at City Hall, 4243 Remembrance Rd., N.W., Walker, Michigan.

Members present: Steve Versluis, Chairman; Frank Wash; Scott Conners; Mark Koning; and Bonnie Broadwater. Also present: Jeff Nelson, Building Department and Bonnie Antcliff, Recording Secretary.

DECISION AND ORDER

Shoemaker Aggregates has requested renewal of their Mineral Mining license.

Legal Description

Property located at 2713 Wilson, SW also known on the tax rolls as 41-17-07-100-040, 041.

Applicant & Mining Cont:	Shoemaker Aggregates 2633 Wilson, SW Grand Rapids, Mi. 49504	Owner: Same
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Finding of Facts

Brent DeRose, Nederveld Associates stated that trees were cleared and there is an inactive bank on the north side. Mining is continuing to move to the north. One of the conditions from last year was to maintain a one- on-three working slope in the active mine areas. When we got near the property lines we were to not go at a one-on-one slope. There was not any work done here near the property

lines. There were no compaction tests done this year. The only areas that were reclaimed in 2008 were on both sides of the pit and both of those were done last year and this year was reseeded. There was no mining below the water table in 2008. Most of the mining last year was focused in the northeast corner around the Timm's house. All the trees were going to be removed in the northwest corner and there is about 6 or 8 feet of material to come out of there. There is a stock pile that will be used.

Scott Conners stated that were some issues on this site after the permit was approved last year. The neighbor had issues with the water well levels.

Mr. DeRose replied that he was not aware of any current issues here. The year before that there was an area in the center of the pit, where they got into the water table inadvertently. The mine operator submitted documents as to the elevations and they should be in the file. Those areas were filled prior to 2008.

Scott Conners stated that we had discussions on this site on how steep the banks could be. Since material is coming out of the middle of site, why wasn't this wrapped up?

Mr. DeRose replied the situation exists because this is going to be fill material and no fill material has been brought into this site to restore the slopes. That is the goal to get this finished.

Scott Conners stated that there is a 20 ft. difference between the existing elevation and the proposed elevation. We have been pretty clear about not wanting to see that happening.

Bonnie Broadwater stated that there does not appear to be any offsite sediment discharge but the soil erosion fees for this site still remain unpaid, which Brent and I discussed on the phone. This was billed in July, 2008.

Scott Conners did not feel that the Board should take action on this without these fees being paid.

Bob Shoemaker stated that he has not paid these fees, as he has unanswered questions about it. He went on to say that he questioned the fees for \$1,000 and how that came about. The State does not mandate these numbers. He wants to know how these fees were determined. He stated he has asked for an meeting to discuss this and how the funding came about.

Scott Conners replied that the fees are based on our actual cost and were established by the City Commission.

Steve Versluis stated that he did not feel this is the forum to discuss fees. He stated Mr. Shoemaker should go to the City Commission in regard to fees.

Bonnie Broadwater stated that a break down of the fees was sent out with the initial request. Also , if Mr. Shoemaker felt the acreage sent out was not accurate for this site, he could provide us with updated acreage, which we have received.

Motion

Scott Conners moved and Mark Koning supported the motion to open the public hearing.

Motion carried 5 to 0.

No one appeared with respect to this hearing.

Motion

Frank Wash moved and Bonnie Broadwater supported the motion to close the public hearing.

Motion carried 5 to 0.

Motion

Frank Wash moved and Bonnie Broadwater supported the motion to table the request to renew the Mineral Mining license for 2713 Wilson until February 28, 2010 until the soil erosion fees are paid.

Motion carried 5 to 0.

DECISION AND ORDER

James Cordes has requested approval for renewal of their Mineral Mining license.

Legal Description

Property located at 731 Maynard, SW also known on the tax rolls as 41-13-33-101-016, 017, 023, & 025.

