

These are the minutes of the February 5, 2009 Planning Commission meeting.

Meeting called to order at 7:30 p.m. by Chairman Shields.

Present: Boyles, Myers, Heasley, Shields, Oosterink, Blakeslee, Berens. Mark Sisson and Bob Jones of PCI were also present.

Absent: none

Oosterink made a motion to approve the January 15, 2009 minutes as presented, Berends seconded, motion carried.

Public comment: none

Conflict of interest: none

New Business:

Top Grade Aggregates is requesting a SUP to continue the sand mine located at 3100 142nd Ave., p.p. 03-19-021-010-00, Sec. 21 & 15. The current permit to the Salem Development Group expires Feb. 2009. Ross Veltema representing Top Grade was present at the meeting and gave an overview of the request. (refer to 1/15/09 minutes for prior review given also). He is purchasing 40 acres of the original 100 acres and Hogquest, LLC is the owner of the other 60 acres. A letter dated 1/20/09 was addressed to the PC from Hogquest, LLC agreeing to the mining permit of Top Grade on their 60-acre parcel. Currently this 60 is actively being farmed; it will most likely not be mined until phase II.

Ross has operated the DeBoer sand mine on 144th and has done an excellent job in keeping the site looking nice and completing the project. The PC members feel he has done a nice job in the past project. He is looking to bring a "brighter face" to the 142nd Ave. mine and will clean it up to look attractive. He plans to keep the working area at a minimum to avoid blowing sand and will seed as much as possible to protect neighbors. Depending on the economy, he is optimistic that they will do a good business there. Their goal is to keep the sand local and foresees a good opportunity with surrounding areas.

Mark Sisson brought up the issues from the Salem Development Group wherein the project was in violation. Main issues were reclamation not being done, not more than 25 acres open at one time and the standing water issue. The requirement was to not dig within 6' of the water table and evidence shows violation, although it is disputed with the former applicant.

Berens questioned how the PC can monitor being 6' above the water table.

The zoning administrator would have to check monthly. Applicant also is open to providing pictures, measurements to confirm.

Currently there is no written agreement between Top Grade Aggregates (applicant) and Hogquest, LLC (owner of the 60 acres) The PC would like this agreement in place for at least 5 years to protect and permit Top Grade to continue mining the sand since they are not the full owner of the 100 acre parcel on which the permit is being requested. Jim DeWitt of Hogquest was present at the meeting and is in agreement with this.

Discussion on letter of credit.

Public comment:

Sue Hildebrand – lives to the South. Concern of blowing sand, her pond and water table.

Greg Koopman – what is happening to the West berm? It is right next to his property line and is very unsightly.

Brad: will keep that berm there as it will be used in the reclamation process. Also will keep berm to the South.

After further discussion, Heasley made a motion to grant the special use permit subject to the stipulations outlined in the Top Grade Aggregates Mining Operating Agreement dated 2/5/09 (attached as part of these minutes) and the following conditions:

- 1) Letter of Credit required for \$100,000 (\$4,000 per acre @25 acres)
- 2) Formal arrangement/contract between applicant and Hogquest, LLC, minimum of 5 years.
- 3) \$500 annual enforcement fee placed in escrow for annual review
- 4) Site plan dated 2/3/09 signed by applicant and Chairman 2/5/09

Oosterink seconded, motion carried.

Heasley then made a motion to incorporate the Findings of Fact (attached as part of these minutes), Oosterink seconded, motion carried.

Bob Jones of PCI presented a permit fee sheet for the PC to review increasing certain application fees. Heasley made a motion for Boyles to present to the Township Board for review/approval, Myers seconded, motion carried.

Chairman Shields scheduled a special work meeting for next Thursday, February 12, 2009 7:00 p.m. to work on the by-laws with Mark. Susan to post special notice of the township for public.

Berens motion to adjourn, Myers seconded, motion carried. Meeting adjourned at 9:30 p.m.

Submitted by,
Cris Heasley, Secretary
Salem Township Planning Commission