

Instructions to Participate in an Electronically Conducted Regular Meeting of the Charter Township of Union Board of Trustees

The Charter Township of Union Board of Trustees will conduct their regularly scheduled April 22, 2020 meeting electronically at 7:00 p.m., consistent with direction from the Governor and state and county health officials to slow the spread of the COVID-19 virus.

All interested persons may attend and participate. The public may participate in the meeting by computer and smart phone using the following link to the electronic meeting location:

<https://us02web.zoom.us/j/89331024472?pwd=N280SW1PeTVlUnNaaS9KdUFzbkNHZz09>. To participate via telephone conference call, please call (253) 215-8782. Enter “893 3102 4472” and the “#” sign at the “Meeting ID” prompt, and then enter “616232” at the “Password” prompt.

Lastly, re-enter the “#” sign again at the “Participant ID” prompt to join the meeting.

“Raise Your Hand” for Citizen Participation During the Public Comment Periods

Questions and comments will be received during the public comment sections of the meeting. For participants accessing via computer or smartphone to indicate a desire to address the Board of Trustees, please use the “Raise Your Hand” icon. **First, click on the “Participants” icon** at the bottom of your screen. **Next, click on the “Raise Your Hand” icon** near the bottom right corner of the screen.



Click “Lower Hand” to lower it if needed. If you are accessing via computer, you can also use the Alt+Y (Windows) or Option+Y (Apple) to raise or lower your hand. The host will be notified that you’ve raised your hand. The Mute/Unmute function will be controlled by the meeting moderator.

To rise your hand for telephone dial-in participants, press *9. The Supervisor will call on you by the last three digits of your phone number to invite any comment, at which time you will be unmuted by the meeting moderator.

Can I Use Bluetooth Headset? Yes, as long as the Bluetooth device is compatible with the computer or mobile device that you are using.

Do I have to have a webcam to join on Zoom? While you are not required to have a webcam to join a Zoom Meeting, you will not be able to transmit video of yourself. You will continue to be able to listen and speak during public comment, and view the webcam video of other participants.

Leaving the Meeting: Click the “Leave Meeting” link at the bottom of the screen at any time to leave the meeting.



BOARD OF TRUSTEES

Regular Meeting – Electronic Meeting. Instructions for access will be posted and available on website (uniontownshipmi.com) home page

April 22, 2020

7:00 p.m.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PRESENTATIONS
6. PUBLIC HEARINGS
7. PUBLIC COMMENT: Restricted to three minutes regarding items on this agenda
Note: This is an opportunity for comments only, questions to the Board will not be answered at this time. For specific answers to questions, please call Township Hall (989-772-4600)
8. REPORTS/BOARD COMMENTS
 - A. Current List of Boards and Commissions – Appointments as needed
 - B. April Monthly Report
 - C. Planning Commission and ZBA updates by Community and Economic Development Director
 - D. Board Member Reports
9. CONSENT AGENDA
 - A. Communications
 1. Letter
 - B. Minutes – April 8, 2020 – Regular Meeting
 - C. Accounts Payable
 - D. Payroll
 - E. Meeting Pay
 - F. Fire Reports
10. NEW BUSINESS
 - A. Discussion/Action: (Smith) Approval of the Public Sewer Utility Agreement with Nottawa Township for the installation of a six-inch sanitary sewer force main within the Charter Township of Union rights-of-way
 - B. Discussion/Action: (Nanney) Final consideration and adoption of the proposed Extraction Ordinance

- C. Discussion/Action: (Stuhldreher) Policy Governance 2.5 Financial Condition and Activities
- D. Discussion/Action: (Stuhldreher) Policy Governance 2.6 Asset Protection
- E. Discussion/Action: (Board of Trustees) Policy Governance 3.4 annual review – Agenda Planning
- F. Discussion/Action: (Stuhldreher) 2019 Annual Global Ends 1.1-1.6 Review

11. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue
Note: This is an opportunity for comments only, questions to the Board will not be answered at this time. For specific answers to questions, please call Township Hall (989-772-4600)

12. MANAGER COMMENTS

13. FINAL BOARD MEMBER COMMENT

14. CLOSED SESSION

15. ADJOURNMENT

Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Lisa	Cody	11/20/2020
2-Chair	Phil	Squatrito	2/15/2023
3-Vice Chair	Denise	Webster	2/15/2020
4-Secretary	Alex	Fuller	2/15/2023
5-Vice Secretary	Mike	Darin	2/15/2022
6	Stan	Shingles	2/15/2021
7	Ryan	Buckley	2/15/2022
8	James	Thering Jr.	2/15/2021
9	Doug	LaBelle II	2/15/2022
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1- PC Rep	Ryan	Buckley	2/18/2021
2 - Chair	Andy	Theisen	12/31/2022
3 - Vice Chair	Liz	Presnell	12/31/2022
4 - Secretary	Taylor	Sheahan-Stahl	12/31/2021
5 - Vice Secretary	Judy	Lannen	12/31/2022
Alt. #1	Brandon	LaBelle	12/31/2022
Alt. #2	Jim	Engler	2/15/2021
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	12/31/2020
2	James	Thering	12/31/2020
3	Bryan	Neyer	12/31/2020
Alt #1	Randy	Golden	1/25/2021
Citizens Task Force on Sustainability (4 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Don	Long	12/31/2020
2	Mike	Lyon	12/31/2020
3	vacant seat		12/31/2018
4-BOT Representative	vacant seat		11/20/2020
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Colin	Herron	12/31/2021
2	Richard	Jakubiec	12/31/2021
3	Andy	Theisen	12/31/2021
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2020
2	John	Dinse	12/31/2021
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2023
2	Lynn	Laskowsky	12/31/2021



Board Expiration Dates

EDA Board Members (11 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Ben	Gunning	11/20/2020
2	Thomas	Kequom	4/14/2023
3	James	Zalud	4/14/2023
4	Richard	Barz	2/13/2021
5	Robert	Bacon	1/13/2023
6	Marty	Figg	6/22/2022
7	Sarvjit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2023
9	Vance	Johnson	2/13/2021
10	Michael	Smith	2/13/2021
11	David	Coyne	3/26/2022
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2020
2	Vacant		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Robert	Sommerville	12/31/2022
Sidewalks and Pathways Prioritization Committee (2 year term)			
#	F Name	L Name	Expiration Date
1 - BOT Representative	Kimberly	Rice	11/20/2020
2 - PC Representative	Denise	Webster	8/15/2020
3-Township Resident	Sherrie	Teall	8/15/2021
4 - Township Resident	Jeremy	MacDonald	10/17/2020
5 - Member at large	Connie	Bills	8/15/2021

Charter Township of Union

To: Board of Trustees
From: Mark Stuhldreher, Township Manager/*MDS*
Date: April 16, 2020
Re: April Monthly Activity Report

Attached is the monthly activity report for April.

The intent of the report is to provide the Board, the organization and the community with a more complete understanding of what the organization accomplishes throughout the month. It contains both routine and non-routine activities. The format is intended to reflect activities completed from the prior month and activities planned for the current month and to tie those activities to the “Ends” that are articulated in the Policy Governance Document. It is segregated by department.



Monthly Activity Report

From: Township Manager

To: Board of Trustees

Month/Year: April 2020

Global Ends

- 1.1 Community well-being and the common good
- 1.2 Prosperity through economic diversity, cultural diversity, and social diversity
- 1.3 Safety
- 1.4 Health
- 1.5 Natural environment
- 1.6 Commerce

Prior Month Activities

Township Manager

- Provided direction, support and advice to the organization as the departmental activities listed below, which advance the accomplishment of the Ends, were executed
- Responded to numerous FOIA requests
- Held several recurring 1:1 meetings with staff and group staff meetings-toward the end of the month these became virtual meetings
- Unless canceled by the EO, attended the monthly Middle Michigan Development Corp Board, Emergency Operation Center, Recreational Authority Committee and several internal Board/Commission/Authority meetings during the month. The EOC activated toward the end of the month and weekly virtual meetings began
- Worked on development of Extraction Ordnance draft
- Submitted several 2% applications
- The last two weeks of the month and especially the last week of the month, considerable time was spent addressing operational changes resulting from the various Executive Orders related to the pandemic
- Township facilities closed to the public on 3/18/20
- On 3/23/20 additional operational restrictions were put in place including identification of critical works and closing township facilities to employees unless deemed critical
- Met with several citizens and others and regarding a variety of issues until operations of this sort slowed toward the end of the month

- Coordinating with the Township Clerk, developed a process for handling election candidate paperwork filing requirements

Finance Department

1.1 Community well-being and the common good

- Finance Director attended the Michigan Government Finance Officers Association Spring Conference in Lansing.
- Attended Plante & Moran and GFOA online training webinars for First Coronavirus Response Act and Financial Decision-Making Under Uncertainty
- Set up accounting for performance guarantees and escrow deposits; set up performance bond tracking in building department software and trained building department clerk.
- Worked with the County Treasurer's office on the 2019 tax settlement, providing the requested reports on the final payment for taxes collected, and Industrial Facilities Tax parcels etc.
- Worked with Mt Pleasant Fire Dept and Treasurer Rice to transfer funds to pay for the new fire truck
- Prepared annual global ends information for the Finance Department
- Renewed five 12-month CD's at 2.0% interest
- Inquire on Bank's website and record monthly CD interest earned on 16 CDs, money market interest and interest earned on checking accounts and record interest earned in the BS&A financial software
- Reconciled receivables and calculated deferred revenue on the 11 Special Assessments for 2019 and adjusted general ledger
- Reconciled payroll fund for year end and verified that payroll is charging benefits correctly in the 2020 fiscal year and worked with 44North to ensure the billing for employee benefits is correct since open enrollment.
- Reconciled Water/Sewer fund receivables in the subsidiary ledger to the general ledger.
- Made adjustments for proper grant/project accounting in the East DDA, West DDA, Water and Sewer Funds and prepared information needed for the Water/Sewer rate study.
- Calculated the accrual for compensated absences needed for fiscal year end
- Post any online payments made to the general ledger in March: 40 online utility billing payments totaling \$16,800 and 2 online building department payments totaling \$2,000
- 2 cashiers entered 116 receipts in March totaling over **\$451,000**.
- Review receipts daily, post receipts by cashier and create the (4) daily bank deposits in the system for tax account deposits and pooled account deposits for each cashier
- Reviewed and approved voided receipts for the month
- Disburse funds for the summer/winter taxes collected February 16 – March 2; 27 invoices created and entered; 6 checks issued totaling over **\$114,000** -- Submitted on Bank's positive pay website for fraud prevention--\$transfer requested of Treasurer
- Monitored Tax Fund to ensure receipts and disbursements reconciled to the Fund.
- Reconciled PILOT payments and disbursed from the tax fund. 12 invoices entered and 6 checks issued.
- Updated each BS&A software module mid-month and at the end of the month: PR, CR, AP, GL, TAX, DPP, SA, UB, BD, ASG, PO, and FI
- 2 Accounts payable check runs during March –
 1. 55 invoices reviewed, entered and scanned in the BS&A system for payment, invoices & computer reports reviewed for accuracy by two different people before issuing 34

disbursement checks totaling over \$72,000, submitted on bank's website for Positive Pay fraud prevention

2. 68 invoices reviewed, entered and scanned in the BS&A system for payment, invoices & computer reports reviewed for accuracy by two different people before issuing 56 disbursement checks totaling over \$241,000, submitted on bank's website for Positive Pay fraud prevention
- Consumers Invoices – 53 Consumers invoices reviewed, coded to correct Township departments, including the East DDA, entered and scanned in BS&A system for payment, reports reviewed for accuracy and two online payments submitted, one payment for the East DDA Lights along Pickard and one payment for the Township itself totaling over \$21,000.
 - Mastercard Pmt – 17 Mastercard statements reviewed, entered and scanned in the BS&A system for payment, invoices & computer reports reviewed for accuracy by two different people before submitting payment and payment submitted online for over \$6,700
 - Prepared monthly financial reports for the Board of Trustees and EDA Board
 - Handle all meeting pay requests submitted by the Board of Trustees: email to Office Assistant to add to board packet, wait for board meeting, after approval at board meeting, enter for payment during the next payroll process.
 - Payroll – 78 Payroll checks and checks to pay for benefits issued during March
 - Several Board of Review meeting held
 - No report received from Assessing

Community and Economic Development Department

1.2/1.3/1.6 Prosperity through economic diversity, cultural diversity, and social diversity/Safety/Commerce

Economic Development Activities:

- At the Director's request, the Middle Michigan Development Corporation forwarded background information available regarding major businesses in the Township that the MMDC has previously visited
- The Director prepared an initial draft request for EDA Board action to consider and prioritize potential future economic development and public infrastructure projects in the DDA Districts.
- The Director met with Adam Agosta, Site Manager for Summerhill Village (Pleasant Ridge) Manufactured Housing Park to discuss the new owner's extensive and ongoing project to revitalize and improve this community, and to respond to questions about required inspections as a follow up to a referral from the Building Official.
- Additional business retention visits with local businesses have been temporarily suspended due to the COVID-19 virus outbreak.

Building Services:

- The Building Official is available by phone and email on a limited schedule due to the COVID-19 virus pandemic and its impact on local construction activity. Building inspections have been temporarily limited to critical needs during this period. Department staff are regularly monitoring and responding to voicemail messages remotely.
- Scanning of building plan documents by staff for uploading into the BS&A Building Module software application has been temporarily suspended due to the need to restrict access to the Public Services Department offices during this COVID-19 virus pandemic.

- The Building Official position was advertised in The Morning Sun, posted on the Township’s website, and posted on the Michigan Townships Association, Michigan Municipal League, and several other targeted job websites, with a closing date of April 23, 2020.

Rental Inspection Services:

- Rental inspections have been temporarily suspended due to the COVID-19 virus pandemic.
- The Rental Inspector is regularly monitoring and responding to email and voicemail messages remotely and has reached out to area landlords and maintenance supervisors to assess impacts on staffing and current maintenance projects from this pandemic.
- During the interim period between the suspension of rental inspections on March 16, 2020 and the closure of the Township offices on March 24, 2020, the Rental Inspector oversaw a project to improve the Township’s long-term file storage capacity, and the safety and functionality of the storage space. Additional improvements are planned after the Township offices are reopened

Zoning Administration Activities

- Continued to work on office organization and filing of current and completed planning/zoning project files.
- Technical review of a home occupation permit application for an in-home cake-making business, which was determined to be incomplete and not ready for Planning Commission review. The applicant is in the process of providing the additional required information.
- Most zoning administration activities have been temporarily suspended due to the COVID-19 virus pandemic. The Zoning Administrator is regularly monitoring and responding to email and voicemail messages remotely.

Ordinance Enforcement Activities:

- The Zoning Administrator responded to a complaint about possible ordinance violations on E. Valley Rd. by visiting the site and issuing a notice of violation related to violations of ordinance requirements related to the parking and use of recreational vehicles as living quarters. A referral was also made to ask the county Sheriff’s Office to respond to other activities on the property that may fall within their jurisdiction.
- The Zoning Administrator published the annual required weed control notice

Planning Commission Activities:

- March meeting cancelled due to impacts of the COVID-19 virus pandemic.

Zoning Board of Appeals Activities:

- A training session was held for Board of Appeals members during their regular March meeting. Topics included discussion and deliberation on issues, conflicts of interest, protecting the public interest, and draft motion templates.

Sidewalk and Pathways Prioritization Committee Activities:

- The committee approved a letter to the Board of Trustees outlining current sidewalk and pathway goals.
- The committee established a new quarterly meeting for 2020, with the remaining 2020 meetings set for 6/29/2020 (for review of fiscal year 2021 sidewalk project recommendations) and 10/5/2020 (for consideration of designated streets policy and longer-term/regional sidewalk and pathway needs).

Public Services Department

1.1 Community well-being and the common good

- Jameson Hall Rental – Festival of Banners – March 2020
- Processed (22) Transfers of Service/Final Bills
- Received/Processed (98) Miscellaneous Service Request/Work Orders/Phone calls/general inquiry /billing inquiries
- Prepared (1) cost estimates/permits for new residential/commercial water and sewer services
- Prepared Cost of Service Study information request number two.
- Prepared and coded department credit card statements
- Completed quarterly meter reading and rereads.
- Prepared and mailed (1898) quarterly water and sewer bills in the amount of \$908,657.60.
- Non-Payment shut offs completed on March 5, 2020.

1.3 Safety, 1.4 Health, 1.5 Natural Environment

- Jameson Hall, and Jameson Park, cleaning and maintenance
- Tested all pump station alarms (monthly operation and maintenance)
- (164) Miss Dig underground markings completed throughout Township; (3) Miss Dig design tickets and water and sewer location request completed
- Daily water plant reads, and tri-weekly backwashing completed
- WWTP - Plant Preventative Maintenance
- WWTP/Water – set-up of screens/tags/displays for SCADA monitoring program – ongoing project
- MOR-DEQ-22 Monthly water samples
- Monthly maintenance of chlorine injectors and pump tubes
- Continued new data radio project for pump stations and water plant
- Hydrant flushing – Summit Smokehouse
- Continued review of Nottawa Township Public Sewer Utility Agreement with Braun Kendrick.
- Prepared (3) Spring 2020 2% Request
 - *Mary McGuire School Zone Project*
 - *Broadway/Isabella Intersection – Design*
 - *Jameson Park Remodel Project*
- EPS UCMR water samples taken and submitted to lab for analysis.
- Pump Station #1 Bid Opening conducted.
- 2020 Manhole Rehabilitation Project Bid Opening conducted.
- Cross Connection Inspection Control Program bid opening conducted.
- Respirator fit test and safety training conducted March 4, 2020.
- Cross Connection Inspections and corresponding paperwork completed for nineteen locations (inspections discontinued due to Corona Virus on March 13, 2020).
- Raised sanitary sewer manhole on Deerfield Rd. in front of Lexington Ridge
- Installed two new 2” water meters at Lexington Ridge.
- Repaired restroom door at Township Hall.

- Cleaned manholes and sewer main on Northway Drive due to break in sanitary sewer main.
- Repaired break in sanitary sewer main on Northway Drive.
- Completed flow capacity study for Pump Station #5 service area for possible future residential home addition project.
- Moved/picked-up election equipment at Jameson Hall and Commission on aging.
- Removed/Reinstalled pump at pump station #14.
- Prepared staff schedules, and operation plans for response to COVID 19 stay-at-home order, facilities shut down.
- Conducted department staff meeting (s) regarding COVID 19 procedures, schedules, duty assignments.
- Installed portable flow meter at pump station #5 to monitor flows in service area.
- Installed engine block heater on Blue Star portable generator.
- Repaired and replaced fire hydrant internal parts located on Lincoln Road.
- Fire hydrant valve repair completed on Pickard Road. Boil water notices and boil water lift notices distributed to impacted customers.
- Installed external locks on outside bathrooms at Jameson Park in response to continued vandalism.
- Replaced front brake rotors and brake pads on 1-ton service truck.
- WWTP - Changed pressure transducer mounting brackets on digesters.
- WWTP - Replaced bearing pit drainpipe supports Oxidation Ditch #1.
- WWTP - Replaced water heater in thickening room.
- WWTP - Cleaned scum pump pits / inspected pumps and piping.
- WWTP - Checked flow meter calibrations.
- Received bioxide shipment at pump stations.
- WWTP – Repaired motor starter on tertiary filter number one.
- WWTP- Replaced bad bearing on drum thickener.
- Repaired valve box and valve box cover on Isabella Road.

Current Month Anticipated Activities

Township Manager

- Provide direction, support and advice to the organization as the activities listed below, which advance the accomplishment of the Ends, are executed
- Attend via virtual meetings, the monthly Middle Michigan Development Corp Board, Emergency Operation Center, Recreational Authority Committee and several internal Board/Commission/Authority meetings during the month. Attend local census advisory committee meeting
- Developed/implemented COVID reporting tool to keep board informed
- Developed COVID Response Plan for Employees in anticipation of in-person work resuming
- Tracking COVID related expense items for possible reimbursement
- Develop capability to have virtual Board of Trustee meetings
- Significant time being spent on all things COVID related to understand requirements/impacts from Executive Orders and relief bills on operations, staff, facilities, etc.
- Hold 1st quarter budget monitoring review meetings with department directors
- Began developing a performance review program for organization to include 1) policy; 2) tool; 3) training for use

Finance Department

1.1 Community well-being and the common good

- Run updates on each BS&A software module twice per month: PR, CR, AP, GL, TAX, DPP, SA, UB BD, ASG, PO, FI
- Calculated deferred tax revenue for audit
- External Auditors onsite the week of April 6th.
- Work to fully implement GASB 84 for the fiduciary funds as of year-end 2019 for the tax fund and payroll fund
- Review employment applications
- Participate in Zoom virtual board meeting testing
- Prepare and submit estimates to the Michigan Municipal League for the Workers Compensation Fund renewal 20/21
- Prepare check registers and financial reports required for the monthly EDA board meeting
- Prepare monthly financial reports for the Board of Trustees and EDA Board
- Issue accounts payable checks
- Post any payments made online to the general ledger
- No report received from Assessing

Community and Economic Development Department

1.2/1.3/1.6 Prosperity through economic diversity, cultural diversity, and social diversity/Safety/Commerce

Economic Development Activities:

- Director to lead preparation of EDA reporting documentation as required per Public Act 57 of 2018, with key assistance from the Finance Director and Public Services Director
- Ongoing review of EDA development plans and current/planned projects, and evaluation of future project priorities.
- Donation of retired EDA flower baskets to Habitat for Humanity of Isabella County.

Building Services:

- Review of applications for the Building Official job posting and preparation for interviews
- Follow up phone calls and emails.

Rental Inspection Services

- Continue to follow up remotely with local landlords and maintenance supervisors via telephone and email.
- Continue to evaluate the current rental inspection program
- Order a 2015 IPMC code book for reference.

Zoning Administration Activities

- Continue to monitor and respond remotely to telephone calls and emails.
- Completion of office organization and filing of current and completed planning/zoning project files

Ordinance Enforcement Activities

- Ordinance enforcement follow up on current matters and investigation of any new complaints
- Preparation of a request for proposals for clean-up of two blighted properties for which the Township previously received court authorization to proceed.

- Building Official to pursue completion of the building and foundation demolition at 4957 E. Valley Rd. (Tolas) consistent with Township Attorney direction and the previous Construction Board of Appeals order for demolition.

Planning Commission Activities

- Deliberation and action to make a recommendation to the Board of Trustees regarding the PSUP 20-01 group day-care home special use permit application for 4175 E. Wing Rd.
- Deliberation and action on the HOP 20-01 home occupation permit application for approval of limited auto repair in an accessory building at 2305 E. Millbrook Rd.
- Public hearing, deliberation, and action to make a recommendation to the Board of Trustees regarding the PTXT 20-01 proposed Zoning Ordinance text amendments to Sections 3.41, 13.2 and 30.4 of the Zoning Ordinance to update the standards and approval process requirements for sand and gravel pits and other extraction operations, and to revise the definition of lot.
- Begin review of the updated draft Zoning Ordinance to determine readiness for a public hearing

Zoning Board of Appeals Activities

- No applications received by the deadline for the May meeting.

Sidewalk and Pathways Prioritization Committee Activities

- The Sidewalk and Pathways Prioritization Committee members are working individually to identify priority sidewalk and pathway recommendations for consideration during their June meeting

Public Services Department

1.1 Community well-being and the common good; 1.3 Safety, 1.4 Health, 1.5 Natural Environment

- WWTP - Remove Overgrown Evergreens by Shop Building
- Operator Prep for upcoming exams (water and sewer exams - postponed)
- WWTP – Pump station number five service area flow meter monitoring.
- WWTP – Change skimmer arm squeegee on clarifier number (2).
- WWTP – Open tertiary filters for summer.
- Preparation of lawn equipment for summer (WWTP, Parks, Utilities).
- WWTP – Clean and isolate screw pump for installation project.
- WWTP – Set-up and test run bypass operations for screw pumps.
- WWTP – Clean clarifier (1, 2, and 3) launders.

Future Board of Trustee Meeting Agenda Items

- 2nd reading/adoption of Extraction General Ordinance – April
- Consider recommended changes to Policy Governance Re: GF reserve policy – April
- Consider contract with Goudreau for Jameson hall: design/construction bid docs/construction management – June
- Consider recommendation from Planning Commission Re: amendment to zoning code removing extraction operation regulations from zoning code – May
- Consideration of the comprehensive update to the Zoning Ordinance. We anticipate that the Planning Commission will be reviewing the updated draft Zoning Ordinance from McKenna Associates during their April and may regular meetings. McKenna will also make the updated draft Zoning Ordinance available on a dedicated website with an online link for comments from the

public. Depending on the outcome of these activities, a public hearing could potentially be scheduled for the May or June Planning Commission meeting, with a recommendation to the Board of Trustees for final action to follow.

- MMDC annual presentation – April 22nd
- Nottawa Township Public Sewer Utility Agreement – April 22nd
- 2020 Manhole Rehabilitation contract approval - April
- Pump Station #1 construction contract
- Cross connection inspection program – May 13th
- 2019 audit presentation (YEO & YEO) – May 27th
- Water and Sewer Cost of Service Study – Board of Trustees Presentation May/June 2020
- Possible Participation Agreement EDA/BOT - \$107k for Jameson Park Improvements (after bids have been received)-June
- Fall 2% grant application discussion - June
- Consider amend/rescind Crisis Center PILOT General Ordinance due to them purchasing an apartment complex that does not qualify under the PILOT Ordinance –
- FY 2020 Budget Amendment #1 – July 22nd
- Consider approval of changes by MERS related to employee DC retirement program –

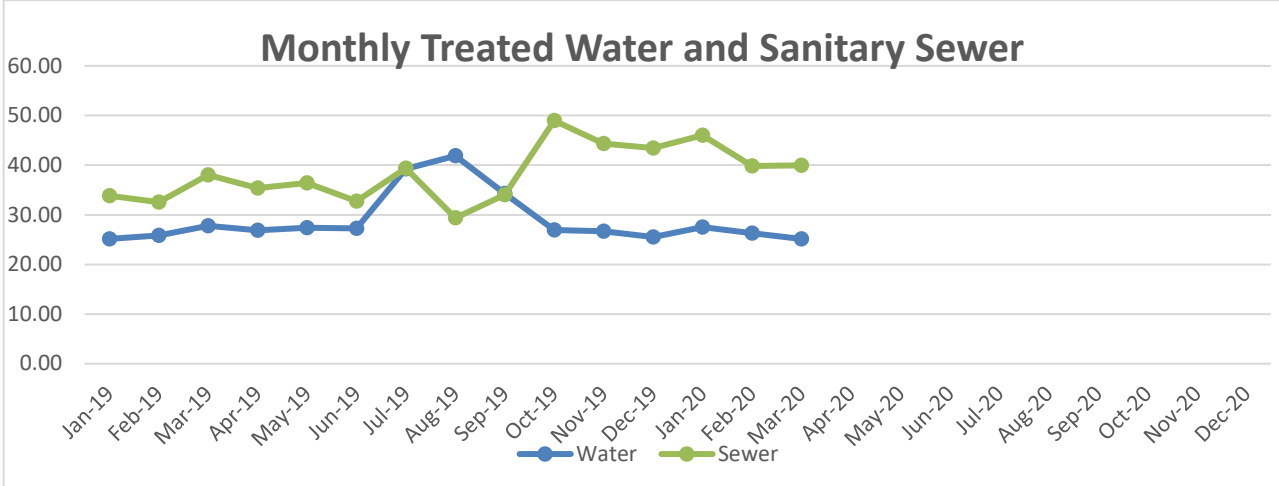
Significant Items of Interest Longer Term

- Planning Commission review/update of zoning ordinance
- Develop soil erosion control process to more seamlessly integrate with site plan review process
- Develop process to ensure storm water management plan approved as part of site plan approval process is what is actually constructed
- Recruit/fill Building Official position
- Develop monitoring system for approved Home Occupation permits, Special use permits, and Site Plans
- Review Building Dept fee schedule
- Review building permit application form
- Review fees and income for zoning
- Rental and Building dept staff to work on file retention and organization
- Preparation and adoption of rental program changes
- Rental department would like to provide a meth/drug training opportunity for rental owners/managements
- Rental department researching options for smoke detector and or battery support/grants for township residents
- Expanded use of BS&A Building Module capabilities for hosting of digitized plans and permit documents, and for building services and zoning administration functions.
- Proposal to contract for bulk digitization of all building plans, site plans, subdivision plats, and associated permit and approval documents in long-term storage
- Pathway & Sidewalk Committee: Sidewalk study for Isabella Rd. (possible others), cost sharing sidewalk plan where easements are needed
- Evaluation of future EDA project priorities and development of a list for recommendation to the EDA based on approved development plans
- Develop bid specification and bid the cleanup of the Brad Wood properties
- Working on new Joint Airport Operations Agreement with several units of government
- Lead the tax team to collect delinquent personal property taxes outstanding

- Recruit/fill accounting specialist position
- Implement BS&A Purchase Orders
- Implement Positive Pay on the Payroll Account for fraud protection
- Analyze annual costs to Township for Invoice Cloud use in lieu of Point and Pay and possibly enroll if justified
- Cross train Building Dept Clerk and Head Cashier/Receptionist
- Lead the tax team to collect or write-off delinquent personal property taxes outstanding
- Complete the General Ledger migration to the new chart of accounts required by the State of Michigan
- Creating and continuing open lines of communication to build relationships between Township and County inspectors
- Create new land values for all classes of property
- Measure and price all exempt properties
- Recruitment of seasonal employees
- 2020 assessing field work goal is 20% of parcels and completion of backlog from last year
- Rebid lift station # 1 in the EDDA (Fall 2019 – Spring 2020 Construction)
- Integration of SCADA from Opto 22 software to Ignition Software (2019/2020)
- Well Number 1 replacement –design and approval of transmission main, permitting, transmission main bidding and contract award
- Purchase of new sewer vector truck (2021)
- Bypass Manhole Rehab Pump Station #9 (2020)
- Bypass Manhole Rehab Pump Station #12 (2021)
- EPA Water System Risk Assessment Plan (2021)
- WWTP - Sludge Storage Tank installation (2023)
- Installation of generator transfer switch and receptacle at pump station #8
- Clean and televise McDonald Park storm sewer
- McGuirk Estates Paving District Petition/Assessment District

Other

- Legal Matters
 - Anticipate increase in student apartment MTT's in response to new CMU rule requiring undergraduate students to live in dorms
- Monthly Water Operating Report submitted to MDEQ – no violations
- Monthly Discharge Monitoring Sanitary Sewer report submitted – no violations
- January 2020 – Treated Potable Water
 - Total Month: 25.154 mg
 - Average Day: .811 mgd
 - Max Day: 1.019 mgd
- January 2020 – Treated Sanitary Sewer
 - Total Month: 39.990 mg
 - Average Day: 1.29 mgd
 - Max Day: 1.85 mgd



2201 Commerce Drive
Mt. Pleasant, MI 48858



Phone:(989) 772-5890
Fax:(989) 773-2978



April 15, 2020
Mr. Mark Stuhldreher, Township Manager
Charter Township of Union
2010 S. Lincoln Road
Mt. Pleasant, MI 48858
Re: Proposed Mineral Extraction Ordinance Comments

It is disturbing that you refused to answer my questions sent to you on March 23rd or share with the Board the letter from my attorney and still schedule the second reading and approval of the proposed ordinance.

We still have several questions on the proposed extraction ordinance based on the discussion held at the last meeting:

- Trustee Mielke asked if the ordinance would apply to extracting sand and materials and placing fill on adjacent property on a road construction project. The response did not answer the question, but deflected it as being improbable to use material for road construction from such a source. As a road contractor who has built miles of road for the Isabella County Road Commission in the past 44 years, this response clearly demonstrates ignorance of local construction practices and the potential problems with an extensive ordinance written by someone who had only been in the community for two months. Heavy civil construction requires disposal of excavated materials as well as importing materials required to meet project specs. Use of temporary borrow areas and dump sites have always been part of all heavy civil construction in Union Township and generally improve land values. If this ordinance is applied to township road/underground projects, costs and truck traffic will be higher as all excavated and new materials will have to be hauled to/from outside the Township. Yes or no, will this ordinance apply to these activities?
- The ordinance states in Section 4 “It shall be unlawful to extract non-metallic minerals or import fill materials without complying with the provisions of this Ordinance.” Please clarify if this will apply to operations that import fill and process it for sale or reuse, specifically topsoil screening and asphalt/concrete recycling as long as no excavation (Extraction) is taking place on the site? Also, please clarify if the prohibition to place fill applies to sites where no Extraction is taking place?
- Based on the definitions in the ordinance for Extraction, Non-metallic Minerals and Fill, it is clear any activity that removes non-metallic minerals from a “site” is covered under this ordinance. Will approval be required for small excavating projects such as improving a driveway at an existing residence which material is extracted from the “site” (usually topsoil) and requires fill (sand/gravel) to be hauled in?

There are many more questions and concerns with this proposed ordinance, but in the interest in getting responses back before the next board meeting, we again kept the list to a few key items. It is important for the Board to have these responses in order to make an informed decision.

Sincerely,

President



R. EDWARD KUHN
 TERRY C. ROGERS
(LLM, Taxation)
 EDGAR ROY III
 JOSEPH E. QUANDT
 GREGORY J. DONAHUE
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CHRISTOPHER G. ROGERS
(also admitted in Illinois)
 J.D. PRAASTERINK
(also admitted in Arizona)
 MARC S. McKELLAR II
 PATRICK M. ELLIS
 OF COUNSEL:
 LEWIS G. GATCH
 A. BROOKS DARLING

April 16, 2020

Ben Gunning, Supervisor and
 Chair, Union Township Board of Trustees
 2010 S. Lincoln Road
 Mt. Pleasant, MI 48858

Re: Proposed Extraction Ordinance

Dear Supervisor Gunning and Board of Trustee Members:

As was mentioned during the last Township Board meeting, several of the Board members suggested that individuals wishing to comment on the proposed Extraction Ordinance should submit "redline" versions of proposed changes, so that they can be considered by the Township Trustees. Consistent with that request, enclosed is a redline version of some proposed changes to the Ordinance, as well as a "white paper" memorandum which explains the highlights of what the redline changes exemplify and what the broader challenges of the Ordinance present. It took quite a bit of time and effort to provide this work product and we would respectfully request that the Township Board carefully consider the points made in the memorandum and the proposed changes, as reflected in the redline.

As you know, our office represents many of the Union Township businesses which are affected by this proposed Ordinance. We believe stridently that the Ordinance, as proposed, is unlawful, as proposed, and appears to be clearly crafted in a way which attempts to avoid scrutiny as a land-use ordinance under the Michigan Zoning Enabling Act ("MZEA"). Since the MZEA specifically permits sand and gravel extraction land uses, so long as they do not create "very serious consequences", it appears that the drafter's approach in creating this "police power" ordinance, was done to avoid the legal requirements for sand and gravel extraction ordinances otherwise contained in Michigan law. We believe that a reviewing court would almost certainly strike the Ordinance down, as it impermissibly blends police power and land-use regulatory prerogatives in a way which attempts to circumvent the law. That notwithstanding, and with my clients' preserving all rights to challenge and object to the Ordinance in totality, we offer the suggested changes referenced in the attached documents.

To be clear, my clients applaud the Township's desire to secure better management of sand and gravel land uses in a way that protects the community. My clients feel that they have a lot to offer in guidance and in providing "reality tests" to some of the objectives referenced in the

KUHN ROGERS PLC

April 16, 2020

Page 2

proposed Ordinance. Unfortunately, the people who know the most about sand and gravel extraction activities and operations, were excluded from any consideration or participation in the proposed Ordinance's drafting process. That is unfortunate, and a great loss of experience to the Township Trustees and staff. My clients believe that a lot of concerns of the community and rational objectives of the Ordinance can be better structured into two ordinances: one being a land-use ordinance, which requires compliance with the MZEA, and a companion police power ordinance which would provide for some enforcement mechanisms in the event that there is non-compliance with the land-use regulations under a zoning ordinance. We believe that the formation of a stakeholders work group that includes representation of Township staff, engaged community members who are concerned about sand and gravel extraction operations, and owner/operators of sand and gravel extraction operations, could work quickly and efficiently to craft an ordinance which reflects the community's concerns in an enforceable ordinance which has the support of local business interests, as well. That would seem to be the pathway that makes the most sense and is representative of the prerogatives and objectives of the community, as a whole.


If the Township adopts the Ordinance substantially as presented, my clients have already engaged our firm to quickly file suit to challenge the Ordinance, with it being likely that the Ordinance will be entirely overturned, and all of the efforts to date will be rendered moot. That would seem to be an extraordinary waste of time and resources, not to mention exposure to legal costs and potential damage claims.

We would strongly and respectfully request that the Township consider the information in the enclosed materials and choose a more reasoned and collaborative pathway moving forward. You can expect that I will be participating in the upcoming Township Board meeting and will be available to discuss any of the items referenced in the attached documents.

We look forward to hopefully working with the Township, its staff and its citizens towards a mutually satisfactory objective.

Sincerely,

KUHN ROGERS PLC



Joseph E. Quandt
Direct Dial: (231) 947-7901 x115
jequandt@krlawtc.com

JEQ:shp
attachments



MEMO

TO: Union Township Board of Trustees
FROM: Joseph E. Quandt and Marc S. McKellar II
DATE: April 16, 2020
SUBJECT: **Proposed Union Township Extraction Ordinance**

Upon review of the proposed Extraction Ordinance (“Ordinance”), it appears that much of the Ordinance, as currently drafted, is unlawful and is a land use regulation which must be adopted in a zoning ordinance, rather than a police power ordinance. Further, many provisions which could remain in a land use ordinance, if properly adopted, fail to be reasonable and are not rationally related to lawful objectives. Lastly, whether the language should be in a zoning ordinance or a police power ordinance, many requirements are onerous and overly burdensome, having the practical effect of prohibiting any such use in the Township.

To determine whether or not a police power ordinance is legal, one must first determine if the ordinance is within the scope of conferred discretionary powers of the Township, as established by the Constitution or the Legislature. If any portion of an ordinance is not consistent with that power, it must be removed. Any remaining language must go through further review to determine if it is a reasonable exercise of that power and if a rational relationship exists between the exercise of the police power and the goal of protecting the public health, safety and welfare of the community. The power and the goal must both be reasonable.

Since townships do not have police powers of their own, they may only exercise powers that they are provided by grant of the state. In this case, the Charter Township Act, at Section 42.15, provides language allowing the Township to enact an ordinance considered necessary to provide for the public peace and health and for the safety of persons and property in the Township. Further, such an ordinance may prescribe terms and conditions in which a license may be granted, suspended or revoked. The Township may even require the payment of reasonable amounts for any license considered proper. Anyone receiving such a license may even be required to execute a reasonable bond in an amount and with securities as prescribed by the ordinance itself and may be conditioned on the faithful observance of the act and the ordinance under which the license is granted. However, this power is not without limitation. Specifically, the Michigan Zoning Enabling Act (“MZEA”) preempts the general provisions of police power grants where the police power regulates the powers conferred upon the Township by the MZEA.

Such zoning powers include, but are not limited to, the regulation of the use of land, buildings, and structures. Such regulations include, among others, setbacks, parcel size, structure size, building locations, principal and accessory uses of the land or uses within buildings or structures allowed on land. This also includes any related site plan and development plan

requirements. It also provides that the exclusive authority for variances lies with a zoning board of appeals. Further, it provides the due process and notice requirements afforded the community. All of these land use regulatory powers have been usurped by the current proposed ordinance. Of precise importance to this proposed Ordinance, the MZEA provides that any ordinance shall not prevent the extraction by mining of available natural resources from any property, unless very serious consequences result from the extraction of those natural resources. The MZEA provides a specific process upon which all municipal ordinance regulations regarding extraction and mining, natural resources must be processed. The MZEA clearly preempts any police power ordinance which purports to regulate the land uses of an extraction operation. It is very clear that the vast majority of the proposed Ordinance is a land-use regulation and consequently is not legal as proposed. If challenged, it will not be difficult to show a reviewing court that this police power ordinance was crafted as an illegal mechanism to avoid proper adoption of the ordinance as a land use zoning ordinance.

PROVISIONS OF THIS ORDINANCE THAT ARE NOT LEGAL BECAUSE THEY ARE LAND USE REGULATIONS

At its very fundamental origin, the proposed Ordinance requires regulatory oversight and review by the Township's Planning Commission ("PC") for its entire extraction permitting process. This, on its own, would require the Ordinance to be considered a land-use ordinance. The reason for this is that the Township's authority is derived by powers granted to it by the State. In this case, the PC only exists as a result of the powers granted under the MZEA, conferring to the Township the ability to create a planning commission to operate within the confines of the powers afforded it in the MZEA. Those powers, as you can imagine, are limited only to zoning powers. A planning commission, accordingly, does not possess any standalone police powers or authority, nor may the PC be delegated any police power authority that is not within the MZEA.

However, to the extent that the planning commission is involved in the regulation of police powers under this proposed Ordinance, it must be adopted as part of a zoning ordinance. In the case of this Ordinance, including, but not limited to, much of section 6, 7, 8, 9, 10 and 11 are akin to site plan and land-use permitting processes which are permitted only in a zoning ordinance. The main thrust of the purpose and authority to enforce such a proposed Ordinance lie in zoning and land use regulation.

Additionally, the appeals process of the proposed Ordinance fails to satisfy the MZEA requirements, as it confers the power to the wrong body and the timing and notice requirements are not in conformance with the MZEA. The process proposed is conferred on the Township's Board of Trustees, but the exclusive authority, by law, to decide any variance is vested by law in the Township's Zoning Board of Appeals. The related timing and notice deficiencies are addressed below.

PROVISIONS OF THE ORDINANCE THAT ARE NOT REASONABLE AND FAIL THE RATIONAL RELATIONSHIP TEST

In addition to a clear distinction of land-use and police power, any police power which remains because it is not a land use regulation must be reviewed and constitutionally scrutinized to determine if the regulation is reasonable and bears a rational relationship between a

reasonable exercise of the police power and reasonably providing for the public health, safety and welfare in the given case. While it may be possible to require a reasonable reclamation plan and associated financial guarantee as a police power, such power must be tailored in such a way that is reasonable and bears a rational relationship between exercise of the police power and providing for the health, safety and welfare of the community. It is simply not enough to tangentially have these concepts related, but they must actually, in fact, be reasonable and directly related. The proposed ordinance is patently unreasonable in its scope and extent of such regulation. It places an unreasonable burden not only to the applicant/owner but to the Township staff in review and enforcement. Furthermore, it is impractical, far-reaching, and has the effect of practically and essentially prohibiting the extraction of resources which may have been the whole point in the creation of the Ordinance. The proposed Ordinance contains numerous examples of requirements that are not reasonable. These requirements are burdensome, costly and impractical, and lack the necessary relationship in the power and goal of the regulation. While some examples are identified in the attached redline, the following are just a sampling of those regulations which fail to meet the rational relationship test.

Permit Time Limitation

As an example, the Ordinance requires the applicant to provide a 15-year excavation plan. Yet the applicant is only entitled to a three-year permit, which must be renewed upon numerous submissions with extraordinarily strict processes in some instances and a complete lack of determinable standards in others. The Township submissions which will be reviewed and the renewal of the permit will be approved upon a standard which is subjective and not clearly identified in the Ordinance. Simply put, an applicant for a renewal does not know exactly how they would qualify for approval of a renewal. This set of provisions is overly vague and, given the extraordinary development requirements and cost associated with getting the original application through review and then adding the cost and time to actually get the site developed before you extract a single grain of material, the three-year permitting process appears to be unreasonable. The short time of the permitting and limited definition and guidance related to such renewal needs to be addressed and redrafted.

Environmental Regulations

There are numerous wetlands, surface and groundwater regulations in this Ordinance. This is a field of regulation which generally is exclusively occupied by the Department of Environment, Great Lakes and Energy ("EGLE"). It is understandable that a municipality would require proof of proper permitting and compliance with the regulations developed by EGLE. However, as provided in the Ordinance, the regulations are onerous, duplicative and unnecessary, considering state permit reviews. This includes requirements that the applicant provide a guarantee for wells which could be affected by the operation which the permittee may have no control over. It further requires numerous monitoring wells analysis, certain wetland, ground and surface water analysis within a mile radius and further detailed analysis of such features within 2,000 feet of the operation. Further, it requires analysis of features to which the applicant has no legal access and also provides that the applicant should seek to monitor and maintain testing, based on a subjective standard, the perceived quality of off-site wells. Such regulations are far beyond those which are reasonable and there is no comparable regulation

elsewhere in place in the Township. In fact, such regulation is well beyond that which EGLE requires for municipal drinking water sources.

