

MEETING

CITY OF WALKER

MINERAL MINING REVIEW BOARD

Tuesday, February 24, 2009

3:00 p.m.

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.

Motion

Frank Wash moved and Bonnie Broadwater supported the motion to approve the Mineral Mining minutes of 2008 with corrections on pages 4 and 9 of the January 31, 2008 minutes.

Motion carried 5 to 0.

DECISION AND ORDER

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

Legal Description

Property located at 2605 Bristol, NW also known on the tax rolls as 41-13-10-201-003.

Applicant & Mining Cont:	Cordes Trenching 7305 Baumhoff, NW Grand Rapids, Mi. 49544	Owner: Stanley Orchards, LLC 2605 Bristol, NW Grand Rapids, Mi. 49544
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Finding of Facts

Brad Meyers of Meyers, Bueche & Nies, Inc. showed the mining plan with explanations. He stated there was not a lot of activity here last year because of the economic downturn. This year will probably be the same. He showed the area to be worked for this coming year. The existing drive was paved last year. There were not any problems as far as soil erosion. This is a unique site because most of the storm water is contained on site. Normal road tracking does happen here from time to time. The second phase (2 of 5) shows the proposed phases. We are still working in Phase 1 and we will not get out of that area any time soon.

Steve Versluis asked about the quality of the sand at this site.

Mr. Meyers replied the quality is decent but there is not a demand for sand right now.

Frank Wash asked if the fill material was from on site or trucked in?

Mr. Cordes stated that it was from on site.

Bonnie Broadwater stated that the soil erosion fees have been paid on this site. We have received some complaints about mud tracking on the Bristol access. That fill site on Bernie Smith's property is separate from the mine but there is a road connecting that fill site to the mine. That is not shown on the plan. The Smith fill site needs to be accessed from 3 Mile Rd. and not Bristol because of the tracking and the dust.

Mr. Meyers pointed out the temporary haul road on the site out to Bristol. It was not clear on the site plan.

Bonnie Broadwater stated that there should be something permanent done to block the access from Bristol to address the tracking problem. There is a lot of dust here. It has been pretty much controlled for the folks on 3 Mile but not on Bristol. The interior haul road to the Bernie Smith site needs to be used instead of Bristol Ave.

Mr. Meyers stated that these issues will be corrected and completed.

Jeff Nelson stated that the conditions from last year have been taken care of. We do not yet have a renewal of the bond for this year.

#### Motion

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

Motion carried 5 to 0.

Janet Forbes 1664 3 Mile Rd. stated that the access road off of Bristol is within 100 ft. of her house. She went on to say that there is an endless line of trucks going by and creating vibrations in her home.

Bonnie Broadwater replied that the fill operation that is going on at the corner of 3 Mile and Bristol on the Bernie Smith site is not part of this mining permit. That is permitted separately under a soil erosion control permit.

Mr. Cordes replied that he is willing to move the haul road that is close to Ms. Forbes' house.

Frank Wash stated that it sounds like if the access to the fill area is limited to the internal haul road, and if Mr. Cordes moves that road, and trucks use Bristol, that should solve the problem.

Steve Versluis instructed Ms. Forbes to keep the City informed as to what is going on here. Do not wait until next year's meetings to voice any concerns.

Mrs. Reed, 2581 Walker Woods Ct., stated they have a swimming pool and are concerned about the sand and dust being controlled here.

Steve Versluis replied that part of the approval process involves input from the neighbors and dust control is one of the things to be addressed every year at the time the license is renewed.

Mr. Meyers stated that this resident sits on rather high ground and the pit is being mined down so the prevailing winds will not be a problem. There is a 30 ft. "no disturb" buffer that the mining operators cannot get into and that should also help.

Motion

Mark Koning moved and Bonnie Broadwater supported the motion to close the public hearing.

Motion carried 5 to 0.

Motion

Frank Wash moved and Mark Koning supported the motion to approve the Mineral Mining license for 2605 Bristol, NW until February 28, 2010.

The Board imposed the following conditions:

1. Page I of I, the contours should be labeled and resubmitted for this year's application.
2. A permanent gate must be put on the driveway on Bristol Ave.
3. Mr. Cordes, Bonnie Broadwater, Scott Conners, and Mrs. Forbes will meet on site to discuss relocating the internal haul road so Mrs. Forbes' issues will be addressed.

Motion carried 4 to 0. Scott Conners abstained since he was late coming to the meeting.

DECISION AND ORDER

Velting Contractors has requested approval for renewal of their Mineral Mining license.

Legal Description

Property located at 2200 Walker, NW also known on the tax rolls as 41-13-10-329-001, 41-13-10-451-001.

Applicant & Mining Cont:	Velting Contractors 3060 Breton Rd. Grand Rapids, Mi. 49512	Owner: Kenneth Jackson 3640 Oakhill Dr. Titusville, Fl. 32780-3519
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Finding of Facts

Brent DeRose, Nederveld stated that the past year was pretty quiet here due to the economy. The southwest corner of the site was hauled in 2007 and screened and taken out in 2008. No material was filled so no compaction tests were done. The 2009 operation will be the same.

Scott Velting stated that he wants a forum to discuss soil erosion fees. He went on to say that there was no mention of soil erosion fees from last year's minutes. That is why these fees have not been paid.

Scott Conners directed Mr. Velting to go to the City Commission if he objects to the fees. He stated that last year at the budget meetings he was directed to take this course by the City Commission.