Applicant &	James J. Cordes	Owner: Same
Mining Cont:	10100 Sedroc	
	Byron Center, Mi. 49315	

Finding of Facts

Brent DeRose, Nederveld Associates stated that this pit was active in 2008. 60,000 yards were pulled out and there is an open bank on Butterworth and we are working to the west. In 2008 the reclamation was put on hold due to the fact that there were negotiations with the parcel to the west to expand operations. In December that parcel was purchased to the west, so you do see 4 additional acres added onto this site. The new proposed reclamation contours are shown on this drawing. 2009 we are going to continue to work in the same area, keeping the berm, and no trees are going to be cleared out until the northwest corner is cleaned up. At last year's meeting it was requested that we clean up the area from Butterworth and they have seeded some of the open bank behind the Huizenga property and also tried to clean up more next to the Sandco parcel. Our intent is to move forward and work on the northwest corner. As they continue to work to the west, we will start to reclaim that floor area to minimize the amount of soil disturbance.

Steve Cordes stated that they had seeded last year by the haul road and put top soil on there. When we purchased the property by Huizenga's there was a steep area. There probably was a one-on-one slope and we seeded that. It is now a one-on-two. We pushed top soil up there and seeded a lot of that area just for appearance and safety. We are trying to make this look better and we did a lot of work along the south corner. We did not have any plans for the Miller property but we are working on cleaning it up.

Bonnie Broadwater stated that the pond on the northwest corner of the site has erosion issues at the base of the slope and on either side. There is sediment being discharged into that area and it is washing down and gullies are forming. Last year you showed that outside of the area of disturbance and

this year the pond has been completely eliminated from the plan drawing. There is no line showing that it is outside of the area of disturbance. Is your intent to fill the pond?

Mr. Cordes replied that we had a lot of rain last year and we built a berm around there. We do not intend to fill the pond. That is the low area of the property so it accumulates a lot of water. He stated they have been working on it and will address it when the weather clears.

Ms. Broadwater stated that she would like to see this drawn on the plan with grades and erosion control measures.

Scott Conners stated that with Sandco being done, the south property line will have to be addressed as well with some berming. You need to capture that water and have some kind of trap on your own property.

Brent DeRose stated that we want to keep the pond. It is an isolated clay area and not within 500 ft. of the stream. We have a 690 contour on the plan and slopes back down into that area. The intent is to not bring in any additional water.

Scott Conners stated that, on where the area to be reclaimed on the 2009 permit is, there is a lot of foreign material there that looks like ash.

Steve Cordes replied that it is an agriculture material that will be mixed in with top soil to help the grass grow. It is a gypsum soil amendment.

Frank Wash stated that the area to be reclaimed in 09 will need compaction testing done. In 2010 will be looking for compaction results for the filled area that occurred in 2009.

Mr. Cordes stated that we do not have a lot of spoils coming onsite from other areas.

Motion

Scott Conners moved and Frank Wash supported the motion to open the public hearing.

Motion carried 5 to 0.

Mike Sherrington 671 Maynard is concerned about the days and hours of operation.

Jeff Nelson replied that the hours of operation are 7:00 am to 6:00 pm, 6 days a week.

Mr. Sherrington replied that there have been activities here on Sundays and holidays and before 7:00 am.

Mr. Cordes stated he wants to know when this happens, as he is not aware of it. No trucks should be there on Sunday or holidays. Our sign says 7:00 am to 5:00 pm.

Jeff Nelson stated that we did have a call about wood cutting on this site. We called Mr. Cordes' office they said they would take care of it.

Steve Versluis also stated that Mr. Sherrington could call him anytime with concerns.

Motion

Mark Koning moved and Frank Wash supported the motion to close the public hearing.

Motion carried 5 to 0.

Motion

Scott Conners moved and Frank Wash supported the motion to grant the mineral mining license for 731 Maynard until February 28, 2010.