Financial Guarantee

While the applicant is required to provide for guarantees which are authorized under the Charter Township Act as a police power, the Township should take time to research the actual real-life application of such processes. Many bonding agencies will not underwrite nor will financial institutions guarantee payment to the Township for the cost of reclamation when the municipality has no authority to access the property to utilize the funds for the purpose upon which the guarantee or surety is in place. A thoughtful and thorough process will not only provide the applicant with ability to provide a financial guarantee but will provide security to the Township in the highly unlikely event that the Township obtains title involuntarily. In addition to the process and form of which the guarantees are made, the minimum amount for an existing or a new excavation operation under the proposed Ordinance is \$400,000.00 and \$250,000.00, respectively. There is no rational relationship to the actual cost and the amount required. Given the development restrictions already proposed by the Ordinance, many operations may not require reclamation activity in a value anywhere near the minimum required. However, the language of Section 20.1 of the Ordinance provides that the Township Planner be provided the detailed cost estimate with a scope of work from a licensed contractor to complete the reclamation activity and may be reviewed by the Township's engineering consultant to determine if the amount is satisfactory. The minimum amount requirement provided in 20.1(A) should be revised because it lacks a reasonable relationship to the purpose and goal of providing the actual anticipated costs for reclamation.

Annual Report

The requirement for an annual reporting, on its face, does not seem necessarily unreasonable. However, the scope of the report required by the proposed Ordinance lacks a rational relationship to protecting the health, safety and welfare of the community. This includes, but is not limited to, providing the amount of extraction done on the site for that year, the description of reclamation and landscape activities undertaken, a statement of the planned extraction and reclamation activities planned for the next year, statements regarding conformance with the extraction operation, description of any complaints received during the previous calendar year and how they were resolved, and equipment use on the site and whether it is permanent or not. These have no basis in protecting the public health, safety and welfare they simply are onerous busy work. Like many portions of this Ordinance, much of the Annual Report is unreasonably duplicative and its relationship to the protection of public health, safety and welfare is negligible.

Escrow Policy

The escrow policy provides for essentially a subjective determination by the Township in the scope of review of the permit and its enforcement. This requires the applicant to submit an escrow fund and keep the escrow funded through the end of the entire operation. This is akin to an open checkbook which can be broadly raided by the subjective enforcement of the Township. The more specific provisions related to the return of the escrow funds 45 days after actual costs

and expenses have been completely incurred and paid is not rationally related to public health, safety and welfare. In fact, it likely has no place in a police power ordinance. However, to the extent it does, it should be limited to a return of those funds in a more practical and reasonable time, like 10 days. Further, the Township is only required to give annual accounting to the applicant of their escrow fund. An additional requirement that the Township provide an accounting upon a written request by the applicant within 10 days should be included.

Township Public Hearing and Related Notice Requirements

This proposed ordinance requires public notice be given for properties within 2,000 feet of the subject property. This is well beyond what would normally be required, which is 300 feet. In this case the Township has decided anyone a little more than 1/3 of a mile must be noticed. Not only is this an extraordinary distance it is a financial cost to the applicant that is well beyond that which is normally required for any other permitting process. Furthermore, the requirement that the Township notice the public hearing for the permit or an appeal within 95 days is also not reasonable, and such delay is not rationally related to the protections the Ordinance may have. A more reasonable time would be 45 days.

CONCLUSION

It is abundantly clear, upon review of this Ordinance, that, as written, it cannot be adopted without significant material changes, if it is to be at all legal and enforceable. While the effort is commendable in its attempt to provide protection for the community, it completely misses the mark of striking a reasonable balance. The Township would be well advised to continue its work on this proposed ordinance, take input from the community and those businesses which are affected by this regulation, and seek a more practical and proper way to balance the interests of all parties. We believe the Township will find that the businesses most affected by this extraction ordinance are not opposed to reasonable regulation and protection of the public safety, health and welfare and may have valuable information and insight in which to assist the Township in adopting an appropriate regulatory and lawful framework.

Respectfully submitted,

KUHN ROGERS PLC

Joseph E. Quandt
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jequandt@krlawtc.com

JEQ:shp

Draft Date: March 2, 2020

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

EXTRACTION ORDINANCE NO. _____

[An ordinance adopted under the provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL42.34) to regulate and establish standards and approval procedures for extraction of non-metallic minerals on land within the Charter Township of Union, and reclamation of the land at the conclusion of the operation; to provide for the administration and enforcement thereof, and for the establishment of fees, escrow deposits, and performance guarantees to defray the administrative and enforcement costs incident thereto, and to ensure that all extraction operations and reclamation activities are completed in accordance with this ordinance and approved plans; to provide for severability, repeal, publication, and an effective date; and for other purposes.]

CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and cited as the Extraction Ordinance and may be referred to herein as “this Ordinance.”

Section 2. Intent and Purposes.

The Township recognizes that sand, gravel, and other non-metallic minerals within the Township’s boundaries are non-renewable natural resources necessary and beneficial to the welfare of its inhabitants and the surrounding region. To provide for utilization of these resources in a manner compatible with nearby residential uses, to protect human health and the environment, and to ensure complete reclamation for another land use at the conclusion of the extraction operation, it is the intent of this Ordinance to regulate and provide procedures and standards for extraction of non-metallic minerals and for the reclamation of the land at the conclusion of the operation.

This ordinance is necessary because extraction operations and related activities, such as the importation of fill material, can cause unique and substantial impacts upon the environment and the welfare of adjacent properties and the community as a whole. They can disrupt the environment, impair water quality and quantity, cause noise and dust nuisances, damage roads and create conditions dangerous to Township residents. Extraction of non-metallic minerals and importation of fill materials can leave land in an unsightly condition and present an unattractive and dangerous nuisance.

Extraction operations and importation of fill materials can also have serious adverse impacts on watercourses, wetlands, and groundwater resources, which are indispensable and fragile natural resources that provide many public benefits, including a supply of potable water for private and municipal systems, fish and wildlife habitat, maintenance of water quality through nutrient cycling and sediment trapping; flood and storm water runoff control through temporary water storage; groundwater recharge; and outdoor recreation. It is the further intent of this Ordinance to protect Township watercourses, wetlands, and groundwater resources located in proximity to extraction operations in a manner that

Draft Date: March 2, 2020

preserves their hydrological, economic, recreational, and aesthetic natural resource values for existing and future Township residents.

Section 3. Authority and Scope.

The Township has authority to regulate extraction operations, reclamation activities, and importation of fill materials to protect the public health, safety, and welfare pursuant to the Charter Township Act (Public

030

Act 359 of 1947, as amended, being MCL 42.1 – MCL42.34), in accordance with applicable state laws. ~~The Planning Commission has the authority under this Ordinance to administer, review, deny, approve or approve with conditions permits issued under this Ordinance.~~ The Township Planner and Ordinance Enforcement Officer shall have authority, with the assistance of any designated Township consultants, to administer and enforce the provisions of this Ordinance and approved Extraction Permits. The requirements of this Ordinance shall be held to be the minimum necessary for promotion of the public health, safety, and general welfare.

Section 4. Prohibitions

It shall be unlawful to extract non-metallic minerals or import fill materials at an extraction operation without complying with the provisions of this Ordinance. It shall also be unlawful for the Applicant/Owner/Operator or any other person or permit holder to conduct an activity or maintain any land area or extraction operation in violation of any approved Extraction Permit, approved plans for an extraction operation or reclamation or condition of any Permit issued under this Ordinance.

Section 5. Exemptions.

Subject to compliance with all other applicable statutes, ordinances, rules, and regulations, this Ordinance shall not apply to the following activities:

- 5.1 Ordinary and necessary grading of land for the tilling and cultivation of soils for ~~the growing of crops and trees~~, agricultural purposes, which include, but are not limited to, the growing of crops and trees.
- 5.2 Ordinary and necessary grading or excavation for construction of buildings, structures or related septic systems, including any related appurtenances. pursuant to all required permits from the Township and any other governmental authority having jurisdiction over such activities.
- 5.3 Ordinary and necessary grading, excavation or maintenance within a public or private road right of-way or drainage easement by an authorized contractor or governmental agency with jurisdiction, conducted in compliance with applicable regulations and permit requirements.
- 5.4 Remediation of environmental contamination.
- 5.5 Construction of a solid waste disposal facility subject to ~~State of Michigan applicable permitting~~ ts.

Commented [MSMI1]: A planning commission has no police power authority. They are provided only those powers given them by the MZEA, which does not include police powers or review of same. However, a zoning ordinance which has police power activity restrictions can be reviewed for completeness by the PC as part of a zoning approval. Therefore, if any section of the police power ordinance remains, any reference to the planning commission needs to be removed and replaced. All references have therefore been redlined out.

Commented [MSMI2]: This term as well as "Permit" are used interchangeably. One should be chosen and used for consistency and clarity.

Commented [MSMI3]: This should clearly state either the planner or the Ordinance Enforcement Officer not both. Also where is the Ordinance Enforcement Officer defined and scope of authority? Is it limited to just this ordinance or all police power ordinances?

Commented [MSMI4]: Based on the definition of "Extraction" it appears that it includes excavation. Is it the intent that all excavation except that which is exempt in Section 5 are regulated by this Ordinance?

Commented [MSMI5]: This Ordinance as a whole seeks to regulate land-use and therefore is not legal. While it is true that the township may include police power activity restrictions in the zoning ordinance, the reverse is not true. Therefore, most of the police power ordinance could be adopted as a zoning ordinance rather than the necessary bifurcation as currently written. Every requirement of this police power ordinance is a use regulation, with the exception of the reclamation plans, related performance guarantees, reasonable limitations on hours of operation, requirements for dust control, smoke and noise abatement, protective fencing and related activity and must be eliminated.

Commented [MSMI6]: This is consistent with the broad protections that are afforded agricultural practices that go beyond just crop and tree growing.

Commented [MSMI7]: This makes it clear that any related improvement for leads, ways, utilities etc. are included.

Draft Date: March 2, 2020

5.6 Sites, facilities, properties or operations ("Sites") where soil, sand, gravel or other earthen material may be stockpiled, screened, staged, stored or utilized if such material is not mined or extracted from that site.

Section 6. Application Procedure

The following procedures shall apply when processing any application under the terms of this Ordinance:

6.1 **Optional Pre-Application Conference.** The Applicant/Owner/Operator may request a preapplication conference with the Township Planner. The purpose of this informal meeting is to provide information and guidance to the Applicant/Owner/Operator that will assist in preparation of a complete application. No formal action shall be taken during this meeting. The Applicant/Owner/Operator may be required to pay a fee for a pre-application conference in an amount determined by resolution of the Township Board of Trustees.

6.2 **Application Information.** All applications shall be on a form provided by the Township and shall be signed by the Applicant/Owner/Operator(s) and the titleholder(s) of the parcel(s) upon which the excavation is proposed. ~~To initiate formal review by the Planning Commission,~~ The Applicant/Owner/Operator shall submit one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, one (1) digital copy in a generally acceptable format determined by the Township Planner, PDF format of the complete set of application materials, one (1) large (up to 24-inch by 36-inch maximum) printed plan set, and eleven (11) reduced 11-inch by 17-inch printed plan sets at the Union Township Hall. All notes and plan details must be clearly legible at the sheet size. The following minimum information shall be required with any application:

- A. The name, address, and contact information for the Applicant/Owner/Operator, and the Applicant/Owner/Operator's interest in the property. If the Applicant/Owner/Operator is not the owner, the name, address, and contact information for the owner(s) and the signed consent of the owner(s) shall also be required.
- B. Signature(s) of the Applicant/Owner/Operator(s) certifying the accuracy of the information.
- C. A legal description of the property, including street address(es) and tax code number(s).
- D. The set of required base documents, including all necessary information to confirm compliance with the requirements and standards of this Ordinance.

6.3 **Application Fee Required.** The amount of the application fee shall be established and may be adjusted from time to time by resolution of the Township Board of Trustees.

Commented [MSMI8]: This language can only be utilized if this is adopted as a zoning ordinance. Therefore, if this section remains in the police power ordinance it needs to be removed.

Commented [MSMI9]: Too specific of a format.

Commented [MSMI10]: This is an action undertaken by the PC and is a land use regulation. It must be adopted in a zoning ordinance not a police power ordinance. Essentially the entire process should be adopted as a zoning ordinance.

Commented [MSMI11]: it still must be reasonable.

Draft Date: March 2, 2020

6.4 **Refundable Escrow Deposit.** In addition to the non-refundable application fee provided for in subsection 6.3, the Applicant/Owner/Operator may be required to deposit with the Township at the time the application a refundable escrow deposit intended for use to defray the Township's costs for professional reviews and consultations by experts in the law, civil engineering, hydrogeology, and other fields determined ~~necessary~~ by the ~~Planning Commission or~~ Township Planner, ~~which are unnecessary to~~ assist with evaluation of the application and/or Permit inspections and administration. The amount of any required refundable escrow deposit shall be established by resolution of the Township Board of Trustees.

Commented [MSMI12]: This is too subjective.

A. **Accounting.** The Township shall annually deliver to the Applicant/Owner/Operator an accounting that shows the debits and credits during the accounting period. ~~Within 5-days, upon written request by the Applicant/Owner/Operator, the Township shall provide an accounting that shows the debits and credits during the accounting period through the date which the written request was made.~~

B. **Annual Renewal of Escrow Fee.** During the period the Township is either processing the application or administering the Permit, the Applicant/Owner/Operator shall restore the sums in the escrow account to the minimum amount established by resolution of the Township Board, ~~or such other amount as may be established for the extraction operation by resolution of the Planning Commission.~~ The sums needed to restore the account shall be paid by the Applicant/Owner/Operator within 30 calendar days of receipt of a written Township request.

C. **Additional Escrow Fees.** If at any time it appears the sums in escrow are insufficient to process the application or pay the expenses to administer the Permit, the Applicant/Owner/Operator shall be required in writing to deposit additional sums with the Township. Failure to replenish such sums within 30 calendar days shall be grounds for the Township Planner or Ordinance Enforcement Official to issue a stop work order, at which time no further processing of the application or excavation or stockpiling of materials may occur until the order is rescinded.

Commented [MSMI13]: Pick one.

D. **Interest.** The Township shall have no duty to deposit the sums in an interest-bearing account. However, if interest is earned on the sums deposited by Applicant/Owner/Operator, such interest shall be credited to the Applicant/Owner/Operator's account.

E. **Return of Escrow Funds.** If the application is denied, any unexpended funds shall be returned to the Applicant/Owner/Operator within ~~45-10 calendar~~ days after all actual costs and expenses incurred by the Township have been paid. If a permit is issued, any unexpended funds shall be returned to the Applicant/Owner/Operator within ~~45-10 calendar~~ days after the site is completely restored and all actual costs and expenses incurred by the Township have been paid.

6.6 **Technical Review.** ~~Prior to Planning Commission consideration, t~~The application materials shall be distributed to the Township Planner for review and comment. The Township Planner ~~or Planning Commission~~ may also request comments from

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other applicable Township departments, consultants or outside agencies with jurisdiction over the Extraction Permit application. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the Applicant/Owner/Operator identifying the information that is incomplete or inaccurate. The Township Planner shall not do without further consideration review until such application is amended and/or supplemented to address the incomplete or inaccurate information.

Commented [MSMI14]: As written, it was too overbroad and allows the Planner to create work which may not be in furtherance of the application.

6.7 **Public Hearing.** The Planning Commission shall hold a public hearing on the application. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the Applicant/Owner/Operator, the titleholder of the parcel, and to the owners of all property and occupants of all structures within 2,000 feet of the subject property. The notice shall also be posted at the Township Hall, published once in the Township's newspaper of record, and placed on the Township website. The notices shall include the time, date, place, and purpose of the hearing.

Commented [MSMI15]: This is absurd, as the broadest reach for any zoning action would only require 300 feet. Cost and burden of notice is extraordinary, unreasonable and unjustified.

6.8 **Standards for Permit Approval or Renewal.** The following general standards for approval shall apply to any application for Extraction Permit approval or renewal:

Commented [MSMI16]: This is a land use process and not legal here.

A. An Extraction Permit shall be approved if the Applicant/Owner/Operator provides information, data and documentation sufficient to meet each of the following standards:

- (1) The application is administratively complete, and the Township Board/Planning Commission has determined that all necessary information has been provided.
- (2) The Township Board/Planning Commission has determined that the application satisfies all applicable Township ordinance requirements necessary for Permit approval or renewal.
- (3) The Applicant/Owner/Operator has demonstrated the legal, financial, technical, and other resources necessary to comply with this Ordinance.
- (4) Written assurance has been provided in the form of a reclamation plan and financial guarantee that the site will be reclaimed to a condition which is safe, and harmonious with surrounding land uses and consistent with the Master Plan.
- (5) Required fees, surety bonds, and evidence of insurance have been submitted, along with any required escrow deposit.
- (6) Copies of all federal, state, and local permits which relate to an activity on the property which were issued and in effect at the time the application was submitted to the Township.
- (7) The extraction operation will not adversely affect groundwater (e.g., water table, water quality or supply to surrounding wells) or surface water resources.

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(8) There will be no net loss of wetlands on-site or, where determined necessary, proposed wetland mitigation measures are acceptable and consistent with state laws and Township ordinance requirements.

Commented [MSMI17]: The Ordinance needs to be approved by EGLE pursuant to MCL 324.30308.

(9) The operation will not impair the environment; pollute or degrade the air, water or other natural resources.

Commented [MSMI18]: Definition?

(10) The operation will not interfere with the quiet enjoyment of persons in the vicinity of the operation or adversely impact on other identifiable health, safety, and welfare interests in the Township.

Commented [MSMI19]: Defined as what?

Commented [MSMI20]: Subsections 7-10 require the proving of a negative, how is that measured?

B. The burden of meeting each standard is on the Applicant/Owner/Operator. The Applicant/Owner/Operator's failure to provide the information, data or documentation necessary to meet a standard is a basis for denial of the application.

6.9 **Decision.** The decision rendered on the application shall be in writing, shall be supported by competent, material, and substantial evidence on the record of compliance with all applicable requirements of this Ordinance.

6.10 **Reapplication.** If an application is denied, a reapplication for that site shall not be filed for 365 ~~calendar~~ days from the date the decision was rendered, unless there is a material change in circumstances that was not ~~present-reasonably known~~ when the application was considered.

Commented [MSMI21]: This is a standard land use requirement for a variance. But why is it required here? Is that required for any other land use regulation?

6.11 **Conditions of Approval.** In granting approval of an Extraction Permit the ~~Planning Commission~~ may impose such reasonable conditions as it deems necessary to ensure the standards are met and maintained. The following conditions shall be printed on the Extraction Permit, in addition to any others imposed by the ~~Planning Commission~~:

A. The authorization herein granted only authorizes those ~~uses~~ and activities specifically set forth in the Permit, is subject to the Township's right to inspect the site, and is contingent upon the Applicant/Owner/Operator(s) strict adherence to the terms and provisions of the Permit, this Ordinance, and other applicable regulations.

Commented [MSMI22]: Land use language.

B. Within 365 calendar days following ~~cessation~~ of the extraction operation by abandonment ~~or otherwise~~, the site shall be fully reclaimed in strict accordance with the approved reclamation plan, unless an alternative timeline for completion of reclamation activities was approved by the ~~Planning Commission~~ as part of an Extraction Permit approval or renewal.

Commented [MSMI23]: What is the definition of "cessation"?

Commented [MSMI24]: What is the definition of "otherwise"?

C. The application and base documents are incorporated by reference into the Permit. A material misrepresentation or unauthorized change in a base document is cause for revocation of the Permit.

D. The Applicant/Owner/Operator shall, within 60 calendar days of an initial Extraction Permit approval, record copies of the Permit, mining plan, and reclamation plan for the property at the Isabella County Register of Deeds

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office, and shall provide copies of the recorded documents to the Township Planner.

6.12 **Permit Terms.** ~~A~~An Extraction Permit shall state the name of the Applicant/Owner/ Operator, metes and bounds description of the site, conditions imposed and any ~~variances~~ granted in conjunction with the Permit, the base document titles and revision dates, and the commencement date and term for which the Permit is issued.

Commented [MSMI25]: Variances are uniquely a land use process. Further evidence that this is land use ordinance.

~~A.~~ ~~An initial Permit issued for a new extraction operation on a site shall be valid for a period of up to three (3) calendar years, beginning from the commencement date and ending on December 31 of the third year.~~

Commented [MSMI26]: This time frame is extraordinarily impractical given the investment in such a project and controls implemented by the Township. The year-end timing is also unacceptable and inconsistent with any known land use permitting process in the Township. The permit should simply be approved with the conditions of compliance and performance guarantees in place. The Township still has authority to enforce the permit and its conditions. The need to come back and apply not only is burdensome on the applicant it is burdensome on the township. Enforcement can be done without limiting the use of the land.

~~B.~~ Any subsequent Permit issued or renewed for an extraction operation on a site shall be valid for a period of up to five (5) calendar years, beginning from the commencement date and ending on December 31 of the fifth year.

~~C.A.~~ A Permit is transferable to a new Applicant/Owner/Operator with prior written consent of the Planning Commission. The ~~Planning Commission~~ may impose conditions to ensure that the requirements and standards of this Ordinance are met. Transfers include a merger, reorganization, sale or similar business action.

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~~D.B.~~ The Applicant/Owner/Operator shall submit an application to the Township for renewal of an Extraction Permit not less than 180 calendar days nor more than 365 calendar days before the end of the term of the Permit.

Commented [MSMI27]: Land uses run with the land, any change in ownership does not give the Township authority to further condition or regulate land use. Because the next transferee must accept the terms of the permit, the Township has recourse if the transferee does not abide by the original permit and conditions.

6.13 **Outside Agency Permits and Approvals.** Copies of permits and approvals issued by a governmental body or agency that regulates an aspect of the activity conducted pursuant to the Extraction Permit on a site shall be promptly filed with the Township Planner. The Applicant/Owner/Operator shall also notify the Township Planner of any requests for amendments to or notices of violation of any outside agency permits.

Commented [MSMI28]: Section 6 attempts to regulate land use and is illegal as proposed. However, it may be adopted as part of a zoning ordinance.

Section 7. Base Documents

The following base document requirements shall apply to all Extraction Permit projects:

7.1 **General Provisions.** The purpose of the base documents is to define the scope and character of the activities authorized on the site and provide evidence that the standards are met. The following general requirements shall apply to all required base documents:

A. Any modification or change intended or contemplated to the scope or character of the activities shall require ~~Planning Commission~~ approval, and the base document(s) shall be revised accordingly.

Commented [MSMI29]:

B. When a change in the scope or character of the activities on a site is intended or contemplated, the base documents submitted with the application shall depict and explain the proposed change.

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- C. This Ordinance requires certain documents be prepared by professionally qualified individuals such as geologists, hydrologists, engineers, architects, environmental scientists, and surveyors. In all such cases the person preparing the document shall hold the academic degree, license, registration or other credential necessary to practice in the State of Michigan.
- D. Each base document shall be signed and dated by the person who prepared the document and, if applicable, shall bear their seal.

7.2 **Waiver of Base Document Information.** Unless waived in writing in accordance with this Section, all base documents shall be submitted in compliance with this Ordinance. Upon written request by the Applicant/Owner/Operator, the ~~Planning Commission~~ may modify or waive the requirement for a base document or specified item(s) of information required by this Ordinance to be included on a base document, subject to the following:

- A. Determination by the ~~Planning Commission~~ that the modification or waiver does not adversely affect the ability of the ~~Planning Commission~~ to ascertain whether the applicable requirements of this Ordinance have been met. The Applicant/Owner/ Operator has the burden of providing facts, data, and documents sufficient to establishing that a requested waiver meets the standards of this subsection. Failure to do so shall be grounds for denying the waiver.
- B. If the ~~Planning Commission~~ subsequently determines that the waived base documents are necessary for their review and action on an application, then the Applicant/ Owner/Operator shall promptly take action to amend the application by providing the requested base documents.

7.3 **Summary List of Required Base Documents.** The required maps, photographs, studies, analyses, and data specified and described in the following sections of this Ordinance shall be considered to be the minimum set of base documents required under this Section:

- A. Section 8 (Public Documents)
- B. Section 9 (Survey, Base Maps, and Photographs)
- C. Section 10 (Required Studies and Analysis)
- D. Section 11 (Mining Plan)
- E. Section 12 (Reclamation Plan).

7.4 **Other Relevant Information and Documents.** The ~~Planning Commission~~ may require the Applicant/Owner/Operator to submit additional items of information as ~~determined that is reasonably~~ necessary to confirm that the extraction operation conforms to the requirements and standards of this Ordinance, including all of the standards for Extraction Permit approval or renewal listed in Section 6.8.

Section 8. Public Documents

At a minimum, the following public documents shall be required as part of any application for Permit approval or renewal, unless expressly waived by the ~~Planning Commission~~:

Charter Township of Union Extraction Ordinance

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Commented [MSMI30]: Section 7 requires Base Documents pursuant to land use regulation and are illegal as proposed. They may be adopted as part of a zoning ordinance.

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- 8.1 ~~A title commitment, together with copies of all recorded documents identified in the commitment, current to within 30 calendar days of the date of submission of the application, which evidences ownership and all easements on the site, together with a copy of the record document which vests fee title in the Applicant/Owner/Operator.~~
- 8.2 ~~Copies of all existing federal, state, and county permits which are in effect and relate to an activity on the site.~~
- 8.3 If an Applicant/Owner/Operator is other than an individual, a copy of the public document which evidences its legal status and right to conduct business in the State of Michigan.
- 8.4 ~~A list of names, address, telephone/facsimile number(s), and e-mail address of all persons, firms, corporations or other entities having legal or equitable interest in the property.~~

Commented [MSMI31]: These requested documents are entirely unusual to request and unnecessary. Easements are required generally to be laid out in the site plan. However, a title commitment and the remaining documents are absolutely unnecessary. Do you require this for other land use permits?

Commented [MSMI32]: Unless related to the application for the permit these are unnecessary and overreaching. Do you require this for other land use permits?

Commented [MSMI33]: Section 8 requires Public Documents pursuant to land use regulation and are illegal as proposed. They may be adopted as part of a zoning ordinance.

Commented [MSMI34]: What authority does the Township have to request anything but proof of ownership or right to use the land by individual(s), business or an operation? Do you require this for other land use permits?

Section 9. Survey, Base Maps, and Photographs

The following minimum requirements shall apply to the survey, maps, and aerial photographs required by this Ordinance:

- 9.1 **General Requirements.** All survey drawings, base maps, and aerial photographs shall be provided in a bound or stapled set, and shall be of a consistent sheet size, orientation, and scale to allow for easy cross-referencing between sheets. Upon written request from the Applicant/Owner/Operator, specific mapping materials or other documentation required by this Section that contain proprietary information may be labeled as such and provided in accordance with the following:
- A. The proprietary information shall be in a separate bound or stapled set with a cover sheet listing each map or document title, revision date, number of sheets, and the name, address, and other contact information of the firm or individual responsible for preparation.
 - B. The Township Planner and Applicant/Owner/Operator shall initial, date the cover sheet.
The Township Planner shall retain a copy of the signed cover sheet for the Township's records and shall request that all proprietary information be returned to the Applicant/Owner/Operator at the conclusion of the review process.
 - C. The Applicant/Owner/Operator shall retain possession of the signed set of proprietary information and, upon written request from the Township Planner, shall promptly furnish the set to the Township for further review and inspection. Failure to retain or promptly provide the information shall be considered a violation of this Ordinance.
- 9.2 **Survey.** A survey shall be provided, which shall be prepared and sealed by a surveyor or engineer in accordance with applicable State of Michigan standards and shall include the following minimum information:
- A. Map scale and a north directional arrow.

Commented [MSMI35]: All information utilized by the municipality is subject to FOIA. The idea that there would be a proprietary log is absolute absurd as it affords the applicant absolutely no protection in that information. Further the township is not entitled to proprietary information, as it is not necessary to not only enforce what should be a zoning ordinance regulation, it fails completely to be justified as a necessary part of regulating the public health, safety and welfare. Where else does the township require such disclosure as part of land use permitting?

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- B. A legal description, with street address, township, and county; and the property's location and dimensions by metes and bounds written on the survey map from a fixed point of beginning or, if applicable, the lot and block numbers, by subdivision name and recording information.
- C. Existing means of ingress and egress to and from the property, if not by abutting road(s).
- D. Established building line(s), if any, the line of the abutting road(s) identified by names and right-of-way widths, and the location of all utility lines and connections.
- E. All structures and improvements by location, nature (including character of construction and number of stories), dimensions, distance from the property lines on all sides, and occupants.
- F. All servient and beneficial easements, if any, and all easements appurtenant to the property, if any, indicating the identity, by liber and page, if any, the origin (e.g., Deed from A to B), if applicable, and nature or purpose of the easement.
- G. Locations, dimensions, and nature of all encroachments upon the property or from the property on adjoining land.
- H. Locations of all waterways, wetlands, and established flood plains, if any.
- I. Designation of existing uses surrounding the proposed extraction area.
- J. The benchmark utilized for the survey.
- K. A signed and dated certification statement attesting to the accuracy of the survey and specifying the credentials of the preparer.

9.3 **Topographical Map.** A recent topographical map shall be provided showing two (2) foot contour intervals, unless the ~~Planning Commission~~ determines that a greater interval of five (5) feet would be acceptable for all or part of the site. The map shall be at a standard engineer's scale not to exceed one-inch equals two hundred feet (1" = 200'). The topographic contours shall extend at least 100 feet beyond the boundaries of the requested extraction area(s), and shall include all required setback lines, lot boundaries, and easements with dimensions and bearings correlated with the legal description and all required setback lines.

9.4 **Aerial Photograph.** A recent aerial photograph shall be provided, which shall be current to within two (2) years of the application date unless the ~~Planning Commission~~ waives this requirement. The aerial photograph shall be orthorectified and presented at a standard engineer's scale not to exceed one-inch equals one hundred feet (1" = 200'). The aerial photograph shall extend at least 500 feet beyond the boundaries of the requested extraction area(s), and shall include all required

setback lines, lot boundaries, and easements, with dimensions and bearings correlated to the legal description.

Commented [MSMI36]: A survey itself is not a land use requirement however to the extent it is part of the land use regulations as it is here it is inappropriate. It could be contemplated that a remediation plan as part of the police power enforcement may include many of the provisions in section 9.2.

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9.5 **Vicinity Map.** Township map that depicts the location of the extraction area and the haul route(s) to and from the site.

9.6 **Site Inventory Map(s).** Site Inventory Map(s) shall be prepared by a qualified environmental professional, certified to the Township and clearly showing the locations and types of existing natural features both on the site, and where possible, those within 200 feet beyond the site's boundary lines.

Commented [MSMI37]: Defined as?

A. The site inventory shall include a written description of the quality, character, extent, and health of the natural features on the site.

B. The map(s) shall, at a minimum, depict the location, extent, and areas for the following elements of the site:

- (1) Setbacks as required by this Ordinance.
- (2) Known archeological and historical features.
- (3) Known agricultural tile drainage infrastructure.
- (4) Existing buildings, structures, and other site improvements.
- (5) Existing drainage courses, both private and under county Drain Commissioner jurisdiction, along with surface water drainage patterns.
- (6) Flood hazard area boundaries.
- (7) Watercourses and other bodies of water, with ordinary high-water marks.
- (8) Delineated wetlands.
- (9) Areas of hydric soils and highly permeable soils.
- (10) Groundwater recharge areas and depths to groundwater, generalized.
- (11) Woodlands, treerows, special habitats, and endangered flora or fauna.
- (12) Existing easements and road rights-of-way, and access points to the site.

9.7 **Reserve/Exploration Map.** A Reserve/Exploration map and cross-sections shall be prepared by an engineer or geologist, and certified to the Township as true and accurate, which depicts the extent, location, and nature of all subsurface materials on the proposed extraction site on a topographic map, including:

A. Estimated extent (outline) of deposit limits of extraction materials; Location by GIS information and identification number of all subsurface exploration locations and all data or reports however embodied or obtained from the site exploration locations; Proposed location of observation wells.

~~B.~~ Depth and lowest elevations of exploration (e.g., drill holes) and the claimed deposit of materials to be extracted from the site.

~~B-C.~~ C. Groundwater elevations.

D. Estimated quantity of reserves.

E. Depth and estimated quantity of topsoil to be stripped.

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- F. Depth, lower elevations, and estimated quantity of overburden to be stripped.
- G. Two (2) foot contour intervals indicating the anticipated vertical and horizontal extent of excavation below the existing surface elevations, unless the ~~Planning Commission~~ determines that a greater interval of five (5) feet would be acceptable for all or part of the site.

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Commented [MSMI38]: Section 9 is nearly verbatim a site plan package submittal requirement right out of a zoning ordinance. It requires and regulates items that are flat out illegal to be regulated by a police power ordinance.

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Section 10. Additional Studies and Analysis

The following minimum requirements shall apply to hydrogeologic studies, environmental impact analyses, and other technical research and reports required by this Ordinance:

10.1 Hydrogeologic Study. A hydrogeologic study shall be prepared and sealed by a certified professional geologist who specializes in hydrogeology. The ~~Planning Commission~~, at the expense of the Applicant/Owner/Operator, may have the study reviewed by a Township consultant. The hydrogeologic study is intended to document the hydrogeological conditions on the site and assess any mining plan impacts on water resources of the Township, both on and off-site. This Section provides a guide for gathering the needed data and assessing potential impacts. Different levels of investigation are required depending on site features, such as location in a watershed, proximity of existing surface water bodies, site hydrology, local geology, groundwater and surface water quality, and local land use. Some of these features are readily discernible; others, such as geology, are not. This study shall include the following minimum hydrogeological data and evaluation elements:

Commented [MSMI39]: No standard for nor identification of who will determine this.

A. Site and Extraction Operation Description.

- (1) For all extraction operations, prepare a map showing the regional setting. At a minimum, the map should cover an area with a one-mile radius measured in all directions from the center of the property. If the size of the project is large, it may be appropriate to increase the geographic area covered by this map. The site location map must show the following features:
 - (a) Proposed limits of excavation.
 - (b) Scale and north arrow.
 - (c) Section lines and numbers.
 - (d) Township and range numbers.
 - (e) Township name.
 - (f) Location of all existing lakes, streams, drainage ditches, surface impoundments, and apparent wetlands in the geographic area.
 - (g) Water surface elevation.
 - (h) Boundaries for the property where the proposed Extraction Operation will occur.
 - (i) Location of all existing agricultural tile drainage infrastructure that crosses the subject site.

Commented [MSMI40]: This is onerous. You have to provide the items (1)(a)-(i) for 1 mile radius? Nearly this entire section should be eliminated.

Commented [MSMI41]: No standard for nor identification of who will determine this.

Commented [MSMI42]: How does one actually determine such? As for drainage ditches that mean only those established under the drainage code?

Commented [MSMI43]: How do you determine this without trespassing?

Commented [MSMI44]: How do you determine this if you didn't place the tile drains?

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- (2) For all extraction operations, prepare a detailed site map that covers an area that extends at least 2,000 feet beyond the property boundaries subject to the Permit application. This map should show:
- (a) Scale and north arrow.
 - (b) Applicant/Owner/Operator 's property boundaries.
 - (c) Boundaries and owner names for all adjoining land parcels.
 - (d) Based on available public information, provide the location of all existing lakes, streams, drainage ditches, and apparent wetlands on-site and within 2,000 feet of the property boundaries.
 - (e) Based on available public information, provide water surface elevation for all existing lakes, streams, drainage ditches, and wetlands located onsite and within 2,000 feet of the property boundaries.
 - (f) Delineated wetlands expected to be impacted by the extraction operation.
 - (g) Location of proposed extraction operation.
 - (h) Land surface elevations for the property shown by appropriately selected contour intervals.
- (3) Describe the existing land use, site conditions, and the basic scope of the operation.

Commented [MSMI45]: Now you have to show a different mapping with additional information within 2000 feet of the property in addition to the 1 mile radius map?

Commented [MSMI46]: This is unreasonable.

Commented [MSMI47]: Again, how would you determine this if you don't own the land?

B. Field Investigations.

- (1) For all extraction operations, test borings shall be required to be drilled to determine the subsurface geology. A minimum of four (4) test borings shall be located outside the perimeter of the proposed Extraction Operation. At least one boring shall be in the center of the proposed Extraction Operation. These borings must be drilled at least ten (10) feet deeper than the proposed depth of an excavation or to the existing groundwater table, whichever is greater. The locations of these borings must be clearly shown and labeled on the site topographic map. Descriptive logs for each boring should be prepared by a geologist using the Unified Soil Classification System ("USCS") to describe the subsurface soil and sediment. Boring logs must contain the following minimum information:
- (a) Boring name.
 - (b) Land surface elevation.
 - (c) Depth of boring.
 - (d) Description of different sediments encountered to the bottom of the boring.
 - (e) Construction details for the temporary observation wells.
 - (f) Top of casing elevation.
 - (g) Depth to water.
 - (h) Elevation of water in the well.

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(2) For extraction operations that extend into the groundwater, monitor wells shall be installed near the perimeter of the site and outside of any proposed excavation or construction, subject to the following:

(a) If more than one aquifer is encountered in the test borings, separate monitor wells must be screened in each aquifer to determine the vertical head gradient between aquifers, groundwater flow direction, and water quality in each aquifer. Include monitor well construction logs in the report appendix.

Commented [MSMI48]: As defined under state law?

(b) A minimum of five (5) monitor wells shall be installed: three to determine the direction of groundwater flow and the fourth and fifth set as a cluster down gradient of the operations area to determine vertical gradient within the aquifer. The requirement for the fifth well may be waived if the aquifer thickness is determined to be less than ten (10) feet.

(c) Monitor wells shall be constructed to requirements of the State of Michigan and Central Michigan District Health Department, shall be capable of detecting any significant change in groundwater elevation and quality, and shall be retained for future monitoring.

(d) The Township may require additional monitor well locations determined necessary to verify compliance with this Ordinance.

Commented [MSMI49]: Such a study will cost hundreds of thousands of dollars.

(3) For all extraction operations, water levels and water quality in any monitor wells and on-site wetlands, streams, and lakes shall be measured. All water levels shall be related to a common USGS datum and elevations shown on a map and in a report table. Water quality parameters shall be collected in accordance with the process outlined in subsection 10.1.C. (Base-Line Water Quality).

(4) Existing municipal and residential wells within one (1) mile of the site shall be inventoried and located on the map. Include all well logs in the report appendix. If the number of water supply wells is exceptionally large, then a sufficient number of well logs may be selected to represent each general group of well logs, considering well depths, stratigraphy, and locations.

Commented [MSMI50]: This is unreasonable. The standard for EGLE in permitting such municipal wells only accounts for a review of features within 1000 feet.

~~(5) For extractions that extend into the groundwater, the Applicant/Owner/Operator shall determine the hydraulic conductivity, flow direction, recharge area, interrelationship with other aquifers and surface water bodies, and water quality of each aquifer within the extraction zone or that is determined by a hydrogeologic study to potentially be affected by the extraction operation.~~

~~C. Base Line Water Quality.~~

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~~(1) **Groundwater – Monitor Wells.** For extractions that extend into the groundwater, all required monitor wells shall be sampled and analyzed per established State of Michigan sampling and analysis protocols to establish background groundwater quality prior to commencing extraction operations. A minimum of two (2) sampling events are required [four (4) or more are preferred], with one event during a high groundwater elevation and the other during a low groundwater elevation period.~~

Commented [MSMI51]: EGLE standards?

Commented [MSMI52]: Set the minimum, a preference has no place in a regulation.

~~(a) Testing shall include the following indicator parameters:~~

- ~~1. static water level elevation.~~
- ~~2. groundwater temperature.~~
- ~~3. specific conductance.~~
- ~~4. pH.~~
- ~~5. Dissolved oxygen.~~
- ~~6. redox potential.~~
- ~~7. total dissolved solids (TDS).~~
- ~~8. total petroleum hydrocarbons (TPH).~~

~~If the TPH exceeds the method detection limit (MDL), VOC, SVOC, and MTBE must also be measured as well.~~

~~(b) In addition, for each well, determine the concentration of the following groundwater parameters:~~

- ~~1. chloride.~~
- ~~2. sodium.~~
- ~~3. calcium.~~
- ~~4. sulfate.~~
- ~~5. bicarbonate magnesium.~~
- ~~6. manganese.~~
- ~~7. iron.~~
- ~~8. potassium.~~
- ~~9. phosphorus.~~
- ~~10. nitrate nitrogen.~~
- ~~11. arsenic.~~
- ~~12. mercury.~~
- ~~13. Other chemical elements, compounds or contaminants as determined necessary by the Planning Commission.~~

~~(c) Laboratory testing shall be conducted in conformance with current applicable United States Environmental Protection Agency testing methods, and data shall be compared to the~~

Commented [MSMI53]: ?

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~~State of Michigan's current criteria for generic residential cleanup and screening.~~

~~(2)(5) **Groundwater – Water Supply Wells.** For extractions that extend into the groundwater, the Applicant/Owner/Operator shall seek permission from well owners to monitor groundwater flow for all portions of the aquifer(s) from which down gradient municipal and residential wells within one (1) mile of the site extract water. All of the monitor well testing requirements in subsection 10.1.C.(1) shall also apply to these additional wells where such permission has been granted.~~

Commented [MSMI54]: This is beyond onerous. What other operation is regulated to this extent?

~~(3)(6) **Surface Water.** For all extraction operations, the number, type and locations of surface water samples shall be sufficient to identify potential surface water impacts from extraction operations, subject to the following:~~

- (a) ~~Each watercourse and other body of surface water shall be sampled for the following minimum parameters:~~
 - ~~i. water elevation.~~
 - ~~ii. base/bed elevation.~~
 - ~~iii. pH.~~
 - ~~iv. conductivity.~~
 - ~~v. turbidity.~~
 - ~~vi. total dissolved solids (TDS).~~
 - ~~vii. total suspended solids (TSS).~~
- (b) ~~The study shall evaluate the hydraulic relationship between each watercourse or other body of surface water and the groundwater (e.g., groundwater discharges to surface water or surface water discharges to groundwater).~~
- (c) ~~The Township may require additional samples or sample locations determined necessary to verify compliance with this Ordinance.~~

Commented [MSMI55]: How does the Township propose to address fluctuation in these metrics based on rainfall, snow melt, etc.? And how does it determine if any change is attributable to the operation?

D.C. Data Analysis.

- (1) ~~Prepare a contour map of the water table elevations, including water-level elevation measurements from on-site wetlands, streams, and lakes. Show the site boundaries.~~
- (2) ~~Prepare a map showing the location of geologic cross-sections.~~
- (3) ~~Prepare multiple geologic cross-sections passing through the proposed Extraction Operation and all areas of concern (e.g., wetlands, streams, lakes, residential wells, etc.) to a distance of approximately one mile beyond the site boundaries. On these cross-sections, show the following information:~~
 - (a) ~~Vertical and horizontal scale.~~
 - (b) ~~Existing land surface elevations.~~

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- (c) Boundaries and depth of any proposed excavation.
 - (d) Well locations and logs used to prepare the cross-sections.
 - (e) Thickness and extent of the subsurface geologic strata.
 - (f) Location and depth of all residential wells, wetlands, streams, and lakes falling on and near the cross-section.
 - (g) Static water level elevations.
 - (h) Water quality data for each water body and monitor well (diagrams, such as Stiff diagrams, may be the most convenient method to depict the data).
- (4) ~~For extraction operations that extend into the groundwater, conduct an analysis of the impact of the Extraction Operation on nearby surface water (including wetlands) and groundwater resources. Discuss the difference between the existing and post construction conditions. The Applicant/Owner/Operator's consultant should make an assessment of the net change in water loss in the area of the Extraction Operation. If there is a net increase in water loss, this rate should be used as a stress on the aquifer, analogous to a pumping well. A simple well hydraulics or analytical model may be used to approximate the water level decline at various distances from the center of the Extraction Operation; numerical modeling is not expected to be required.~~
- (5) ~~If the Extraction Operation creates or enlarges an excavated lake, potential impacts will be caused by increased evaporation from the new or increased lake surface and by the removal of aquifer material. The evaporation impact shall be analyzed through a water budget analysis using DEQ's applicable guidance for how to perform this analysis.~~
- (6) ~~For extraction operations that extend into the groundwater, prepare an analysis of the amount of water level decline and the associated impacts resulting from removal of the bulk/solid aquifer material.~~
- (7) ~~If multiple aquifers are encountered during test drilling, and the proposed bottom of the excavation will completely penetrate an intervening confining layer, the analysis becomes more complicated. An examination of groundwater level data from the monitoring well clusters will determine whether there will be a negative impact on either aquifer. The degree and extent of decline in either case will depend upon the hydraulic properties of the aquifers and the rates of groundwater recharge and lateral groundwater inflow from surrounding areas. An analysis of this type of problem would require a numerical model.~~
- (8) ~~For extraction operations that extend into the groundwater, prepare maps and cross sections showing the nature and extent of the hydrogeologic impact(s) (e.g. water level decline or increase).~~

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~~(9)~~(4) For all extraction operations, graphically depict water quality data (e.g. Stiff diagrams) and appropriately show the depictions on maps and cross-sections. Show all supporting documentation for sources of data, data analysis calculations, model input data sets, and model output, but do not fill report appendices with arrays of numbers from numerical model input and output data sets. Provide numerical model data sets in digital format.