Brent DeRose commented that Mr. Velting says that the inspection fees only covered two actual reports that he received. That was one of the concerns about what was the appropriate fee. Are there inspections every month or is this an escrow that is being set up with the City?

Bonnie Broadwater replied that if you can give me the details of the reclaimed area, if there is one, that will be accounted for, as well as inspections that have been done and documented. The fee can be revised based on less disturbed area.

Scott Conners stated that the northeast corner reclamation contours do not fit with the long term plans for this site. We allowed one- on- three slopes only along the railroad.

Mr. Velting replied that that area is used for stock piling materials to recycle. That is why we do not seed it. As we haul materials in that we want to recycle, we need areas to set up the screener, sort materials, and stock pile. The flat areas work well for that. For now it will stay that way for future stockpiling. If the site were to be redeveloped, it would be reshaped.

Scott Conners commented that the Board allowed you an exception of the one- on -five side slopes to allow the one on three so buildable lots could be created in those areas and now the reclamation plan does not take advantage of that.

Scott Velting stated that the one on three slopes have been here for 15 years.

Frank Wash stated that the future lot 5 will have to be filled or cut down to make this site usable.

Scott Connors stated that he would like to see the reclamation contours go back the way they were.

Mr. Velting replied that all of these slopes are stabilized with grass.

Scott Connors replied that very soon we should see everything on the north side of the site above contour 675 or 680. That should all be reclaimed before too long. He went on to say that some point we need to "turn off" the mining operation and convert the site into an industrial operation. The money has been made here and now it is time to "button" this site up.

Mr. Velting stated if there were areas that we were not using on a yearly basis, we would seal them out. On lots 5 & 6 the grass grows there in the summer.

Jeff Nelson stated that this is an industrial zoned site, so this is a non-conforming industrial storage and processing site. They are not suppose to expand it per the zoning ordinance. We are at the point now, is this a mining site or an industrial operation? They could go to the Planning Commission for a special exception or is it still a mining operation?

Bonnie Broadwater asked if any sand was hauled out of here this past year?

Mr. Velting replied very little. The majority of what we hauled out was what we had salvaged from other jobs. We screened it, sized it, and sorted it. We probably mined 5,000 or 6,000 yards. Most of what we sold was recycled.

Scott Connors stated that this should be cleaned up so you don't have to keep coming back to this Board. Soil erosion fees could also be reduced with reclamation.

Mr. Velting stated there are no soil erosion issues on this property except for the driveway. He stated he would slope and grade the major banks. If we have to have every slope graded before this can be closed out, and every bit of the bottom seeded, then he is not interested.

Scott Connors stated we either have to do that or we can do like we did in Millennium Park and have someone accept it and there is a new plan for it. Maybe you have a yard storage area as designated on the plan. Maybe you could get a variance to have a sand bottom.

Mr. Velting stated if this site has to be completely closed out before you even look at the industrial, then he has a problem. That is why we decided to come here again.

Frank Wash stated that if you are going to get a mining permit from this Board then it makes sense to pull your soil erosion permit at the same time so they match fairly well.

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 application.

Motion

Mark Koning moved and Bonnie Broadwater supported the motion to close the public hearing.

Motion carried 5 to 0.

Mr. Velting stated that he had a check for the soil erosion fees and would like to get the mining permit and then he will go to the City Commission. He did not want the permit application tabled.

Bob Shoemaker stated that he felt the City was missing out on a great opportunity for this site. There are other cities that would love to have an operational area like this to work with. You have no complaints from the neighbors as to dust and the noise. This is a yard for the City to capitalize on cost. This is a place to bring concrete for recycling. This is a great place it is off from the expressway and in your own City. It will save a lot of money down the road as all of these pits are being closed. We need a yard to work out of.

Motion

Frank Wash moved and Scott Conners supported the motion to approve the Mineral Mining license for 2200 Walker, NW until February 28, 2010.

The Board imposed the following conditions:

1. Jeff Nelson, Frank Wash and Scott Conners will meet down with the City attorney to discuss the mining and/ or industrial site with non-conforming use areas defined by July 1, 2009.
2. Reclamation contours be considered to make them reasonable for a developable lot on reclamation plan to make the slopes a one on three.
3. If 25% of the site is not reclaimed by next year, the Board will find a way to transition this into an industrial site.
4. A substantial portion of this site be dedicated toward reclamation during 2009 for review at this time next year and a plan for the future.

Motion carried 5 to 0.

Motion

Scott Conners moved and Frank Wash supported the motion to adjourn the Mineral Mining Board of Review meeting at 5:00 p.m.

Motion carried 5 to 0.

DECISION AND ORDER

Motion

Mark Koning moved and Bonnie Broadwater supported the motion to remove 2713 Wilson from the table.

Motion carried 5 to 0.

Brent DeRose, Nederveld stated that this was tabled because the soil erosion fees were not paid. We are working south to north here and reclaiming it as we go. We did some seeding on the area behind the Timm's parcel. In 2009 we will continue to work in the northeast corner, we will reclaim the filled area that Scott Conners talked about at the last meeting. We will get that shelf back from Wilson Ave. and get it the same elevation as Wilson.

Scott Conners stated that the in area that is going to be reclaimed this year, we are going to need compaction tests on. We want this to be stable.

Motion

Mark Koning moved and Frank Wash supported the motion to approve the Mineral Mining license for 2713 Wilson until February 28, 2010.

The Board imposed the following condition:

1. The area that has been shown to the Board today, the flat area to be filled in this construction season, there should be compaction tests done in these areas before the 2010 permit is issued.

Motion carried 5 to 0.