The Board imposed the following conditions:

1. A revised site plan to address the soil erosion concerns must be supplied to the City within 30 days.
2. Place a silt fence around the gypsum pile.
3. Confirm that the gypsum material is safe and inert material for distribution on the site.

Motion carried 5 to 0.

DECISION AND ORDER

Shoemaker Aggregates has requested renewal of their Mineral Mining license.

Legal Description

Property located at 2619 Butterworth, SW also known on the tax rolls as 41-13-33-400-002.

Applicant &	Shoemaker Aggregates	Owner: Flossie Hedges Trust
Mining Cont:	PO Box 908	260 S. Harewood Dr., SW
	Grandville, Mi. 49418	Grand Rapids, Mi. 49548

Finding of Facts

Brent DeRose, Nederveld Associates stated that we want this permit to be permanently closed out. For the past few years we have kept this pit open with the intent of hauling sand so the east side of the site was kept open. In May we regraded everything to the west side of the haul road and the east side of the property line. We top soiled it and confirmed that all of the slopes are one on five and then seeded it. With all of the rain we had, there were a lot of wash outs last year. In the fall the wash outs were cleaned up and it was reseeded. There are two stock piles of top soil on site and the owner wants that left there. The signage, the haul road, and the gate are requested by the owner to remain.

Scott Conners asked if the soil erosion fees have been paid on this site?

Bonnie Broadwater replied no, the soil erosion fees have not been paid.

Frank Wash stated that we amended the Mineral Mining ordinance in 2007. There is now a permanent close out list for all on site activities. That is Section 34-308 and there is a punch list for you to complete with an application to the Board to close a mine site down. Once we get those plans, staff meets on site with the operator for a walk through to check the as builts and reclamation plans. That is how the decision is made to permanently close out a mine.

Brent DeRose stated that we have met all the requirements but the remaining items left will go under the soil erosion process. There is no mining left, just final reclamation.

Bonnie Broadwater stated from the soil erosion standpoint the last outstanding item is the large soil pile at the center of the site. It has been regraded and top soiled and seeded. There was just no vegetation established before the end of the growing season. We told Mr. Shoemaker that it had to remain open over the winter and it could be closed in the spring once vegetation has been established.

The soil erosion permit fees are \$440 and that will go through May, 2009. If the soil on site stabilizes sooner, we will close the permit sooner.

Scott Conners stated that there are some deep gullies on the west border. There are rills and gullies spaced pretty evenly along the whole slope.

Frank Wash asked if this site has been undermined by gypsum mines?

Mr. DeRose replied he was not sure. He thought that the east line was where any undermining had been done.

Scott Conners felt that they should set up a meeting with some of the Board and the contractor to meet on site.

Jeff Nelson noted that the ordinance states that the Engineer and the DPW Director are designated to go to the site.

Steve Versluis felt that Bonnie Broadwater should also go with this group.

Bob Shoemaker stated that he had gone over the check list and felt that should be behind him. He went on to say that he understands they need to wait until May until the vegetation could be established. We did additional grading out there to correct rain related issues. Everything we are talking about here has already been done.

Bonnie Broadwater stated that the meeting that she had with Mr. Shoemaker was from a soil erosion standpoint. The meeting was to inform Mr. Shoemaker what needed to be done to close out his soil erosion permit. That meeting was not to close out the entire mineral mining site.

Frank Wash stated that the punch list to close out a mining operation is on the annual permit application.

Motion

Frank Wash moved and Mark Koning supported the motion to table the Mineral Mining license for 2619 Butterworth.

The Board imposed the following tabling conditions:

1. Soil erosion fees to be paid.
2. Sealed surveyed as-built plans showing reclamation contours at 2 ft.
3. On site visit with staff to close the site.

Motion carried 5 to 0.

MMRB 2-18-09

Motion

Frank Wash moved and Scott Conners supported the motion to adjourn the Mineral Mining Meeting at 4:20 p.m.

Motion carried 5 to 0.