E. Hydrogeologic Analysis, Summary, and Conclusions. This subsection shall document existing site conditions, identify potential short-term and long-term impacts on the Township water resources during and after the proposed Extraction Operation, and contain the following minimum elements:

- (1) Description of present land use and the relationship of the site to surrounding properties. Use either the site location or a topographic map, whichever is more appropriate.
- (2) Discussion of the proposed Extraction Operation and schedule, along with the intended future use of site. Use a topographic map showing proposed extent of the Extraction Operation and different phases, if applicable.
- (3) Presentation of measured water levels as a contour map of the water table that also shows the groundwater flow directions.
- (4) Discussion of groundwater and surface water movement through the area. Use either the site location or a topographic map, whichever is more appropriate.
- (5) Presentation and discussion of data from test borings and any required monitoring wells on cross-sections through the proposed Extraction Operation area showing land surface elevation, surface water features (if applicable), the proposed extent of any excavation, and the subsurface sediments encountered in the hydrological study.
- (6) Water quality impacts on existing surface-water and groundwater quality.
- (7) Provide a conclusion discussing the expected impact to the water quality and elevations of groundwater (e.g. project water level decline/rise in each aquifer) and surface water bodies on and proximate to the site, considering both shortterm and long- term potential impacts.

F. Additional Hydrogeological Data. The Township may require additional data related to the site, including, but not limited to, the following:

- (1) **Surface Water Diversions.** Additional investigations may be needed to demonstrate that any proposed diversion of surface water flow will not adversely impact existing surface water bodies or wetlands located on- or off-site through reduced or excessive flows.

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~~(2) **Groundwater Diversions.** For extraction operations that extend into the groundwater where multiple aquifers are encountered by the test borings, monitor wells must be screened in each aquifer that is expected to be penetrated by an excavation. Measure hydraulic head (water level elevation) in each well to determine vertical differences in head between aquifers, the direction groundwater will move between aquifers, and to calculate the impacts from lowering the head in one aquifer and raising the head in the other aquifer.~~

10.2 Environmental Impact Analysis.

The Applicant/Owner/Operator shall prepare an environmental impact analysis addressing the impact the operation will have on the site's natural features, flora, fauna, adjacent lands, on the social and economic conditions of the Township, and any mitigation measures needed to eliminate or minimize these impacts.

- A. This section is intended to provide a detailed and thorough analysis using the assembled data required by this Ordinance, not a restatement of assembled data. The analysis should address how the various data interrelate and how the proposed operation will affect human and natural environments.
- B. Environmental impacts identified in the hydrogeological study should be incorporated into this analysis and related to the discussions of other impacts. The hydrogeological support data does not have to be re-stated, but should be referenced in this analysis.
- C. At a minimum, the analysis shall address the following potential short-term and long-term impacts, including impacts associated with the intended future use of the reclaimed site, and shall include the Applicant/Owner/Operator's planned mitigation measures to minimize the anticipated impacts:
 - (1) Noise, dust, mud, drainage, erosion, and sedimentation.
 - (2) Truck traffic and access to and from the site.
 - (3) Impacts on public road infrastructure.
 - (4) Impacts to residents near the operation and along the haul route.
 - (5) Changes in social patterns and/or economic conditions of residents.
 - (6) Views of the extraction operation site from adjacent roads and properties.
 - (7) Impacts on watercourses, other bodies of surface water, flood hazard areas, and wetlands.
 - (8) Impacts on special habitats, and endangered flora or fauna.
 - (9) Impacts on known archeological and historical features.
 - (10) Impacts on groundwater supply, level, quality, and flow on site and within 2,000 feet of the proposed extraction activity.

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- (11) Impacts on air quality within 1,000 feet of the proposed extraction; and
- (12) Any additional impacts on the human or natural environment that the Applicant/Owner/Operator or ~~Planning Commission~~ determine to be significant or necessary to verify compliance with this Ordinance.

D. In addition to the above items, the analysis shall address the following details:

- (1) Inventory the physical environmental elements of the proposed site, with descriptions of the environment as it exists prior to commencement of extraction operations, and as projected after completion of reclamation.
- (2) Identify whether the proposed activity is located within 1,000 feet of a residence, 2,000 feet of a school or 500 feet of a commercial development, and address compatibility of the extraction operation with these and other adjacent land uses.
- (3) Alternatives, if any, to the extraction operation location and the reasons for the choice of the proposed location over those alternatives.

Commented [MSMI56]: Compatibility is a land use regulation.

Commented [MSMI57]: This section is vastly an extraordinary burdensome process that NO one would find it is a reasonable management of the public health, safety and welfare. Even if it were a zoning regulation it is extraordinarily burdensome. This entire section should be drastically changed to a practical process.

Section 11. Mining Plan

The following minimum requirements shall apply to the mining plan required by this Ordinance:

11.1 Plan Preparation, Content, and Detail. The mining plan shall be prepared by a certified professional geologist, or registered professional engineer specializing in mining and shall illustrate the pattern, direction and phasing of earth moving, extraction, land shaping, and reclamation activities. The plan shall be of sufficient detail so it can be used to assess the performance of the mine operation during any site inspection. The mining plan shall be reviewed annually by the Township and the permit holder and updated, if necessary.

Commented [MSMI58]: So what if there is a deviation? What does that result in?

11.2 Topographical Map. Applicant/Owner/Operator shall prepare a topographical map at a standard engineer's scale not to exceed one-inch equals two hundred feet (1" = 200'), which depicts the following information:

- A. Site boundary lines, and setback lines as required under this Ordinance.
- B. Location, elevation, and area of any proposed processing plant.
- C. Location, size, and elevation of all structures and facilities.
- D. Location of outdoor storage areas including materials extracted from the site.
- E. Location and size of sediment ponds, drainage diversions, and discharge points.
- F. Location of fences and gates.
- G. Parking location and number of spaces for employees, invitees, and equipment stored on

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- site.
- H. Location of equipment, chemical, oil, and fuel storage areas.
- I. Planned public roadway modifications needed to accommodate the extraction operation and haul route, including but not limited to paving, drainage, lane widening, and intersection improvements.
- J. Location and description of any potable water supply for human consumption and any sewage disposal system for human waste.

Commented [MSMI59]: Needed from whom? The Township or the road jurisdiction?

11.3 Screening Plan. The Applicant/Owner/Operator shall prepare one (1) or more maps with a scale not to exceed one-inch equals two hundred feet (1" = 200') that depict the following information:

- A. A plan for sound and visual screening of the site, with heights and locations of required berms with topographic contours at a two (2) foot contour interval; grass seed mix and application rate; fertilizer mix and application rate; species, size, location, and quantity of any required tree plantings; any existing topography, woodlands or other existing vegetation proposed to serve as part of the required screening; and installation and maintenance details.
- B. Example detail drawings of the berm, and any tree planting arrangements as required per Section 15, shall be provided at a scale not to exceed one-inch equals fifty feet (1" = 50').

11.4 Nature of Operations. Describe the nature and type(s) of the following site activities:

- A. Methods of excavating, including excavation equipment.
- B. Methods of transporting material from mine site to processing plant, including earth handling equipment to be used on-site.
- C. Types of processing activities, such as screening, washing, crushing, etc.
- D. Estimated quantity, use, and disposal of fines.
- E. Estimated number and size of settling ponds.
- F. Estimated annual production.
- G. Estimated type, size, and number of trucks leaving the site daily, during peak season, and annually.
- H. Other incidental activities proposed on the site accessory to the operation.
- I. Road track out control plan to alleviate mud, soils, dust, and other materials from the undercarriage and wheels of vehicles resulting from the mining operation, which may include sweeping; paving; spraying the under carriage, wheels, and wheel wells; or other best management practices. The plan shall include proposed management practices on both access roads and public roads, beyond normal maintenance conducted by the road authority with jurisdiction.
- J. Dust control plan to alleviate dust resulting from mining operations, which may include sweeping, paving, spraying water, windbreaks, strategic placement of stockpiles, or other best management practices. The plan shall include proposed management practices on both access roads and public roads, beyond normal maintenance conducted by the road authority with jurisdiction.

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- K. Haul route map delineating the haul route to be used for the proposed operation.
- L. Noise control plan prepared by a qualified professional estimating the noise levels at the property boundaries containing the extraction operation and at successive stages of the operation, and proposed mitigation measures to be implemented.
- M. Erosion control plan which provides a complete description of all the soil erosion measures, including but not limited to silt fences, vegetation screens, sediment basins, and settling ponds; location of control measures on bare surfaces and steep slopes; and a schedule for installation and maintenance.
- N. Pollution prevention plan containing a complete description of proposed pollution prevention methods based on applicable national, state, and county standards.
- O. Complaint processing plan, which describes the procedures by which complaints about the operation or off-site transportation will be received and resolved.
- P. Wetland removal plan, identifying the total amount of regulated wetlands to be impacted by the operation and all required wetland mitigation measures.
- Q. If the proposed extraction activity includes beneficiation or treatment of extracted material, the application documents shall include specific plans depicting the methods, techniques, and manufacturer's material safety data sheets on all chemicals or other additives utilized in the process. The operator shall also obtain all applicable state and federal permits for the beneficiation process.
- R. Submit a lighting plan showing the location and details of exterior lighting on the site, which shall also conform to applicable Township Zoning Ordinance standards.

11.5 Fifteen Year Extraction Plan. The Applicant/Owner/Operator shall submit a 15-year extraction plan that describes and graphically illustrates both the overall extraction operation and the plan for each progressive cell-unit of the operation, which shall include the following minimum required information:

- A. Method and direction of extraction.
- B. Surface overburden stripping and stockpiling plans.
- C. Depth of excavation and anticipated final grade level over the entire site from which the material will be removed.
- D. Location of buildings, equipment, stockpiles, roads, or other features necessary to the extraction activity.
- E. Provisions for buffer areas, landscaping, and screening.
- F. Minimum setback distances as required by this Ordinance.
- G. For each cell or group of cells, provide the verifiable conditions which must exist before excavation of a successive cell or group of cells may commence.

Commented [MSMI60]: if you are not allowed to operate for 15 years than why would you develop such a plan?

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- H. Location and acreage of areas presently being mined, and the amount of material being extracted, if applicable.
- I. Location and acreage of areas not presently being mined but planned for that purpose and the amount of material planned to be mined.
- J. An estimated schedule indicating when the extraction activity will begin in each area and the probable termination date of extraction activities in each area.
- K. Additional information requested by the Township.

~~11.6 Wetlands; Avoidance of Loss and Mitigation Requirements. In all cases where wetlands would be impacted by the proposed extraction operation, the Applicant/Owner/Operator shall submit a wetland mitigation plan for the Planning Commission's review and consideration, subject to the following:~~

~~A. Prudent Efforts to Avoid Loss of Wetlands. Wherever wetland loss or alterations affecting the wetland's resource value are anticipated due to proposed extraction operations, mitigation shall be required. Mitigation, however, shall not substitute for pursuing all prudent efforts to avoid wetland loss.~~

~~(1) Prior to considering a proposal for wetland mitigation, the Applicant/Owner/Operator shall provide evidence to demonstrate that no reasonable alternatives exist to avoid impact to existing wetlands, and that the resource value of existing wetlands will be maintained through mitigation.~~

~~(2) Such resource value may include flood prevention, wildlife habitat, groundwater resource protection and recharge, pollution treatment, erosion control, nutrient sources, aesthetics, recreation, open space or other resource value associated with the impacted wetland.~~

~~B. Exception to Mitigation Requirement. Mitigation shall not be required where the loss of wetland resource value is determined by the Township Planner or a designated Township wetlands consultant to be negligible.~~

~~C. Additional Requirements for Mitigation Plans. The mitigation plan shall be in accordance with established state guidelines and the following requirements:~~

~~(1) Mitigation shall be provided on-site where practical and beneficial to the wetland resources. If mitigation on-site is not practical and beneficial, then mitigation in the immediate vicinity, within the same watershed, of the permitted activity may be considered. Only if all of these options are impractical shall off-site mitigation be allowed.~~

~~(2) The mitigation plan shall comply with all applicable federal, state, and local laws, and shall assure no net loss to the wetland resource values.~~

~~(3) If mitigation involves replacement of lost wetland resources, the character, function, and extent of any replacement wetlands shall be consistent with applicable State of Michigan requirements.~~

~~(4) A minimum five (5) year monitoring program shall be required.~~

Commented [MSMI61]: This is an area of regulation generally occupied exclusively by EGLE. Further, any wetland impact ordinance must approved by EGLE pursuant to MCL 324.30308.

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Commented [MSMI62]: Much of this section is what would usually be required for such an operation but some of the language should be changed. However, these generally are part of a land use permit application and therefore are not enforceable to existing operations.

Commented [MSMI63]: These generally are part of a land use permit application and therefore are not enforceable to existing operations.

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Section 12. Reclamation Plan

Reclamation plans shall include the following minimum required information:

- 12.1 **General Plan Requirements.** Describe and graphically illustrate the progressive cell-unit reclamation plan, for both the total extraction operation and each cell-unit, including all of the following points:
- A. Provisions for grading, re-vegetation, and stabilization that will minimize soil erosion, sedimentation, and public safety problems.
 - B. Location of buildings, equipment, stockpiles, roads, or other features necessary to the extraction activity and provisions for their removal and restoration of the area at extraction operation termination.
 - C. The interim use or uses of reclaimed cell-units before the cessation of the entire extraction operation.
 - D. Interim reclamation if site is to become temporarily inactive (e.g., for the next season or more) at the end of a regular season.
 - E. For each cell or group of cells, provide the verifiable conditions that require reclamation of a cell or group of cells to commence and to be completed.
- 12.2 **Upland Slope; Final Requirements.** All upland reclamation grades for extraction operations shall have a slope not steeper than one (1) foot vertical rise in a four (4) foot horizontal plane, except that the ~~Planning Commission~~ may approve plans that allow steeper reclaimed slopes in order to provide a smoother transition to undisturbed topographic features or the protection of existing environmental features.
- 12.3 **Submerged Slope; Final Requirements.** All final submerged slopes established by the excavation of material below the water table and the creation of a water body shall not exceed a maximum of one (1) foot vertical rise in a ten (10) foot horizontal plane down to a depth of ten (10) feet as measured from the low water elevation.
- 12.4 **Surface Water; Final Requirements.** Diverted or channeled runoff resulting from reclamation shall not adversely affect neighboring properties. Site reclamation shall be conducted and completed in a manner that assures compliance with State of Michigan water quality standards for surface waters.
- 12.5 **Groundwater; Final Requirements.** The site shall be reclaimed in a manner that does not cause a permanent lowering of the water table, adverse impacts on surface waters, degradation of groundwater quality or a reduction in the quantity of groundwater reasonably available for future users.
- 12.6 **Future Land Use and Conceptual Development Plan.** The Applicant/Owner/Operator shall be required to provide, as a part of the reclamation plan, a future land use and conceptual development plan subject to the following minimum requirements:

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- A. The plan shall demonstrate that the reclaimed site can be effectively and efficiently used for purposes consistent with the Master Plan and Zoning Ordinance.
- B. Where the planned future land use is for agricultural purposes or a conservation area, nature preserve or similar use, the plan may consist of a written narrative addressing how the reclaimed site is anticipated to be used for these purposes.
- ~~C. For all other planned future residential and non-residential land uses, the Applicant/Owner/Operator shall prepare a conceptual development plan drawn to a standard engineer's scale not to exceed one inch equals two hundred feet (1" = 200'), which:
 - ~~(1) Depicts general use areas, proposed lots, internal roads and rights-of-way, and locations of structures and other site improvements consistent with Zoning Ordinance requirements for the anticipated end uses.~~
 - ~~(2) The plan shall also include a written narrative that describes the planned future land uses and anticipated site improvements, and addresses compatibility with the Township's Master Plan and Zoning Ordinance.~~~~

Section 13. Specific Operating Conditions and Regulations

All extraction operations shall comply with the following operating conditions and regulations:

13.1 Setback. No excavation, washing, stockpiling of extracted material or other extraction activity of any sort shall be conducted closer than 200 feet from the closest boundary of any road right-of way to the site, 500 feet from any existing residence, and 200 feet from any other lot boundary.

- A. The ~~Planning Commission~~ may establish a larger setback requirement upon determination that the increased separation distance is necessary for the health and welfare of adjoining property owners and other residents of the Township.
- B. The setback area shall not be used for extraction purposes, stockpiling or any other use related to the extraction operation except access roads and public notice signs identifying the use as an excavation.
- C. Incidental re-grading shall be allowed within the required setback areas during reclamation activities to blend the existing and reclaimed topography and provide for future use of the land consistent with approved Permit plans.
- D. Screening shall be provided in the setback area per Section 15 of this Ordinance, and as otherwise required by the ~~Planning Commission~~ as a condition of Permit approval or renewal.
- E. Before commencement of extraction operations on the site, four-inch square (4" x 4") white painted posts, a minimum of five (5) feet in height above grade, shall be placed no more than 300 feet apart along the designated setback

Commented [MSMI64]: Like section 11 this section generally covers areas which are common for such uses. However, these generally are part of a land use permit application and therefore are not enforceable to existing operations.

Commented [MSMI65]: Isn't this inherently a land use concept? Doesn't this belong in the zoning ordinance?

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lines around the site. The posts shall be placed at intervals so that from the location of any post two (2) additional posts are clearly visible.

Commented [MSMI66]: A police power ordinance cannot regulate setbacks, period. That is a land use regulation.

13.2 **Fencing.** Before the commencement of any extraction operations, a hinge-joint, woven-wire, 10/47/6 standard farm fence shall be erected around the perimeter of the extraction area and maintained in good condition until excavation and extraction operations have been completed. A lockable gate shall be provided at all access points from the public road to the extraction operation, which shall be closed and locked at all times except during the permitted hours of operation.

13.3 **Hours of Operation.**

A. **Extraction Operations.** Extraction and processing operations shall be permitted only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 p.m. on Saturday. Unless there is an emergency, in no event shall any noise emanate off the site, including the warming of engines, prior to 7:00 a.m.

Commented [MSMI67]: Is this practical during summer operations?

B. **Transporting.** No transporting of aggregates or any materials from the site shall be permitted prior to 7:00 a.m. and after 5:00 p.m. Monday through Friday, and prior to 7:00 a.m. and after 12:00 p.m. on Saturday.

Commented [MSMI68]: This may not be practical given some public infrastructure projects.

C. **Repair of Equipment.** Repair of equipment on-site shall be permitted as allowed under the terms of this Ordinance. Unless there is an emergency, in no event shall any noise emanate off the site prior to 7:00 a.m.

D. **Sunday Operations.** There shall be no extraction operations or transporting of aggregates permitted on Saturdays after 12:00 p.m., on Sundays, and on the official holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

E. **Emergency Hours.** The Township Planner shall be authorized to grant limited permission for emergency hours of operation for up to a maximum of 30 calendar days upon written request from the Applicant/Owner/Operator with good cause shown. Any extension of time or request for longer than 30 calendar days shall be subject to ~~Planning Commission~~ authorization. Should a public infrastructure project require hours beyond those allowed in this section, permission for such emergency hours required shall not be unreasonably withheld by the Township Planner.

13.4 **Noise.** The noise generated by the operation shall conform to the requirements of the Township's Anti-Noise and Anti-Nuisance Ordinance No. 1991-10, and the following:

A. Extraction operation vehicles, equipment, and transport trucks shall be equipped with back-up alarm technology that uses radar, white noise, strobe light or other means consistent with applicable safety laws to reduce the adverse noise impacts from back-up alarms on neighboring residents.

B. ~~The Planning Commission~~ may establish a maximum allowable decibel level noise limit at any lot boundary or road right-of-way as a condition of Permit approval or renewal to protect the health, welfare, and safety of surrounding property owners and Township residents.

Commented [MSMI69]: Why can't the decibel level be determined as part of this Ordinance?

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- 13.5 **Odors, Smoke, Fumes, Dust, and other Air Pollution.** Any odors, smoke, fumes, or dust generated on said site by any digging, excavating, loading or processing operation and borne or apt to be borne by the wind shall be confined so as not to cause a nuisance or hazard on any adjoining property or public road.
- 13.6 **Stormwater Discharge.** No stormwater discharge shall be allowed off-site without permit and approval from the State of Michigan. A copy of all permits and approvals for offsite discharges shall be submitted to the Township Planner at the time permits and approvals are received from the State of Michigan. Additionally, a copy of the permit application shall be submitted to the Township Planner at the time of the application.
- 13.7 **Pollution of Waters.** The removing of materials shall not cause pollution of any surface water body or groundwater.
- 13.8 **Natural Drainage and Groundwater Recharge.** Extraction operations and related activities shall not adversely affect the natural drainage of the other properties in the area nor adversely affect any pre-existing groundwater recharge area or filtering mechanisms of wetlands in the area or on the extraction site.
- 13.9 **De-watering.** De-watering for extraction or any other processing on-site shall be prohibited.
- 13.10 **Elevation of Plant Site.** Any processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, to reduce the visual and noise impact of such plant.
- 13.11 **Stockpiles.** Stockpiles of stripped topsoil and/or overburden shall be seeded with grass or other ground cover materials to prevent erosion. Other stockpiles shall be arranged on the site, limited in height, and treated as necessary to prevent off-site impacts from dust, sand, and other windblown materials.
- 13.12 **Signs.** The ~~Planning Commission~~ may require the posting of "Keep Out - Danger" or similar signs at designated locations or intervals along the perimeter fence.
- 13.13 **Extraction Below Groundwater Elevation.** Extraction below the groundwater elevation is prohibited unless specifically provided for in the Permit and then only to the maximum depth authorized.
- 13.14 **Blasting.** No blasting shall be allowed at any time under any extraction permit.
- 13.15 **Importation of Fill Materials Prohibited.** Importation of fill materials into an extraction area or otherwise associated with extraction operations shall be prohibited, except where a limited amount of clean, contaminant-free, natural soil fill material is determined by the ~~Planning Commission~~ to be necessary to allow for establishment of safe topographic and drainage conditions appropriate to the intended future use of the land.

Commented [MSMI70]: This is a land use regulation.

Commented [MSMI71]: How practical is this?

Commented [MSMI72]: While much of this section is standard police power regulation, it often is seen in a zoning ordinance instead. Some of this section absolutely must be part of a zoning ordinance to be enforceable. Additionally, many of these items are already regulated by other agencies and are redundant.

Section 14. Ingress-Egress Requirements

All extraction operations shall conform to the following minimum ingress-egress requirements:

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- 14.1 **Road Access Limitations.** All ingress and egress for the extraction operation, including the approved haul route, shall be limited to public roads paved with asphalt or concrete and designated as a state highway, arterial, thoroughfare or county primary road by the state or county road authority with jurisdiction.
- 14.2 **Internal Access Drive.** Each extraction operation shall be limited to one (1) access point and access drive into the site from the public road, which shall be subject to approvals from the ~~Planning Commission~~ and the state or county road authority with jurisdiction. The access road shall be paved from the edge of the roadway to the lockable gate, and for an additional minimum of 300 feet into the site from the lockable gate.
- 14.3 **Spillage.** The Applicant/Owner/Operator shall clean all spillage and trackage of material, dirt, rock, mud or any other debris onto any public roads in the Township by trucks coming to or from the site or by any other equipment. Cleaning shall occur promptly after the spillage or trackage of the material has occurred.
- 14.4 **Haul Route.** To the extent permitted by law and as deemed necessary by the ~~Planning Commission~~ for the health, safety, and welfare of residents of the Township, the specific haul route for all vehicles carrying materials to or from the site shall be subject to acceptance by the state or county road authorities with jurisdiction, and ~~Planning Commission~~ acceptance as part of any Extraction Permit approval or renewal. The Applicant/Owner/Operator shall be responsible for posting appropriate signage on the extraction operation site and at the exit point for the site specifying the approved haul route to be used by all vehicles carrying materials to or from the site.

Commented [MSMI73]: What if the road is not paved or the road authority will not allow it to be paved? What if it is private? What if it's a secondary road? This then restricts land which can be used and then becomes a land use regulation.

Commented [MSMI74]: What if the drive is less than 300 feet? What makes the road an access drive or not? When does stop becoming an access drive? What is the purpose of it being paved?

Commented [MSMI75]: Why is this included this is regulated by the road jurisdictions?

Section 15. Screening Requirements

All extraction operations shall conform to the following minimum screening requirements:

- 15.1 **Berm Required.** Prior to the commencement of any extraction operations under any Extraction Permit the Applicant/Owner/Operator shall have completed construction of a berm in accordance with the requirements of this Section, the approved Permit plans, and any conditions of Permit approval.
- A. The berm shall extend around those areas of the site where adjacent lots and road ~~rights of rights--of-way~~ are exposed to the views and noise of the extraction operation, and as otherwise required by the ~~Planning Commission~~ as a condition of Permit approval or renewal to protect the health, welfare, and safety of surrounding property owners and the residents of the Township.
- B. The berm shall be of variable height, with the top and outside sides of the berm varying in slope from four (4) feet horizontal to one (1) foot vertical to ten (10) feet horizontal to one (1) foot vertical. The berms shall not be uniform or geometric in shape and shall be blended into the natural landscape.
- C. Each berm shall be constructed so as to prevent surface water running off the berm onto any property adjacent to the site, and shall not alter or

Commented [MSMI76]: What does this have to do with the protecting health, safety and welfare?

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adversely impact pre-existing natural surface water runoff patterns in the area.

- D. The berm shall be seeded with hardy groundcover plantings suitable to prevent erosion and maintained in a manner consistent with approved Permit plans.
- E. The ~~Planning Commission~~ may allow existing vegetation or existing topography within the setback areas required by this Ordinance to be used to satisfy all or part of the screening requirements of this Ordinance in place of a berm upon determination that the existing vegetation is of sufficient depth, density, and health to provide year-round screening benefits and to protect the health, welfare, and safety of surrounding property owners and the residents of the Township.

15.2 **Unexcavated Areas.** Unexcavated areas shall be left in such a condition so as to ensure growth of vegetation, soil stabilization and erosion control.

15.3 **Additional Screening.** Upon determination that additional visual screening is necessary for specific areas of the site to adequately protect the health, welfare, and safety of surrounding property owners and the residents of the Township, the Planning Commission shall require the outside slope of the berm or other areas within the setbacks required by this Ordinance to be densely planted with a mix of large deciduous and evergreen trees to create an effective visual screen, and maintained in a manner consistent with approved Permit plans and the following:

- A. The size and species of any required tree plantings shall be consistent with the landscape tree standards of the Township Zoning Ordinance.
- B. Required tree plantings shall be of sufficient size and quantity to assure effective screening as soon as disturbed areas of the site are visible from the surrounding lots or road ~~rightsofrights-of-way~~, as determined by the Planning Commission after recommendation from the Township Planner.

15.4 **Permit Plan Details.** The location of the berm shall be noted on the Permit plans, along with representative elevation cross-section(s), topographic plan view(s) at two (2) foot contour intervals, and grading/drainage plans for the berm construction. Individual trees, groundcovers, and other plant materials shall be specified on the Permit plans by location, quantity, species, and size at planting. Plant material installation details and a maintenance plan shall also be provided on the Permit plans.

15.5 **Timing of Required Screening Improvements.** Prior to the commencement of any extraction operations under any Extraction Permit, the Applicant/Owner/Operator shall have completed construction of a berm and seeded as soon as reasonably practical to prevent erosion around those areas of the site where adjacent properties are exposed to the views and noise of the extraction operation in accordance with approved Permit plans.

- A. All other screening and landscaping improvements shall be completed within 90 calendar days of Permit approval, unless the ~~Planning~~

Commented [MSMI77]: How does the planting of trees protect the health, safety and welfare of the community? A visual screen aesthetic is a land use regulation.

Commented [MSMI78]: Obviously seeding in not practical at certain times of the year.

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Commission accepts an alternative date as part of a Permit approval or renewal.

- B. The ~~Planning Commission~~ may require submittal of a financial guarantee to cover the cost of completing required landscaping improvements and plantings by the specified date. Release of any required financial guarantee shall be subject to prior inspection and confirmation by the Township Planner, Ordinance Enforcement Official or designated Township consultant that the berm and associated plantings conform to Permit plans and Ordinance requirements.

15.6 **Maintenance and Replacement.** Failure to maintain required screening improvements, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.

Commented [MSMI79]: While screening generally may be regulated by a police power ordinance this section as proposed is a land use regulation.

Section 16. Variances

The ~~Township Board~~ shall have the power to vary or modify the application of the provisions of this Ordinance in accordance with the following:

16.1 Any Applicant/Owner/Operator may apply for a variance from any provision of this Ordinance by filing an application for variance with the Township, together with any fee established by resolution of the Township Board of Trustees.

16.2 Before taking action on any application for a variance, the ~~Township Board~~ shall hold a public hearing upon such application within 9545 days from its filing, at which time the Applicant/Owner/Operator shall be provided an opportunity to address the Board, produce witnesses, and submit exhibits or other relevant materials. The ~~Township Planner~~ and any designated Township consultants shall be provided a like opportunity. The notices shall include the time, date, place, and purpose of the hearing.

- A. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the appellant, posted at the Township Hall, published once in the Township's newspaper of record, and placed on the Township website.
- B. A copy of the notice shall also be sent by mail or personal delivery to the owners of all property within 2,000-300 feet of the subject property. Any party may appear and comment at the hearing in person or by agent or attorney.
- C. The notices shall include the time, date, place, and purpose of the hearing.

16.3 A variance shall not be granted unless the ~~Township Board~~ first determines that the intent and purpose of this Ordinance shall be observed, public health and safety secured, and substantial justice can be done for the Applicant/Owner/Operator and for affected off-site residents and property owners.

16.4 The ~~Township Board~~ may attach reasonable conditions in granting a variance from any provision of this Ordinance. Failure to comply with an approved variance or conditions of approval shall be considered a violation of this Ordinance.

Commented [MSMI80]: Variances are the sole authority of the Zoning Board of Appeals and such regulation must be part of a zoning ordinance. This is further evidence that this is just a zoning ordinance. Yet the requirements are beyond absurd with regard to a time for a hearing and the notice requirements.

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Section 17. Appeals

Any person aggrieved by a Planning Commission decision under provisions of this Ordinance may appeal that decision to the Township Board of Trustees in accordance with the following:

- 17.1 The appeal shall be in writing, dated and signed by the appellant. The appeal shall include a copy of the written decision, if any, copy of the meeting minutes in which the decision appears, the "date of decision," and the grounds upon which the appeal is brought.
- 17.2 The appeal, together with any fee established by Township Board resolution, shall be filed with the Township within 30 calendar days of the "date of decision," which is the Planning Commission meeting date at which the minutes of the prior meeting where the decision was made are approved by the Planning Commission.
- 17.3 Before taking action on any appeal, the Township Board shall hold a public hearing on the request within ~~95~~45 days from its filing, at which time the Applicant/Owner/Operator shall be provided an opportunity to address the Board, produce witnesses, and submit exhibits or other relevant materials. The Planning Commission or its representative shall be provided a like opportunity.
- A. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the appellant, posted at the Township Hall, published once in the Township's newspaper of record, and placed on the Township website.
 - B. A copy of the notice shall also be sent by mail or personal delivery to the owners of all property within ~~2,000~~300 feet of the subject property. Any party may appear and comment at the hearing in person or by agent or attorney.
 - C. The notices shall include the time, date, place, and purpose of the hearing.
- 17.4 The decision of the Township Board shall be in writing and state the facts, analysis, and law upon which the decision is based.
- 17.5 The decision of the Township Board may be appealed to the Isabella County Circuit Court within 30 calendar days of the "date of decision," which is the Township Board meeting date at which the minutes of the prior meeting where the decision was made are approved by the Township Board.

Section 18. Inspections

The Township, at the expense of the Applicant/Owner/Operator paid from the escrow account, may conduct such inspections and cause or perform such tests as are reasonable to ensure that activities conducted on the site comply with this Ordinance and other Township ordinances.

- 18.1 **Annual Inspection.** The Planning Commission may set an annual inspection date for the site. The Planning Commission shall provide the Applicant/Owner/Operator notice of an annual inspection at least 14 calendar days before the annual inspection.

Commented [MSM181]: This is a land use regulation that must be appealed to the zoning board of appeals and appear in the zoning ordinance.

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- A. Representatives from the Township may include but shall not be limited to the Township Planner, Ordinance Enforcement Official, ~~other Township consultants, and members of the Planning Commission~~. A representative of the Applicant/Owner/Operator shall accompany the Township representatives.
- B. The Township may take photographs of the site to establish a historic record of activities and changes on the site. The photographs shall be submitted to the ~~Planning Commission~~ along with a copy to the Applicant/Owner/Operator. A record shall be kept of the date of the photograph and the name of the person taking the photographs.

18.2 **Access to Site; Other Inspections.** The Township Planner, Ordinance Enforcement Official, ~~other Township consultants, and members of the Planning Commission~~ shall have the reasonable right to enter the subject property, upon notification to the Applicant/Owner/Operator, to conduct necessary inspections while reviewing an Extraction Permit application. ~~The Township Planner and Ordinance Enforcement Official shall also have the right to conduct the necessary periodic inspections to investigate possible violations of this Ordinance.~~ Refusal to permit entry shall be a violation of this Ordinance.

Commented [MSMI82]: What does that mean?

Commented [MSMI83]: What kind of notification and how much time? It should be at least 24 hours written notice.

Commented [MSMI84]: Too subjective. Are these duly leveled complaints? Or at the Township's whim?

18.3 **Inspection Deficiencies; Corrective Action.** Upon written notification from the Township Planner or Ordinance Enforcement Official of excavation operation or site deficiencies identified during an inspection and determined by the Township to be minor in character, the Applicant/Owner/ Operator shall take action within 15 calendar days to resolve the deficiency. Major deficiencies, as determined by the Township Planner, shall be resolved by the Applicant/Owner/Operator within 30 calendar days. Failure to resolve such deficiencies within the required time period shall be a violation of this Ordinance.

Commented [MSMI85]: This is far too overbroad in its reach. The Township may subjectively inspect, and charge for those inspections. The scope of where they can inspect is vague. It states that the "Township" may inspect, but does not provide who from the Township shall have authority to inspect. Then in section 18.1(A) implies that a Township representative may inspect. But it's not clear they are given authority. Also, it should be one official and if it's a police power ordinance regulation a planning commission member does not have any authority to do so.

Section 19. Annual Report

Each year, at least 30 calendar days before the March meeting of the Planning Commission, the Applicant/ Owner/Operator of an extraction operation subject to the requirements of this Ordinance shall prepare and submit an Annual Report to the Township for Planning Commission review. The Report shall be subject to the following requirements:

19.1 **Information.** The Report shall include the following minimum required information:

- A. Tonnage and cubic yards of sand, gravel, and other materials removed from the extraction site.
- B. Description of reclamation activities undertaken during the year.
- C. Description of landscaping activities undertaken during the year.
- D. Total acres of disturbed land (not restored) from one annual inspection date to the next, including processing plant area, un-seeded berms and slopes,

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un-reclaimed areas, unreclaimed shorelines, areas stripped of topsoil, and water areas where active extraction is occurring.

- (1) Total acres of wetlands removed during the year.
 - (2) Total acres of wetlands removed since operations commenced at the site.
- E. Total acres of land reclaimed during the year, include amount and types of reclaimed land (e.g., acres of open water, acres of uplands, etc.) and total acres reclaimed since operations began at site.
- (1) Total acres of wetlands reclaimed during the year.
 - (2) Total acres of wetlands reclaimed since operations commenced at the site.
- F. Where the operation includes extraction below the existing groundwater table, the Applicant/Owner/Operator shall provide results of the following water quality test:
- (1) The Applicant/Owner/Operator shall, in the presence of the Township's engineering consultant or other designated expert, collect and split with the Township's consultant surface and groundwater samples.
 - (2) The Applicant/Owner/Operator shall have an analysis of the samples performed at a state-certified water quality laboratory. Tests shall be performed on water supply and monitor wells in accordance with standards and parameters jointly established by the Township's engineering consultant or other designated expert and the Applicant/Owner/Operator's expert, taking into consideration the type and level of extractive activities which have and/or which will occur on the site. In the event the experts disagree, then the Township's engineering consultant or other designated expert shall make the determination.
 - (3) At a minimum, monitor wells shall be sampled and analyzed annually for the indicator parameters and biannually for the full list of chemical parameters identified in Subsection 10.1.C.(1), and compared to the State of Michigan's generic residential cleanup and screening criteria, as well as baseline water quality data for the site, if available.
 - (4) At the option of the Township, annual residential and public water supply well sampling shall commence at a time based on consideration of groundwater flow rate, direction, and distance from the site boundaries. Water supply wells shall be sampled and analyzed for the parameters identified for baseline water quality data.
 - (5) The Township, at the expense of the Applicant/Owner/Operator, may require additional testing frequency and/or analyses for additional parameters to better assess any potential water quality or quantity risks or concerns. The Township, at the expense of the Applicant/Owner/Operator, may also cause random tests to be performed on the split samples.
- G. Statement of planned extraction and reclamation activities for the next year.

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- H. Statement regarding conformance to the approved extraction operations and reclamation plans and compliance with applicable federal and state regulations, including but not limited to the volume of material excavated and removed from the site, the volume of restoration material stockpiled on site, and the sufficiency of the stockpiled material to restore the then excavated site pursuant to the approved reclamation plan.
- I. Description of any complaints received during the prior calendar year and procedures used to resolve the complaints.
- J. A list of all equipment that is located on and used at the site, whether temporary or permanent.
- K. For sites with documented extraction activity during the reporting period, updated aerial photograph(s) of the entire site shall be provided at a scale not to exceed one (1) inch equals 200 feet, taken after extraction operations for the year have ceased and prior to the date of the Annual Report required under this Ordinance. Upon request by the Township Planner or designed Township engineering consultant to verify compliance with Permit plans or requirements of this ~~Ordinance~~, Ordinance, the Planning Commission may require the submission of an updated topographic map overlay on an orthorectified photograph.
- L. Written evidence that the financial guaranties and liability insurance required pursuant to the Ordinance are in full force for a period of not less than 365 calendar days from the date of the Annual Report.
- M. Copies of all applicable permits and reports required by other governmental agencies with jurisdiction.

~~19.2 Professional Evaluation. The Township Planner shall review the Annual Report and may, at the expense of the Applicant/Owner/Operator to be paid from the escrow account, request that designated Township consultants evaluate the Report, water quality data, financial guarantees, and/or site operations for compliance with this Ordinance, the approved Permit, and conditions of approval.~~

~~19.3~~ 19.2 Meeting(s) and Supplemental Information. Following receipt of the Annual Report, the Planning Commission may require supplemental reports, presentations, or meetings with the Applicant/Owner/Operator to review the Annual Report and to discuss any existing or anticipated issues associated with the extraction operation.

Section 20. Financial Guarantees

To ensure compliance with this Ordinance, the approved Permit, and any conditions of Permit approval or renewal, and to ensure that the quality of water and operation of existing wells are not adversely affected by the activities conducted on the site, the Applicant/Owner/Operator shall furnish financial guarantees to the Township prior to the commencement or continuation of the extraction operation in accordance with the following requirements:

20.1 Performance Guarantee. The Applicant/Owner/Operator shall submit to the Township Planner a detailed cost estimate and scope of work for a licensed

Commented [MSM186]: This entire section is onerous and should be eliminated.

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contractor to complete all required reclamation work to fully reclaim and restore the extraction site consistent with the approved Permit plans and this Ordinance. The Township Planner and/or any designated Township engineering consultant shall review the estimate and make recommendations to the Planning Commission, which may include a revised or separate estimate. The performance guarantee amount shall be set by the Planning Commission.

- A. At a minimum, the performance guarantee shall be in the amount of two hundred fifty thousand dollars (\$250,000.00) for any permitted extraction area where extraction operations have not yet been initiated. For all other extraction operations in the Township, the performance guarantee shall be not less than four hundred thousand dollars (\$400,000.00) per permitted extraction area.
- B. Where one (1) Applicant/Owner/Operator controls two (2) or more separate extraction operations, the Planning Commission may accept one (1) unified financial guarantee that meets the cumulative requirements of this Section.
- C. The guarantee amount associated with each approved Permit may be revised from time to time to reflect the amount necessary to cover the contingencies.

Commented [MSMI87]: The basis for these amounts is beyond the pale for what is reasonable. It simply should be based on the estimate process provide at 20.1 above.

~~20.2 **Guarantee of Wells.** When the operation includes extraction below the existing groundwater table, the Applicant/Owner/Operator shall submit to the Township Planner a detailed cost estimate and scope of work for a licensed contractor to replace all wells identified in the Permit plans or by the Township as likely to be affected by the operation. The Township Planner and/or any designated Township engineering consultant shall review the estimate and make recommendations to the Planning Commission, which may include a revised or separate estimate. The performance guarantee amount shall be set by the Planning Commission.~~

Commented [MSMI88]: Again, this is beyond the pale of reason.

~~20.3~~20.2 **Form.** Guarantees shall be in the form of a letter of credit or surety bond payable to the Charter Township of Union executed by the Applicant/Owner/Operator and a reputable surety company. The letter of credit or surety bond must be issued by a corporate surety licensed to do business in the State of Michigan and rated AAA, as provided by the current AM Best's Key Rating Guide.

- A. The Charter Township of Union shall be named as obligee and the guarantees must be sufficient in amount and scope to allow the Township to call in and use the guarantee to complete the obligatory work covered by the guarantee in the event the Applicant/Owner/Operator fails to do so as required by this Ordinance and any approved Permit.
- B. The letter of credit or surety bond must be renewed at least 60 calendar days prior to its expiration. In the event the guarantee is not renewed within 60 calendar days of its expiration, the Township may make a demand on all or some of the guarantee.
- C. If a guarantee lapses, all excavation activities on the site shall immediately cease and full reclamation shall be commenced.

Commented [MSMI89]: While this is common to request, in practice it's much more difficult to achieve. Many insurance companies no longer will insure to the name of the municipality. This is due to the fact that municipality has no ability to access the property to conduct the remediation which the guarantee, guarantees.

Commented [MSMI90]: This may violate due process.

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Section 21. Indemnity Insurance

The Applicant/Owner/Operator shall secure and maintain a specific liability insurance policy issued by an insurer rated AAA, as provided by the current AM Best's Key Rating Guide, and adequate in amount and scope to cover anticipated property damage and bodily injury claims associated with the extraction operation, which shall be subject to the following additional requirements:

Commented [MSMI91]: All of them?

21.1 The amount of the liability insurance shall be not less than five million dollars (\$5,000,000.00) per incident for all liability claims arising out of the site.

21.2 The liability insurance shall name the Charter Township of Union and its elected officials, appointed officials, employees, and agents as additional named insured.

Commented [MSMI92]: Why?

21.3 The Applicant/Owner/Operator shall provide a copy of this policy to the Township Planner prior to the start of any extraction operations on the site, and shall provide a minimum of 30 calendar days written notice before any policy change or cancellation.

21.4 Failure of the Applicant/Owner/Operator or any persons, firm or corporation named in the policy to maintain the insurance shall be considered a violation of this Ordinance.

Section 22. Violations, Penalties, and Permit Revocation

Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance, an approved Extraction Permit or any conditions of Permit approval, or who impedes or interferes with the enforcement of this Ordinance shall be deemed in violation of this Ordinance and shall be subject to the following:

22.1 **Public Nuisance.** Extraction operations carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se and shall be subject to abatement or other action by a court of appropriate jurisdiction.

22.2 **Violators.** Each applicant, owner, operator or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may be held responsible for a separate offense and may be subject to the penalties provided in this Section. The cost of prosecution shall also be assessed against each violator. The imposition of any penalty shall not exempt the offense from compliance with the requirement of this Ordinance.

22.3 **Municipal Civil Infraction.** Any person who violates or permits the violation of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine not to exceed the limits specified in the Township's Municipal Ordinance Violation Bureau Ordinance. Proceedings for the municipal civil infraction shall proceed as provided in that ordinance.

A. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue.

B. A person who violates or permits the violation of this Ordinance shall also be subject to additional sanctions, remedies, injunctions, judicial orders, penalties, enforcement costs and expenses as provided for under Chapter 87 of the Revised

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Judicature Code, being MCL §600.8701, et. seq., as amended. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

- 22.4 **Other Remedies.** The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy or abate such non-compliance.
- 22.5 **Rights and Remedies Preserved.** Any failure or omission to enforce provisions of this Ordinance or to prosecute a violation of this Ordinance shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.
- 22.6 **Permit Revocation.** Failure on the part of the Applicant/Owner/Operator to correct a violation within the time period of a written notice shall also be grounds for the Planning Commission to take action to revoke the Permit in accordance with the following:
- A. Before taking action on any proposed Permit revocation, the Planning Commission shall hold a public hearing, at which time the Applicant/Owner/Operator shall be given an opportunity to present evidence in opposition to revocation.
 - B. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the Applicant/Owner/Operator, posted at the Township Hall, and published once in the Township's newspaper of record. The notices shall include the time, date, place, and purpose of the hearing.
 - C. A Permit may be revoked by the Planning Commission upon determination that:
 - (1) The extraction operation has not been maintained in compliance with this Ordinance, the approved Permit, Permit plans or any conditions of approval.
 - (2) A material misrepresentation exists in the application or base documents; or
 - (3) The Permit is determined to be no longer relevant or necessary (such as an extraction operation where mining has concluded, and all land restoration work has been completed in accordance with approved plans).
 - D. Subsequent to the hearing, the decision of the Planning Commission with regard to the revocation shall be made and written notification provided to Applicant/Owner/Operator. Any notice of Permit revocation shall be accompanied by a demand that all activities immediately cease, and that reclamation and site restoration be done and completed as provided for in this Ordinance.

Commented [MSMI93]: What about minor amendments or changes?

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Section 23. Definitions

Applicant/Owner/Operator. An owner and/or lessee of mineral rights or any other responsible party engaged in or preparing to engage in extraction activities with respect to mineral rights within an existing or proposed extraction area. The terms “applicant”, “owner”, and “operator” shall include the tenants, lessees, agents, employees or assigns thereof.

Aquifer. A saturated permeable geologic unit capable of yielding a significant amount of groundwater to a well or spring.

Base Document(s). A document or set of documents required to be submitted under the applicable requirements of this Ordinance.

Beneficiation. To process (but does not include the drying process) the extracted materials for any of the following purposes: (i) Regulating the grain size of the desired product; (ii) Removing unwanted constituents; and (iii) Improving the quality and purity of the desired product.

Cell-Unit. A subunit of the total extraction project that will be reclaimed during extraction operations in another area.

Commencement Date. The date a permit is signed by the authorized representative(s) of the Planning Commission, or Township Board of Trustees, where applicable.

De-watering. The lowering of groundwater or surface water elevation by discharging water to an offsite location or to another portion of the site.

Engineering Consultant. The person, persons or firm designated by the Township to advise the Township on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues.

Escrow fee. A sum paid to the Township to defray reasonable actual costs and expenses incurred by the Township to review an application and/or administer a permit and includes (but not limited to) costs for engineering, geologic, hydrologic, land use planning, legal, and other expert assistance and analysis; testing; inspections; publications, mailings; recording fees; and special meetings.

Extraction. The digging, dredging, quarrying, excavation, or other removal of native geologic deposits of sand, gravel or other non-metallic mineral from a site.

Extraction Area. The area, as depicted on a topographical map, from which native geologic deposits of sand, gravel or other non-metallic mineral ~~earth materials are~~ is/are intended to be removed.

Extraction Operation. Extraction from the earth of native geologic deposits of sand, gravel or other non-metallic mineral ~~mineral aggregates or non-metallic minerals~~ for sale ~~or use~~ by the Applicant/Owner/Operator and includes the use of mining equipment or techniques to remove native geologic deposits of sand, gravel or other non-metallic mineral ~~materials~~ from the in-place ~~non-metallic mineral~~ deposit, as well as directly associated activities such as excavation, grading and dredging native geologic deposits of sand, gravel or other non-metallic mineral. Also, it includes processes carried out at a ~~non-metallic~~ mining site that are related to the preparation or processing of the native geologic deposits of sand, gravel or other non-metallic

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~~mineral~~ ~~mineral~~ aggregates or non-metallic minerals obtained as a result of mining operations -from the non-metallic mining site, such as, but not limited to, stockpiling of materials extracted from the Extraction Area, blending mineral aggregates or non-metallic minerals with other mineral aggregates extracted from the Extraction Area or non-metallic minerals, grading, crushing, screening, and scalping of mineral extracted from the Extraction Area; it does not include removal from the earth of products or commodities that contain only minor or incidental amounts of non-metallic minerals, such as commercial top soil, sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery ~~stock~~stock. It is not the intent of this Ordinance to regulate and this Ordinance does not apply to sites, facilities, properties or operations where soil, sand, gravel or other material is not mined from that site. However, such sites shall be regulated by any other applicable ordinance, regulations or land use requirement under local, state or federal law.-

Fill. Soil, rocks, sand, waste of any kind, or any other material that displaces soil or water or reduces water retention potential.

Fixed Costs. Costs incurred by the Township generally shared by all applications as determined time to time by the Township Board of Trustees.

Groundwater. Water below the land surface in a zone of saturation.

Groundwater Elevation. The level to which groundwater will rise naturally in a well and measured in relation to sea level.

Groundwater Recharge. The process involved in the addition of water to the zone of saturation or the amount of water added.

Groundwater Recharge Area. Any area on the ground that facilitates the addition of water to the zone of saturation; generally, it is that portion of the drainage basin where the direction of groundwater flow near the surface is downward (e.g., away from the water table).

Hydrogeologic Study. A document presenting and interpreting a sufficient collection of field data and published data to identify, define, and describe groundwater and surface water (including wetlands) resources, conditions (e.g., location, extent, depth, flow direction, and quality), interactions (e.g., groundwater discharges to surface waters or supports a wetland), and potential impacts on those resources from proposed activities.

Master Plan. The adopted comprehensive future land use and growth management plan for The Township, as adopted in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended (MCL 125.3801 et seq.).

Non-Metallic Minerals. A product, commodity or material consisting principally of naturally occurring, organic or inorganic, non-metallic, non-renewable material. Non-metallic minerals include, but are not limited to, stone, sand, gravel, clay, peat, and topsoil.

Operator. See "Applicant/Owner/Operator."

Ordinance Enforcement Official. The Director of the Township's Community and Economic Development Department and any person, persons or firm as delegated by the Director to have responsibility for investigation of violations and enforcement of this Ordinance.

Commented [MSMI94]: Why is the Community and Economic Development Director the code enforcement official?

Commented [MSMI95]: This should be limited to just the Official.

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Overburden. earth materials situated below the layer of topsoil and above the mineral deposit to be extracted from the site that must be removed prior to mining.

Owner. See “Applicant/Owner/Operator.”

Permit. A document issued pursuant to this Ordinance, which authorizes the extraction of materials on a specified parcel of land.

Person. Any individual or combination of individuals, corporations, limited liability companies, partnerships, or other legally recognized entities.

Planning Commission. The Planning Commission for the Charter Township of Union, Isabella County, Michigan, as authorized by the Michigan Planning Enabling Act and Michigan Zoning Enabling Act.

Processing. The washing, sorting, crushing, aggregating, grinding, blending, mixing, or cutting of extracted material from the extraction site.

Reclamation. To recondition, rehabilitate or restore the extraction area and associated property, or portions thereof, to a self-sustaining, long term useful purpose which is compatible with contiguous land uses, which protects the natural resources, including the control of erosion and the prevention of land or rock slides and air and water pollution, and which process shall include the re-establishment of vegetation, soil stability, and establishment of safe conditions appropriate to the intended use of the land in accordance with the Master Plan and Zoning Ordinance.

Runoff. Water from rain, snowmelt, irrigation or other source that flows over a land surface.

Sediment Basins, Settling Ponds or Settling Basins. Typically, a series of ponds that are designed to clarify (i.e., remove fine particles from) water used for processing materials extracted from the site.

Site. A parcel of land upon which activities are conducted subject to this Ordinance.

Surface Water. Water that is on the earth’s surface, such as in a stream, river, lake or reservoir.

Topsoil. The fertile, dark-colored surface soil; the upper layer of soil, usually richer than the subsoil; generally, the “A” horizon.

Township. Charter Township of Union situated in the County of Isabella, State of Michigan.

Township Board of Trustees. The elected board of trustees for The Charter Township of Union, Isabella County, Michigan. Also referred to as the “Township Board.”

Township Planner. The Director of the Township’s Community and Economic Development Department and any person, persons or firm as delegated by the Director to have responsibility for administration of this Ordinance.

Water Table. The surface of unconfined groundwater at which the pressure is atmospheric. The water table is found at the level at which water stands in wells that penetrate the unconfined groundwater zone. Also referred to as “groundwater table.”

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes: a.

Commented [MSMI96]: Why is the planner now the Director of Community and Economic Development?

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At least periodically, the land supports predominantly hydrophytes. b. The substrate is predominantly un-drained hydric soil. c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands as regulated by the State of Michigan, the Township's Wetland Ordinance or other governmental agency.

Wildlife Habitat. A geographical area containing natural, climatic, physical, or biological features that are unique to a specific area generally occupied by a particular wildlife species.

Zoning Ordinance. The ordinance regulating development and use of land as adopted by the Township Board of Trustees in accordance with the Michigan Zoning Enabling Act, being Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

Section 24. Severability

This Ordinance and its various parts, sections, subsections, phrases and clauses are severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance, its parts, sections, subsections, phrases, sentences and clauses are intended to be valid, irrespective of the fact that any one or more parts, sections, subsection, phrases, sentences or clauses be declared invalid.

Section 25. Repeal

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 26. Publication

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

Section 25. Effective Date

This Ordinance was approved and adopted by the Township Board of Trustees, Isabella County, Michigan, on _____, 2020, after a first reading by the Township Board of Trustees on _____, 2020, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township, following adoption by the Township Board of Trustees.

Draft Date: March 2, 2020

CERTIFICATION OF ADOPTION AND PUBLICATION OF TOWNSHIP ORDINANCE

I, Lisa Cody, the duly elected Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance was adopted at a meeting of the Charter Township of Union Board of Trustees on the _____ day of _____, 2020, at which the following named members of the Charter Township of Union Board of Trustees were present and voted in person as follows:

(a) Voting in favor of the Ordinance:

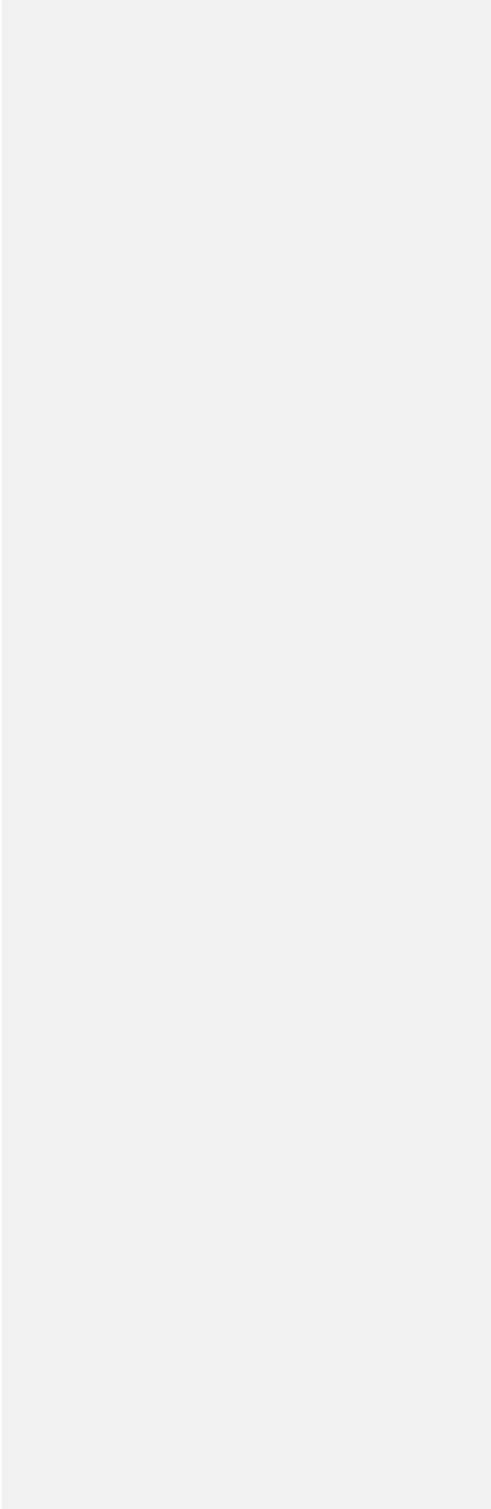
(b) Voting against adoption of the Ordinance:

I further certify that a summary and notice of adoption of this Ordinance were published in the Morning Sun, a newspaper of general circulation within the Charter Township of Union on the _____ day of _____, 2020 and that proof of same is filed in the Charter Township of Union Ordinance Book.

Certification Date: _____, 2020

Lisa Cody, Clerk

Draft Date: March 2, 2020



2020 CHARTER TOWNSHIP OF UNION
Board of Trustees
Regular - Electronic Meeting Minutes

A regular-electronic meeting of the Charter Township of Union Board of Trustees was held on April 8, 2020 at 7:00 p.m. as a virtual meeting through the Zoom meeting platform and youtube live.

Meeting was called to order at 7:09 p.m.

Roll Call

Present: Supervisor Gunning, Treasurer Rice, Clerk Cody, Trustee B. Hauck, Trustee Lannen, Trustee Mielke, and Trustee Woerle

Approval of Agenda

Hauck moved **Mielke** supported to approve the Agenda as presented. **Vote: Ayes: 7 Nays: 0. Motion carried.**

Presentations

Public Hearings

Public Comment

Open: 7:15 p.m.

James Zalud, 6422 S. Whiteville Rd., Commented on proposed ordinance

Joe Quandt, 412 S. Union St. Traverse City, MI, Commented on proposed ordinance

Closed 7:24 p.m.

Reports/Board Comments

A. Board Member Reports

Gunning – Thanked Board of Review members (Brian Neyer, Doug LaBelle, and James Thering, Jr.) for their hard work during the March Board of Review

Rice – Sidewalk and Pathway Prioritization Committee updates

Woerle – Commented that Spring 2% grants were submitted

Consent Agenda

- A. Communications
 - 1. Recommendations from the Township Sidewalk and Pathways Prioritization Committee Letter
 - 2. Correspondence RE: Proposed Extraction Ordinance by email
- B. Minutes – March 11, 2020 – Regular Meeting
- C. Accounts Payable
- D. Payroll
- E. Meeting Pay
- F. Fire Reports
- G. (Smith) RFBA 2020 Sanitary Sewer Manhole Rehabilitation Bids

Hauck moved Cody supported to approve the consent agenda as presented. **Vote: Ayes: 7 Nays: 0. Motion Carried.**

BOARD AGENDA

- A. Discussion/Action: (Smith) Consideration to approve four (4) contracts with the Isabella County Road Commission (ICRC) for the rehabilitation of four (4) miles of gravel roads within the Township in the amount of \$54,000 and authorize the Township Manager to sign said contracts.**

Recusal Cody

Hauck moved Woerle to approve four (4) contracts with the Isabella County Road Commission (ICRC) for the rehabilitation of approximately four (4) miles of gravel roads within the Township not to exceed \$54,000 and authorize the Township Manager to sign said contracts.

Roll Call Vote: Ayes: Gunning, Rice, Hauck, Lannen, Mielke, and Woerle. Nays: 0. Motion Carried.

- B. Discussion/Action: (Nanney) Second Reading and adoption of the proposed Extraction Ordinance**

Lannen moved Mielke supported to approve the second reading of the proposed extraction ordinance. **Roll Call Vote: Ayes: Gunning, Rice, Cody, Hauck, Lannen, Mielke, and Woerle. Nays: 0. Motion Carried.**

- C. Discussion/Action: (Stuhldreher) Consider amendments to item #2 of the Duties and Authority section of the Township Manager Employment Contract to clarify that authority for removal of township staff vest with the position of Township Manager in accordance with Township Manager job description and Governance Policy Manual**

Recusal - Cody

Woerle moved Rice supported to approve amending item #2 of the Duties and Authority section of the Township Manager Employment Contract to clarify that authority for removal of township staff vest with the position of Township Manager in accordance with Township Manager job description and Governance Policy Manual **Roll Call Vote: Ayes: Rice, Hauck, Lannen, Mielke, and Woerle. Nays: Gunning. Motion Carried.**

- D. Discussion/Action: (Board of Trustees) Board of Trustees annual review of Board Governance Policy No. 3.3 – Board Members’ Code of Conduct**

Discussion was held by the Board of Trustees.

EXTENDED PUBLIC COMMENT: RESTRICTED TO 5 MINUTES REGARDING ANY ISSUE

Open 10:06 p.m.

Jim Zalud, 6422 S Whiteville Rd. – Great discussion regarding the proposed extraction ordinance, asked the Board to look closely at the extraction activities section.

Closed 10:12 p.m.

MANAGER COMMENTS

- Nottawa Township easement for sewer main to run from Nottawa Township to the City Sewer Plant will be on the April 22, 2020 Board of Trustees Agenda
- The electronic meeting will end immediately after the Board adjourns tonight’s meeting

FINAL BOARD MEMBER COMMENTS

Gunning – Commented on the pandemic and shared thoughts of helping Township citizens. Commented that he thought tonight was a great meeting.

Cody – Mentioned possibly becoming a paperless board, asked for quotes. Mentioned that the deadline for Candidates running for Township office is April 21, 2020 by 4:00 p.m. See: <http://www.uniontownshipmi.com/Officials/Clerk.aspx> for more information.

Rice – Mentioned that she supports having an electronic Board. Shared that the MTA Conference was cancelled and commented the open Planning Commission seat.

Hauck – Be safe, support local business.

Lannen – Stay healthy and complete the 2020 Census.

Mielke – Support local restaurants, in what ways can this Board show encouragement and support to our Township residents, in support of becoming an electronic Board.

Woerle – Ended with a poem, “And People Stayed Home” written by Kathleen O’Mara and reprinted during the 1918 Flu Pandemic.

ADJOURNMENT

Cody moved **Woerle** supported to adjourn the meeting at 10:30 p.m. **Vote: Ayes:7 Nays: 0. Motion carried.**

APPROVED BY:

Lisa Cody, Clerk

Ben Gunning, Supervisor

(Recorded by Jennifer Loveberry)

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 101 POOLED CHECKING						
04/16/2020	101	339 (E)	00146	CONSUMERS ENERGY PAYMENT CENTER	STREET LIGHTS	1,886.57
					2010 S LINCOLN L4 LIGHT	59.79
					48858 LED LIGHT	39.42
					2270 NORTHWAY	29.54
					2055 ENTERPRISE	261.31
					5525 E REMUS	73.00
					5537 E BROADWAY	385.90
					1933 S ISABELLA	531.21
					5144 BUDD	25.36
					5142 BUDD	144.42
					1660 BELMONT	229.88
					900 MULBERRY	71.11
					5240 E BROOMFIELD	888.36
					5076 S MISSION	928.97
					4795 S MISSION	2,030.16
					4797 S MISSION BARN	562.78
					4822 ENCORE	95.89
					4244 E BLUE GRASS	62.23
					3998 E DEERFIELD	89.78
					5369 S CRAWFORD	79.19
					3248 S CONCOURSE	143.77
						<u>8,618.64</u>
04/16/2020	101	340 (E)	00146	VOID		
				Void Reason: Created From Check Run Process		
04/22/2020	101	21874	01358	21ST CENTURY MEDIA-MICHIGAN	BLDG OFFICIAL CLASSIFIED AD	649.00
					BOT/BOR/ZONING/WATER ADS-MAR 2020	1,845.80
						<u>2,494.80</u>
04/22/2020	101	21875	00095	C & C ENTERPRISES, INC.	TOILET PAPER FOR WTR PLANT	48.50
04/22/2020	101	21876	00722	CHARTER TOWNSHIP OF UNION	WTR/SEWER BILLING-TWP HALL	147.90
04/22/2020	101	21877	01623	CLARK HILL PLC	LEGAL FEES-PUNG PROPERTY-MAR 2020	900.00
04/22/2020	101	21878	00129	CMS INTERNET, LLC	MANAGED IT, EMAIL & PHONE SERV-MAY 2020	5,310.30
					SCANNER INSTALL/SETUP - ASSESSOR	150.00
						<u>5,460.30</u>
04/22/2020	101	21879	00155	COYNE OIL CORPORATION	FUEL IN TWP VEHICLES-MAR 2020	282.86
04/22/2020	101	21880	01242	CULLIGAN WATER	WATER COOLER - SHOP MAR 2020	8.00
04/22/2020	101	21881	01171	DBI BUSINESS INTERIORS	TWP HALL PAPER/POST IT/HIGHLIGHTER/RUBBE	196.10
04/22/2020	101	21882	01353	EVOQUA WATER TECHNOLOGIES LLC	BIOXIDE 3/31/20	10,702.80
04/22/2020	101	21883	00231	FOUR SEASON'S EXTERMINATING	TWP HALL INSP/TREATMENT - APRIL 2020	40.00
04/22/2020	101	21884	01576	DOUG LABELLE	MILEAGE REIMB TO BOR TRAINING	28.75
04/22/2020	101	21885	01506	MCKENNA ASSOCIATES	ZONING ORDINANCE REVISION-MAR 20	671.50
					BLDG OFFICIAL & INSP SERV - MAR 2020	7,000.00
						<u>7,671.50</u>
04/22/2020	101	21886	01356	MCLAREN CENTRAL MICHIGAN	CONSORTIUM FEE 1ST Q 2020	157.50
					DRUG SCREEN-GALLINAT & R. NANNEY	54.00
						<u>211.50</u>
04/22/2020	101	21887	00422	MICHIGAN PIPE & VALVE	PARTS FOR FIRE HYDRANT VALVE REPAIRS	116.00

V

04/15/2020 06:41 PM
 User: SHERRIE
 DB: Union

CHECK REGISTER FOR CHARTER TOWNSHIP OF UNION
 CHECK DATE FROM 04/09/2020 - 04/22/2020

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
04/22/2020	101	21888	01199	MID MICHIGAN ANSWERING SERVICE	ANSWERING SERVICE 2ND Q 2020	330.00
04/22/2020	101	21889	01574	BRYAN NEYER	MILEAGE REIMB TO BOR TRAINING	34.50
04/22/2020	101	21890	00506	MEEKHOF TIRE SALES & SERVICE INC	TIRE REPAIR - 2018 RAM 2500HD	18.00
04/22/2020	101	21891	00131	PERCEPTIVE CONTROLS, INC	KEPWARE SUPPORT FOR WTR PLANT COMBINE WTR PLANT PROGRAMS KEPWARE SUPPORT FOR WWTP	2,016.00 94.50 1,260.00 <u>3,370.50</u>
04/22/2020	101	21892	01595	ROMANOW BUILDING SERVICES	JANITORIAL SERVICES TWP HALL-MAR 2020	511.58
04/22/2020	101	21893	01293	SHAY WATER CO/CUSTOM COFFEE SERV	COFFEE BREWER RENT-1ST Q 2020	45.00
04/22/2020	101	21894	01681	TARGET INFORMATION MANAGEMENT, INC.	UC-02/03 CIVIL CITATIONS	932.62
04/22/2020	101	21895	01577	JAMES THERING	MILEAGE REIMB TO BOR TRAINING	26.45
04/22/2020	101	21896	01013	USA BLUE BOOK	LED LIGHTBAR AMBER TUBE ASSEMBLIES/RESPIRATOR BAGS	315.95 432.31 <u>748.26</u>
101 TOTALS:						
Total of 25 Checks:						42,944.56
Less 1 Void Checks:						0.00
Total of 24 Disbursements:						<u>42,944.56</u>

Charter Township of Union Payroll
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CHECK DATE: April 16, 2020.

PPE: April 11, 2020

NOTE: PAYROLL TRANSFER NEEDED

General Fund	\$	30,071.59
Fire Fund		-
EDDA		-
WDDA		-
Sewer Fund		33,255.08
Water Fund		23,298.84
Total To Transfer from Pooled Savings	\$	86,625.51

NOTE: CHECK TOTAL FOR TRANSFER

Gross Payroll	\$	55,742.36
Employer Share Med		801.55
Employer Share SS		3,427.41
SUI		25.25
Pension-Employer Portion		4,526.57
Workers' Comp		786.81
Life/LTD		-
Dental		1,153.99
Health Care		20,027.07
Vision		-
Vision Contribution		-
Health Care Contribution		-
Cobra/Flex Administration		134.50
PCORI Fee		-
Total Transfer to Payroll Checking	\$	86,625.51

Mount Pleasant Fire Department

**Fire Experience Report For Union Township/City of Mt. Pleasant
Period March 30, 2020 through April 5, 2020**


Category	Code	Description	Twp	Resp	City
Fire	100	Fire, Other			
	111	Building Fire			
	112	Fires in Structures other than a Building			
	113	Cooking Fire			
	114	Chimney or Flue Fire			
	116	Fuel Burner/Boiler Malfunction			
	118	Trash or Rubbish fire, contained			
	123	Fire in portable building, fixed location			
	130	Mobile Property Fire, Other			
	131	Passenger Vehicle Fire			
	132	Road freight or transport vehicle fire			
	136	Self-propelled Motor Home/Recreational			
	137	Camper or Recreational Vehicle (RV) Fire			
	138	Off-road vehicle of heavy equipment fire			
	140	Natural Vegetation Fire			
	143	Grass/Brush fire			
	150	Outside Rubbish Fire, other			
	151	Outside Rubbish Fire, trash or waste fire			
	154	Dumpster Fire			
	155	Outside stationary compactor, compacted ...			
160	Special Outside Fire, Other				
Overpressure Rupture, (No Fire)	200	Overpressure rupture, explosion, overheat			
	251	Excessive heat, scorch burns with no fire			
	231	Chemical reaction rupture of process vessel			
Rescue & EMS Incident	300	Rescue, EMS incident, other			
	311	Medical Assist to EMS Crew			
	321	EMS Call excluding Veh. Accident			2
	322	Motor Vehicle Acc. W/ Injuries			
	323	Motor Vehicle Acc/Pedestrian			
	324	Motor Vehicle Acc. W/no Injuries			
	331	Lock-In (If lock out use 551)			
	342	Search for Person in Water			
	352	Extrication of Victim (s) from vehicle			
	353	Remove Victim from Stalled Elevator			
	360	Water & Ice-related Rescue, Other			
	361	Swimming /recreational water area rescue			
	363	Swift Water Rescue			
3811	Technical rescue standby				
Hazardous Condition (No Fire)	400	Hazard condition other			
	410	Combustible/Flammable Gas Condition			
	411	Gasoline or Other Flammable Spill			
	412	Gas Leak (natural gas or LPG)			
	413	Oil of Combustible Liquid Spill			

	420	Toxic Condition, Other			
	421	Chemical Hazard (No Spill or Leak)			
	422	Chemical Spill or Leak			
	423	Refrigeration Leak			
	424	Carbon Monoxide Incident			2
	440	Electric Wiring/Equipment Problem			
	441	Heat from Short Circuit			
	442	Overheated Motor			
	443	Breakdown of Light Ballast			
	444	Power Line Down			
	445	Arcing, shorted electrical equipment			
	451	Biological hazard, confirmed or suspected			
	461	Building or Structure Weakened or Collapsed			
	462	Aircraft Standby			
	463	Vehicle Accident, general cleanup			
	480	Attempted burning, illegal action, other			1
	4441	Utility Line Down			
Service Call					
	500	Service Call - Other			
	510	Person in Distress			
	511	Lock-out			
	512	Ring or Jewelry removal			
	520	Water Problem, Other			
	521	Water Evacuation			
	522	Water of Steam Leak			
	531	Smoke or Odor Removal			1
	542	Animal Rescue			
	552	Police Matter			
	553	Public Service			
	555	Defective Elevator, No Occupants			
	561	Unauthorized Burning			1
	571	Cover assignment, standby, moveup			
Good Intent Call					
	600	Good Intent Call, Other			
	611	Dispatched and Cancelled en route			
	622	No Incident Found on Arrival			
	631	Authorized controlled burning			
	650	Steam, gas mistaken for smoke,			
	651	Smoke Scare, Odor of Smoke			
	653	Smoke from Barbecue, Tar Kettle			
	661	EMS call, party already transported			
	671	HazMat Investigation, no HazMat			
False Alarm & False Call					
	700	False Alarm, Other			
	710	Malicious, mischievous false call, other			
	715	Local Alarm System, Malicious False Alarm			
	721	Bomb Scare - No Bomb			
	730	System Malfunction			
	731	Sprinkler activation due to malfunction			
	732	Extinguishing System Activation - Malfunction			
	733	Smoke Det. Activation - Malfunction			1
	734	Heat Detector Activation - Malfunction			

	735	Alarm system sounded due to malfunction			
	736	CO detector activation due to malfunction			
	740	Unintentional transmission of alarm, other	1	2	
	741	Sprinkler activation, no fire			
	743	Smoke Det. Activation - Unintentional			1
	744	Detector activation, no fire			
	745	Alarm System Act. - Unintentional			
	746	Carbon Monoxide Activation, NO CO			
Severe Weather					
	812	Flood Assessment			
Special Incident Type	813	Wind Storm, Tornado/Hurricane Assessment			
	814	Lightning Strike (No Fire)			
	911	Citizen Complaint			
	9002	Civil Infraction Issued			
	9003	Affidavit Issued			
		Total Response for Union Twp/City	1		9
		YTD Response for Union Twp/City	69		117

 Emergency - MPFD

 Emergency - MPFD Secondary to MMR

 Non - Emergency



REQUEST FOR TOWNSHIP BOARD ACTION

To: Mark Stuhldreher, Township Manager	DATE: April 13, 2020
FROM: Kim Smith, Public Service Director	DATE FOR BOARD CONSIDERATION: April 22, 2020
ACTION REQUESTED: Approval of the Public Sewer Utility Agreement with Nottawa Township for the installation of a six-inch sanitary sewer force main within the Charter Township of Union rights-of-way.	

Current Action Emergency

Funds Budgeted: If Yes Account # No N/A

Finance Approval

BACKGROUND INFORMATION

Nottawa Township desires to connect a sanitary sewer force main to and discharge their sanitary sewer into the City of Mt. Pleasant waste water treatment facility. In accordance with Article V11, Section 29 of the Michigan Constitution of 1963, a public utility may not use the streets, highways or other public rights-of-way within another municipality for the purpose of providing public utility facilities without consent.

Nottawa Township proposes to install a six-inch force main and appurtenances within the public rights-of-way primarily along the north side of Mission Road from Baseline Road south to the City Limit. To facilitate consent for the use of the public rights-of-way in Union Township a Public Sewer Utility Agreement has been established. Below are key aspects of the Agreement.

- Agreement consents to the location, construction, maintenance, repair, operation, use, and replacement of a six-inch sanitary sewer force main and appurtenances.
- Union Township retains the right to grant rights-of-way agreements to other persons or entities.
- Agreement excludes Union Township from having any duties, operation, repair, maintenance, liability, or financial responsibilities pertaining to the Nottawa Township force main.
- Nottawa Township is responsible for notifying Union Township of any planned work or emergency repairs to the force main located within the Township.
- Nottawa Township is responsible for all contractor (s) who are constructing or performing any work on behalf of Nottawa Township pertaining to the force main.
- Nottawa Township is required to become a member of MISDIG, and is responsible for locating and marking the force main.
- Nottawa Township is responsible for future relocation of the force main if the placement of the force main conflicts with Union Township’s or the Isabella County Road Commission’s facilities.
- Nottawa Township is responsible for notifying Union Township and all appropriate authorities if any sanitary sewer overflows occur within Union Township.
- Nottawa Township is required to comply with and secure all necessary permits, licenses, approvals, and comply with all applicable laws, statues, ordinances, rules, and regulations regarding the installation, operation, and maintenance of the force main.
- The initial term of the Agreement is forty (40) years. The Agreement contains a termination clause as well as one (1) renewal term of forty (40) years.

SCOPE OF SERVICES

Execute a Public Sewer Utility Agreement between the Charter Township of Union and Nottawa Township to facilitate the use of Union Township’s public rights-of-way for the placement of a sanitary sewer force main by Nottawa Township.

JUSTIFICATION

Approval of the Public Sewer Utility Agreement will allow Nottawa Township to connect their sanitary sewer force main to the City of Mt. Pleasant Waste Water Treatment Plant and provide municipal sewer service to their residents.

The Agreement has been reviewed and approved by the township’s attorney and staff and it is recommended that the agreement be approved as presented.

PROJECT IMPROVEMENTS

The following Board of Trustees goals are addressed with these appointments (From Policy 1.0: Global End).

- Community well-being and common good
- Safety
- Health
- Natural environment

COSTS

NA

PROJECT TIME TABLE

NA

RESOLUTION

Approve the Public Sewer Utility Agreement with Nottawa Township for the installation of a six-inch sanitary sewer force main within the Charter Township of Union rights-of-way.

Moved by _____ Seconded by _____

Yes:
No:
Absent:

PUBLIC SEWER UTILITY

AGREEMENT

This **Agreement** is made on the ____ day of _____, 2020, by and between Nottawa Township, a Michigan general law township, with its principal offices at 3024 W. Weidman Rd., Weidman, MI 48893 (hereinafter referred to as the "Nottawa"), and Charter Township of Union, a Michigan charter township, with its principal offices at 2010 S. Lincoln, Mt. Pleasant, MI 48858 (hereinafter referred to as the "Union").

WHEREAS, the Nottawa owns a public sanitary sewer system and facilities to serve the Nottawa (collectively the "Nottawa Sewer System"); and

WHEREAS, the Nottawa desires to connect its Nottawa Sewer System to and discharge into the City of Mt. Pleasant wastewater treatment facilities and, to do so, will need to install a force main and related infrastructure (collectively the "Nottawa Forcemain") adjacent to, along, under or within the Isabella County Road Commission road right of way located in Union (hereinafter the "Nottawa Sewer System Area"), as shown on Exhibit A, attached hereto; and

WHEREAS, pursuant to Article VII, section 29 of the Michigan Constitution of 1963, a public utility may not use the streets, highways or other public rights-of-way within the Union for public utility facilities without the Union's consent; and

WHEREAS, the Union is amenable to providing its consent as limited by this Agreement.

NOW, THEREFORE, it is hereby agreed by and between the Nottawa and the Union as follows:

1. Consent. Subject to the terms and conditions of this Agreement, the Union consents to the Nottawa laying, constructing, maintaining, locating, repairing, rebuilding,

operating, using and replacing the Nottawa Forcemain, including mains, cleanouts, air release valves, and other equipment necessary to run the Nottawa Forcemain in and through the Nottawa Sewer System Area. This Agreement does not grant to the Nottawa any right to serve property within the Union that is outside of the Nottawa's boundaries, or to place utilities in any other place within the Union without first obtaining specific written authorization and approval from the Charter Township of Union Board of Trustees. The Parties recognize that the right to serve property within the Union that is outside of the Nottawa's boundaries would be subject to the Parties' approval of a franchise agreement authorizing such service. This Agreement does not provide any express rights to use any Union-owned property, any of which such rights would be subject to separate express approval.

2. Consent Not Exclusive. The consent provided by this Agreement is not exclusive, and the Union may grant similar consent to any other person or entity.

3. Conditions. The following conditions shall apply this Agreement:

(a) *Construction Plans.* The Nottawa Forcemain within the Nottawa Sewer System Area shall be constructed substantially in accordance with the plans prepared by Nottawa's Engineers, dated _____, 2020, a copy of which has been provided to Union.

(b) *Maintenance and Repair.* Subject to the terms of this Agreement, the Union consents to the Nottawa and its designees, including as applicable the City of Mount Pleasant, conducting ordinary and routine maintenance, repair and replacement work on the Nottawa Forcemain.

4. No Cost to the Union. The Union shall have no duties or responsibilities with regard to the Nottawa Forcemain constructed pursuant to this Agreement and the Union shall not be responsible for any cost or expenses associated with the Nottawa Forcemain. All costs related to the Nottawa Forcemain shall be the sole responsibility of the Nottawa, including without limitation costs of design, permitting, easement

procurement, construction, operation, repair, maintenance and replacement of the Nottawa Forcemain and the repair of public or private infrastructure or other property damaged or affected by the Nottawa's construction, operation, repair, maintenance or replacement of the Nottawa Forcemain.

5. Operation, Repair and Maintenance.

- (a) The Nottawa shall repair all damage to public or private infrastructure or other property resulting or arising from the construction, operation, repair, maintenance or replacement of the Nottawa Forcemain promptly and in any event no later than 45 days after the damage occurs or is discovered. The Nottawa shall be responsible for matters caused by its representatives, agents and contractors.
- (b) The Nottawa shall give the Union Public Service Department 30-day advance notice of planned repairs and maintenance work, or immediate notice, not to exceed 24 hours following the incident, of emergency work.
- (c) The Nottawa shall have the ongoing, continuous obligation to provide written notice to the Union identifying the party who has responsibility for the operation, repair and maintenance of the Nottawa Forcemain, which party shall be licensed by the State of Michigan as a Waste Water Operator with the appropriate license designation required by the State of Michigan and/or Environmental Protection Agency.

6. Construction.

- (a) The Nottawa shall obtain the approval of the Union of the location and details of the Nottawa Forcemain prior to commencing the installation of the facilities.
- (b) The Nottawa shall provide 30 day advance written notice to the Union Public Service Department of any work to be performed in Union related to the Nottawa Forcemain, or immediate notice, not to exceed 24 hours following the incident, of emergency work.
- (c) The Nottawa shall provide copies to the Union of all bonds and insurance relating to work relating to and operation of the Nottawa Forcemain, and shall cause the Union to be a named insured on all such insurance.
- (d) The Nottawa shall provide the Union with a digital copy and three 24" x 36" as-built drawings stamped and certified by a Michigan licensed professional engineer. The certification shall state that the construction was inspected and the as-built details were recorded by the Michigan licensed professional engineer.

7. **Miss Dig.** The Nottawa shall be a member of Miss Dig System and responsible for the marking of the Nottawa Forcemain.

8. **Sanitary Sewer Overflow.** The Nottawa shall be responsible for reporting to the Union and appropriate authorities and responding to any sanitary sewer overflow from the Nottawa Forcemain within Union Township, including without limitation all repairs and remediation.

9. **Relocation.** It is understood that the intent of the parties is that the Nottawa Forcemain will be a long term public utility installation, and the provision of the Nottawa Forcemain plans under Section 3(a) of this Agreement, and the approval by the Union of the location and details of the Nottawa Forcemain under Section 6(a) of this Agreement, is intended to assure that the Nottawa Forcemain will not be installed in a manner that conflicts with the current or currently planned infrastructure of the Union. However, if conflicts arise between the Nottawa Forcemain and currently unforeseen infrastructure requirements of the Union, the Nottawa shall be responsible for relocation of the conflicting portion of the Nottawa Forcemain to resolve the infrastructure conflict, and the Union shall not be responsible for the costs of such relocation. The Union agrees to make reasonable efforts to minimize the length and number of utility relocations required in the design of the Union's future improvements. In the event either the Union or the Isabella County Road Commission shall require the relocation of the Nottawa Forcemain in conjunction with their respective needs, the Nottawa shall at its expense and in compliance with this Agreement relocate the affected portions of the Nottawa Forcemain.

10. **Ordinance Enforcement.** The Union shall retain jurisdiction to enforce all applicable ordinances, notwithstanding any provision of this Agreement that may be construed to the contrary.

11. **No Liability.** Neither the Union, nor its officers, agents, employees, or contractors, shall be liable to the Nottawa for any interference with or disruption in the operation of the Nottawa Forcemain, except for the sole negligence or willful misconduct of the Union, its agents, officers, employees, or contractors,

12. **Interpretation.** Nothing in this Agreement shall be construed to convey any title or interest in or to any highway, street, alley, or other public place. Nothing in this Agreement shall be construed in any manner as a surrender by the Union of its legislative power with respect to its jurisdiction or with respect to any other matter or in any manner limiting the right of the Union to lawfully regulate the use of any public rights-of-way.

13. **Compliance with Laws.** The Nottawa shall comply with all applicable laws, statutes, ordinances, rules and regulations regarding the installation, construction, operation, maintenance, repair, replacement, ownership or use of the Nottawa Forcemain. The Nottawa shall secure all necessary permits, licenses, and approvals from all governmental officials, agencies or entities of competent jurisdiction.

14. **Term.**

(a) This Agreement is for a term of forty (40) years.

(b) *Termination Date.* This Agreement shall continue in full force and effect until 11:59 p.m., _____, 20____ (the "Termination Date").

(c) *Continued Term.* If either party desires to terminate this Agreement, it shall, no later than six (6) months prior to the Termination Date, give written notice of termination. If neither party shall give notice of termination, as hereinafter provided, or if each party giving notice of termination withdraws the same prior to the Termination Date, this Agreement shall renew for an additional term of forty (40) years.

15. **Termination; Rescission.** This Agreement may be terminated by mutual written agreement of the parties. In the event the Nottawa shall fail to comply with any provisions of this Agreement or any applicable laws, the Union may terminate this Agreement.

16. **Amendments and Agreement Execution.** This Agreement may be amended or modified only in a writing signed by the appropriate Nottawa and Union officials after approval of such amendment by the Charter Township of Union Board of Trustees and Nottawa Board of Trustees. This Agreement and amendments thereto shall be in writing and may be executed in multiple counterpart copies. Each copy shall be deemed an original, but all counterpart copies together shall constitute one and the same instrument.

17. **Successors.** This Agreement shall be binding on and inure to the benefit of the parties and their successors.

18. **Certification.** The persons signing this Agreement on behalf of the Nottawa and the Union certify by their signatures that they are duly authorized to sign on behalf of said parties and that this Agreement has been authorized by said parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

WITNESSES:

NOTTAWA TOWNSHIP

Kory Mindel, Nottawa Township Supervisor

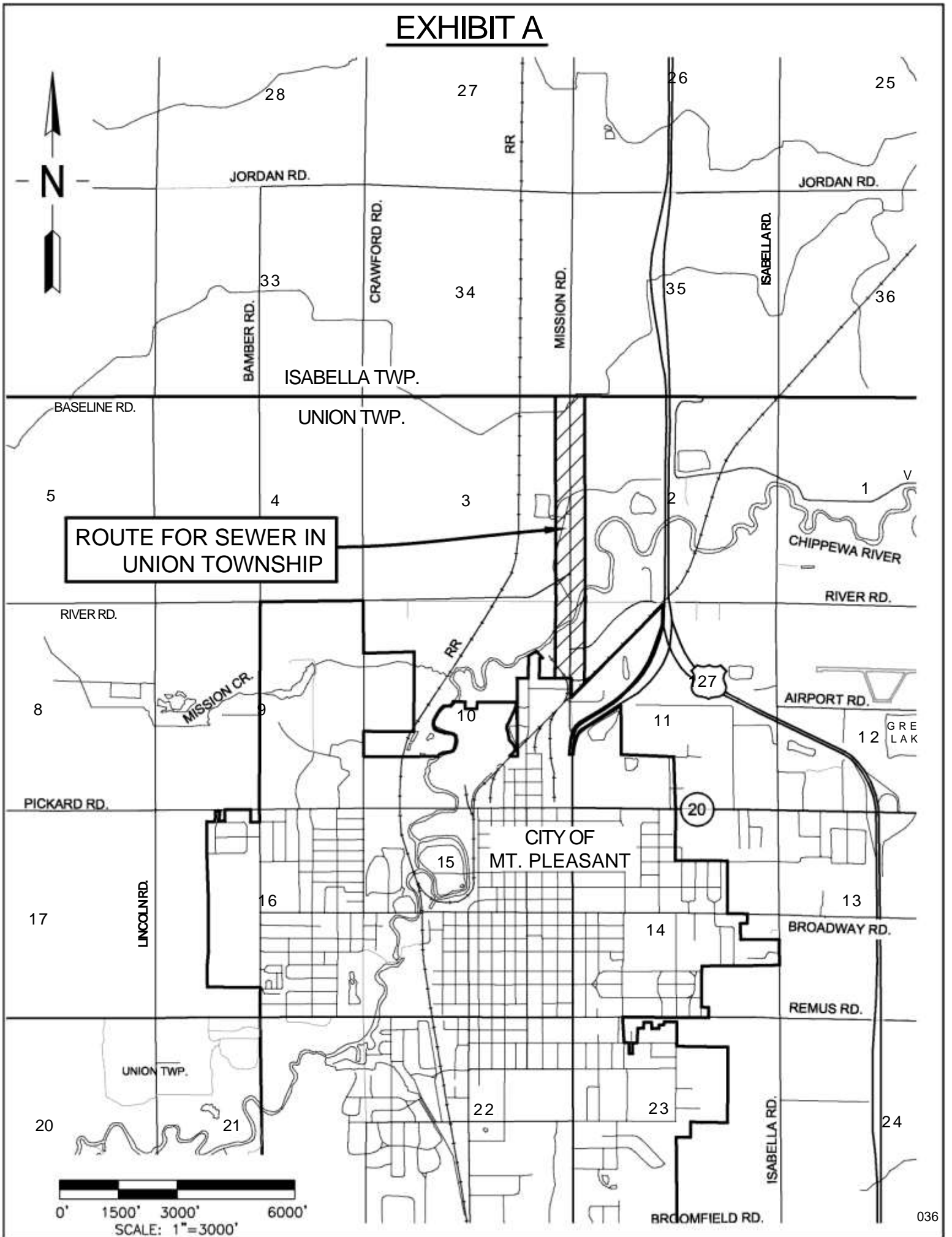
Judy Schumacher, Nottawa Township Clerk

CHARTER TOWNSHIP OF UNION

Ben Gunning, Supervisor

Lisa Cody, Clerk

EXHIBIT A





REQUEST FOR TOWNSHIP BOARD ACTION

To: Board of Trustees	DATE: April 16, 2020
FROM: Mark Stuhldreher, Township Manager	DATE FOR BOARD CONSIDERATION: 4/22/2020
ACTIONS REQUESTED: Final consideration and adoption of the proposed Extraction Ordinance.	

Current Action Emergency

Funds Budgeted: If Yes Account # No N/A

Finance Approval

BACKGROUND INFORMATION

Summary of Additional Revisions to the Proposed Ordinance:

The following is a summary of additional revisions that have been incorporated into the proposed Extraction Ordinance in response to the direction received from the Board of Trustees during the Second Reading discussion on April 8, 2020:

References to importation of fill materials in Sections 2 (Intent and Purpose) and 3 (Authority and Scope) have been updated to confirm that the intent and scope of the proposed Ordinance is limited to setting minimum standards for the importation of fill materials by an extraction operation subject to the requirements of this Ordinance for reclamation purposes at the conclusion of mining activities. A corresponding clarification has also been made to Section 4 (Prohibitions).

Section 5 (Exemptions) has been updated to clarify and expand the list of activities that are not regulated by this proposed Ordinance:

- The agricultural exemptions in Section 5.1 have been revised to include exemption-related language from the last sentence of the “extraction operation” definition, and to clarify that agricultural land balancing, soil augmentation, and incidental removal of non-metallic minerals as part of agricultural activities are not regulated.
- Section 5.2 has been updated to clarify that grading, fill or excavation work associated with building construction, septic system installations, driveway and retaining wall construction, and other associated site improvements are not regulated.
- Section 5.3 has been updated to clarify that grading, fill, excavation, and maintenance work associated with a public improvement project, including road or utility improvements, are not regulated.
- Provisions have also been added in Sections 5.6 and 5.7 to clarify that the proposed Ordinance would not apply to work conducted for land development purposes, pond or swimming pool excavations, and stormwater management facility improvements.

- In response to questions raised during the Second Reading, provisions have also been added in Sections 5.8 and 5.9 to clarify that the proposed Ordinance would not apply to asphalt and concrete recycling activities and screening of topsoil and other materials lawfully conducted on a site not subject to the requirements of this Ordinance.

Planning Commission inspection provisions have been revised to clarify that any Planning Commission visit will be conducted as a scheduled group visit with Township staff in attendance and in accordance with Open Meetings Act notice requirements.

The definition of “extraction operation” has been revised to confirm consistency with the limited regulatory intent and scope of the proposed Ordinance as expressed in Sections 2 and 3.

Background Information from the Second Reading:

A review of a recent state directory of mineral producers found a total of 13 sand and gravel extraction operation sites in Isabella County, which are run by seven separate operators. None of the extraction operation sites in this database are in or near Union Township:

1. Hardcrete, Inc. has an existing operation in the northwest part of the county.
2. Hubscher & Son, Inc. has their main office in the City of Mt. Pleasant, and has four existing extraction operation sites on the west side of the county.
3. Kenny Trucking & Excavating is listed as having an extraction operation in the south-southeast part of the county.
4. Malley Construction, Inc. has their main office in Union Township, and has an existing extraction operation site in the northeast part of the county.
5. Mt. Pleasant Central Concrete Products Company, Inc. has their main office in Union Township and has an existing extraction operation site on the east side of the county.
6. RG Torpey Excavating has an existing operation in the northwest part of the county.
7. WDS Enterprises, Inc. has two existing operations in the southeast part of the county.

Many of these operations are under Isabella County’s jurisdiction. The county’s mineral extraction industry regulations (Section 12.05X of the County Zoning Ordinance) were originally adopted in the early 1990s and include the following provisions:

- Mining plan. The basic elements of a mining plan are required, but with minimal guidance for plan preparation to ensure that the data needed for an informed decision is available in an understandable and consistent format.
- Reclamation and end use plans. There are provisions for adding topsoil to reclaimed areas, but only very limited provisions to ensure adequate reclamation and viable future use of the site.
- Setbacks. No excavation within 150 feet of a residence, and within 100 feet of a property line or road right-of-way.
- Slope. The reclaimed slope of the land shall not be steeper than one (1) foot vertical for every four (4) feet of horizontal distance (1:4).
- Hours of operation. 6:00am – 10:00pm, with no restrictions on weekends or holidays and no guidelines for emergency hours.

- Visual screening. A six (6) foot high privacy fence around the perimeter is required. There is also a reference to “proper use of berms, walls, and natural planting screens,” with a reference to limited and somewhat outdated landscaping standards.
- Protection of wells and water quality. There are no provisions for protection of nearby wells and water quality during mining activities below the water table.
- Haul route. The ordinance requires that all truck operations be directed away from residential streets “whenever practical,” with no guidance for implementation of this exception. There are no requirements for approval of a dedicated haul route, or for clean-up of dust, dirt, and other debris on the public roads from trucks leaving the site.
- Environmental impacts.
 - There are statements in the ordinance that “noise and vibration shall be minimized” and “air pollution in the form of dust and dirt shall also be kept to a minimum,” but no guidance or standards for how to achieve these goals.
 - There is also a statement that the landowner or permit holder is responsible for using “safe ecological conservation practices,” but no guidance or standards for what that means or how it should be applied.
 - There are no restrictions on stockpile locations or provisions to minimize off-site impacts from dust, sand, and other wind-blown materials.
 - There are no restrictions on the types of material that could be imported as fill.

The proposed Charter Township of Union Extraction Ordinance includes all of these same elements, but with up-to-date standards designed to address the full range of potential impacts from future extraction operations. The proposed Ordinance standards are proportional in scope to the extent of the operation and associated needs for reasonable protection of the environment, adjacent properties, nearby residents, and the infrastructure of the Township.

Update on the status of the Zoning Ordinance amendment: A corresponding amendment to the Township Zoning Ordinance has been drafted to replace the special use permit requirement for extraction operations with references to the new Extraction Ordinance. This amendment was scheduled for a Planning Commission public hearing on March 17, 2020, but the meeting was cancelled by the Chair after due consideration of the current COVID19 virus outbreak and uncertainty of having a quorum of members present. The hearing will be rescheduled for a future meeting as soon as possible, and the proposed amendment will be forwarded to the Board of Trustees separately for final consideration and adoption in accordance with the procedures and requirements of the Michigan Zoning Enabling Act.

During any interim period between adoption of the new Extraction Ordinance and final action on the corresponding Zoning Ordinance amendment, any conflict between the new Ordinance and the current zoning regulations would be resolved in accordance with Section 25 (Repeal) of the new Ordinance, which confirms the repeal of any conflicting Township ordinance or part thereof “to the extent necessary to give this (Extraction) Ordinance full force and effect.”

Background Information from the First Reading:

It is recognized that sand, gravel, and other non-metallic minerals within the Township’s boundaries are non-renewable natural resources necessary and beneficial to the welfare of

community and the surrounding region. These resources are widely used for building and road construction, and by necessity are locally sourced. However, sand and gravel pits and other extraction operations have the potential to impact the health, safety, environment, and general welfare of persons and property within the Township. Recognizing these potential impacts, the Board of Trustees placed a temporary moratorium on such operations in order to allow time to study and potentially update existing Township regulations for these operations.

Staff and the Township Attorney have worked together to prepare a proposal to remove regulation of sand and gravel pits and other extraction operations out of the Zoning Ordinance by establishing a new ordinance adopted under provisions of the Charter Township Act, which is intended to protect the public health, safety, and general welfare by establishing standards and permit approval procedures for extraction of non-metallic minerals on land in the Township, requirements and financial guarantees for proper reclamation of the land at the conclusion of extraction activities, and administrative procedures and inspection requirements to verify that all extraction operations and reclamation activities are completed in accordance with approved plans and ordinance requirements.

Staff has recommended that the regulations be moved out of the Zoning Ordinance for several reasons: First, the Michigan Zoning Enabling Act places a specific limit of 300 feet as the maximum distance around a parcel for mailing of special use permit public hearing notices. This is an acceptable distance for most special use permit applications because the potential impacts of the use are primarily limited to the immediate neighboring parcels and residents. However, extraction operations have the potential to adversely impact properties and residents well beyond this 300-foot distance. By establishing a separate regulatory ordinance, the Township has the option to establish public hearing notice requirements that better reflect the potential impacts of the operation (see Section 6.7).

In addition, section 208 (Nonconforming uses...) of the Michigan Zoning Enabling Act requires that, *“If the use of...land is lawful at the time of enactment of a zoning ordinance (or amendment), then that use may be continued although the use does not conform to the zoning ordinance or amendment.”* This provision is intended to “grandfather in” certain existing land uses that were lawfully established but no longer conform to current Zoning Ordinance requirements – to protect the legal nonconforming use from the need to comply with updated zoning standards.

There are at least two sites in the Township from which some sand or gravel extraction has taken place in the past. Staff is currently researching the available history of these sites, but it is possible that one or both could be governed by nonconforming use protections if updated regulations were to be included in the Zoning Ordinance. The establishment of a separate regulatory ordinance would avoid even the appearance of favoritism and ensure that one consistent set of standards apply to all extraction operations in the Township.

Finally, the Township has limited authority under the format of local zoning regulations to address anticipated off-site impacts from the operation, as land use regulations are primarily focused on the activities within the boundaries of a lot. Under a separate regulatory ordinance, the Township has the ability to address potential off-site impacts and require inspections, testing, and mitigation measures related to those impacts. Examples include provisions related to the haul route into and out of the extraction site (see Section 14) and hydrogeologic study

requirements related to protection of private and municipal wells that are in proximity to mining operations that extend below the water table (see Section 10.1).

The proposed Extraction Ordinance places authority to hold a public hearing, review, and act on Extraction Permit applications with the Planning Commission (see Section 6). The Ordinance includes updated application information requirements (see Section 7), which are intended to ensure that the Planning Commission will have adequate documentation available to make informed decisions about compliance with ordinance requirements and the standards for approval listed in Section 6.8. The scope of required information includes documentation of existing conditions, a mining plan, screening details, and a reclamation plan in a format similar to other plans reviewed by the Planning Commission, including site plans required by the Zoning Ordinance and subdivision plats subject to the Township's subdivision regulations.

Summary of the proposed Extraction Ordinance

The following is a summary of the proposed Extraction Ordinance, which has been updated to reflect the additional revisions prepared in response to direction received from the Board of Trustees during the Second Reading discussion on 4/8/2020 (see Section 5 below):

Section 1 (Short Title) establishes the title of the ordinance.

Section 2 (Intent and Purposes) establishes the intent and purposes of the ordinance to provide for utilization of sand, gravel, and other non-metallic mineral resources in a manner that is compatible with nearby residences, protects human health and the environment, and ensures complete site reclamation at the conclusion of extraction operations.

Section 3 (Authority and Scope) confirms the Township's authority to regulate extraction operations to protect the public health, safety, and welfare, and that the ordinance requirements are the minimum necessary for this purpose.

Section 4 (Prohibitions) confirms that it shall be unlawful to extract non-metallic minerals or import fill materials in a manner that violates any provision of this ordinance.

Section 5 (Exemptions) specifically excludes from regulation customary agricultural activities; customary building construction, septic system installations, driveway and retaining wall construction, and other associated site improvements; customary grading, fill, excavation, and maintenance work for a public improvement project; environmental remediation; construction of solid waste disposal facilities subject to state permits; customary work for land development purposes, pond or swimming pool excavations, and stormwater management facility improvements; and asphalt and concrete recycling activities and screening of topsoil and other materials lawfully conducted on a site not subject to the requirements of this Ordinance.

Section 6 (Application Procedure) establishes a review procedure for extraction permit applications and renewals, sets a public hearing requirement and standards for public notices, and confirms the authority of the Township Board of Trustees to establish required application fees and escrow deposits by resolution to defray anticipated administrative and enforcement costs. This section also confirms that an extraction permit shall be approved if the Planning Commission has determined that all necessary

information has been provided, that the application satisfies all applicable Township ordinance requirements necessary for Permit approval or renewal, that the applicant has the resources necessary to comply with this Ordinance, that the site will be reclaimed to a safe and harmonious condition compatible with surrounding land uses and the Master Plan, that required fees, financial guarantees, and evidence of insurance have been submitted, that all required outside agency permits are in effect, that the water table, water quality, surrounding wells, and surface water resources will not be adversely affected, that wetland regulations have been satisfied, and that the operation will not pollute or degrade the environment, interfere with quiet enjoyment of persons in the vicinity or adversely affect the health, safety or welfare of residents.

Section 7 (Base Documents) lists the maps, photographs, studies, analyses, and data required for an extraction permit application and establishes a process for requesting a waiver from or modification of a required base document or item of information.

Section 8 (Public Documents) lists the public documents required for an extraction permit application, such as ownership and easement documentation, contact information for persons, firms, corporations or other entity having legal or equitable interest in the property, copies of all existing federal, state, and county permits in effect, and documentation of the applicant's right to conduct business in Michigan.

Section 9 (Survey, Base Maps, and Photographs) establishes minimum standards that apply to the survey, topographic map, aerial photograph, site inventory map, and reserve/exploration map as may be required by this Ordinance for an extraction permit application.

Section 10 (Additional Studies and Analysis) establishes minimum standards that apply to a hydrogeologic study, environmental impact analysis or other technical report that may be required as part of an application, based on the scope of a proposed extraction operation.

Section 11 (Mining Plan) establishes minimum standards that apply to the mining plan required by this Ordinance, including plan preparation and content requirements, a plan for sound and visual screening of the site, descriptions of the nature and type of operations, an overall extraction plan for the site, an estimated schedule for each progressive cell-unit of the operation, and a wetland mitigation plan if required by applicable regulations.

Section 12 (Reclamation Plan) establishes minimum standards that apply to the reclamation plan required by this Ordinance, including an overall plan for complete reclamation of the land at the conclusion of the operation, an estimated schedule for progressive reclamation activities, limitations on the steepness of reclaimed slopes, provisions for grading, slope stabilization, and re-vegetation, and a conceptual end-use plan for the reclaimed site consistent with the Master Plan and Zoning Ordinance.

Section 13 (Specific Operating Conditions and Regulations) establishes additional operating conditions and regulations that apply to all extraction operations, including a requirement that no extraction activity shall be conducted closer than 200 feet from any road right-of-way, 500 feet from any existing residence, and 200 feet from any other lot boundary. This section also prohibits blasting, limits extraction below the water table

and importation of fill materials, and establishes standards for fencing, warning signs, hours of operation, and noise mitigation.

Section 14 (Ingress-Egress Requirements) establishes ingress and egress standards for the extraction operation, including provisions for haul route acceptance, the internal access drive, and clean-up of spillage from transportation activities.

Section 15 (Screening Requirements) establishes minimum screening requirements for all extraction operations, including provisions for installation of perimeter berms.

Section 16 (Variances) establishes a procedure and criteria for consideration by the Township Board of Trustees of any applicant's request to vary from an ordinance requirement.

Section 17 (Appeals) establishes a procedure for consideration by the Township Board of Trustees of any appeal from a person aggrieved by a Planning Commission decision under this ordinance.

Section 18 (Inspections) confirms that the Township may conduct inspections and cause or perform such tests necessary to ensure that activities conducted on the site comply with this ordinance and other Township ordinances, and sets standards for corrective actions and notices associated with deficiencies found during inspections.

Section 19 (Annual Report) establishes a requirement for submittal of a detailed annual report to the Township describing reclamation activities undertaken during the year, planned extraction and reclamation activities for the next year, the total amount of materials removed during the year, the total acreage of disturbed land not yet restored, conformance to the requirements of this ordinance and outside agency regulations, and details of complaints received and procedures used to resolve them.

Section 20 (Financial Guarantees) establishes minimum requirements and criteria for determining the amounts of required financial guarantees for reclamation and site restoration, and for replacement of wells adversely affected by the operation.

Section 21 (Indemnity Insurance) establishes minimum requirements for a liability insurance policy to cover anticipated property damage and bodily injury claims associated with the extraction operation.

Section 22 (Violations, Penalties, and Permit Revocation) establishes penalties for violations of this ordinance, including a municipal civil infraction, a permit revocation procedure, and other remedies available to the Township to correct, remedy or abate non-compliance.

Section 23 (Definitions) defines various terms used in the ordinance.

Section 24 (Severability) confirms that the elements of this ordinance are severable as provided by law.

Section 25 (Repeal) confirms the repeal of Township ordinances or parts thereof that conflict with provisions of this Ordinance to the extent necessary to give this Ordinance full force and effect.

Section 26 (Publication) confirms that applicable publication requirements of state law will be met.

Section 27 (Effective Date) establishes the effective date of the ordinance, based on adoption and publication requirements.

SCOPE OF SERVICES

Final consideration and adoption of the proposed Extraction Ordinance.

JUSTIFICATION

The Township recognizes that sand, gravel, and other non-metallic minerals within the Township’s boundaries are non-renewable natural resources necessary and beneficial to the welfare of its inhabitants and the surrounding region. The proposed Extraction Ordinance provides for utilization of these resources in a manner compatible with nearby residential uses, protection of human health and the environment, and reclamation of the land for another land use at the conclusion of the extraction operation.

PROJECT IMPROVEMENTS

Board of Trustees goals addressed by this Ordinance (From Policy 1.0: Global End).

- 1. Community well-being and common good**
- 3. Safety**
- 4. Health**
- 6. Commerce**

COSTS

NA

PROJECT TIMETABLE

After adoption by the Board of Trustees, the Ordinance would take effect on the day immediately following publication of the required notice of adoption under the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL42.34).

RESOLUTION

To adopt the Extraction Ordinance as Township Ordinance Number _____.

Resolved by _____ Seconded by _____

Yes:
No:
Absent:

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

REQUESTED CHANGES TO THE PROPOSED EXTRACTION ORDINANCE

[The following are excerpts from sections 2, 3, 4, 5, 18, and 23 of the proposed Extraction Ordinance showing the additional changes requested by the Board of Trustees. Insertions into the document are highlighted in blue underlined text, with deletions highlighted in ~~red strikethrough text~~.]

Section 2. Intent and Purposes.

The Township recognizes that sand, gravel, and other non-metallic minerals within the Township's boundaries are non-renewable natural resources necessary and beneficial to the welfare of its inhabitants and the surrounding region. To provide for utilization of these resources in a manner compatible with nearby residential uses, to protect human health and the environment, and to ensure complete reclamation for another land use at the conclusion of the extraction operation, it is the intent of this Ordinance to regulate and provide procedures and standards for extraction of non-metallic minerals and for the reclamation of the land at the conclusion of the operation.

This ordinance is necessary because extraction operations and related activities, such as the importation of fill material for reclamation of an extraction operation site at the conclusion of mining activities, can cause unique and substantial impacts upon the environment and the welfare of adjacent properties and the community as a whole. They can disrupt the environment, impair water quality and quantity, cause noise and dust nuisances, damage roads and create conditions dangerous to Township residents. Extraction of non-metallic minerals and importation of fill materials can leave land in an unsightly condition and present an unattractive and dangerous nuisance.

Extraction operations and importation of fill materials can also have serious adverse impacts on watercourses, wetlands, and groundwater resources, which are indispensable and fragile natural resources that provide many public benefits, including a supply of potable water for private and municipal systems, fish and wildlife habitat, maintenance of water quality through nutrient cycling and sediment trapping; flood and storm water runoff control through temporary water storage; groundwater recharge; and outdoor recreation. It is the further intent of this Ordinance to protect Township watercourses, wetlands, and groundwater resources located in proximity to extraction operations in a manner that preserves their hydrological, economic, recreational, and aesthetic natural resource values for existing and future Township residents.

Section 3. Authority and Scope.

The Township has authority to regulate extraction operations, reclamation activities, and the associated importation of fill materials for reclamation purposes to protect the public health, safety, and welfare pursuant to the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL42.34), in accordance with applicable state laws. The Planning Commission has the authority under this Ordinance to administer, review, deny, approve or approve with conditions permits issued under this Ordinance. The Township Planner and Ordinance Enforcement Officer shall have authority, with the assistance of any designated Township consultants, to administer and enforce the provisions of this Ordinance and approved Extraction Permits. The requirements of this Ordinance shall be held to be the minimum necessary for promotion of the public health, safety, and general welfare.

Section 4. Prohibitions

It shall be unlawful to extract non-metallic minerals or import fill materials [as regulated by this Ordinance](#) without complying with the provisions of this Ordinance. It shall also be unlawful for the Applicant/Owner/Operator or any other person or permit holder to conduct an activity or maintain any land area or extraction operation in violation of any approved Extraction Permit, approved plans for an extraction operation or reclamation or condition of any Permit issued under this Ordinance.

Section 5. Exemptions.

Subject to compliance with all other applicable statutes, ordinances, rules, and regulations, this Ordinance shall not apply to the following activities:

- 5.1 Ordinary and necessary grading of land for the tilling and cultivation of soils for the growing of [agricultural crops, ornamental or garden plants, commercial sod, and trees, including any associated agricultural land balancing or soil augmentation, and any removal from the earth of products or commodities that contain incidental amounts of non-metallic minerals.](#)
- 5.2 Ordinary and necessary grading, [fill](#) or excavation for construction of buildings, structures, ~~or related~~ [septic systems, driveways, retaining walls, and other associated site improvements](#) pursuant to all required permits from the Township and any other governmental authority having jurisdiction over such activities.
- 5.3 Ordinary and necessary grading, [fill or excavation for a specific public improvement project of limited scope and duration, such as to construct or improve a public or private road, sidewalk, pathway, pipeline or utility service, or for maintenance work](#) within a public or private road right-of-way, or drainage [or utility easement, as conducted](#) by an authorized contractor or governmental agency with jurisdiction, ~~conducted~~ in compliance with applicable regulations and permit requirements.
- 5.4 Remediation of environmental contamination.
- 5.5 Construction of a solid waste disposal facility subject to State of Michigan permits.
- 5.6 [Ordinary and necessary grading, fill or excavation for land development purposes pursuant to an approved site plan, subdivision plat or other approved development plan, and in compliance with applicable Township ordinances and permit requirements.](#)
- 5.7 [Ordinary and necessary grading, fill or excavation for construction of a pond, swimming pool, berm, detention/retention basin or similar improvement pursuant to all required permits from the Township and any other governmental authority having jurisdiction over such activities.](#)
- 5.8 [Screening of topsoil, mulch, sand, gravel, and other materials lawfully conducted in compliance with applicable Township ordinances and permit requirements on a site not subject to the requirements of this Ordinance.](#)
- 5.9 [Asphalt or concrete crushing and recycling activities lawfully conducted in compliance with applicable Township ordinances and permit requirements on a site not subject to the requirements of this Ordinance.](#)

Section 18. Inspections

The Township, at the expense of the Applicant/Owner/Operator paid from the escrow account, may conduct such inspections and cause or perform such tests as are reasonable to ensure that activities conducted on the site comply with this Ordinance and other Township ordinances.

- 18.1 **Annual Inspection.** The Planning Commission may set an annual inspection date for the site. The Planning Commission shall provide the Applicant/Owner/Operator notice of an annual inspection at least 14 calendar days before the annual inspection.
- A. Representatives from the Township may include but shall not be limited to the Township Planner, Ordinance Enforcement Official, other Township consultants, and members of the Planning Commission. A representative of the Applicant/Owner/Operator shall accompany the Township representatives.
- B. The Township may take photographs of the site to establish a historic record of activities and changes on the site. The photographs shall be submitted to the Planning Commission along with a copy to the Applicant/Owner/Operator. A record shall be kept of the date of the photography and the name of the person taking the photographs.
- 18.2 **Access to Site; Other Inspections.** The Township Planner, Ordinance Enforcement Official, other Township consultants, and ~~members of~~ the Planning Commission shall have the reasonable right to enter the subject property, upon notification to the Applicant/Owner/Operator, to conduct necessary inspections while reviewing an Extraction Permit application. Any Planning Commission inspection shall be conducted as a scheduled group site visit accompanied by Township staff, with notice posted per the Open Meetings Act (Public Act 267 of 1976, as amended, being MCL 15.261 – MCL 15.272). The Township Planner and Ordinance Enforcement Official shall also have the right to conduct the necessary periodic inspections to investigate possible violations of this Ordinance. Refusal to permit entry shall be a violation of this Ordinance.
- 18.3 **Inspection Deficiencies; Corrective Action.** Upon written notification from the Township Planner or Ordinance Enforcement Official of excavation operation or site deficiencies identified during an inspection and determined by the Township to be minor in character, the Applicant/Owner/ Operator shall take action within 15 calendar days to resolve the deficiency. Major deficiencies, as determined by the Township Planner, shall be resolved by the Applicant/Owner/Operator within 30 calendar days. Failure to resolve such deficiencies within the required time period shall be a violation of this Ordinance.

Section 23. Definitions

Extraction Operation. Extraction from the earth of mineral aggregates or non-metallic minerals for sale or use by the Applicant/Owner/Operator ~~and includes the use of using~~ mining equipment or techniques to remove materials from the in-place non-metallic mineral deposit, as well as associated activities on the non-metallic mining site such as excavation, grading, ~~and dredging.~~ ~~Also, it includes processes carried out at a non-metallic mining site that are related to the preparation or~~ processing and stockpiling of the mineral aggregates or non-metallic minerals obtained from the non-metallic mining site, ~~such as, but not limited to stockpiling of materials,~~ blending the mineral aggregates or non-metallic minerals ~~with other mineral aggregates or non-metallic minerals,~~ and grading, crushing, screening, and scalping of the mineral aggregates or non-metallic minerals obtained from the non-metallic mining site; ~~it does not include removal from the earth of products or commodities that contain only minor or incidental amounts of non-metallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.~~

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

EXTRACTION ORDINANCE NO. _____

[An ordinance adopted under the provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL42.34) to regulate and establish standards and approval procedures for extraction of non-metallic minerals on land within the Charter Township of Union, and reclamation of the land at the conclusion of the operation; to provide for the administration and enforcement thereof, and for the establishment of fees, escrow deposits, and performance guarantees to defray the administrative and enforcement costs incident thereto, and to ensure that all extraction operations and reclamation activities are completed in accordance with this ordinance and approved plans; to provide for severability, repeal, publication, and an effective date; and for other purposes.]

CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and cited as the Extraction Ordinance and may be referred to herein as “this Ordinance.”

Section 2. Intent and Purposes.

The Township recognizes that sand, gravel, and other non-metallic minerals within the Township’s boundaries are non-renewable natural resources necessary and beneficial to the welfare of its inhabitants and the surrounding region. To provide for utilization of these resources in a manner compatible with nearby residential uses, to protect human health and the environment, and to ensure complete reclamation for another land use at the conclusion of the extraction operation, it is the intent of this Ordinance to regulate and provide procedures and standards for extraction of non-metallic minerals and for the reclamation of the land at the conclusion of the operation.

This ordinance is necessary because extraction operations and related activities, such as the importation of fill material for reclamation of an extraction operation site at the conclusion of mining activities, can cause unique and substantial impacts upon the environment and the welfare of adjacent properties and the community as a whole. They can disrupt the environment, impair water quality and quantity, cause noise and dust nuisances, damage roads and create conditions dangerous to Township residents. Extraction of non-metallic minerals and importation of fill materials can leave land in an unsightly condition and present an unattractive and dangerous nuisance.

Extraction operations and importation of fill materials can also have serious adverse impacts on watercourses, wetlands, and groundwater resources, which are indispensable and fragile natural resources that provide many public benefits, including a supply of potable water for private and municipal systems, fish and wildlife habitat, maintenance of water quality through nutrient cycling and sediment trapping; flood and storm water runoff control through temporary water storage; groundwater recharge; and outdoor recreation. It is the further intent of this Ordinance to protect Township watercourses, wetlands, and groundwater resources located in proximity to extraction operations in a manner that preserves their hydrological, economic, recreational, and aesthetic natural resource values for existing and future Township residents.

Section 3. Authority and Scope.

The Township has authority to regulate extraction operations, reclamation activities, and the associated importation of fill materials for reclamation purposes to protect the public health, safety, and welfare pursuant to the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL42.34), in accordance with applicable state laws. The Planning Commission has the authority under this Ordinance to administer, review, deny, approve or approve with conditions permits issued under this Ordinance. The Township Planner and Ordinance Enforcement Officer shall have authority, with the assistance of any designated Township consultants, to administer and enforce the provisions of this Ordinance and approved Extraction Permits. The requirements of this Ordinance shall be held to be the minimum necessary for promotion of the public health, safety, and general welfare.

Section 4. Prohibitions

It shall be unlawful to extract non-metallic minerals or import fill materials as regulated by this Ordinance without complying with the provisions of this Ordinance. It shall also be unlawful for the Applicant/Owner/Operator or any other person or permit holder to conduct an activity or maintain any land area or extraction operation in violation of any approved Extraction Permit, approved plans for an extraction operation or reclamation or condition of any Permit issued under this Ordinance.

Section 5. Exemptions.

Subject to compliance with all other applicable statutes, ordinances, rules, and regulations, this Ordinance shall not apply to the following activities:

- 5.1 Ordinary and necessary grading of land for the tilling and cultivation of soils for the growing of agricultural crops, ornamental or garden plants, commercial sod, and trees, including any associated agricultural land balancing or soil augmentation, and any removal from the earth of products or commodities that contain incidental amounts of non-metallic minerals.
- 5.2 Ordinary and necessary grading, fill or excavation for construction of buildings, structures, septic systems, driveways, retaining walls, and other associated site improvements pursuant to all required permits from the Township and any other governmental authority having jurisdiction over such activities.
- 5.3 Ordinary and necessary grading, fill or excavation for a specific public improvement project of limited scope and duration, such as to construct or improve a public or private road, sidewalk, pathway, pipeline or utility service, or for maintenance work within a public or private road right-of-way, or drainage or utility easement, as conducted by an authorized contractor or governmental agency with jurisdiction in compliance with applicable regulations and permit requirements.
- 5.4 Remediation of environmental contamination.
- 5.5 Construction of a solid waste disposal facility subject to State of Michigan permits.
- 5.6 Ordinary and necessary grading, fill or excavation for land development purposes pursuant to an approved site plan, subdivision plat or other approved development plan, and in compliance with applicable Township ordinances and permit requirements.
- 5.7 Ordinary and necessary grading, fill or excavation for construction of a pond, swimming pool, berm, detention/retention basin or similar improvement pursuant to all required permits from the Township and any other governmental authority having jurisdiction over such activities.

- 5.8 Screening of topsoil, mulch, sand, gravel, and other materials lawfully conducted in compliance with applicable Township ordinances and permit requirements on a site not subject to the requirements of this Ordinance.
- 5.9 Asphalt or concrete crushing and recycling activities lawfully conducted in compliance with applicable Township ordinances and permit requirements on a site not subject to the requirements of this Ordinance.

Section 6. Application Procedure

The following procedures shall apply when processing any application under the terms of this Ordinance:

- 6.1 **Optional Pre-Application Conference.** The Applicant/Owner/Operator may request a pre-application conference with the Township Planner. The purpose of this informal meeting is to provide information and guidance to the Applicant/Owner/Operator that will assist in preparation of a complete application. No formal action shall be taken during this meeting. The Applicant/Owner/Operator may be required to pay a fee for a pre-application conference in an amount determined by resolution of the Township Board of Trustees.
- 6.2 **Application Information.** All applications shall be on a form provided by the Township and shall be signed by the Applicant/Owner/Operator(s) and the titleholder(s) of the parcel(s) upon which the excavation is proposed. To initiate formal review by the Planning Commission, the Applicant/Owner/Operator shall submit one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, one (1) digital copy in .PDF format of the complete set of application materials, one (1) large (up to 24-inch by 36-inch maximum) printed plan set, and eleven (11) reduced 11-inch by 17-inch printed plan sets at the Union Township Hall. All notes and plan details must be clearly legible at the sheet size. The following minimum information shall be required with any application:
 - A. The name, address, and contact information for the Applicant/Owner/Operator, and the Applicant/Owner/Operator's interest in the property. If the Applicant/Owner/Operator is not the owner, the name, address, and contact information for the owner(s) and the signed consent of the owner(s) shall also be required.
 - B. Signature(s) of the Applicant/Owner/Operator(s) certifying the accuracy of the information.
 - C. A legal description of the property, including street address(es) and tax code number(s).
 - D. The set of required base documents, including all necessary information to confirm compliance with the requirements and standards of this Ordinance.
- 6.3 **Application Fee Required.** The amount of the application fee shall be established and may be adjusted from time to time by resolution of the Township Board of Trustees.
- 6.4 **Refundable Escrow Deposit.** In addition to the non-refundable application fee provided for in subsection 6.3, the Applicant/Owner/Operator may be required to deposit with the Township at the time the application a refundable escrow deposit intended for use to defray the Township's costs for professional reviews and consultations by experts in the law, civil engineering, hydrogeology, and other fields determined necessary by the Planning Commission or Township Planner to assist with evaluation of the application and/or Permit inspections and administration. The amount of any required refundable escrow deposit shall be established by resolution of the Township Board of Trustees.

- A. **Accounting.** The Township shall annually deliver to the Applicant/Owner/ Operator an accounting that shows the debits and credits during the accounting period.
 - B. **Annual Renewal of Escrow Fee.** During the period the Township is either processing the application or administering the Permit, the Applicant/Owner/ Operator shall restore the sums in the escrow account to the minimum amount established by resolution of the Township Board, or such other amount as may be established for the extraction operation by resolution of the Planning Commission. The sums needed to restore the account shall be paid by the Applicant/Owner/Operator within 30 calendar days of receipt of a written Township request.
 - C. **Additional Escrow Fees.** If at any time it appears the sums in escrow are insufficient to process the application or pay the expenses to administer the Permit, the Applicant/ Owner/Operator shall be required in writing to deposit additional sums with the Township. Failure to replenish such sums within 30 calendar days shall be grounds for the Township Planner or Ordinance Enforcement Official to issue a stop work order, at which time no further processing of the application or excavation or stockpiling of materials may occur until the order is rescinded.
 - D. **Interest.** The Township shall have no duty to deposit the sums in an interest-bearing account. However, if interest is earned on the sums deposited by Applicant/Owner/ Operator, such interest shall be credited to the Applicant/Owner/Operator’s account.
 - E. **Return of Escrow Funds.** If the application is denied, any unexpended funds shall be returned to the Applicant/Owner/Operator within 45 calendar days after all actual costs and expenses incurred by the Township have been paid. If a permit is issued, any unexpended funds shall be returned to the Applicant/Owner/Operator within 45 calendar days after the site is completely restored and all actual costs and expenses incurred by the Township have been paid.
- 6.6 **Technical Review.** Prior to Planning Commission consideration, the application materials shall be distributed to the Township Planner for review and comment. The Township Planner or Planning Commission may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the Applicant/Owner/Operator without further consideration.
- 6.7 **Public Hearing.** The Planning Commission shall hold a public hearing on the application. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the Applicant/Owner/Operator, the titleholder of the parcel, and to the owners of all property and occupants of all structures within 2,000 feet of the subject property. The notice shall also be posted at the Township Hall, published once in the Township’s newspaper of record, and placed on the Township website. The notices shall include the time, date, place, and purpose of the hearing.
- 6.8 **Standards for Permit Approval or Renewal.** The following general standards for approval shall apply to any application for Extraction Permit approval or renewal:
- A. An Extraction Permit shall be approved if the Applicant/Owner/Operator provides information, data and documentation sufficient to meet each of the following standards:
 - (1) The application is administratively complete, and the Planning Commission has determined that all necessary information has been provided.

- (2) The Planning Commission has determined that the application satisfies all applicable Township ordinance requirements necessary for Permit approval or renewal.
- (3) The Applicant/Owner/Operator has demonstrated the legal, financial, technical, and other resources necessary to comply with this Ordinance.
- (4) Written assurance has been provided in the form of a reclamation plan and financial guarantee that the site will be reclaimed to a condition which is safe and harmonious with surrounding land uses and consistent with the Master Plan.
- (5) Required fees, surety bonds, and evidence of insurance have been submitted, along with any required escrow deposit.
- (6) Copies of all federal, state, and local permits which relate to an activity on the property which were issued and in effect at the time the application was submitted to the Township.
- (7) The extraction operation will not adversely affect groundwater (e.g., water table, water quality or supply to surrounding wells) or surface water resources.
- (8) There will be no net loss of wetlands on-site or, where determined necessary, proposed wetland mitigation measures are acceptable and consistent with state laws and Township ordinance requirements.
- (9) The operation will not impair the environment; pollute or degrade the air, water or other natural resources.
- (10) The operation will not interfere with the quiet enjoyment of persons in the vicinity of the operation or adversely impact on other identifiable health, safety, and welfare interests in the Township.

B. The burden of meeting each standard is on the Applicant/Owner/Operator. The Applicant/Owner/Operator's failure to provide the information, data or documentation necessary to meet a standard is a basis for denial of the application.

6.9 **Decision.** The decision rendered on the application shall be in writing, shall be supported by competent, material, and substantial evidence on the record of compliance with all applicable requirements of this Ordinance.

6.10 **Reapplication.** If an application is denied, a reapplication for that site shall not be filed for 365 calendar days from the date the decision was rendered, unless there is a material change in circumstances that was not present when the application was considered.

6.11 **Conditions of Approval.** In granting approval of an Extraction Permit the Planning Commission may impose such reasonable conditions as it deems necessary to ensure the standards are met and maintained. The following conditions shall be printed on the Extraction Permit, in addition to any others imposed by the Planning Commission:

- A. The authorization herein granted only authorizes those uses and activities specifically set forth in the Permit, is subject to the Township's right to inspect the site, and is contingent upon the Applicant/Owner/Operator(s) strict adherence to the terms and provisions of the Permit, this Ordinance, and other applicable regulations.
- B. Within 365 calendar days following cessation of the extraction operation by abandonment or otherwise, the site shall be fully reclaimed in strict accordance with the approved reclamation plan, unless an alternative timeline for completion of reclamation

activities was approved by the Planning Commission as part of an Extraction Permit approval or renewal.

- C. The application and base documents are incorporated by reference into the Permit. A material misrepresentation or unauthorized change in a base document is cause for revocation of the Permit.
- D. The Applicant/Owner/Operator shall, within 60 calendar days of an initial Extraction Permit approval, record copies of the Permit, mining plan, and reclamation plan for the property at the Isabella County Register of Deeds office, and shall provide copies of the recorded documents to the Township Planner.

6.12 **Permit Terms.** A Extraction Permit shall state the name of the Applicant/Owner/ Operator, metes and bounds description of the site, conditions imposed and any variances granted in conjunction with the Permit, the base document titles and revision dates, and the commencement date and term for which the Permit is issued.

- A. An initial Permit issued for a new extraction operation on a site shall be valid for a period of up to three (3) calendar years, beginning from the commencement date and ending on December 31 of the third year.
- B. Any subsequent Permit issued or renewed for an extraction operation on a site shall be valid for a period of up to five (5) calendar years, beginning from the commencement date and ending on December 31 of the fifth year.
- C. A Permit is transferable to a new Applicant/Owner/Operator with prior written consent of the Planning Commission. The Planning Commission may impose conditions to ensure that the requirements and standards of this Ordinance are met. Transfers include a merger, reorganization, sale or similar business action.
- D. The Applicant/Owner/Operator shall submit an application to the Township for renewal of an Extraction Permit not less than 180 calendar days nor more than 365 calendar days before the end of the term of the Permit.

6.13 **Outside Agency Permits and Approvals.** Copies of permits and approvals issued by a governmental body or agency that regulates an aspect of the activity conducted on a site shall be promptly filed with the Township Planner. The Applicant/Owner/Operator shall also notify the Township Planner of any requests for amendments to or notices of violation of any outside agency permits.

Section 7. Base Documents

The following base document requirements shall apply to all Extraction Permit projects:

- 7.1 **General Provisions.** The purpose of the base documents is to define the scope and character of the activities authorized on the site and provide evidence that the standards are met. The following general requirements shall apply to all required base documents:
 - A. Any modification or change intended or contemplated to the scope or character of the activities shall require Planning Commission approval, and the base document(s) shall be revised accordingly.
 - B. When a change in the scope or character of the activities on a site is intended or contemplated, the base documents submitted with the application shall depict and explain the proposed change.

- C. This Ordinance requires certain documents be prepared by professionally qualified individuals such as geologists, hydrologists, engineers, architects, environmental scientists, and surveyors. In all such cases the person preparing the document shall hold the academic degree, license, registration or other credential necessary to practice in the State of Michigan.
- D. Each base document shall be signed and dated by the person who prepared the document and, if applicable, shall bear their seal.

7.2 **Waiver of Base Document Information.** Unless waived in writing in accordance with this Section, all base documents shall be submitted in compliance with this Ordinance. Upon written request by the Applicant/Owner/Operator, the Planning Commission may modify or waive the requirement for a base document or specified item(s) of information required by this Ordinance to be included on a base document, subject to the following:

- A. Determination by the Planning Commission that the modification or waiver does not adversely affect the ability of the Planning Commission to ascertain whether the applicable requirements of this Ordinance have been met. The Applicant/Owner/Operator has the burden of providing facts, data, and documents sufficient to establishing that a requested waiver meets the standards of this subsection. Failure to do so shall be grounds for denying the waiver.
- B. If the Planning Commission subsequently determines that the waived base documents are necessary for their review and action on an application, then the Applicant/Owner/Operator shall promptly take action to amend the application by providing the requested base documents.

7.3 **Summary List of Required Base Documents.** The required maps, photographs, studies, analyses, and data specified and described in the following sections of this Ordinance shall be considered to be the minimum set of base documents required under this Section:

- A. Section 8 (Public Documents)
- B. Section 9 (Survey, Base Maps, and Photographs)
- C. Section 10 (Required Studies and Analysis)
- D. Section 11 (Mining Plan)
- E. Section 12 (Reclamation Plan).

7.4 **Other Relevant Information and Documents.** The Planning Commission may require the Applicant/Owner/Operator to submit additional items of information as determined necessary to confirm that the extraction operation conforms to the requirements and standards of this Ordinance, including all of the standards for Extraction Permit approval or renewal listed in Section 6.8.

Section 8. Public Documents

At a minimum, the following public documents shall be required as part of any application for Permit approval or renewal, unless expressly waived by the Planning Commission:

- 8.1 A title commitment, together with copies of all recorded documents identified in the commitment, current to within 30 calendar days of the date of submission of the application, which evidences ownership and all easements on the site, together with a copy of the record document which vests fee title in the Applicant/Owner/Operator.

- 8.2 Copies of all existing federal, state, and county permits which are in effect and relate to an activity on the site.
- 8.3 If an Applicant/Owner/Operator is other than an individual, a copy of the public document which evidences its legal status and right to conduct business in the State of Michigan.
- 8.4 A list of names, address, telephone/facsimile number(s), and e-mail address of all persons, firms, corporations or other entities having legal or equitable interest in the property.

Section 9. Survey, Base Maps, and Photographs

The following minimum requirements shall apply to the survey, maps, and aerial photographs required by this Ordinance:

- 9.1 **General Requirements.** All survey drawings, base maps, and aerial photographs shall be provided in a bound or stapled set, and shall be of a consistent sheet size, orientation, and scale to allow for easy cross-referencing between sheets. Upon written request from the Applicant/Owner/Operator, specific mapping materials or other documentation required by this Section that contain proprietary information may be labeled as such and provided in accordance with the following:
 - A. The proprietary information shall be in a separate bound or stapled set with a cover sheet listing each map or document title, revision date, number of sheets, and the name, address, and other contact information of the firm or individual responsible for preparation.
 - B. The Township Planner and Applicant/Owner/Operator shall initial, date the cover sheet. The Township Planner shall retain a copy of the signed cover sheet for the Township's records and shall request that all proprietary information be returned to the Applicant/Owner/Operator at the conclusion of the review process.
 - C. The Applicant/Owner/Operator shall retain possession of the signed set of proprietary information and, upon written request from the Township Planner, shall promptly furnish the set to the Township for further review and inspection. Failure to retain or promptly provide the information shall be considered a violation of this Ordinance.
- 9.2 **Survey.** A survey shall be provided, which shall be prepared and sealed by a surveyor or engineer in accordance with applicable State of Michigan standards and shall include the following minimum information:
 - A. Map scale and a north directional arrow.
 - B. A legal description, with street address, township, and county; and the property's location and dimensions by metes and bounds written on the survey map from a fixed point of beginning or, if applicable, the lot and block numbers, by subdivision name and recording information.
 - C. Existing means of ingress and egress to and from the property, if not by abutting road(s).
 - D. Established building line(s), if any, the line of the abutting road(s) identified by names and right-of-way widths, and the location of all utility lines and connections.
 - E. All structures and improvements by location, nature (including character of construction and number of stories), dimensions, distance from the property lines on all sides, and occupants.

- F. All servient and beneficial easements, if any, and all easements appurtenant to the property, if any, indicating the identity, by liber and page, if any, the origin (e.g., Deed from A to B), if applicable, and nature or purpose of the easement.
 - G. Locations, dimensions, and nature of all encroachments upon the property or from the property on adjoining land.
 - H. Locations of all waterways, wetlands, and established flood plains, if any.
 - I. Designation of existing uses surrounding the proposed extraction area.
 - J. The benchmark utilized for the survey.
 - K. A signed and dated certification statement attesting to the accuracy of the survey and specifying the credentials of the preparer.
- 9.3 **Topographical Map.** A recent topographical map shall be provided showing two (2) foot contour intervals, unless the Planning Commission determines that a greater interval of five (5) feet would be acceptable for all or part of the site. The map shall be at a standard engineer's scale not to exceed one-inch equals two hundred feet (1" = 200'). The topographic contours shall extend at least 100 feet beyond the boundaries of the requested extraction area(s), and shall include all required setback lines, lot boundaries, and easements with dimensions and bearings correlated with the legal description and all required setback lines.
- 9.4 **Aerial Photograph.** A recent aerial photograph shall be provided, which shall be current to within two (2) years of the application date unless the Planning Commission waives this requirement. The aerial photograph shall be orthorectified and presented at a standard engineer's scale not to exceed one-inch equals one hundred feet (1" = 200'). The aerial photograph shall extend at least 500 feet beyond the boundaries of the requested extraction area(s), and shall include all required setback lines, lot boundaries, and easements, with dimensions and bearings correlated to the legal description.
- 9.5 **Vicinity Map.** Township map that depicts the location of the extraction area and the haul route(s) to and from the site.
- 9.6 **Site Inventory Map(s).** Site Inventory Map(s) shall be prepared by a qualified environmental professional, certified to the Township and clearly showing the locations and types of existing natural features both on the site, and where possible, those within 200 feet beyond the site's boundary lines.
- A. The site inventory shall include a written description of the quality, character, extent, and health of the natural features on the site.
 - B. The map(s) shall, at a minimum, depict the location, extent, and areas for the following elements of the site:
 - (1) Setbacks as required by this Ordinance.
 - (2) Known archeological and historical features.
 - (3) Known agricultural tile drainage infrastructure.
 - (4) Existing buildings, structures, and other site improvements.
 - (5) Existing drainage courses, both private and under county Drain Commissioner jurisdiction, along with surface water drainage patterns.
 - (6) Flood hazard area boundaries.
 - (7) Watercourses and other bodies of water, with ordinary high-water marks.
 - (8) Delineated wetlands.

- (9) Areas of hydric soils and highly permeable soils.
- (10) Groundwater recharge areas and depths to groundwater, generalized.
- (11) Woodlands, treerows, special habitats, and endangered flora or fauna.
- (12) Existing easements and road rights-of-way, and access points to the site.

9.7 **Reserve/Exploration Map.** A Reserve/Exploration map and cross-sections shall be prepared by an engineer or geologist, and certified to the Township as true and accurate, which depicts the extent, location, and nature of all subsurface materials on the proposed extraction site on a topographic map, including:

- A. Estimated extent (outline) of deposit limits of extraction materials; Location by GIS information and identification number of all subsurface exploration locations and all data or reports however embodied or obtained from the site exploration locations; Proposed location of observation wells.
- B. Depth and lowest elevations of exploration (e.g., drill holes) and the claimed deposit of materials to be extracted from the site.
- C. Groundwater elevations.
- D. Estimated quantity of reserves.
- E. Depth and estimated quantity of topsoil to be stripped.
- F. Depth, lower elevations, and estimated quantity of overburden to be stripped.
- G. Two (2) foot contour intervals indicating the anticipated vertical and horizontal extent of excavation below the existing surface elevations, unless the Planning Commission determines that a greater interval of five (5) feet would be acceptable for all or part of the site.

Section 10. Additional Studies and Analysis

The following minimum requirements shall apply to hydrogeologic studies, environmental impact analyses, and other technical research and reports required by this Ordinance:

10.1 **Hydrogeologic Study.** A hydrogeologic study shall be prepared and sealed by a certified professional geologist who specializes in hydrogeology. The Planning Commission, at the expense of the Applicant/Owner/Operator, may have the study reviewed by a Township consultant. The hydrogeologic study is intended to document the hydrogeological conditions on the site and assess any mining plan impacts on water resources of the Township, both on and off-site. This Section provides a guide for gathering the needed data and assessing potential impacts. Different levels of investigation are required depending on site features, such as location in a watershed, proximity of existing surface water bodies, site hydrology, local geology, groundwater and surface water quality, and local land use. Some of these features are readily discernible; others, such as geology, are not. This study shall include the following minimum hydrogeological data and evaluation elements:

- A. **Site and Extraction Operation Description.**
 - (1) For all extraction operations, prepare a map showing the regional setting. At a minimum, the map should cover an area with a one-mile radius measured in all directions from the center of the property. If the size of the project is large, it may be appropriate to increase the geographic area covered by this map. The site location map must show the following features:

- (a) Proposed limits of excavation.
 - (b) Scale and north arrow.
 - (c) Section lines and numbers.
 - (d) Township and range numbers.
 - (e) Township name.
 - (f) Location of all existing lakes, streams, drainage ditches, surface impoundments, and apparent wetlands in the geographic area.
 - (g) Water surface elevation.
 - (h) Boundaries for the property where the proposed Extraction Operation will occur.
 - (i) Location of all existing agricultural tile drainage infrastructure that crosses the subject site.
- (2) For all extraction operations, prepare a detailed site map that covers an area that extends at least 2,000 feet beyond the property boundaries subject to the Permit application. This map should show:
- (a) Scale and north arrow.
 - (b) Applicant/Owner/Operator 's property boundaries.
 - (c) Boundaries and owner names for all adjoining land parcels.
 - (d) Based on available public information, provide the location of all existing lakes, streams, drainage ditches, and apparent wetlands on-site and within 2,000 feet of the property boundaries.
 - (e) Based on available public information, provide water surface elevation for all existing lakes, streams, drainage ditches, and wetlands located on-site and within 2,000 feet of the property boundaries.
 - (f) Delineated wetlands expected to be impacted by the extraction operation.
 - (g) Location of proposed extraction operation.
 - (h) Land surface elevations for the property shown by appropriately selected contour intervals.
- (3) Describe the existing land use, site conditions, and the basic scope of the operation.

B. Field Investigations.

- (1) For all extraction operations, test borings shall be required to be drilled to determine the subsurface geology. A minimum of four (4) test borings shall be located outside the perimeter of the proposed Extraction Operation. At least one boring shall be in the center of the proposed Extraction Operation. These borings must be drilled at least ten (10) feet deeper than the proposed depth of an excavation or to the existing groundwater table, whichever is greater. The locations of these borings must be clearly shown and labeled on the site topographic map. Descriptive logs for each boring should be prepared by a geologist using the Unified Soil Classification System ("USCS") to describe the subsurface soil and sediment. Boring logs must contain the following minimum information:
- (a) Boring name.
 - (b) Land surface elevation.
 - (c) Depth of boring.

- (d) Description of different sediments encountered to the bottom of the boring.
 - (e) Construction details for the temporary observation wells.
 - (f) Top of casing elevation.
 - (g) Depth to water.
 - (h) Elevation of water in the well.
- (2) For extraction operations that extend into the groundwater, monitor wells shall be installed near the perimeter of the site and outside of any proposed excavation or construction, subject to the following:
- (a) If more than one aquifer is encountered in the test borings, separate monitor wells must be screened in each aquifer to determine the vertical head gradient between aquifers, groundwater flow direction, and water quality in each aquifer. Include monitor well construction logs in the report appendix.
 - (b) A minimum of five (5) monitor wells shall be installed: three to determine the direction of groundwater flow and the fourth and fifth set as a cluster down gradient of the operations area to determine vertical gradient within the aquifer. The requirement for the fifth well may be waived if the aquifer thickness is determined to be less than ten (10) feet.
 - (c) Monitor wells shall be constructed to requirements of the State of Michigan and Central Michigan District Health Department, shall be capable of detecting any significant change in groundwater elevation and quality, and shall be retained for future monitoring.
 - (d) The Township may require additional monitor well locations determined necessary to verify compliance with this Ordinance.
- (3) For all extraction operations, water levels and water quality in any monitor wells and on-site wetlands, streams, and lakes shall be measured. All water levels shall be related to a common USGS datum and elevations shown on a map and in a report table. Water quality parameters shall be collected in accordance with the process outlined in subsection 10.1.C. (Base-Line Water Quality).
- (4) Existing municipal and residential wells within one (1) mile of the site shall be inventoried and located on the map. Include all well logs in the report appendix. If the number of water supply wells is exceptionally large, then a sufficient number of well logs may be selected to represent each general group of well logs, considering well depths, stratigraphy, and locations.
- (5) For extractions that extend into the groundwater, the Applicant/Owner/Operator shall determine the hydraulic conductivity, flow direction, recharge area, interrelationship with other aquifers and surface water bodies, and water quality of each aquifer within the extraction zone or that is determined by a hydrogeologic study to potentially be affected by the extraction operation.

C. Base Line Water Quality.

- (1) **Groundwater - Monitor Wells.** For extractions that extend into the groundwater, all required monitor wells shall be sampled and analyzed per established State of Michigan sampling and analysis protocols to establish background groundwater quality prior to commencing extraction operations. A minimum of two (2)

sampling events are required [four (4) or more are preferred], with one event during a high groundwater elevation and the other during a low groundwater elevation period.

- (a) Testing shall include the following indicator parameters:
 - i. static water level elevation.
 - ii. groundwater temperature.
 - iii. specific conductance.
 - iv. pH.
 - v. dissolved oxygen.
 - vi. redox potential.
 - vii. total dissolved solids (TDS).
 - viii. total petroleum hydrocarbons (TPH). If the TPH exceeds the method detection limit (MDL), VOC, SVOC, and MTBE must also be measured as well.
 - (b) In addition, for each well, determine the concentration of the following groundwater parameters:
 - i. chloride.
 - ii. sodium.
 - iii. calcium.
 - iv. sulfate.
 - v. bicarbonate.
 - vi. magnesium.
 - vii. manganese.
 - viii. iron.
 - ix. potassium.
 - x. phosphorus.
 - xi. nitrate nitrogen.
 - xii. arsenic.
 - xiii. mercury.
 - xiv. Other chemical elements, compounds or contaminants as determined necessary by the Planning Commission.
 - (c) Laboratory testing shall be conducted in conformance with current applicable United States Environmental Protection Agency testing methods, and data shall be compared to the State of Michigan's current criteria for generic residential cleanup and screening.
- (2) **Groundwater - Water Supply Wells.** For extractions that extend into the groundwater, the Applicant/Owner/Operator shall seek permission from well owners to monitor groundwater flow for all portions of the aquifer(s) from which down gradient municipal and residential wells within one (1) mile of the site extract water. All of the monitor well testing requirements in subsection 10.1.C.(1) shall also apply to these additional wells where such permission has been granted.
- (3) **Surface Water.** For all extraction operations, the number, type and locations of surface water samples shall be sufficient to identify potential surface water impacts from extraction operations, subject to the following:

- (a) Each watercourse and other body of surface water shall be sampled for the following minimum parameters:
 - i. water elevation.
 - ii. base/bed elevation.
 - iii. pH.
 - iv. conductivity.
 - v. turbidity.
 - vi. total dissolved solids (TDS).
 - vii. total suspended solids (TSS).
- (b) The study shall evaluate the hydraulic relationship between each watercourse or other body of surface water and the groundwater (e.g., groundwater discharges to surface water or surface water discharges to groundwater).
- (c) The Township may require additional samples or sample locations determined necessary to verify compliance with this Ordinance.

D. Data Analysis.

- (1) Prepare a contour map of the water table elevations, including water-level elevation measurements from on-site wetlands, streams, and lakes. Show the site boundaries.
- (2) Prepare a map showing the location of geologic cross-sections.
- (3) Prepare multiple geologic cross-sections passing through the proposed Extraction Operation and all areas of concern (e.g., wetlands, streams, lakes, residential wells, etc.) to a distance of approximately one mile beyond the site boundaries. On these cross-sections, show the following information:
 - (a) Vertical and horizontal scale.
 - (b) Existing land surface elevations.
 - (c) Boundaries and depth of any proposed excavation.
 - (d) Well locations and logs used to prepare the cross-sections.
 - (e) Thickness and extent of the subsurface geologic strata.
 - (f) Location and depth of all residential wells, wetlands, streams, and lakes falling on and near the cross-section.
 - (g) Static water level elevations.
 - (h) Water quality data for each water body and monitor well (diagrams, such as Stiff diagrams, may be the most convenient method to depict the data).
- (4) For extraction operations that extend into the groundwater, conduct an analysis of the impact of the Extraction Operation on nearby surface water (including wetlands) and groundwater resources. Discuss the difference between the existing and post-construction conditions. The Applicant/Owner/Operator's consultant should make an assessment of the net change in water loss in the area of the Extraction Operation. If there is a net increase in water loss, this rate should be used as a stress on the aquifer, analogous to a pumping well. A simple well hydraulics or analytical model may be used to approximate the water-level decline at various distances from the center of the Extraction Operation; numerical modeling is not expected to be required.

- (5) If the Extraction Operation creates or enlarges an excavated lake, potential impacts will be caused by increased evaporation from the new or increased lake surface and by the removal of aquifer material. The evaporation impact shall be analyzed through a water budget analysis using DEQ's applicable guidance for how to perform this analysis.
- (6) For extraction operations that extend into the groundwater, prepare an analysis of the amount of water level decline and the associated impacts resulting from removal of the bulk/solid aquifer material.
- (7) If multiple aquifers are encountered during test drilling, and the proposed bottom of the excavation will completely penetrate an intervening confining layer, the analysis becomes more complicated. An examination of groundwater level data from the monitoring well clusters will determine whether there will be a negative impact on either aquifer. The degree and extent of decline in either case will depend upon the hydraulic properties of the aquifers and the rates of groundwater recharge and lateral groundwater inflow from surrounding areas. An analysis of this type of problem would require a numerical model.
- (8) For extraction operations that extend into the groundwater, prepare maps and cross-sections showing the nature and extent of the hydrogeologic impact(s) (e.g. water-level decline or increase).
- (9) For all extraction operations, graphically depict water quality data (e.g. Stiff diagrams) and appropriately show the depictions on maps and cross-sections. Show all supporting documentation for sources of data, data analysis calculations, model input data sets, and model output, but do not fill report appendices with arrays of numbers from numerical model input and output data sets. Provide numerical model data sets in digital format.

E. **Hydrogeologic Analysis, Summary, and Conclusions.** This subsection shall document existing site conditions, identify potential short-term and long-term impacts on the Township water resources during and after the proposed Extraction Operation, and contain the following minimum elements:

- (1) Description of present land use and the relationship of the site to surrounding properties. Use either the site location or a topographic map, whichever is more appropriate.
- (2) Discussion of the proposed Extraction Operation and schedule, along with the intended future use of site. Use a topographic map showing proposed extent of the Extraction Operation and different phases, if applicable.
- (3) Presentation of measured water levels as a contour map of the water table that also shows the groundwater flow directions.
- (4) Discussion of groundwater and surface water movement through the area. Use either the site location or a topographic map, whichever is more appropriate.
- (5) Presentation and discussion of data from test borings and any required monitoring wells on cross-sections through the proposed Extraction Operation area showing land surface elevation, surface water features (if applicable), the proposed extent of any excavation, and the subsurface sediments encountered in the hydrological study.
- (6) Water quality impacts on existing surface-water and groundwater quality.

- (7) Provide a conclusion discussing the expected impact to the water quality and elevations of groundwater (e.g. project water level decline/rise in each aquifer) and surface water bodies on and proximate to the site, considering both short-term and long-term potential impacts.

F. **Additional Hydrogeological Data.** The Township may require additional data related to the site, including, but not limited to, the following:

- (1) **Surface Water Diversions.** Additional investigations may be needed to demonstrate that any proposed diversion of surface water flow will not adversely impact existing surface water bodies or wetlands located on- or off-site through reduced or excessive flows.
- (2) **Groundwater Diversions.** For extraction operations that extend into the groundwater where multiple aquifers are encountered by the test borings, monitor wells must be screened in each aquifer that is expected to be penetrated by an excavation. Measure hydraulic head (water level elevation) in each well to determine vertical differences in head between aquifers, the direction groundwater will move between aquifers, and to calculate the impacts from lowering the head in one aquifer and raising the head in the other aquifer.

10.2 Environmental Impact Analysis.

The Applicant/Owner/Operator shall prepare an environmental impact analysis addressing the impact the operation will have on the site's natural features, flora, fauna, adjacent lands, on the social and economic conditions of the Township, and any mitigation measures needed to eliminate or minimize these impacts.

- A. This section is intended to provide a detailed and thorough analysis using the assembled data required by this Ordinance, not a restatement of assembled data. The analysis should address how the various data interrelate and how the proposed operation will affect human and natural environments.
- B. Environmental impacts identified in the hydrogeological study should be incorporated into this analysis and related to the discussions of other impacts. The hydrogeological support data does not have to be re-stated, but should be referenced in this analysis.
- C. At a minimum, the analysis shall address the following potential short-term and long-term impacts, including impacts associated with the intended future use of the reclaimed site, and shall include the Applicant/Owner/Operator's planned mitigation measures to minimize the anticipated impacts:
 - (1) Noise, dust, mud, drainage, erosion, and sedimentation.
 - (2) Truck traffic and access to and from the site.
 - (3) Impacts on public road infrastructure.
 - (4) Impacts to residents near the operation and along the haul route.
 - (5) Changes in social patterns and/or economic conditions of residents.
 - (6) Views of the extraction operation site from adjacent roads and properties.
 - (7) Impacts on watercourses, other bodies of surface water, flood hazard areas, and wetlands.
 - (8) Impacts on special habitats, and endangered flora or fauna.
 - (9) Impacts on known archeological and historical features.
 - (10) Impacts on groundwater supply, level, quality, and flow on site and within 2,000 feet of the proposed extraction activity.

- (11) Impacts on air quality within 1,000 feet of the proposed extraction; and
 - (12) Any additional impacts on the human or natural environment that the Applicant/Owner/Operator or Planning Commission determine to be significant or necessary to verify compliance with this Ordinance.
- D. In addition to the above items, the analysis shall address the following details:
- (1) Inventory the physical environmental elements of the proposed site, with descriptions of the environment as it exists prior to commencement of extraction operations, and as projected after completion of reclamation.
 - (2) Identify whether the proposed activity is located within 1,000 feet of a residence, 2,000 feet of a school or 500 feet of a commercial development, and address compatibility of the extraction operation with these and other adjacent land uses.
 - (3) Alternatives, if any, to the extraction operation location and the reasons for the choice of the proposed location over those alternatives.

Section 11. Mining Plan

The following minimum requirements shall apply to the mining plan required by this Ordinance:

- 11.1 **Plan Preparation, Content, and Detail.** The mining plan shall be prepared by a certified professional geologist, or registered professional engineer specializing in mining and shall illustrate the pattern, direction and phasing of earth moving, extraction, land shaping, and reclamation activities. The plan shall be of sufficient detail so it can be used to assess the performance of the mine operation during any site inspection. The mining plan shall be reviewed annually by the Township and the permit holder and updated, if necessary.
- 11.2 **Topographical Map.** Applicant/Owner/Operator shall prepare a topographical map at a standard engineer's scale not to exceed one-inch equals two hundred feet (1" = 200'), which depicts the following information:
- A. Site boundary lines, and setback lines as required under this Ordinance.
 - B. Location, elevation, and area of any proposed processing plant.
 - C. Location, size, and elevation of all structures and facilities.
 - D. Location of outdoor storage areas including materials extracted from the site.
 - E. Location and size of sediment ponds, drainage diversions, and discharge points.
 - F. Location of fences and gates.
 - G. Parking location and number of spaces for employees, invitees, and equipment stored on site.
 - H. Location of equipment, chemical, oil, and fuel storage areas.
 - I. Planned public roadway modifications needed to accommodate the extraction operation and haul route, including but not limited to paving, drainage, lane widening, and intersection improvements.
 - J. Location and description of any potable water supply for human consumption and any sewage disposal system for human waste.
- 11.3 **Screening Plan.** The Applicant/Owner/Operator shall prepare one (1) or more maps with a scale not to exceed one-inch equals two hundred feet (1" = 200') that depict the following information:
- A. A plan for sound and visual screening of the site, with heights and locations of required berms with topographic contours at a two (2) foot contour interval; grass seed mix and application rate; fertilizer mix and application rate; species, size, location, and quantity of

any required tree plantings; any existing topography, woodlands or other existing vegetation proposed to serve as part of the required screening; and installation and maintenance details.

- B. Example detail drawings of the berm, and any tree planting arrangements as required per Section 15, shall be provided at a scale not to exceed one-inch equals fifty feet (1" = 50').

11.4 Nature of Operations. Describe the nature and type(s) of the following site activities:

- A. Methods of excavating, including excavation equipment.
- B. Methods of transporting material from mine site to processing plant, including earth handling equipment to be used on-site.
- C. Types of processing activities, such as screening, washing, crushing, etc.
- D. Estimated quantity, use, and disposal of fines.
- E. Estimated number and size of settling ponds.
- F. Estimated annual production.
- G. Estimated type, size, and number of trucks leaving the site daily, during peak season, and annually.
- H. Other incidental activities proposed on the site accessory to the operation.
- I. Road track out control plan to alleviate mud, soils, dust, and other materials from the undercarriage and wheels of vehicles resulting from the mining operation, which may include sweeping; paving; spraying the under carriage, wheels, and wheel wells; or other best management practices. The plan shall include proposed management practices on both access roads and public roads, beyond normal maintenance conducted by the road authority with jurisdiction.
- J. Dust control plan to alleviate dust resulting from mining operations, which may include sweeping, paving, spraying water, windbreaks, strategic placement of stockpiles, or other best management practices. The plan shall include proposed management practices on both access roads and public roads, beyond normal maintenance conducted by the road authority with jurisdiction.
- K. Haul route map delineating the haul route to be used for the proposed operation.
- L. Noise control plan prepared by a qualified professional estimating the noise levels at the property boundaries containing the extraction operation and at successive stages of the operation, and proposed mitigation measures to be implemented.
- M. Erosion control plan which provides a complete description of all the soil erosion measures, including but not limited to silt fences, vegetation screens, sediment basins, and settling ponds; location of control measures on bare surfaces and steep slopes; and a schedule for installation and maintenance.
- N. Pollution prevention plan containing a complete description of proposed pollution prevention methods based on applicable national, state, and county standards.
- O. Complaint processing plan, which describes the procedures by which complaints about the operation or off-site transportation will be received and resolved.
- P. Wetland removal plan, identifying the total amount of regulated wetlands to be impacted by the operation and all required wetland mitigation measures.
- Q. If the proposed extraction activity includes beneficiation or treatment of extracted material, the application documents shall include specific plans depicting the methods, techniques, and manufacturer's material safety data sheets on all chemicals or other

additives utilized in the process. The operator shall also obtain all applicable state and federal permits for the beneficiation process.

- R. Submit a lighting plan showing the location and details of exterior lighting on the site, which shall also conform to applicable Township Zoning Ordinance standards.

11.5 **Fifteen Year Extraction Plan.** The Applicant/Owner/Operator shall submit a 15-year extraction plan that describes and graphically illustrates both the overall extraction operation and the plan for each progressive cell-unit of the operation, which shall include the following minimum required information:

- A. Method and direction of extraction.
- B. Surface overburden stripping and stockpiling plans.
- C. Depth of excavation and anticipated final grade level over the entire site from which the material will be removed.
- D. Location of buildings, equipment, stockpiles, roads, or other features necessary to the extraction activity.
- E. Provisions for buffer areas, landscaping, and screening.
- F. Minimum setback distances as required by this Ordinance.
- G. For each cell or group of cells, provide the verifiable conditions which must exist before excavation of a successive cell or group of cells may commence.
- H. Location and acreage of areas presently being mined, and the amount of material being extracted, if applicable.
- I. Location and acreage of areas not presently being mined but planned for that purpose and the amount of material planned to be mined.
- J. An estimated schedule indicating when the extraction activity will begin in each area and the probable termination date of extraction activities in each area.
- K. Additional information requested by the Township.

11.6 **Wetlands; Avoidance of Loss and Mitigation Requirements.** In all cases where wetlands would be impacted by the proposed extraction operation, the Applicant/Owner/Operator shall submit a wetland mitigation plan for the Planning Commission's review and consideration, subject to the following:

- A. **Prudent Efforts to Avoid Loss of Wetlands.** Wherever wetland loss or alterations affecting the wetland's resource value are anticipated due to proposed extraction operations, mitigation shall be required. Mitigation, however, shall not substitute for pursuing all prudent efforts to avoid wetland loss.
 - (1) Prior to considering a proposal for wetland mitigation, the Applicant/Owner/Operator shall provide evidence to demonstrate that no reasonable alternatives exist to avoid impact to existing wetlands, and that the resource value of existing wetlands will be maintained through mitigation.
 - (2) Such resource value may include flood prevention, wildlife habitat, groundwater resource protection and recharge, pollution treatment, erosion control, nutrient sources, aesthetics, recreation, open space or other resource value associated with the impacted wetland.
- B. **Exception to Mitigation Requirement.** Mitigation shall not be required where the loss of wetland resource value is determined by the Township Planner or a designated Township wetlands consultant to be negligible.

- C. **Additional Requirements for Mitigation Plans.** The mitigation plan shall be in accordance with established state guidelines and the following requirements:
- (1) Mitigation shall be provided on-site where practical and beneficial to the wetland resources. If mitigation on-site is not practical and beneficial, then mitigation in the immediate vicinity, within the same watershed, of the permitted activity may be considered. Only if all of these options are impractical shall off-site mitigation be allowed.
 - (2) The mitigation plan shall comply with all applicable federal, state, and local laws, and shall assure no net loss to the wetland resource values.
 - (3) If mitigation involves replacement of lost wetland resources, the character, function, and extent of any replacement wetlands shall be consistent with applicable State of Michigan requirements.
 - (4) A minimum five (5) year monitoring program shall be required.

Section 12. Reclamation Plan

Reclamation plans shall include the following minimum required information:

- 12.1 **General Plan Requirements.** Describe and graphically illustrate the progressive cell-unit reclamation plan, for both the total extraction operation and each cell-unit, including all of the following points:
- A. Provisions for grading, re-vegetation, and stabilization that will minimize soil erosion, sedimentation, and public safety problems.
 - B. Location of buildings, equipment, stockpiles, roads, or other features necessary to the extraction activity and provisions for their removal and restoration of the area at extraction operation termination.
 - C. The interim use or uses of reclaimed cell-units before the cessation of the entire extraction operation.
 - D. Interim reclamation if site is to become temporarily inactive (e.g., for the next season or more) at the end of a regular season.
 - E. For each cell or group of cells, provide the verifiable conditions that require reclamation of a cell or group of cells to commence and to be completed.
- 12.2 **Upland Slope; Final Requirements.** All upland reclamation grades for extraction operations shall have a slope not steeper than one (1) foot vertical rise in a four (4) foot horizontal plane, except that the Planning Commission may approve plans that allow steeper reclaimed slopes in order to provide a smoother transition to undisturbed topographic features or the protection of existing environmental features.
- 12.3 **Submerged Slope; Final Requirements.** All final submerged slopes established by the excavation of material below the water table and the creation of a water body shall not exceed a maximum of one (1) foot vertical rise in a ten (10) foot horizontal plane down to a depth of ten (10) feet as measured from the low water elevation.
- 12.4 **Surface Water; Final Requirements.** Diverted or channeled runoff resulting from reclamation shall not adversely affect neighboring properties. Site reclamation shall be conducted and

completed in a manner that assures compliance with State of Michigan water quality standards for surface waters.

- 12.5 **Groundwater; Final Requirements.** The site shall be reclaimed in a manner that does not cause a permanent lowering of the water table, adverse impacts on surface waters, degradation of groundwater quality or a reduction in the quantity of groundwater reasonably available for future users.
- 12.6 **Future Land Use and Conceptual Development Plan.** The Applicant/Owner/ Operator shall be required to provide, as a part of the reclamation plan, a future land use and conceptual development plan subject to the following minimum requirements:
- A. The plan shall demonstrate that the reclaimed site can be effectively and efficiently used for purposes consistent with the Master Plan and Zoning Ordinance.
 - B. Where the planned future land use is for agricultural purposes or a conservation area, nature preserve or similar use, the plan may consist of a written narrative addressing how the reclaimed site is anticipated to be used for these purposes.
 - C. For all other planned future residential and non-residential land uses, the Applicant/Owner/Operator shall prepare a conceptual development plan drawn to a standard engineer's scale not to exceed one-inch equals two hundred feet (1" = 200'), which:
 - (1) Depicts general use areas, proposed lots, internal roads and rights-of-way, and locations of structures and other site improvements consistent with Zoning Ordinance requirements for the anticipated end uses.
 - (2) The plan shall also include a written narrative that describes the planned future land uses and anticipated site improvements, and addresses compatibility with the Township's Master Plan and Zoning Ordinance.

Section 13. Specific Operating Conditions and Regulations

All extraction operations shall comply with the following operating conditions and regulations:

- 13.1 **Setback.** No excavation, washing, stockpiling of extracted material or other extraction activity of any sort shall be conducted closer than 200 feet from the closest boundary of any road right-of-way to the site, 500 feet from any existing residence, and 200 feet from any other lot boundary.
- A. The Planning Commission may establish a larger setback requirement upon determination that the increased separation distance is necessary for the health and welfare of adjoining property owners and other residents of the Township.
 - B. The setback area shall not be used for extraction purposes, stockpiling or any other use related to the extraction operation except access roads and public notice signs identifying the use as an excavation.
 - C. Incidental re-grading shall be allowed within the required setback areas during reclamation activities to blend the existing and reclaimed topography and provide for future use of the land consistent with approved Permit plans.
 - D. Screening shall be provided in the setback area per Section 15 of this Ordinance, and as otherwise required by the Planning Commission as a condition of Permit approval or renewal.

- E. Before commencement of extraction operations on the site, four-inch square (4" x 4") white painted posts, a minimum of five (5) feet in height above grade, shall be placed no more than 300 feet apart along the designated setback lines around the site. The posts shall be placed at intervals so that from the location of any post two (2) additional posts are clearly visible.
- 13.2 **Fencing.** Before the commencement of any extraction operations, a hinge-joint, woven-wire, 10/47/6 standard farm fence shall be erected around the perimeter of the extraction area and maintained in good condition until excavation and extraction operations have been completed. A lockable gate shall be provided at all access points from the public road to the extraction operation, which shall be closed and locked at all times except during the permitted hours of operation.
- 13.3 **Hours of Operation.**
- A. **Extraction Operations.** Extraction and processing operations shall be permitted only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 p.m. on Saturday. Unless there is an emergency, in no event shall any noise emanate off the site, including the warming of engines, prior to 7:00 a.m.
 - B. **Transporting.** No transporting of aggregates or any materials from the site shall be permitted prior to 7:00 a.m. and after 5:00 p.m. Monday through Friday, and prior to 7:00 a.m. and after 12:00 p.m. on Saturday.
 - C. **Repair of Equipment.** Repair of equipment on-site shall be permitted as allowed under the terms of this Ordinance. Unless there is an emergency, in no event shall any noise emanate off the site prior to 7:00 a.m.
 - D. **Sunday Operations.** There shall be no extraction operations or transporting of aggregates permitted on Saturdays after 12:00 p.m., on Sundays, and on the official holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.
 - E. **Emergency Hours.** The Township Planner shall be authorized to grant limited permission for emergency hours of operation for up to a maximum of 30 calendar days upon written request from the Applicant/Owner/Operator with good cause shown. Any extension of time or request for longer than 30 calendar days shall be subject to Planning Commission authorization.
- 13.4 **Noise.** The noise generated by the operation shall conform to the requirements of the Township's Anti-Noise and Anti-Nuisance Ordinance No. 1991-10, and the following:
- A. Extraction operation vehicles, equipment, and transport trucks shall be equipped with back-up alarm technology that uses radar, white noise, strobe light or other means consistent with applicable safety laws to reduce the adverse noise impacts from back-up alarms on neighboring residents.
 - B. The Planning Commission may establish a maximum allowable decibel level noise limit at any lot boundary or road right-of-way as a condition of Permit approval or renewal to protect the health, welfare, and safety of surrounding property owners and Township residents.
- 13.5 **Odors, Smoke, Fumes, Dust, and other Air Pollution.** Any odors, smoke, fumes, or dust generated on said site by any digging, excavating, loading or processing operation and borne or apt to be borne by the wind shall be confined so as not to cause a nuisance or hazard on any adjoining property or public road.

- 13.6 **Stormwater Discharge.** No stormwater discharge shall be allowed off-site without permit and approval from the State of Michigan. A copy of all permits and approvals for offsite discharges shall be submitted to the Township Planner at the time permits and approvals are received from the State of Michigan. Additionally, a copy of the permit application shall be submitted to the Township Planner at the time of the application.
- 13.7 **Pollution of Waters.** The removing of materials shall not cause pollution of any surface water body or groundwater.
- 13.8 **Natural Drainage and Groundwater Recharge.** Extraction operations and related activities shall not adversely affect the natural drainage of the other properties in the area nor adversely affect any pre-existing groundwater recharge area or filtering mechanisms of wetlands in the area or on the extraction site.
- 13.9 **De-watering.** De-watering for extraction or any other processing on-site shall be prohibited.
- 13.10 **Elevation of Plant Site.** Any processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, to reduce the visual and noise impact of such plant.
- 13.11 **Stockpiles.** Stockpiles of stripped topsoil and/or overburden shall be seeded with grass or other ground cover materials to prevent erosion. Other stockpiles shall be arranged on the site, limited in height, and treat as necessary to prevent off-site impacts from dust, sand, and other wind-blown materials.
- 13.12 **Signs.** The Planning Commission may require the posting of “Keep Out - Danger” or similar signs at designated locations or intervals along the perimeter fence.
- 13.13 **Extraction Below Groundwater Elevation.** Extraction below the groundwater elevation is prohibited unless specifically provided for in the Permit and then only to the maximum depth authorized.
- 13.14 **Blasting.** No blasting shall be allowed at any time under any extraction permit.
- 13.15 **Importation of Fill Materials Prohibited.** Importation of fill materials into an extraction area or otherwise associated with extraction operations shall be prohibited, except where a limited amount of clean, contaminant-free, natural soil fill material is determined by the Planning Commission to be necessary to allow for establishment of safe topographic and drainage conditions appropriate to the intended future use of the land.

Section 14. Ingress-Egress Requirements

All extraction operations shall conform to the following minimum ingress-egress requirements:

- 14.1 **Road Access Limitations.** All ingress and egress for the extraction operation, including the approved haul route, shall be limited to public roads paved with asphalt or concrete and designated as a state highway, arterial, thoroughfare or county primary road by the state or county road authority with jurisdiction.
- 14.2 **Internal Access Drive.** Each extraction operation shall be limited to one (1) access point and access drive into the site from the public road, which shall be subject to approvals from the Planning Commission and the state or county road authority with jurisdiction. The access road

shall be paved from the edge of the roadway to the lockable gate, and for an additional minimum of 300 feet into the site from the lockable gate.

- 14.3 **Spillage.** The Applicant/Owner/Operator shall clean all spillage and trackage of material, dirt, rock, mud or any other debris onto any public roads in the Township by trucks coming to or from the site or by any other equipment. Cleaning shall occur promptly after the spillage or trackage of the material has occurred.
- 14.4 **Haul Route.** To the extent permitted by law and as deemed necessary by the Planning Commission for the health, safety, and welfare of residents of the Township, the specific haul route for all vehicles carrying materials to or from the site shall be subject to acceptance by the state or county road authorities with jurisdiction, and Planning Commission acceptance as part of any Extraction Permit approval or renewal. The Applicant/Owner/Operator shall be responsible for posting appropriate signage on the extraction operation site and at the exit point for the site specifying the approved haul route to be used by all vehicles carrying materials to or from the site.

Section 15. Screening Requirements

All extraction operations shall conform to the following minimum screening requirements:

- 15.1 **Berm Required.** Prior to the commencement of any extraction operations under any Extraction Permit the Applicant/Owner/Operator shall have completed construction of a berm in accordance with the requirements of this Section, the approved Permit plans, and any conditions of Permit approval.
- A. The berm shall extend around those areas of the site where adjacent lots and road rights-of-way are exposed to the views and noise of the extraction operation, and as otherwise required by the Planning Commission as a condition of Permit approval or renewal to protect the health, welfare, and safety of surrounding property owners and the residents of the Township.
 - B. The berm shall be of variable height, with the top and outside sides of the berm varying in slope from four (4) feet horizontal to one (1) foot vertical to ten (10) feet horizontal to one (1) foot vertical. The berms shall not be uniform or geometric in shape and shall be blended into the natural landscape.
 - C. Each berm shall be constructed so as to prevent surface water running off the berm onto any property adjacent to the site, and shall not alter or adversely impact pre-existing natural surface water runoff patterns in the area.
 - D. The berm shall be seeded with hardy groundcover plantings suitable to prevent erosion and maintained in a manner consistent with approved Permit plans.
 - E. The Planning Commission may allow existing vegetation or existing topography within the setback areas required by this Ordinance to be used to satisfy all or part of the screening requirements of this Ordinance in place of a berm upon determination that the existing vegetation is of sufficient depth, density, and health to provide year-round screening benefits and to protect the health, welfare, and safety of surrounding property owners and the residents of the Township.
- 15.2 **Unexcavated Areas.** Unexcavated areas shall be left in such a condition so as to ensure growth of vegetation, soil stabilization and erosion control.

- 15.3 **Additional Screening.** Upon determination that additional visual screening is necessary for specific areas of the site to adequately protect the health, welfare, and safety of surrounding property owners and the residents of the Township, the Planning Commission shall require the outside slope of the berm or other areas within the setbacks required by this Ordinance to be densely planted with a mix of large deciduous and evergreen trees to create an effective visual screen, and maintained in a manner consistent with approved Permit plans and the following:
- A. The size and species of any required tree plantings shall be consistent with the landscape tree standards of the Township Zoning Ordinance.
 - B. Required tree plantings shall be of sufficient size and quantity to assure effective screening as soon as disturbed areas of the site are visible from the surrounding lots or road rights-of-way, as determined by the Planning Commission after recommendation from the Township Planner.
- 15.4 **Permit Plan Details.** The location of the berm shall be noted on the Permit plans, along with representative elevation cross-section(s), topographic plan view(s) at two (2) foot contour intervals, and grading/drainage plans for the berm construction. Individual trees, groundcovers, and other plant materials shall be specified on the Permit plans by location, quantity, species, and size at planting. Plant material installation details and a maintenance plan shall also be provided on the Permit plans.
- 15.5 **Timing of Required Screening Improvements.** Prior to the commencement of any extraction operations under any Extraction Permit, the Applicant/Owner/Operator shall have completed construction of a berm and seeded to prevent erosion around those areas of the site where adjacent properties are exposed to the views and noise of the extraction operation in accordance with approved Permit plans.
- A. All other screening and landscaping improvements shall be completed within 90 calendar days of Permit approval, unless the Planning Commission accepts an alternative date as part of a Permit approval or renewal.
 - B. The Planning Commission may require submittal of a financial guarantee to cover the cost of completing required landscaping improvements and plantings by the specified date. Release of any required financial guarantee shall be subject to prior inspection and confirmation by the Township Planner, Ordinance Enforcement Official or designated Township consultant that the berm and associated plantings conform to Permit plans and Ordinance requirements.
- 15.6 **Maintenance and Replacement.** Failure to maintain required screening improvements, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.

Section 16. Variances

The Township Board shall have the power to vary or modify the application of the provisions of this Ordinance in accordance with the following:

- 16.1 Any Applicant/Owner/Operator may apply for a variance from any provision of this Ordinance by filing an application for variance with the Township, together with any fee established by resolution of the Township Board of Trustees.
- 16.2 Before taking action on any application for a variance, the Township Board shall hold a public hearing upon such application within 95 days from its filing, at which time the

Applicant/Owner/Operator shall be provided an opportunity to address the Board, produce witnesses, and submit exhibits or other relevant materials. The Township Planner and any designated Township consultants shall be provided a like opportunity. The notices shall include the time, date, place, and purpose of the hearing.

- A. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the appellant, posted at the Township Hall, published once in the Township's newspaper of record, and placed on the Township website.
 - B. A copy of the notice shall also be sent by mail or personal delivery to the owners of all property within 2,000 feet of the subject property. Any party may appear and comment at the hearing in person or by agent or attorney.
 - C. The notices shall include the time, date, place, and purpose of the hearing.
- 16.3 A variance shall not be granted unless the Township Board first determines that the intent and purpose of this Ordinance shall be observed, public health and safety secured, and substantial justice can be done for the Applicant/Owner/Operator and for affected off-site residents and property owners.
- 16.4 The Township Board may attach reasonable conditions in granting a variance from any provision of this Ordinance. Failure to comply with an approved variance or conditions of approval shall be considered a violation of this Ordinance.

Section 17. Appeals

Any person aggrieved by a Planning Commission decision under provisions of this Ordinance may appeal that decision to the Township Board of Trustees in accordance with the following:

- 17.1 The appeal shall be in writing, dated and signed by the appellant. The appeal shall include a copy of the written decision, if any, copy of the meeting minutes in which the decision appears, the "date of decision," and the grounds upon which the appeal is brought.
- 17.2 The appeal, together with any fee established by Township Board resolution, shall be filed with the Township within 30 calendar days of the "date of decision," which is the Planning Commission meeting date at which the minutes of the prior meeting where the decision was made are approved by the Planning Commission.
- 17.3 Before taking action on any appeal, the Township Board shall hold a public hearing on the request within 95 days from its filing, at which time the Applicant/Owner/Operator shall be provided an opportunity to address the Board, produce witnesses, and submit exhibits or other relevant materials. The Planning Commission or its representative shall be provided a like opportunity.
- A. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the appellant, posted at the Township Hall, published once in the Township's newspaper of record, and placed on the Township website.
 - B. A copy of the notice shall also be sent by mail or personal delivery to the owners of all property within 2,000 feet of the subject property. Any party may appear and comment at the hearing in person or by agent or attorney.
 - C. The notices shall include the time, date, place, and purpose of the hearing.
- 17.4 The decision of the Township Board shall be in writing and state the facts, analysis, and law upon which the decision is based.

- 17.5 The decision of the Township Board may be appealed to the Isabella County Circuit Court within 30 calendar days of the “date of decision,” which is the Township Board meeting date at which the minutes of the prior meeting where the decision was made are approved by the Township Board.

Section 18. Inspections

The Township, at the expense of the Applicant/Owner/Operator paid from the escrow account, may conduct such inspections and cause or perform such tests as are reasonable to ensure that activities conducted on the site comply with this Ordinance and other Township ordinances.

- 18.1 **Annual Inspection.** The Planning Commission may set an annual inspection date for the site. The Planning Commission shall provide the Applicant/Owner/Operator notice of an annual inspection at least 14 calendar days before the annual inspection.
- A. Representatives from the Township may include but shall not be limited to the Township Planner, Ordinance Enforcement Official, other Township consultants, and members of the Planning Commission. A representative of the Applicant/Owner/Operator shall accompany the Township representatives.
 - B. The Township may take photographs of the site to establish a historic record of activities and changes on the site. The photographs shall be submitted to the Planning Commission along with a copy to the Applicant/Owner/Operator. A record shall be kept of the date of the photography and the name of the person taking the photographs.
- 18.2 **Access to Site; Other Inspections.** The Township Planner, Ordinance Enforcement Official, other Township consultants, and the Planning Commission shall have the reasonable right to enter the subject property, upon notification to the Applicant/Owner/Operator, to conduct necessary inspections while reviewing an Extraction Permit application. Any Planning Commission inspection shall be conducted as a scheduled group site visit accompanied by Township staff, with notice posted per the Open Meetings Act (Public Act 267 of 1976, as amended, being MCL 15.261 – MCL 15.272). The Township Planner and Ordinance Enforcement Official shall also have the right to conduct the necessary periodic inspections to investigate possible violations of this Ordinance. Refusal to permit entry shall be a violation of this Ordinance.
- 18.3 **Inspection Deficiencies; Corrective Action.** Upon written notification from the Township Planner or Ordinance Enforcement Official of excavation operation or site deficiencies identified during an inspection and determined by the Township to be minor in character, the Applicant/Owner/Operator shall take action within 15 calendar days to resolve the deficiency. Major deficiencies, as determined by the Township Planner, shall be resolved by the Applicant/Owner/Operator within 30 calendar days. Failure to resolve such deficiencies within the required time period shall be a violation of this Ordinance.

Section 19. Annual Report

Each year, at least 30 calendar days before the March meeting of the Planning Commission, the Applicant/Owner/Operator of an extraction operation subject to the requirements of this Ordinance shall prepare and submit an Annual Report to the Township for Planning Commission review. The Report shall be subject to the following requirements:

- 19.1 **Information.** The Report shall include the following minimum required information:
- A. Tonnage and cubic yards of sand, gravel, and other materials removed from the extraction site.

- B. Description of reclamation activities undertaken during the year.
- C. Description of landscaping activities undertaken during the year.
- D. Total acres of disturbed land (not restored) from one annual inspection date to the next, including processing plant area, un-seeded berms and slopes, un-reclaimed areas, un-reclaimed shorelines, areas stripped of topsoil, and water areas where active extraction is occurring.
 - (1) Total acres of wetlands removed during the year.
 - (2) Total acres of wetlands removed since operations commenced at the site.
- E. Total acres of land reclaimed during the year, include amount and types of reclaimed land (e.g., acres of open water, acres of uplands, etc.) and total acres reclaimed since operations began at site.
 - (1) Total acres of wetlands reclaimed during the year.
 - (2) Total acres of wetlands reclaimed since operations commenced at the site.
- F. Where the operation includes extraction below the existing groundwater table, the Applicant/Owner/Operator shall provide results of the following water quality test:
 - (1) The Applicant/Owner/Operator shall, in the presence of the Township's engineering consultant or other designated expert, collect and split with the Township's consultant surface and groundwater samples.
 - (2) The Applicant/Owner/Operator shall have an analysis of the samples performed at a state-certified water quality laboratory. Tests shall be performed on water supply and monitor wells in accordance with standards and parameters jointly established by the Township's engineering consultant or other designated expert and the Applicant/Owner/Operator's expert, taking into consideration the type and level of extractive activities which have and/or which will occur on the site. In the event the experts disagree, then the Township's engineering consultant or other designated expert shall make the determination.
 - (3) At a minimum, monitor wells shall be sampled and analyzed annually for the indicator parameters and biannually for the full list of chemical parameters identified in Subsection 10.1.C.(1), and compared to the State of Michigan's generic residential cleanup and screening criteria, as well as baseline water quality data for the site, if available.
 - (4) At the option of the Township, annual residential and public water supply well sampling shall commence at a time based on consideration of groundwater flow rate, direction, and distance from the site boundaries. Water supply wells shall be sampled and analyzed for the parameters identified for baseline water quality data.
 - (5) The Township, at the expense of the Applicant/Owner/Operator, may require additional testing frequency and/or analyses for additional parameters to better assess any potential water quality or quantity risks or concerns. The Township, at the expense of the Applicant/Owner/Operator, may also cause random tests to be performed on the split samples.
- G. Statement of planned extraction and reclamation activities for the next year.
- H. Statement regarding conformance to the approved extraction operations and reclamation plans and compliance with applicable federal and state regulations, including but not limited to the volume of material excavated and removed from the site, the volume of

restoration material stockpiled on site, and the sufficiency of the stockpiled material to restore the then excavated site pursuant to the approved reclamation plan.

- I. Description of any complaints received during the prior calendar year and procedures used to resolve the complaints.
- J. A list of all equipment that is located on and used at the site, whether temporary or permanent.
- K. For sites with documented extraction activity during the reporting period, updated aerial photograph(s) of the entire site shall be provided at a scale not to exceed one (1) inch equals 200 feet, taken after extraction operations for the year have ceased and prior to the date of the Annual Report required under this Ordinance. Upon request by the Township Planner or designed Township engineering consultant to verify compliance with Permit plans or requirements of this Ordinance, the Planning Commission may require the submission of an updated topographic map overlay on an orthorectified photograph.
- L. Written evidence that the financial guaranties and liability insurance required pursuant to the Ordinance are in full force for a period of not less than 365 calendar days from the date of the Annual Report.
- M. Copies of all applicable permits and reports required by other governmental agencies with jurisdiction.

19.2 **Professional Evaluation.** The Township Planner shall review the Annual Report and may, at the expense of the Applicant/Owner/Operator to be paid from the escrow account, request that designated Township consultants evaluate the Report, water quality data, financial guarantees, and/or site operations for compliance with this Ordinance, the approved Permit, and conditions of approval.

19.3 **Meeting(s) and Supplemental Information.** Following receipt of the Annual Report, the Planning Commission may require supplemental reports, presentations, or meetings with the Applicant/Owner/Operator to review the Annual Report and to discuss any existing or anticipated issues associated with the extraction operation.

Section 20. Financial Guarantees

To ensure compliance with this Ordinance, the approved Permit, and any conditions of Permit approval or renewal, and to ensure that the quality of water and operation of existing wells are not adversely affected by the activities conducted on the site, the Applicant/Owner/Operator shall furnish financial guarantees to the Township prior to the commencement or continuation of the extraction operation in accordance with the following requirements:

20.1 **Performance Guarantee.** The Applicant/Owner/Operator shall submit to the Township Planner a detailed cost estimate and scope of work for a licensed contractor to complete all required reclamation work to fully reclaim and restore the extraction site consistent with the approved Permit plans and this Ordinance. The Township Planner and/or any designated Township engineering consultant shall review the estimate and make recommendations to the Planning Commission, which may include a revised or separate estimate. The performance guarantee amount shall be set by the Planning Commission.

- A. At a minimum, the performance guarantee shall be in the amount of two hundred fifty thousand dollars (\$250,000.00) for any permitted extraction area where extraction operations have not yet been initiated. For all other extraction operations in the Township,

the performance guarantee shall be not less than four hundred thousand dollars (\$400,000.00) per permitted extraction area.

- B. Where one (1) Applicant/Owner/Operator controls two (2) or more separate extraction operations, the Planning Commission may accept one (1) unified financial guarantee that meets the cumulative requirements of this Section.
- C. The guarantee amount associated with each approved Permit may be revised from time to time to reflect the amount necessary to cover the contingencies.

20.2 **Guarantee of Wells.** When the operation includes extraction below the existing groundwater table, the Applicant/Owner/Operator shall submit to the Township Planner a detailed cost estimate and scope of work for a licensed contractor to replace all wells identified in the Permit plans or by the Township as likely to be affected by the operation. The Township Planner and/or any designated Township engineering consultant shall review the estimate and make recommendations to the Planning Commission, which may include a revised or separate estimate. The performance guarantee amount shall be set by the Planning Commission.

20.3 **Form.** Guarantees shall be in the form of a letter of credit or surety bond payable to the Charter Township of Union executed by the Applicant/Owner/Operator and a reputable surety company. The letter of credit or surety bond must be issued by a corporate surety licensed to do business in the State of Michigan and rated AAA, as provided by the current AM Best's Key Rating Guide.

- A. The Charter Township of Union shall be named as obligee and the guarantees must be sufficient in amount and scope to allow the Township to call in and use the guarantee to complete the obligatory work covered by the guarantee in the event the Applicant/Owner/Operator fails to do so as required by this Ordinance and any approved Permit.
- B. The letter of credit or surety bond must be renewed at least 60 calendar days prior to its expiration. In the event the guarantee is not renewed within 60 calendar days of its expiration, the Township may make a demand on all or some of the guarantee.
- C. If a guarantee lapses, all excavation activities on the site shall immediately cease and full reclamation shall be commenced.

Section 21. Indemnity Insurance

The Applicant/Owner/Operator shall secure and maintain a specific liability insurance policy issued by an insurer rated AAA, as provided by the current AM Best's Key Rating Guide, and adequate in amount and scope to cover anticipated property damage and bodily injury claims associated with the extraction operation, which shall be subject to the following additional requirements:

- 21.1 The amount of the liability insurance shall be not less than five million dollars (\$5,000,000.00) per incident for all liability claims arising out of the site.
- 21.2 The liability insurance shall name the Charter Township of Union and its elected officials, appointed officials, employees, and agents as additional named insured.
- 21.3 The Applicant/Owner/Operator shall provide a copy of this policy to the Township Planner prior to the start of any extraction operations on the site, and shall provide a minimum of 30 calendar days written notice before any policy change or cancellation.
- 21.4 Failure of the Applicant/Owner/Operator or any persons, firm or corporation named in the policy to maintain the insurance shall be considered a violation of this Ordinance.

Section 22. Violations, Penalties, and Permit Revocation

Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance, an approved Extraction Permit or any conditions of Permit approval, or who impedes or interferes with the enforcement of this Ordinance shall be deemed in violation of this Ordinance and shall be subject to the following:

- 22.1 **Public Nuisance.** Extraction operations carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se and shall be subject to abatement or other action by a court of appropriate jurisdiction.
- 22.2 **Violators.** Each applicant, owner, operator or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may be held responsible for a separate offense and may be subject to the penalties provided in this Section. The cost of prosecution shall also be assessed against each violator. The imposition of any penalty shall not exempt the offense from compliance with the requirement of this Ordinance.
- 22.3 **Municipal Civil Infraction.** Any person who violates or permits the violation of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine not to exceed the limits specified in the Township's Municipal Ordinance Violation Bureau Ordinance. Proceedings for the municipal civil infraction shall proceed as provided in that ordinance.
- A. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue.
- B. A person who violates or permits the violation of this Ordinance shall also be subject to additional sanctions, remedies, injunctions, judicial orders, penalties, enforcement costs and expenses as provided for under Chapter 87 of the Revised Judicature Code, being MCL §600.8701, et. seq., as amended. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- 22.4 **Other Remedies.** The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy or abate such non-compliance.
- 22.5 **Rights and Remedies Preserved.** Any failure or omission to enforce provisions of this Ordinance or to prosecute a violation of this Ordinance shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.
- 22.6 **Permit Revocation.** Failure on the part of the Applicant/Owner/Operator to correct a violation within the time period of a written notice shall also be grounds for the Planning Commission to take action to revoke the Permit in accordance with the following:
- A. Before taking action on any proposed Permit revocation, the Planning Commission shall hold a public hearing, at which time the Applicant/Owner/Operator shall be given an opportunity to present evidence in opposition to revocation.
- B. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the Applicant/Owner/Operator, posted at the Township Hall, and published once in the Township's newspaper of record. The notices shall include the time, date, place, and purpose of the hearing.
- C. A Permit may be revoked by the Planning Commission upon determination that:

- (1) The extraction operation has not been maintained in compliance with this Ordinance, the approved Permit, Permit plans or any conditions of approval.
 - (2) A material misrepresentation exists in the application or base documents; or
 - (3) The Permit is determined to be no longer relevant or necessary (such as an extraction operation where mining has concluded, and all land restoration work has been completed in accordance with approved plans).
- D. Subsequent to the hearing, the decision of the Planning Commission with regard to the revocation shall be made and written notification provided to Applicant/Owner/Operator. Any notice of Permit revocation shall be accompanied by a demand that all activities immediately cease, and that reclamation and site restoration be done and completed as provided for in this Ordinance.

Section 23. Definitions

Applicant/Owner/Operator. An owner and/or lessee of mineral rights or any other responsible party engaged in or preparing to engage in extraction activities with respect to mineral rights within an existing or proposed extraction area. The terms “applicant”, “owner”, and “operator” shall include the tenants, lessees, agents, employees or assigns thereof.

Aquifer. A saturated permeable geologic unit capable of yielding a significant amount of groundwater to a well or spring.

Base Document(s). A document or set of documents required to be submitted under the applicable requirements of this Ordinance.

Beneficiation. To process (but does not include the drying process) the extracted materials for any of the following purposes: (i) Regulating the grain size of the desired product; (ii) Removing unwanted constituents; and (iii) Improving the quality and purity of the desired product.

Cell-Unit. A subunit of the total extraction project that will be reclaimed during extraction operations in another area.

Commencement Date. The date a permit is signed by the authorized representative(s) of the Planning Commission, or Township Board of Trustees, where applicable.

De-watering. The lowering of groundwater or surface water elevation by discharging water to an off-site location or to another portion of the site.

Engineering Consultant. The person, persons or firm designated by the Township to advise the Township on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues.

Escrow fee. A sum paid to the Township to defray reasonable actual costs and expenses incurred by the Township to review an application and/or administer a permit and includes (but not limited to) costs for engineering, geologic, hydrologic, land use planning, legal, and other expert assistance and analysis; testing; inspections; publications, mailings; recording fees; and special meetings.

Extraction. The digging, dredging, quarrying, excavation, or other removal of sand, gravel, soil, or another non-metallic mineral from a site.

Extraction Area. The area, as depicted on a topographical map, from which earth materials are intended to be removed.

Extraction Operation. Extraction from the earth of mineral aggregates or non-metallic minerals for sale or use by the Applicant/Owner/Operator using mining equipment or techniques to remove materials from the in-place non-metallic mineral deposit, as well as associated activities on the non-metallic mining site such as excavation, grading, dredging, processing and stockpiling of the mineral

aggregates or non-metallic minerals obtained from the non-metallic mining site, blending the mineral aggregates or non-metallic minerals, and grading, crushing, screening, and scalping of the mineral aggregates or non-metallic minerals obtained from the non-metallic mining site.

Fill. Soil, rocks, sand, waste of any kind, or any other material that displaces soil or water or reduces water retention potential.

Fixed Costs. Costs incurred by the Township generally shared by all applications as determined time to time by the Township Board of Trustees.

Groundwater. Water below the land surface in a zone of saturation.

Groundwater Elevation. The level to which groundwater will rise naturally in a well and measured in relation to sea level.

Groundwater Recharge. The process involved in the addition of water to the zone of saturation or the amount of water added.

Groundwater Recharge Area. Any area on the ground that facilitates the addition of water to the zone of saturation; generally, it is that portion of the drainage basin where the direction of groundwater flow near the surface is downward (e.g., away from the water table).

Hydrogeologic Study. A document presenting and interpreting a sufficient collection of field data and published data to identify, define, and describe groundwater and surface water (including wetlands) resources, conditions (e.g., location, extent, depth, flow direction, and quality), interactions (e.g., groundwater discharges to surface waters or supports a wetland), and potential impacts on those resources from proposed activities.

Master Plan. The adopted comprehensive future land use and growth management plan for The Township, as adopted in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended (MCL 125.3801 et seq.).

Non-Metallic Minerals. A product, commodity or material consisting principally of naturally occurring, organic or inorganic, non-metallic, non-renewable material. Non-metallic minerals include, but are not limited to, stone, sand, gravel, clay, peat, and topsoil.

Operator. See “**Applicant/Owner/Operator.**”

Ordinance Enforcement Official. The Director of the Township’s Community and Economic Development Department and any person, persons or firm as delegated by the Director to have responsibility for investigation of violations and enforcement of this Ordinance.

Overburden. earth materials situated below the layer of topsoil and above the mineral deposit to be extracted from the site that must be removed prior to mining.

Owner. See “**Applicant/Owner/Operator.**”

Permit. A document issued pursuant to this Ordinance, which authorizes the extraction of materials on a specified parcel of land.

Person. Any individual or combination of individuals, corporations, limited liability companies, partnerships, or other legally recognized entities.

Planning Commission. The Planning Commission for the Charter Township of Union, Isabella County, Michigan, as authorized by the Michigan Planning Enabling Act and Michigan Zoning Enabling Act.

Processing. The washing, sorting, crushing, aggregating, grinding, blending, mixing, or cutting of extracted material from the extraction site.

Reclamation. To recondition, rehabilitate or restore the extraction area and associated property, or portions thereof, to a self-sustaining, long term useful purpose which is compatible with contiguous land uses, which protects the natural resources, including the control of erosion and the prevention of land or rock slides and air and water pollution, and which process shall include the re-establishment

of vegetation, soil stability, and establishment of safe conditions appropriate to the intended use of the land in accordance with the Master Plan and Zoning Ordinance.

Runoff. Water from rain, snowmelt, irrigation or other source that flows over a land surface.

Sediment Basins, Settling Ponds or Settling Basins. Typically, a series of ponds that are designed to clarify (i.e., remove fine particles from) water used for processing materials extracted from the site.

Site. A parcel of land upon which activities are conducted subject to this Ordinance.

Surface Water. Water that is on the earth's surface, such as in a stream, river, lake or reservoir.

Topsoil. The fertile, dark-colored surface soil; the upper layer of soil, usually richer than the subsoil; generally, the "A" horizon.

Township. Charter Township of Union situated in the County of Isabella, State of Michigan.

Township Board of Trustees. The elected board of trustees for The Charter Township of Union, Isabella County, Michigan. Also referred to as the "**Township Board.**"

Township Planner. The Director of the Township's Community and Economic Development Department and any person, persons or firm as delegated by the Director to have responsibility for administration of this Ordinance.

Water Table. The surface of unconfined groundwater at which the pressure is atmospheric. The water table is found at the level at which water stands in wells that penetrate the unconfined groundwater zone. Also referred to as "**groundwater table.**"

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes: a. At least periodically, the land supports predominantly hydrophytes. b. The substrate is predominantly un-drained hydric soil. c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands as regulated by the State of Michigan, the Township's Wetland Ordinance or other governmental agency.

Wildlife Habitat. A geographical area containing natural, climatic, physical, or biological features that are unique to a specific area generally occupied by a particular wildlife species.

Zoning Ordinance. The ordinance regulating development and use of land as adopted by the Township Board of Trustees in accordance with the Michigan Zoning Enabling Act, being Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

Section 24. Severability

This Ordinance and its various parts, sections, subsections, phrases and clauses are severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance, its parts, sections, subsections, phrases, sentences and clauses are intended to be valid, irrespective of the fact that any one or more parts, sections, subsection, phrases, sentences or clauses be declared invalid.

Section 25. Repeal

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 26. Publication

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

Section 27. Effective Date

This Ordinance was approved and adopted by the Township Board of Trustees, Isabella County, Michigan, on _____, 2020, after a first reading by the Township Board of Trustees on March 11, 2020, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township, following adoption by the Township Board of Trustees.

CERTIFICATION OF ADOPTION AND PUBLICATION OF TOWNSHIP ORDINANCE

I, Lisa Cody, the duly elected Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance was adopted at a meeting of the Charter Township of Union Board of Trustees on the _____ day of _____, 2020, at which the following named members of the Charter Township of Union Board of Trustees were present and voted in person as follows:

(a) Voting in favor of the Ordinance:

(b) Voting against adoption of the Ordinance:

I further certify that a summary and notice of adoption of this Ordinance were published in the Morning Sun, a newspaper of general circulation within the Charter Township of Union on the _____ day of _____, 2020 and that proof of same is filed in the Charter Township of Union Ordinance Book.

Certification Date: _____, 2020

Lisa Cody, Clerk

I, Ben Gunning, the duly elected Supervisor of the Charter Township of Union, Isabella County, Michigan, hereby confirm the authenticity of this record and Ordinance.

Ben Gunning, Supervisor

Date: _____, 2020

Charter Township of Union



To: Township Board of Trustees
From: Mark Stuhldreher, Township Manager
Subject: Policy Governance Review
Date: April 16, 2020

Policy Review: 2.5 Financial Condition and Activities
Type of Review: Internal
Review Interval: Quarterly
Review Month: March 31, 2020

Policy Wording

With respect to the actual, ongoing financial condition and activities, the Township Management Team shall not cause or allow the development of fiscal jeopardy or a material deviation of actual expenditures from board priorities established in End policies.

Further, without limiting the scope of the foregoing by this enumeration, he or she shall not:

2.5.1 Expend more funds than have been received in the fiscal year to date unless the debt guideline (below) is met.

2.5.1 .1 Indebt the organization in an amount greater than can be repaid by certain, otherwise unencumbered revenues within 60 days.

2.5.2 Use any long-term reserves except for purposes and amounts specifically released by the Board.

2.5.3 Conduct interfund shifting in amounts greater than can be restored to a condition of discrete fund balances by certain, otherwise unencumbered revenues within 30 days.

2.5.4 Fail to settle payroll and debts in a timely manner.

2.5.5 Allow tax payments or other government ordered payments or filings to be overdue or inaccurately filed.

2.5.6 Make a single unbudgeted emergency purchase or commitment, to maintain township operations, of greater than \$10,000 for the Township Hall and/or \$50,000 for the water and sewer systems.

2.5.7 Make a single purchase or commitment of greater than \$10,000. Purchases over \$5,000 shall not be made without timely notification to the Board.

2.5.8 Acquire, encumber or dispose of real property.

2.5.9 Fail to aggressively pursue receivables after a reasonable grace period.

2.5.10 Fail to maintain an adequate level of cash flow.

Manager Interpretation

Township Manager interprets this policy to indicate that there will be no expenditures made or incurred that will exceed the expenditures budgeted for that current year unless it is an emergency purchase as outlined in 2.5.6. The manager shall also not make a single purchase or commitment (unless it falls under 2.5.6) of greater than \$10,000 or inform the board of purchases over \$5,000 unless the purchase is for materials or services needed for normal operations of township facilities.

Furthermore, all tax payments to other governmental entities are paid according to state statute, payroll is paid bi-weekly, and accounts payable invoices are processed and ready for board approval as soon as they are received, verified, and coded for payment.

Justification for Reasonability

The interpretations are reasonable in that when the budget is approved by the Board of Trustees, it is left to the management team to operate within the guidelines established and to follow all state and federal statutes. The Township Board is to function as a policy making body and the management team is to function as implementer of that policy as indicated in the approved budget.

Attachments from BS&A system include General Fund departmental revenue and expenditure reports, special revenue fund and enterprise fund revenue and expenditure reports.

Data

- No long-term General Fund reserves have been used for several years
- All payroll was paid timely in January, February, March 2020
- All payroll taxes and benefits were paid on schedule and on time
- No emergency purchases were made in 2020
- Current tax collections were distributed timely; Checks were issued on January 14th, January 24th, February 11th, February 25th, & March 16th
- W-2s and 1099-misc forms were filed accurately and on time to the Federal government as well as the State of Michigan
- All purchases greater than \$10,000 were approved by the Board of Trustees prior to making a purchase
- No real property was acquired or disposed of
- All receivables are pursued on a regular basis
- All funds have a reasonable amount of cash flow, which enables timely payment of payroll and bills. The General Fund cash at March 31st was just under \$5.0 million

Compliance

In compliance with policy as stated.

Policy Governance Executive Limitations Evaluation Form

A tool to be used by individual Board members as they evaluate the internal monitoring reports

Policy being monitored: **2.5**

- 1. Was this report submitted when due? Yes No
 - 2. Did the report lay out the Manager’s interpretation or an operational definition of the policy? Yes No
 - 3. Is the interpretation justified or is proof provided to explain why the interpretation is reasonable? Yes No
 - 4. Was I convinced that the interpretation is justified and reasonable? Yes No
 - 5. Did the interpretation address all aspects of the policy? Yes No
 - 6. Does the data show compliance with the Manager’s interpretation of our policy? Yes No
-

Comments regarding further policy development:

- 1. Is there any area regarding this policy that you worry about that is not clearly addressed in existing policy?

- 2. What policy language would you like to see incorporated to address your concern?

Signature and date of Board member _____

User: SHERRIE

PERIOD ENDING 03/31/2020

DB: Union

% Fiscal Year Completed: 24.86

ACCOUNT DESCRIPTION	END BALANCE		YTD BALANCE	
	NORMAL	(ABNORMAL)	NORMAL	(ABNORMAL)
Fund 101 - GENERAL FUND				
Dept 000 - NONE				
402.000 CURRENT PROPERTY TAX	304,828.14		293,382.21	96.99
402.001 PROPERTY TAX REFUNDS-MTT	(4,827.60)	(5,000.00)	0.00	0.00
402.002 PILOT TAX	3,182.43	3,000.00	0.00	0.00
402.100 PRIOR YEARS PROPERTY TAXES	1,448.80	0.00	0.00	0.00
420.000 DELQ PERSONAL PROPERTY TAXES	202.64	1,000.00	0.00	0.00
425.000 MOBILE HOME PARK TAX	2,447.00	2,400.00	0.00	0.00
445.000 INTEREST ON TAXES	263.17	100.00	0.00	0.00
446.000 3% OR 4% PENALTY ON TAX	6,835.42	6,600.00	3,685.33	55.84
447.000 ADMIN FEE-PROPERTY TAX	150,214.34	146,000.00	99,486.25	68.14
447.001 ADMIN FEES-REFUNDS MTT BOR	(2,430.74)	(4,000.00)	0.00	0.00
447.050 ADMIN FEE-STATE EDUC TAX (SET)	7,775.00	7,700.00	0.00	0.00
447.100 ADMIN FEE-PRIOR YEARS	757.53	0.00	0.00	0.00
475.000 CABLE FRANCHISE FEES	129,216.83	130,000.00	30,300.00	23.31
476.000 BUILDING PERMITS	55,173.00	50,000.00	11,995.80	23.99
477.000 RENTAL INSPECTION FEES	81,977.00	80,000.00	56,029.00	70.04
479.000 ZONING PERMITS	15,492.00	18,000.00	1,625.00	9.03
573.000 STATE AID REVENUE-LCSA	4,496.13	4,500.00	2,039.64	45.33
574.000 STATE REVENUE SHARING	1,187,793.00	1,140,000.00	0.00	0.00
574.100 LIQUOR STATE REVENUE SHARING	13,193.40	11,500.00	27.50	0.24
574.200 METRO ACT REVENUE SHARING-LCSA	7,514.27	7,500.00	0.00	0.00
582.000 CONTRIBUTION FROM TRIBE	0.00	34,000.00	0.00	0.00
583.000 CONTRIBUTION FROM EDA FOR PROJECTS	0.00	107,000.00	0.00	0.00
609.000 CONSTR PLAN REVIEW FEES	2,016.00	3,000.00	1,435.00	47.83
613.000 APPLICATION FEES	500.00	500.00	0.00	0.00
625.000 ELECTION FILING FEES	0.00	0.00	100.00	100.00
628.000 LAND DIVISIONS/CONDO CONV	2,100.00	1,500.00	400.00	26.67
630.000 WEED ABATEMENT SERVICES	243.00	500.00	769.50	153.90
651.000 USE FEES-BASEBALL FIELDS	1,680.00	2,000.00	0.00	0.00
655.000 FINES & FORFEITURES	248.70	800.00	60.00	7.50
665.000 INTEREST EARNED	120,392.34	100,000.00	31,421.13	31.42
667.000 RENT - JAMESON HALL	7,350.00	7,000.00	900.00	12.86
667.100 RENT - McDONALD PARK PAVILION	1,092.00	1,500.00	588.00	39.20
667.200 RENT - JAMESON PAVILION	528.00	500.00	60.00	12.00
667.300 LEASES	900.00	900.00	900.00	100.00
671.000 OTHER REVENUE	1,102.08	5,000.00	179.15	3.58
672.400 REVENUE-STREET LIGHTS SPEC ASSESS	19,990.66	14,000.00	5,512.59	39.38
673.000 GAIN/LOSS ON SALE (DISPOSAL) OF ASSETS	0.00	500.00	0.00	0.00
Net - Dept 000 - NONE	2,123,694.54	2,180,500.00	540,896.10	
Dept 101 - TRUSTEES				
702.000 SALARIES & WAGES	29,538.31	30,115.00	6,115.32	20.31
707.000 PER MEETING	3,800.00	4,000.00	1,000.00	25.00
709.000 EMPLR FICA CONTR	2,066.98	2,108.00	441.16	20.93
711.000 EMPLR MEDICARE CONTR	483.41	493.00	103.18	20.93
724.000 WORKER'S COMP	66.25	80.00	16.02	20.03
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	6,337.04	4,000.00	0.00	0.00
860.000 TRANSPORTATION/MILEAGE REIMBURSMNT	309.36	500.00	133.40	26.68
900.000 PRINTING & PUBLISHING	0.00	600.00	0.00	0.00
910.000 PROFESSIONAL DEVELOPMENT	2,252.12	5,100.00	394.00	7.73
910.100 SEMINAR LODGING	0.00	2,500.00	0.00	0.00
910.200 SEMINAR MEALS	0.00	500.00	0.00	0.00
915.000 MEMBERSHIP & DUES	16,236.58	16,400.00	10,000.00	60.98
955.000 MISC.	14.00	500.00	0.00	0.00
Net - Dept 101 - TRUSTEES	(61,104.05)	(66,896.00)	(18,203.08)	
Dept 171 - SUPERVISOR				
702.000 SALARIES & WAGES	15,379.01	15,320.00	3,122.91	20.38
707.000 PER MEETING	(25.00)	1,000.00	0.00	0.00
709.000 EMPLR FICA CONTR	998.38	1,012.00	193.61	19.13
711.000 EMPLR MEDICARE CONTR	233.61	237.00	45.30	19.11
724.000 WORKER'S COMP	31.78	40.00	7.05	17.63
860.000 TRANSPORTATION/MILEAGE REIMBURSMNT	0.00	350.00	0.00	0.00
910.000 PROFESSIONAL DEVELOPMENT	0.00	1,000.00	0.00	0.00
910.100 SEMINAR LODGING	0.00	750.00	0.00	0.00
910.200 SEMINAR MEALS	0.00	200.00	0.00	0.00
915.000 MEMBERSHIP & DUES	0.00	275.00	0.00	0.00
Net - Dept 171 - SUPERVISOR	(16,617.78)	(20,184.00)	(3,368.87)	
Dept 172 - TWP MANAGER				
702.000 SALARIES & WAGES	34,877.91	34,820.00	7,085.12	20.087
702.600 CAR ALLOWANCE	0.00	0.00	750.00	100.00

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ACCOUNT DESCRIPTION	END BALANCE		YTD BALANCE		% BDGT USED
	NORMAL	(ABNORMAL)	2020 AMENDED BUDGET	03/31/2020	
Fund 101 - GENERAL FUND					
708.000 UNEMPLOYMENT		122.72	123.00	54.33	44.17
709.000 EMPLR FICA CONTR		2,159.98	2,159.00	470.58	21.80
711.000 EMPLR MEDICARE CONTR		505.24	510.00	110.05	21.58
716.000 EMPLR RETIREMENT CONTR		2,628.75	0.00	682.18	100.00
718.500 HEALTH INSURANCE		6,469.99	6,847.00	1,929.57	28.18
718.700 HEALTH INS-EE CONTRIBUTIONS		(180.80)	(194.00)	(74.71)	38.51
719.000 DENTAL INSURANCE		165.87	171.00	46.30	27.08
719.800 VISION INSURANCE		44.40	48.00	32.97	68.69
719.900 VISION INS-EE CONTRIBUTIONS		(22.28)	(24.00)	(16.51)	68.79
724.000 WORKER'S COMP		132.31	150.00	33.06	22.04
725.000 LIFE & DISABILITY BENEFIT		119.68	150.00	33.46	22.31
752.000 OFFICE SUPPLIES		0.00	300.00	0.00	0.00
801.000 PROFESSIONAL & CONTRACTUAL SERVICES		5,394.00	0.00	0.00	0.00
852.000 CONTRIBUTION TO CABLE CONSORTIUM		51,686.73	54,000.00	0.00	0.00
860.000 TRANSPORTATION/MILEAGE REIMBURSMNT		223.88	250.00	0.00	0.00
880.000 COMMUNITY PROMOTION		5,938.65	8,800.00	0.00	0.00
900.000 PRINTING & PUBLISHING		0.00	600.00	0.00	0.00
910.000 PROFESSIONAL DEVELOPMENT		1,111.76	1,500.00	90.00	6.00
910.100 SEMINAR LODGING		234.85	800.00	0.00	0.00
910.200 SEMINAR MEALS		19.63	200.00	0.00	0.00
915.000 MEMBERSHIP & DUES		580.00	600.00	75.00	12.50
955.000 MISC.		382.73	300.00	71.50	23.83
980.000 NEW OFFICE EQUIPMENT & FURNITURE		0.00	500.00	0.00	0.00
Net - Dept 172 - TWP MANAGER		(112,596.00)	(112,610.00)	(11,372.90)	
Dept 191 - ACCOUNTING/GEN ADMIN					
702.000 SALARIES & WAGES		75,522.02	116,240.00	17,019.31	14.64
702.500 OVERTIME		4,106.59	3,900.00	1,021.75	26.20
708.000 UNEMPLOYMENT		858.95	1,443.00	263.68	18.27
709.000 EMPLR FICA CONTR		4,715.05	7,809.00	1,057.45	13.54
711.000 EMPLR MEDICARE CONTR		1,102.81	1,742.00	247.31	14.20
716.000 EMPLR RETIREMENT CONTR		4,827.42	8,464.00	1,337.16	15.80
718.500 HEALTH INSURANCE		25,948.24	47,847.00	7,308.61	15.27
718.700 HEALTH INS-EE CONTRIBUTIONS		(1,652.85)	(2,978.00)	(611.50)	20.53
719.000 DENTAL INSURANCE		1,788.74	2,793.00	460.90	16.50
719.800 VISION INSURANCE		384.72	692.00	99.99	14.45
719.900 VISION INS-EE CONTRIBUTIONS		(192.43)	(346.00)	(50.01)	14.45
724.000 WORKER'S COMP		295.51	518.00	76.35	14.74
725.000 LIFE & DISABILITY BENEFIT		406.37	765.00	108.50	14.18
752.000 OFFICE SUPPLIES		1,112.25	2,000.00	685.91	34.30
767.000 UNIFORMS		100.00	100.00	0.00	0.00
801.000 PROFESSIONAL & CONTRACTUAL SERVICES		314.00	600.00	0.00	0.00
801.020 EXTERNAL AUDIT		15,850.00	16,500.00	0.00	0.00
851.000 MAIL/POSTAGE		1,725.66	6,000.00	5,000.00	83.33
860.000 TRANSPORTATION/MILEAGE REIMBURSMNT		289.88	2,000.00	186.77	9.34
900.000 PRINTING & PUBLISHING		0.00	0.00	1,458.80	100.00
910.000 PROFESSIONAL DEVELOPMENT		428.00	1,200.00	123.00	10.25
910.100 SEMINAR LODGING		613.82	2,500.00	0.00	0.00
910.200 SEMINAR MEALS		27.97	300.00	0.00	0.00
915.000 MEMBERSHIP & DUES		452.25	500.00	75.00	15.00
955.000 MISC.		0.40	100.00	0.00	0.00
955.001 BANK FEES		372.00	240.00	32.00	13.33
980.000 NEW OFFICE EQUIPMENT & FURNITURE		5,614.00	4,000.00	3,460.06	86.50
980.100 NEW COMPUTER HARDWARE & SOFTWARE		475.94	500.00	99.99	20.00
Net - Dept 191 - ACCOUNTING/GEN ADMIN		(145,487.31)	(225,429.00)	(39,461.03)	
Dept 215 - CLERK					
702.000 SALARIES & WAGES		23,832.10	28,000.00	7,281.90	26.01
707.000 PER MEETING		1,875.00	1,700.00	175.00	10.29
709.000 EMPLR FICA CONTR		1,593.84	1,785.00	462.32	25.90
711.000 EMPLR MEDICARE CONTR		372.75	418.00	108.12	25.87
724.000 WORKER'S COMP		56.08	58.00	22.77	39.26
752.000 OFFICE SUPPLIES		215.86	500.00	68.45	13.69
754.000 OPERATING SUPPLIES		0.00	500.00	22.47	4.49
860.000 TRANSPORTATION/MILEAGE REIMBURSMNT		148.31	600.00	275.83	45.97
900.000 PRINTING & PUBLISHING		2,499.63	2,000.00	2,738.09	136.90
910.000 PROFESSIONAL DEVELOPMENT		0.00	1,000.00	0.00	0.00
910.100 SEMINAR LODGING		0.00	750.00	0.00	0.00
910.200 SEMINAR MEALS		0.00	200.00	0.00	0.00
915.000 MEMBERSHIP & DUES		0.00	150.00	0.00	0.00
980.000 NEW OFFICE EQUIPMENT & FURNITURE		0.00	0.00	2,448.75	100.00
Net - Dept 215 - CLERK		(30,593.57)	(37,661.00)	(13,603.70)	

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ACCOUNT DESCRIPTION	END BALANCE		2020 AMENDED BUDGET	YTD BALANCE		% BDGT USED
	12/31/2019 NORMAL (ABNORMAL)			03/31/2020 NORMAL (ABNORMAL)		
Fund 101 - GENERAL FUND						
Dept 228 - DATA PROCESSING, INFORMATION TECHNOLOGY						
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	37,293.76		43,425.00	5,585.97		12.86
950.000 HARDWARE REPLACEMENTS	12,222.13		6,350.00	0.00		0.00
Net - Dept 228 - DATA PROCESSING, INFORMATION	(49,515.89)		(49,775.00)	(5,585.97)		
Dept 253 - TREASURER						
702.000 SALARIES & WAGES	21,271.50		24,102.00	4,319.50		17.92
707.000 PER MEETING	0.00		500.00	0.00		0.00
709.000 EMPLR FICA CONTR	1,318.83		1,525.00	267.81		17.56
711.000 EMPLR MEDICARE CONTR	308.44		357.00	62.64		17.55
724.000 WORKER'S COMP	42.23		51.00	9.75		19.12
729.000 TAX BILLS	997.10		0.00	0.00		0.00
752.000 OFFICE SUPPLIES	988.50		1,500.00	0.00		0.00
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	0.00		500.00	0.00		0.00
851.000 MAIL/POSTAGE	3,728.66		4,000.00	0.00		0.00
860.000 TRANSPORTATION/MILEAGE REIMBURSMNT	0.00		250.00	0.00		0.00
910.000 PROFESSIONAL DEVELOPMENT	0.00		1,000.00	485.00		48.50
910.100 SEMINAR LODGING	0.00		750.00	0.00		0.00
910.200 SEMINAR MEALS	0.00		200.00	0.00		0.00
915.000 MEMBERSHIP & DUES	50.00		50.00	75.00		150.00
955.000 MISC.	0.00		200.00	0.00		0.00
Net - Dept 253 - TREASURER	(28,705.26)		(34,985.00)	(5,219.70)		
Dept 257 - ASSESSOR						
702.000 SALARIES & WAGES	94,728.23		109,750.00	16,410.06		14.95
702.500 OVERTIME	81.34		0.00	0.00		0.00
707.000 PER DIEM	3,500.00		4,125.00	0.00		0.00
708.000 UNEMPLOYMENT	1,098.94		866.00	153.00		17.67
709.000 EMPLR FICA CONTR	6,556.40		7,060.00	984.58		13.95
711.000 EMPLR MEDICARE CONTR	1,533.36		1,651.00	230.26		13.95
712.000 TEMPORARY LABOR	7,620.00		0.00	0.00		0.00
716.000 EMPLR RETIREMENT CONTR	6,728.00		8,300.00	1,467.35		17.68
718.500 HEALTH INSURANCE	21,862.39		35,900.00	5,481.18		15.27
718.700 HEALTH INS-EE CONTRIBUTIONS	(730.18)		(1,487.00)	(200.49)		13.48
719.000 DENTAL INSURANCE	650.84		1,226.00	131.10		10.69
719.800 VISION INSURANCE	195.36		350.00	34.56		9.87
719.900 VISION INS-EE CONTRIBUTIONS	(97.68)		(175.00)	(17.28)		9.87
724.000 WORKER'S COMP	758.49		900.00	131.81		14.65
725.000 LIFE & DISABILITY BENEFIT	229.20		570.00	57.30		10.05
754.000 OPERATING SUPPLIES	1,253.24		1,050.00	43.05		4.10
759.000 GAS/FUEL	211.94		200.00	25.03		12.52
767.000 UNIFORMS	0.00		200.00	0.00		0.00
791.000 SUBSCRIPTIONS & PUBLICATIONS	0.00		400.00	0.00		0.00
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	23,626.28		16,000.00	772.00		4.83
850.000 COMMUNICATIONS	1,144.17		1,500.00	285.79		19.05
851.000 MAIL/POSTAGE	1,729.00		2,250.00	0.00		0.00
860.000 TRANSPORTATION/MILEAGE REIMBURSMNT	356.23		1,000.00	404.72		40.47
900.000 PRINTING & PUBLISHING	2,053.21		1,500.00	179.36		11.96
910.000 PROFESSIONAL DEVELOPMENT	5,019.75		3,500.00	50.00		1.43
910.100 SEMINAR LODGING	209.43		1,750.00	0.00		0.00
910.200 SEMINAR MEALS	58.62		300.00	0.00		0.00
915.000 MEMBERSHIP & DUES	190.00		1,500.00	375.00		25.00
955.000 MISC.	478.82		1,000.00	144.91		14.49
980.100 NEW COMPUTER HARDWARE & SOFTWARE	670.30		750.00	0.00		0.00
Net - Dept 257 - ASSESSOR	(181,715.68)		(201,936.00)	(27,143.29)		
Dept 262 - ELECTIONS						
702.000 SALARIES & WAGES	0.00		100.00	272.27		272.27
708.000 UNEMPLOYMENT	0.00		0.00	2.09		100.00
709.000 EMPLR FICA CONTR	0.00		5.00	16.83		336.60
711.000 EMPLR MEDICARE CONTR	0.00		2.00	3.93		196.50
712.000 ELECTION WORKERS	0.00		10,000.00	5,944.00		59.44
716.000 EMPLR RETIREMENT CONTR	0.00		10.00	24.50		245.00
718.500 HEALTH INSURANCE	0.00		25.00	129.28		517.12
719.000 HEALTH INSURANCE	0.00		2.00	8.06		403.00
724.000 WORKER'S COMP	0.00		2.00	371.49		8,574.50
754.000 OPERATING SUPPLIES	312.48		10,000.00	569.93		5.70
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	0.00		2,000.00	3,870.00		193.50
851.000 MAIL/POSTAGE	0.00		50.00	2.24		4.48
900.000 PRINTING & PUBLISHING	0.00		100.00	0.00		0.00
910.000 PROFESSIONAL DEVELOPMENT	0.00		0.00	29.41		100.00
955.000 MISC.	0.00		400.00	0.00		0.00

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ACCOUNT DESCRIPTION	END BALANCE	2020 AMENDED BUDGET	YTD BALANCE	% BDGT USED
	12/31/2019 NORMAL (ABNORMAL)		03/31/2020 NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND				
Net - Dept 262 - ELECTIONS	(312.48)	(22,696.00)	(11,244.03)	
Dept 265 - TWP HALL & GROUNDS				
702.000 SALARIES & WAGES	0.00	0.00	561.13	100.00
708.000 UNEMPLOYMENT	0.00	0.00	7.80	100.00
709.000 EMPLR FICA CONTR	0.00	0.00	34.56	100.00
711.000 EMPLR MEDICARE CONTR	0.00	0.00	8.10	100.00
716.000 EMPLR RETIREMENT CONTR	0.00	0.00	50.50	100.00
718.500 HEALTH INSURANCE	0.00	0.00	321.89	100.00
719.000 DENTAL INSURANCE	0.00	0.00	15.56	100.00
724.000 WORKER'S COMP	0.00	0.00	12.86	100.00
754.000 OPERATING SUPPLIES	3,560.31	4,500.00	1,179.77	26.22
776.100 HALL CLEANING	6,597.56	6,900.00	1,534.74	22.24
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	18,144.68	21,000.00	1,543.91	7.35
850.000 COMMUNICATIONS	2,809.52	3,200.00	739.42	23.11
890.000 SAFETY	433.50	1,000.00	335.50	33.55
917.000 WATER & SEWER CHARGES	591.60	700.00	147.90	21.13
920.000 ELECTRIC/NATURAL GAS	10,402.61	12,000.00	2,973.26	24.78
930.001 MAINT-EQUIPMENT	0.00	500.00	0.00	0.00
930.200 MAINT-GROUNDS	421.46	500.00	29.43	5.89
930.300 MAINT-BUILDINGS	1,448.56	2,000.00	1,672.05	83.60
935.000 PROPERTY/LIABILITY INSURANCE	11,030.67	11,500.00	0.00	0.00
940.100 POSTAGE METER LEASE	1,816.56	2,000.00	454.14	22.71
955.000 MISC.	44.93	250.00	1.68	0.67
980.000 NEW OFFICE EQUIPMENT & FURNITURE	12,613.25	3,000.00	0.00	0.00
Net - Dept 265 - TWP HALL & GROUNDS	(69,915.21)	(69,050.00)	(11,624.20)	
Dept 266 - LEGAL/ATTORNEY				
826.000 LEGAL FEES	64,670.86	60,000.00	11,707.05	19.51
826.500 LEGAL FEES-ASSESSOR	18,443.76	0.00	6,220.00	100.00
Net - Dept 266 - LEGAL/ATTORNEY	(83,114.62)	(60,000.00)	(17,927.05)	
Dept 371 - BUILDING				
702.000 SALARIES & WAGES	83,314.59	112,508.00	19,071.09	16.95
702.500 OVERTIME	2,009.71	1,500.00	438.16	29.21
708.000 UNEMPLOYMENT	736.20	1,299.00	306.00	23.56
709.000 EMPLR FICA CONTR	5,007.44	7,037.00	1,136.08	16.14
711.000 EMPLR MEDICARE CONTR	1,171.10	1,646.00	265.70	16.14
716.000 EMPLR RETIREMENT CONTR	6,410.78	8,513.00	1,745.52	20.50
718.500 HEALTH INSURANCE	39,195.15	51,250.00	10,948.86	21.36
718.700 HEALTH INS-EE CONTRIBUTIONS	(2,944.08)	(3,940.00)	(1,089.30)	27.65
719.000 DENTAL INSURANCE	3,245.89	4,180.00	834.36	19.96
719.800 VISION INSURANCE	382.56	555.00	153.36	27.63
719.900 VISION INS-EE CONTRIBUTIONS	(191.28)	(277.00)	(76.68)	27.68
724.000 WORKER'S COMP	488.27	777.00	124.13	15.98
725.000 LIFE & DISABILITY BENEFIT	601.44	840.00	161.56	19.23
752.000 OFFICE SUPPLIES	433.92	400.00	743.96	185.99
754.000 OPERATING SUPPLIES	8.81	500.00	0.00	0.00
759.000 GAS/FUEL	881.95	1,200.00	161.78	13.48
767.000 UNIFORMS	174.50	200.00	0.00	0.00
775.100 VEHICLE CLEANING	12.00	125.00	0.00	0.00
791.000 SUBSCRIPTIONS & PUBLICATIONS	0.00	500.00	0.00	0.00
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	131,062.72	70,900.00	27,460.00	38.73
850.000 COMMUNICATIONS	609.67	800.00	187.48	23.44
851.000 MAIL/POSTAGE	0.00	35.00	0.00	0.00
860.000 TRANSPORTATION/MILEAGE REIMBURSEMENT	81.44	250.00	0.00	0.00
880.000 COMMUNITY PROMOTION	595.00	600.00	0.00	0.00
900.000 PRINTING & PUBLISHING	0.00	0.00	849.00	100.00
910.000 PROFESSIONAL DEVELOPMENT	5,292.50	4,000.00	0.00	0.00
910.100 SEMINAR LODGING	406.98	500.00	0.00	0.00
910.200 SEMINAR MEALS	646.94	1,000.00	20.19	2.02
915.000 MEMBERSHIP & DUES	890.00	1,100.00	431.00	39.18
930.000 VEHICLE REPAIRS & MAINTENANCE	1,640.73	400.00	219.78	54.95
980.100 NEW COMPUTER HARDWARE & SOFTWARE	670.30	1,000.00	0.00	0.00
Net - Dept 371 - BUILDING	(282,835.23)	(269,398.00)	(64,092.03)	
Dept 441 - PUBLIC WORKS				
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	18,360.81	31,500.00	0.00	0.00
920.000 STREET LIGHTING	23,625.17	23,000.00	5,972.20	25.99
962.000 DRAINS AT LARGE	28,155.34	29,000.00	26,667.61	91.96

User: SHERRIE

PERIOD ENDING 03/31/2020

DB: Union

% Fiscal Year Completed: 24.86

ACCOUNT DESCRIPTION	END BALANCE		YTD BALANCE		% BDGT USED
	NORMAL	(ABNORMAL)	2020 AMENDED BUDGET	03/31/2020	
Fund 101 - GENERAL FUND					
967.000 CONTRIBUTIONS TO ROAD COMMISSION	37,002.97		475,000.00	0.00	0.00
967.100 CONTRIBUTION TO AIRPORT IMPROVEMENTS	0.00		10,000.00	0.00	0.00
970.100 SIDEWALKS AND NON MOTORIZED PATHS	0.00		100,000.00	0.00	0.00
Net - Dept 441 - PUBLIC WORKS	(107,144.29)		(668,500.00)	(32,639.81)	
Dept 701 - PLANNING					
702.000 SALARIES & WAGES	62,132.87		123,475.00	27,690.53	22.43
707.000 PER DIEM	11,770.00		16,255.00	0.00	0.00
708.000 UNEMPLOYMENT	368.10		914.00	332.41	36.37
709.000 EMPLR FICA CONTR	4,416.15		8,670.00	1,612.96	18.60
711.000 EMPLR MEDICARE CONTR	1,032.86		2,050.00	377.19	18.40
716.000 EMPLR RETIREMENT CONTR	4,379.03		9,190.00	2,364.66	25.73
718.500 HEALTH INSURANCE	19,459.96		41,000.00	9,115.10	22.23
718.700 HEALTH INS-EE CONTRIBUTIONS	(1,386.06)		(3,152.00)	(907.75)	28.80
719.000 DENTAL INSURANCE	1,506.12		2,622.00	695.30	26.52
719.800 VISION INSURANCE	325.20		742.00	88.44	11.92
719.900 VISION INS-EE CONTRIBUTIONS	(162.60)		(370.00)	(44.22)	11.95
724.000 WORKER'S COMP	480.56		1,060.00	217.44	20.51
725.000 LIFE & DISABILITY BENEFIT	349.44		785.00	88.48	11.27
752.000 OFFICE SUPPLIES	0.00		250.00	517.58	207.03
767.000 UNIFORMS	46.00		100.00	0.00	0.00
791.000 SUBSCRIPTIONS & PUBLICATIONS	0.00		100.00	0.00	0.00
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	27,538.75		12,000.00	6,991.50	58.26
851.000 MAIL/POSTAGE	125.82		150.00	0.00	0.00
860.000 TRANSPORTATION/MILEAGE REIMBURSMNT	636.01		600.00	86.83	14.47
900.000 PRINTING & PUBLISHING	7,135.46		8,000.00	3,252.88	40.66
910.000 PROFESSIONAL DEVELOPMENT	4,760.50		2,000.00	1,345.00	67.25
910.100 SEMINAR LODGING	29.50		400.00	0.00	0.00
910.200 SEMINAR MEALS	323.53		600.00	0.00	0.00
915.000 MEMBERSHIP & DUES	812.50		1,000.00	0.00	0.00
955.000 MISC.	7.00		250.00	0.00	0.00
Net - Dept 701 - PLANNING	(146,086.70)		(228,691.00)	(53,824.33)	
Dept 751 - PARKS & RECREATION					
702.000 SALARIES & WAGES	21,295.84		27,338.00	1,506.61	5.51
702.500 OVERTIME	1,929.23		3,000.00	0.00	0.00
708.000 UNEMPLOYMENT	424.09		1,400.00	38.32	2.74
709.000 EMPLR FICA CONTR	1,891.68		2,552.00	84.87	3.33
711.000 EMPLR MEDICARE CONTR	442.43		600.00	19.85	3.31
712.000 TEMPORARY LABOR	8,260.50		10,816.00	0.00	0.00
716.000 EMPLR RETIREMENT CONTR	1,703.84		2,215.00	132.32	5.97
718.500 HEALTH INSURANCE	11,156.20		16,400.00	1,298.33	7.92
718.700 HEALTH INS-EE CONTRIBUTIONS	(825.86)		(1,261.00)	(211.70)	16.79
719.000 DENTAL INSURANCE	900.96		1,338.00	86.94	6.50
719.800 VISION INSURANCE	182.14		297.00	31.41	10.58
719.900 VISION INS-EE CONTRIBUTIONS	(91.08)		(148.00)	(15.70)	10.61
724.000 WORKER'S COMP	797.21		1,190.00	43.55	3.66
725.000 LIFE & DISABILITY BENEFIT	160.32		246.00	33.65	13.68
754.000 OPERATING SUPPLIES	3,123.82		4,000.00	181.53	4.54
759.000 GAS/FUEL	1,148.05		1,500.00	0.00	0.00
767.000 UNIFORMS	0.00		500.00	0.00	0.00
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	3,950.57		19,200.00	1,223.77	6.37
860.000 TRANSPORTATION/MILEAGE REIMBURSMNT	0.00		100.00	0.00	0.00
890.000 SAFETY	362.69		4,000.00	106.00	2.65
900.000 PRINTING & PUBLISHING	223.68		500.00	126.75	25.35
910.000 PROFESSIONAL DEVELOPMENT	0.00		800.00	0.00	0.00
917.000 WATER & SEWER CHARGES	4,813.65		4,000.00	369.66	9.24
920.000 ELECTRIC/NATURAL GAS	3,849.28		6,250.00	856.94	13.71
930.000 REPAIRS	0.00		5,000.00	0.00	0.00
930.001 MAINT-EQUIPMENT	1,324.70		2,000.00	0.00	0.00
930.200 MAINT-GROUNDS	6,262.44		2,500.00	0.00	0.00
930.250 MAINT-DOG PARK	3,250.00		4,000.00	453.00	11.33
930.300 MAINT-BUILDINGS	1,488.74		2,500.00	129.86	5.19
933.000 MAINT-VEHICLES	154.10		500.00	0.00	0.00
955.000 MISC.	19.49		200.00	0.00	0.00
977.000 NEW EQUIPMENT PURCHASE	6,106.06		11,500.00	748.74	6.51
Net - Dept 751 - PARKS & RECREATION	(84,304.77)		(135,033.00)	(7,244.70)	
Dept 901 - CAPITAL OUTLAY					
976.302 CAPITAL OUTLAY-TOWNSHIP HALL	6,534.00		7,000.00	0.00	0.00
976.304 CAPITAL OUTLAY-PLAYGROUND EQUIPMENT	31,363.75		25,000.00	0.00	0.00
976.306 CAPITAL OUTLAY-PARKS DEPT	5,000.00		211,000.00	0.00	0.00

ACCOUNT DESCRIPTION	END BALANCE		YTD BALANCE		% BDGT USED
	NORMAL	12/31/2019 (ABNORMAL)	2020 AMENDED BUDGET	03/31/2020 NORMAL (ABNORMAL)	
Fund 101 - GENERAL FUND					
Net - Dept 901 - CAPITAL OUTLAY		(42,897.75)	(243,000.00)	0.00	
Dept 910 - DEBT SERVICE-LEASES					
991.500 LEASE PAYABLE PRINCIPAL		11,446.92	11,448.00	3,099.27	27.07
992.500 LEASE PAYABLE INTEREST		1,842.96	1,845.00	223.02	12.09
Net - Dept 910 - DEBT SERVICE-LEASES		(13,289.88)	(13,293.00)	(3,322.29)	
Fund 101 - GENERAL FUND:					
TOTAL REVENUES		2,123,694.54	2,180,500.00	540,896.10	24.81
TOTAL EXPENDITURES		1,456,236.47	2,459,137.00	325,876.98	13.25
NET OF REVENUES & EXPENDITURES		667,458.07	(278,637.00)	215,019.12	77.17

ACCOUNT DESCRIPTION	END BALANCE		YTD BALANCE		% BDGT USED
	NORMAL	(ABNORMAL)	NORMAL	(ABNORMAL)	
Fund 206 - FIRE FUND					
Dept 000 - NONE					
402.000 CURRENT REAL PROPERTY TAX	609,379.70		610,000.00	586,772.67	96.19
402.001 PROPERTY TAX REFUNDS-MTT	(9,655.24)		(10,000.00)	0.00	0.00
402.002 PILOT TAX	6,364.86		6,200.00	0.00	0.00
402.100 PRIOR YEARS PROPERTY TAXES	2,897.60		(200.00)	0.00	0.00
420.000 DELQ PERSONAL PROPERTY TAXES	405.40		500.00	0.00	0.00
445.000 INTEREST ON TAXES	44.39		350.00	0.00	0.00
543.000 STATE GRANT-PUBLIC SAFETY	11,811.67		6,000.00	0.00	0.00
573.000 STATE AID REVENUE-LCSA	8,992.25		9,000.00	4,079.28	45.33
600.200 FIRE PROTECTION - EDDA	66,311.00		66,000.00	0.00	0.00
600.300 FIRE PROTECTION - WDDA	49,152.00		49,100.00	0.00	0.00
665.000 INTEREST EARNED	32,646.88		20,000.00	6,254.32	31.27
673.000 GAIN/LOSS ON SALE(DISPOSAL)OF ASSETS	0.00		30,000.00	0.00	0.00
Net - Dept 000 - NONE	778,350.51		786,950.00	597,106.27	
Dept 336 - FIRE DEPARTMENT					
702.000 SALARIES & WAGES	1,364.57		0.00	0.00	0.00
709.000 EMPLR FICA CONTR	82.81		0.00	0.00	0.00
711.000 EMPLR MEDICARE CONTR	19.37		0.00	0.00	0.00
716.000 EMPLR RETIREMENT CONTR	102.32		0.00	0.00	0.00
718.500 HEALTH INSURANCE	214.86		0.00	0.00	0.00
718.700 HEALTH INS-EE CONTRIBUTIONS	(27.66)		0.00	0.00	0.00
719.000 DENTAL INSURANCE	14.68		0.00	0.00	0.00
719.800 VISION INSURANCE	1.90		0.00	0.00	0.00
719.900 VISION INS-EE CONTRIBUTIONS	(0.95)		0.00	0.00	0.00
724.000 WORKER'S COMP	32.83		0.00	0.00	0.00
725.000 LIFE & DISABILITY BENEFIT	6.56		0.00	0.00	0.00
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	731,400.00		763,800.00	190,950.00	25.00
801.025 HYDRANT FLUSHING	0.00		45,000.00	0.00	0.00
934.000 FIRE HYDRANT REPAIRS	0.00		5,150.00	0.00	0.00
Net - Dept 336 - FIRE DEPARTMENT	(733,211.29)		(813,950.00)	(190,950.00)	
Dept 901 - CAPITAL OUTLAY					
976.312 CAPITAL OUTLAY-FIRE TRUCK	0.00		478,000.00	447,031.00	93.52
Net - Dept 901 - CAPITAL OUTLAY	0.00		(478,000.00)	(447,031.00)	
Fund 206 - FIRE FUND:					
TOTAL REVENUES	778,350.51		786,950.00	597,106.27	75.88
TOTAL EXPENDITURES	733,211.29		1,291,950.00	637,981.00	49.38
NET OF REVENUES & EXPENDITURES	45,139.22		(505,000.00)	(40,874.73)	8.09

ACCOUNT DESCRIPTION	END BALANCE		YTD BALANCE		% BDGT USED
	NORMAL	(ABNORMAL)	NORMAL	(ABNORMAL)	
Fund 248 - EAST DDA FUND					
Dept 000 - NONE					
402.000 CURRENT PROPERTY TAX	408,606.73		435,000.00	0.00	0.00
402.001 PROPERTY TAX REFUNDS-BOR MTT	0.00		(4,000.00)	0.00	0.00
402.100 PRIOR YEARS PROPERTY TAXES	0.00		(250.00)	0.00	0.00
420.000 DELQ PERSONAL PROPERTY CAPT	334.44		300.00	0.00	0.00
445.000 INTEREST ON TAXES	185.91		500.00	0.00	0.00
573.000 STATE AID REVENUE-LCSA	59,242.81		55,000.00	0.00	0.00
665.000 INTEREST EARNED	23,801.02		18,000.00	5,680.84	31.56
671.000 OTHER REVENUE	12,734.89		100.00	30.60	30.60
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	10,611.82		9,800.00	2,867.50	29.26
801.001 MAINT- BENCHES/TRASH RECEPTACLES	0.00		10,000.00	354.00	3.54
801.003 SIDEWALK SNOWPLOWING	10,100.00		10,000.00	3,700.00	37.00
801.004 RIGHT OF WAY LAWN CARE	17,760.00		16,500.00	0.00	0.00
801.005 IRRIGATION / LIGHTING REPAIRS	34,076.99		30,000.00	436.45	1.45
801.007 FLOWER / LANDSCAPE MAINTENANCE	20,758.50		18,500.00	0.00	0.00
801.015 STREET LIGHT BANNERS/CHRISTMAS	18,958.16		20,000.00	4,500.00	22.50
826.000 LEGAL FEES	0.00		500.00	0.00	0.00
880.000 COMMUNITY PROMOTION	8,170.00		0.00	0.00	0.00
900.000 PRINTING & PUBLISHING	0.00		250.00	0.00	0.00
917.000 WATER & SEWER CHARGES	15,686.45		14,200.00	0.00	0.00
920.000 ELECTRIC/NATURAL GAS	10,763.48		12,000.00	3,506.14	29.22
935.000 PROPERTY/LIABILITY INSURANCE	1,514.72		1,500.00	0.00	0.00
940.000 LEASE/RENT	550.00		700.00	0.00	0.00
955.000 MISC.	5.58		50.00	17.97	35.94
967.000 PROJECTS	44,479.25		0.00	0.00	0.00
Net - Dept 000 - NONE	311,470.85		360,650.00	(9,670.62)	
Dept 336 - FIRE DEPARTMENT					
830.000 PUBLIC SAFETY - FIRE PROTECTION	66,311.00		66,000.00	0.00	0.00
Net - Dept 336 - FIRE DEPARTMENT	(66,311.00)		(66,000.00)	0.00	
Dept 728 - ECONOMIC DEVELOPMENT					
967.200 WATER SYSTEM PROJECTS	3,996.88		0.00	0.00	0.00
967.300 SEWER SYSTEM PROJECTS	7,951.87		160,260.00	0.00	0.00
967.600 PARKS PROJECTS	0.00		107,000.00	0.00	0.00
Net - Dept 728 - ECONOMIC DEVELOPMENT	(11,948.75)		(267,260.00)	0.00	
Fund 248 - EAST DDA FUND:					
TOTAL REVENUES	504,905.80		504,650.00	5,711.44	1.13
TOTAL EXPENDITURES	271,694.70		477,260.00	15,382.06	3.22
NET OF REVENUES & EXPENDITURES	233,211.10		27,390.00	(9,670.62)	35.31

ACCOUNT DESCRIPTION	END BALANCE		YTD BALANCE		% BDGT USED
	NORMAL	(ABNORMAL)	NORMAL	(ABNORMAL)	
Fund 250 - WEST DDA FUND					
Dept 000 - NONE					
402.000 CURRENT PROPERTY TAX	304,611.31		320,000.00	0.00	0.00
402.001 PROPERTY TAX REFUNDS-BOR MTT	0.00		(4,000.00)	0.00	0.00
420.000 DELQ PERSONAL PROPERTY CAPT	1,538.94		200.00	0.00	0.00
445.000 INTEREST ON TAXES	284.23		250.00	0.00	0.00
665.000 INTEREST EARNED	22,468.26		14,000.00	3,913.98	27.96
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	5,115.63		4,200.00	2,867.50	68.27
967.400 STREET/ROAD PROJECTS	162,293.14		330,000.00	0.00	0.00
Net - Dept 000 - NONE	161,493.97		(3,750.00)	1,046.48	
Dept 336 - FIRE DEPARTMENT					
830.000 PUBLIC SAFETY - FIRE PROTECTION	49,152.00		49,000.00	0.00	0.00
Net - Dept 336 - FIRE DEPARTMENT	(49,152.00)		(49,000.00)	0.00	
Dept 728 - ECONOMIC DEVELOPMENT					
967.300 SEWER SYSTEM PROJECTS	107,209.74		0.00	0.00	0.00
967.500 SIDEWALK/PATHWAY PROJECTS	0.00		70,000.00	0.00	0.00
Net - Dept 728 - ECONOMIC DEVELOPMENT	(107,209.74)		(70,000.00)	0.00	
Fund 250 - WEST DDA FUND:					
TOTAL REVENUES	328,902.74		330,450.00	3,913.98	1.18
TOTAL EXPENDITURES	323,770.51		453,200.00	2,867.50	0.63
NET OF REVENUES & EXPENDITURES	5,132.23		(122,750.00)	1,046.48	0.85

ACCOUNT DESCRIPTION	END BALANCE		2020 AMENDED BUDGET	YTD BALANCE		% BDGT USED
	NORMAL	(ABNORMAL)		NORMAL	(ABNORMAL)	
Fund 288 - TRIBAL 2% GRANTS FUND						
Dept 000 - NONE						
582.000 CONTRIBUTION FROM TRIBE	213,120.00		0.00		0.00	0.00
665.000 INTEREST EARNED	5,984.48		5,000.00		1,982.70	39.65
Net - Dept 000 - NONE	219,104.48		5,000.00		1,982.70	
Dept 728 - ECONOMIC DEVELOPMENT						
965.000 CONTRIBUTION TO OTHER UNITS OF GOVT	0.00		34,000.00		0.00	0.00
965.500 CONTRIBUTION TO WATER FUND	43,773.40		0.00		0.00	0.00
967.400 STREET/ROAD PROJECTS	0.00		180,000.00		0.00	0.00
967.600 PARKS PROJECTS	25,082.12		0.00		0.00	0.00
967.700 PUBLIC HEALTH/SAFETY PROJECTS	7,100.00		0.00		0.00	0.00
Net - Dept 728 - ECONOMIC DEVELOPMENT	(75,955.52)		(214,000.00)		0.00	
Fund 288 - TRIBAL 2% GRANTS FUND:						
TOTAL REVENUES	219,104.48		5,000.00		1,982.70	39.65
TOTAL EXPENDITURES	75,955.52		214,000.00		0.00	0.00
NET OF REVENUES & EXPENDITURES	143,148.96		(209,000.00)		1,982.70	0.95

User: SHERRIE

PERIOD ENDING 03/31/2020

DB: Union

% Fiscal Year Completed: 24.86

ACCOUNT DESCRIPTION	END BALANCE		YTD BALANCE		% BDGT USED
	NORMAL	(ABNORMAL)	NORMAL	(ABNORMAL)	
Fund 590 - SEWER FUND					
Dept 000 - NONE					
456.000 CONNECTION FEE	74,197.35		5,350.00		5.35
583.000 CONTRIBUTION FROM EDA FOR PROJECTS	115,161.61		0.00		0.00
627.000 SERVICE	1,306,493.08	1,320,000.00	330,106.70		25.01
627.100 DELINQUENT SEWER	0.00	(1,500.00)	0.00		0.00
628.000 INSPECTION FEE	0.00	500.00	0.00		0.00
655.000 FINES & FORFEITURES	32,981.74	28,000.00	6,073.58		21.69
665.000 INTEREST EARNED	84,471.61	60,000.00	19,046.79		31.74
665.100 INTEREST EARNED-SPEC ASSESS	1,415.07	5,600.00	0.00		0.00
670.000 DEBT RETIREMENT	1,107,229.40	1,093,000.00	278,997.76		25.53
670.100 DEBT SERVICE (SEWER 1) CITY ANNEX	0.00	300.00	0.00		0.00
671.000 OTHER REVENUE	2,966.40	3,200.00	106.73		3.34
672.500 REVENUE-SPECIAL ASSESS	0.00	20,000.00	3,430.08		17.15
673.000 GAIN/LOSS ON SALE(DISPOSAL)OF ASSETS	15,000.00	0.00	0.00		0.00
Net - Dept 000 - NONE	2,739,916.26	2,844,100.00	643,111.64		
Dept 536 - WATER/SEWER SYSTEMS					
702.000 SALARIES & WAGES	238,596.20	241,125.00	54,835.69		22.74
702.500 OVERTIME	7,121.87	6,050.00	1,246.80		20.61
705.000 LEAVE TIME PAYOUT	0.00	0.00	1,281.50		100.00
708.000 UNEMPLOYMENT	1,825.33	2,380.00	688.78		28.94
709.000 EMPLR FICA CONTR	15,133.99	15,577.00	3,457.83		22.20
711.000 EMPLR MEDICARE CONTR	3,539.75	3,643.00	808.76		22.20
712.000 TEMPORARY LABOR	3,666.50	8,736.00	0.00		0.00
716.000 EMPLR RETIREMENT CONTR	17,429.36	17,168.00	4,849.01		28.24
718.500 HEALTH INSURANCE	75,040.88	77,244.00	22,599.03		29.26
718.700 HEALTH INS-EE CONTRIBUTIONS	(4,268.16)	(4,408.00)	(1,734.80)		39.36
719.000 DENTAL INSURANCE	4,306.69	4,224.00	1,212.41		28.70
719.800 VISION INSURANCE	528.14	529.00	157.00		29.68
719.900 VISION INS-EE CONTRIBUTIONS	(264.11)	(265.00)	(78.50)		29.62
724.000 WORKER'S COMP	2,495.80	2,832.00	669.24		23.63
725.000 LIFE & DISABILITY BENEFIT	1,225.41	1,505.00	346.21		23.00
726.000 COMPENSATED ABSENCES	5,732.24	0.00	0.00		0.00
752.000 OFFICE SUPPLIES	1,039.63	1,500.00	57.06		3.80
754.000 OPERATING SUPPLIES	3,709.28	10,000.00	493.09		4.93
759.000 GAS/FUEL	7,659.99	10,000.00	898.40		8.98
767.000 UNIFORMS	559.14	2,000.00	50.00		2.50
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	34,465.40	41,025.00	3,496.16		8.52
826.000 LEGAL FEES	2,078.00	5,000.00	0.00		0.00
850.000 COMMUNICATIONS	1,323.88	3,000.00	224.08		7.47
851.000 MAIL/POSTAGE	2,756.67	3,300.00	1,700.00		51.52
860.000 TRANSPORTATION/MILEAGE REIMBURSMNT	841.16	1,200.00	163.58		13.63
890.000 SAFETY	3,903.98	8,000.00	882.57		11.03
900.000 PRINTING & PUBLISHING	1,343.08	1,500.00	559.55		37.30
910.000 PROFESSIONAL DEVELOPMENT	630.00	5,000.00	87.50		1.75
910.100 SEMINAR LODGING	0.00	1,000.00	0.00		0.00
910.200 SEMINAR MEALS	0.00	450.00	28.48		6.33
915.000 MEMBERSHIP & DUES	500.50	1,200.00	41.50		3.46
920.000 ELECTRIC/NATURAL GAS	67,884.42	82,000.00	20,416.75		24.90
930.000 REPAIRS	1,798.83	150,000.00	149.36		0.10
930.001 MAINT-EQUIPMENT	7,455.19	27,000.00	3,865.64		14.32
930.200 MAINT-GROUNDS	3,556.53	8,000.00	0.00		0.00
930.300 MAINT-BUILDINGS	907.17	27,000.00	0.00		0.00
933.000 MAINT-VEHICLES	5,940.04	8,000.00	388.43		4.86
933.500 MAINT-LIFT STATIONS	9,821.05	315,000.00	73,680.65		23.39
934.300 OPTO 22 MAINTENANCE	3,799.14	40,000.00	2,027.24		5.07
934.500 MAINT. AGREEMENT ON EQUIPMENT	3,176.27	7,000.00	3,854.61		55.07
935.000 PROPERTY/LIABILITY INSURANCE	18,863.31	19,000.00	0.00		0.00
955.000 MISC.	43.50	0.00	0.00		0.00
972.013 HOOKUP LABOR & MATERIAL	36,264.77	10,000.00	0.00		0.00
973.000 CAPITAL PROJECTS-SEWER SYSTEM	0.00	240,000.00	12,963.77		5.40
977.000 NEW EQUIPMENT PURCHASE	169.67	14,500.00	0.00		0.00
980.000 NEW OFFICE EQUIPMENT & FURNITURE	1,151.72	1,000.00	0.00		0.00
980.100 NEW COMPUTER HARDWARE & SOFTWARE	5,893.36	13,273.00	3,225.16		24.30
Net - Dept 536 - WATER/SEWER SYSTEMS	(599,645.57)	(1,432,288.00)	(219,592.54)		
Dept 540 - WWTP					
702.000 SALARIES & WAGES	277,835.41	274,577.00	58,189.46		21.19
702.500 OVERTIME	13,464.34	11,200.00	3,121.80		27.87
708.000 UNEMPLOYMENT	1,841.83	1,732.00	763.83		44.10
709.000 EMPLR FICA CONTR	17,595.56	17,235.00	3,678.74		21.34
711.000 EMPLR MEDICARE CONTR	4,115.09	4,031.00	860.35		21.34
712.000 TEMPORARY LABOR	0.00	500.00	0.00		0.00
716.000 EMPLR RETIREMENT CONTR	21,885.46	21,433.00	5,481.20		25.57

ACCOUNT DESCRIPTION	END BALANCE		YTD BALANCE		% BDGT USED
	NORMAL	(ABNORMAL)	NORMAL	(ABNORMAL)	
Fund 590 - SEWER FUND					
718.500 HEALTH INSURANCE	97,107.69		27,309.42		26.64
718.700 HEALTH INS-EE CONTRIBUTIONS	(6,670.64)	(7,144.00)	(2,468.61)		34.56
719.000 DENTAL INSURANCE	6,714.94		1,737.50		25.12
719.800 VISION INSURANCE	1,179.18	1,290.00	218.28		16.92
719.900 VISION INS-EE CONTRIBUTIONS	(589.59)	(643.00)	(109.14)		16.97
724.000 WORKER'S COMP	4,715.51	5,263.00	1,110.10		21.09
725.000 LIFE & DISABILITY BENEFIT	1,644.03	1,825.00	416.02		22.80
743.000 CHEMICALS	39,857.34	50,000.00	5,141.24		10.28
744.000 LAB EQUIPMENT & SUPPLIES	15,602.07	25,000.00	10,801.36		43.21
752.000 OFFICE SUPPLIES	1,013.99	500.00	107.69		21.54
754.000 OPERATING SUPPLIES	9,631.33	11,500.00	2,139.29		18.60
759.000 GAS/FUEL	2,076.48	3,000.00	467.01		15.57
767.000 UNIFORMS	569.96	2,000.00	0.00		0.00
774.100 BIOXIDE	62,452.35	70,000.00	21,759.73		31.09
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	35,911.90	41,110.00	7,786.15		18.94
801.200 CONT. SERV. - BIOSOLIDS LAND APPL.	22,231.90	32,000.00	0.00		0.00
801.300 CONT. SERV. - LAB ANALYSIS	8,916.00	6,000.00	206.00		3.43
850.000 COMMUNICATIONS	3,100.65	3,500.00	1,091.51		31.19
851.000 MAIL/POSTAGE	142.16	750.00	180.18		24.02
860.000 TRANSPORTATION/MILEAGE REIMBURSEMENT	0.00	500.00	0.00		0.00
890.000 SAFETY	6,251.45	5,000.00	546.84		10.94
900.000 PRINTING & PUBLISHING	286.95	500.00	126.75		25.35
910.000 PROFESSIONAL DEVELOPMENT	3,795.00	5,000.00	629.95		12.60
910.100 SEMINAR LODGING	0.00	500.00	0.00		0.00
910.200 SEMINAR MEALS	0.00	250.00	28.48		11.39
915.000 MEMBERSHIP & DUES	233.00	500.00	0.00		0.00
917.000 WATER & SEWER CHARGES	10,986.90	12,000.00	2,031.90		16.93
920.000 ELECTRIC/NATURAL GAS	144,843.58	176,000.00	37,420.51		21.26
923.000 PROPANE	2,875.12	0.00	812.21		100.00
930.001 MAINT-EQUIPMENT	1,961.67	11,500.00	2,536.07		22.05
930.200 MAINT-GROUNDS	2,468.64	7,000.00	0.00		0.00
930.300 MAINT-BUILDINGS	902.90	5,000.00	854.51		17.09
933.000 MAINT-VEHICLES	1,346.19	2,500.00	226.30		9.05
934.300 OPTO 22 MAINTENANCE	2,267.80	6,000.00	209.04		3.48
934.981 SAMPLING EQUIPMENT MAINT.	1,610.15	4,000.00	2,653.13		66.33
934.982 PRELIMINARY TREAT EQUIPM. MAINT.	12,230.44	15,000.00	1,896.23		12.64
934.983 SECONDARY TREAT EQUIP. MAINT.	7,320.98	25,000.00	775.87		3.10
934.984 SOLIDS EQUIPMENT MAINT.	5,905.77	15,000.00	3,566.16		23.77
934.985 DISINFECTION EQUIPMENT MAINT.	5,835.43	6,000.00	68.14		1.14
934.986 INSTRUMENTATION EQUIPMENT MAINT.	1,855.89	6,000.00	15.98		0.27
934.987 TERTIARY FILTER MAINT.	6,297.26	15,000.00	139.94		0.93
935.000 PROPERTY/LIABILITY INSURANCE	14,110.90	12,000.00	0.00		0.00
949.000 IPP	0.00	500.00	0.00		0.00
958.100 PERMITS & FEES	5,760.00	13,000.00	7,384.26		56.80
977.000 NEW EQUIPMENT PURCHASE	1,573.82	314,000.00	0.00		0.00
980.000 NEW OFFICE EQUIPMENT & FURNITURE	25.47	750.00	0.00		0.00
980.100 NEW COMPUTER HARDWARE & SOFTWARE	1,513.34	16,120.00	2,514.15		15.60
Net - Dept 540 - WWTP	(884,603.59)	(1,360,695.00)	(214,425.53)		
Dept 906 - DEBT SERVICE					
990.000 BOND ISSUE COST AMORTIZATION	39,847.76	39,850.00	0.00		0.00
995.000 BOND INTEREST-2009 WWTP & 2004 SEWER	41,976.21	45,000.00	15,705.00		34.90
996.001 BOND - PAYING AGENT FEES	750.00	800.00	0.00		0.00
996.003 BOND INTEREST-RURAL DEVELOPMENT	150,462.37	150,500.00	0.00		0.00
Net - Dept 906 - DEBT SERVICE	(233,036.34)	(236,150.00)	(15,705.00)		
Dept 910 - DEBT SERVICE-LEASES					
992.500 LEASE PAYABLE INTEREST	292.08	400.00	35.49		8.87
Net - Dept 910 - DEBT SERVICE-LEASES	(292.08)	(400.00)	(35.49)		
Dept 960 - DEPRECIATION EXPENSE					
969.000 DEPRECIATION EXPENSE	676,548.13	700,000.00	0.00		0.00
Net - Dept 960 - DEPRECIATION EXPENSE	(676,548.13)	(700,000.00)	0.00		
Fund 590 - SEWER FUND:					

ACCOUNT DESCRIPTION	END BALANCE		2020 AMENDED BUDGET	YTD BALANCE		% BDGT USED
	12/31/2019			NORMAL	(ABNORMAL)	
Fund 590 - SEWER FUND						
TOTAL REVENUES	2,739,916.26		2,844,100.00		643,111.64	22.61
TOTAL EXPENDITURES	2,394,125.71		3,729,533.00		449,758.56	12.06
NET OF REVENUES & EXPENDITURES	345,790.55		(885,433.00)		193,353.08	21.84

User: SHERRIE

PERIOD ENDING 03/31/2020

DB: Union

% Fiscal Year Completed: 24.86

ACCOUNT DESCRIPTION	END BALANCE		2020 AMENDED BUDGET	YTD BALANCE		% BDGT USED
	12/31/2019 NORMAL (ABNORMAL)			03/31/2020 NORMAL (ABNORMAL)		
Fund 591 - WATER FUND						
Dept 000 - NONE						
450.000 WATER SALES	1,387,389.30		1,304,000.00	318,510.14		24.43
450.100 BULK WATER SALES	240.00		1,000.00	0.00		0.00
450.200 FINAL READ	1,805.00		1,700.00	390.00		22.94
450.300 TURN-OFF	1,930.00		2,000.00	330.00		16.50
452.000 LATERALS	1,458.00		5,000.00	0.00		0.00
454.000 BENEFIT FEES	29,475.92		30,000.00	1,660.00		5.53
459.000 CONNECTION FEES	58,119.00		50,000.00	6,743.00		13.49
479.000 REVENUE-REPLACEMENT METERS	4,600.00		500.00	0.00		0.00
539.000 STATE GRANTS	13,750.00		0.00	0.00		0.00
582.000 CONTRIBUTION FROM TRIBE	43,773.40		0.00	0.00		0.00
583.000 CONTRIBUTION FROM EDA FOR PROJECTS	3,996.88		0.00	0.00		0.00
628.000 INSPECTION FEE	1,100.00		1,000.00	300.00		30.00
655.000 FINES & FORFEITURES	18,018.71		16,000.00	3,368.90		21.06
665.000 INTEREST EARNED	75,331.68		65,000.00	16,925.12		26.04
665.100 INTEREST EARNED-SPEC ASSESS	3,759.28		4,000.00	0.00		0.00
667.300 LEASES - TOWER RENTAL	53,090.25		51,850.00	16,070.64		30.99
671.000 OTHER REVENUE	19,970.22		8,000.00	257.17		3.21
672.500 REVENUE-SPECIAL ASSESS	0.00		10,000.00	9,625.07		96.25
673.000 GAIN/LOSS ON SALE(DISPOSAL)OF ASSETS	10,000.00		0.00	0.00		0.00
Net - Dept 000 - NONE	1,727,807.64		1,550,050.00	374,180.04		
Dept 536 - WATER/SEWER SYSTEMS						
702.000 SALARIES & WAGES	366,976.83		360,849.00	77,026.16		21.35
702.500 OVERTIME	24,641.36		26,950.00	4,484.38		16.64
705.000 LEAVE TIME PAYOUT	0.00		0.00	1,281.52		100.00
708.000 UNEMPLOYMENT	2,599.96		3,258.00	895.73		27.49
709.000 EMPLR FICA CONTR	24,011.91		24,089.00	4,998.46		20.75
711.000 EMPLR MEDICARE CONTR	5,615.01		5,634.00	1,168.87		20.75
712.000 TEMPORARY LABOR	4,111.00		8,736.00	0.00		0.00
716.000 EMPLR RETIREMENT CONTR	28,161.48		27,715.00	7,136.05		25.75
718.500 HEALTH INSURANCE	114,149.17		118,250.00	30,258.87		25.59
718.700 HEALTH INS-EE CONTRIBUTIONS	(7,233.39)		(7,560.00)	(2,434.42)		32.20
719.000 DENTAL INSURANCE	7,515.40		9,240.00	1,834.57		19.85
719.800 VISION INSURANCE	869.12		900.00	225.39		25.04
719.900 VISION INS-EE CONTRIBUTIONS	(434.36)		(450.00)	(112.66)		25.04
724.000 WORKER'S COMP	8,059.54		9,883.00	1,944.53		19.68
725.000 LIFE & DISABILITY BENEFIT	1,911.18		2,103.00	450.76		21.43
726.000 COMPENSATED ABSENCES	7,203.95		0.00	0.00		0.00
752.000 OFFICE SUPPLIES	1,290.63		1,500.00	79.64		5.31
753.000 PROCESS CHEMICALS/CHLORINE	42,166.42		55,000.00	10,266.12		18.67
754.000 OPERATING SUPPLIES	9,196.72		13,000.00	1,427.21		10.98
759.000 GAS/FUEL	8,715.69		9,000.00	1,425.76		15.84
767.000 UNIFORMS	659.14		2,000.00	50.00		2.50
774.100 MXU	4,050.00		14,000.00	4,050.00		28.93
800.000 WELL HEAD PROTECTION	27,500.00		2,000.00	0.00		0.00
801.000 PROFESSIONAL & CONTRACTUAL SERVICES	41,453.29		72,377.00	4,755.58		6.57
801.002 LAB FEES	5,686.40		10,000.00	2,234.65		22.35
801.025 HYDRANT FLUSHING	0.00		(30,000.00)	0.00		0.00
801.800 WATER STUDY	1,993.00		15,000.00	0.00		0.00
826.000 LEGAL FEES	2,078.00		5,000.00	0.00		0.00
850.000 COMMUNICATIONS	5,248.08		9,000.00	914.18		10.16
851.000 MAIL/POSTAGE	2,766.39		3,300.00	500.00		15.15
860.000 TRANSPORTATION/MILEAGE REIMBURSEMENT	964.14		1,200.00	173.56		14.46
890.000 SAFETY	3,485.42		8,000.00	1,411.31		17.64
900.000 PRINTING & PUBLISHING	3,489.80		3,700.00	559.55		15.12
910.000 PROFESSIONAL DEVELOPMENT	2,720.00		5,000.00	632.50		12.65
910.100 SEMINAR LODGING	482.89		1,000.00	0.00		0.00
910.200 SEMINAR MEALS	40.48		450.00	28.48		6.33
915.000 MEMBERSHIP & DUES	670.50		1,000.00	118.50		11.85
920.000 ELECTRIC/NATURAL GAS	124,158.27		170,000.00	30,940.39		18.20
930.000 REPAIRS	4,991.77		20,000.00	1,630.70		8.15
930.001 MAINT-EQUIPMENT	9,218.21		15,000.00	1,609.55		10.73
930.200 MAINT-GROUNDS	4,199.54		6,000.00	0.00		0.00
930.300 MAINT-BUILDINGS	6,899.50		10,000.00	485.67		4.86
933.000 MAINT-VEHICLES	23,053.18		6,000.00	458.13		7.64
933.100 MAINT-WATER WELLS	4,097.68		65,000.00	0.00		0.00
933.200 MAINT-TREATMENT PLANTS	9,083.95		60,000.00	0.00		0.00
933.300 MAINT-WATER TOWERS	8,953.44		20,000.00	1,740.60		8.70
934.300 OPTO 22 MAINTENANCE	4,616.68		8,000.00	2,525.98		31.57
934.500 MAINT. AGREEMENT ON EQUIPMENT	4,885.28		6,500.00	2,776.05		42.71
935.000 PROPERTY/LIABILITY INSURANCE	21,145.90		17,750.00	0.00		0.00
940.500 ROYALTIES	5,153.96		5,000.00	682.64		13.65
955.000 MISC.	28.50		0.00	0.00		0.00
972.000 CAPITAL PROJECTS-WATER SYSTEM	50.00		276,049.00	0.00		0.00
972.013 HOOKUP LABOR & MATERIAL	12,653.83		50,000.00	0.00		0.00

ACCOUNT DESCRIPTION	END BALANCE		YTD BALANCE		% BDGT USED
	NORMAL	(ABNORMAL)	NORMAL	(ABNORMAL)	
Fund 591 - WATER FUND					
977.000 NEW EQUIPMENT PURCHASE		734.67		3,007.36	60.15
977.600 METER REPLACEMENT PROGRAM		11,500.00		3,240.00	16.20
980.000 NEW OFFICE EQUIPMENT & FURNITURE		1,193.33		0.00	0.00
980.100 NEW COMPUTER HARDWARE & SOFTWARE		6,433.33		3,225.17	24.30
Net - Dept 536 - WATER/SEWER SYSTEMS		(1,015,866.17)		(210,107.49)	
Dept 906 - DEBT SERVICE					
990.000 BOND ISSUE COST AMORTIZATION		1,578.75		0.00	0.00
996.001 BOND - PAYING AGENT FEES		750.00		0.00	0.00
996.002 BOND INTEREST - (2010 WATER)		57,036.78		27,376.25	47.61
Net - Dept 906 - DEBT SERVICE		(59,365.53)		(27,376.25)	
Dept 910 - DEBT SERVICE-LEASES					
992.500 LEASE PAYABLE INTEREST		351.96		42.75	8.55
Net - Dept 910 - DEBT SERVICE-LEASES		(351.96)		(42.75)	
Dept 960 - DEPRECIATION EXPENSE					
969.000 DEPRECIATION EXPENSE		373,211.73		0.00	0.00
Net - Dept 960 - DEPRECIATION EXPENSE		(373,211.73)		0.00	
Fund 591 - WATER FUND:					
TOTAL REVENUES		1,727,807.64		374,180.04	24.14
TOTAL EXPENDITURES		1,448,795.39		237,526.49	11.96
NET OF REVENUES & EXPENDITURES		279,012.25		136,653.55	31.34
TOTAL REVENUES - ALL FUNDS		8,422,681.97		2,166,902.17	26.42
TOTAL EXPENDITURES - ALL FUNDS		6,703,789.59		1,669,392.59	15.73
NET OF REVENUES & EXPENDITURES		1,718,892.38		497,509.58	20.65

Charter Township of Union



To: Township Board of Trustees
From: Mark Stuhldreher, Township Manager
Subject: Policy Governance Review
Date: April 15, 2020

Policy Review: 2.6 Asset Protection
Type of Review: Internal by Manager
Review Interval: Annual
Review Month: April 2020

Policy Wording

Township Management shall not allow corporate assets to be unprotected, inadequately maintained or unnecessarily risked.

Further, without limiting the scope of the foregoing by this enumeration, he or she shall not:

- 2.6.1 Fail to insure against theft and casualty losses to at least 80% percent replacement value and against liability losses to board members, staff and the organization itself in an amount greater than the average for comparable organizations.
- 2.6.2 Allow un-bonded personnel access to material amounts of funds.
- 2.6.3 Subject plant and equipment to improper wear and tear or insufficient maintenance.
- 2.6.4 Operate without proper risk management toward continuous operations and services.
- 2.6.5 Unnecessarily expose the organization, its board or staff to claims of liability.
- 2.6.6 Make any asset purchase: (a) wherein normally prudent protection has not been given against conflict of interest; (b) without having obtained comparative prices and quality; (c) without a stringent method of assuring the balance of long-term quality and cost.
 - A. Exception: sole source vendors
 - B. Exception: emergency purchases

- 2.6.7 Fail to protect intellectual property, information and files from loss or significant damage.
- 2.6.8 Receive, process or disburse funds under controls which are insufficient to meet the Board-appointed auditor's standards.
- 2.6.9 Invest or hold operating capital in insecure instruments, including uninsured checking accounts and bonds of less than AA rating at any time, or in noninterest- bearing accounts except where necessary to facilitate ease in operational transactions.
- 2.6.10 Endanger the organization's public image or credibility, particularly in ways that would hinder its accomplishment of mission.
- 2.6.11 Fail to operate without seeking best practices and continuous improvement in operations.

Manager Interpretation

Township Manager interprets this policy to indicate that the Township Board of Trustees wants to ensure that the township: 1) has adequate theft and casualty insurance, 2) that there is sufficient maintenance on equipment, 3) that the organization is not exposed to claims of liability or operate without proper risk management toward continuous operations, 4) that funds are accounted for according to auditor’s standards, 5) that the township, when making purchase ensures that proper procurement practices have been followed, 6) that the organization’s public image is not endangered or that the township fails to operate or seek to operate in a manner consistent with best practices.

Justification of Reasonability of Interpretation

The Township Manager’s interpretation utilizes the sub units of the policy that is clearly written and approved by the Board of Trustees.

Data

- Township physical assets are currently insured under the Michigan Township Association PAR Plan which is updated annually-see attached
- Vehicle fleet is regularly maintained and/or replaced to ensure employee safety. The Township took delivery of new pick-up truck in January 2019. A new fire truck has been ordered and delivery is expected soon. Regular and routine maintenance is done in a timely fashion
- Water and Wastewater infrastructure and equipment are maintained on a regular basis. For example, approximately 16 manholes were repaired and upgraded in 2019 and lift station #14 was upgraded and rehabilitated. On the water side, a water main loop was completed at Pickard/Summerton, replacement of well #1 with will #11 was begun and miscellaneous repairs we completed to water towers and various wells. Fire Hydrant

maintenance occurs annually and approximately 5 new hydrants were added to the system in the past year.

- Purchases are made following a procurement process that requires board approval and competitive bidding
- Computer backups are performed daily, and testing is performed three times per year to ensure prevention of information loss or significant damage
- IT security awareness training occurs throughout the year
- Auditors are contacted on a regular basis when questions arise related to proper internal controls
- Cash is invested in appropriate ways to promote safety of principal while also attempting to maximize yield. See attached investment policy and investment report.
- Finance Director maintains list of assets that is verified by auditors
- Finance Director attends training regularly through the Michigan Government Finance Officers Association to seek out advice in best practices and continuous improvements in financial operations
- Audited Financial Statements by external auditors received an opinion that statement fairly reflected the financial condition of the organization in all material respects

Compliance

Based on the data presented, the Township Management Team is in compliance with the policy as stated.

Policy Governance Executive Limitations Evaluation Form

A tool to be used by individual Board members as they evaluate the internal monitoring reports

Policy being monitored: **2.6 – Asset Protection**

- | | | |
|--|------------------------------|-----------------------------|
| 1. Was this report submitted when due? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Did the report lay out the Manager's interpretation or an operational definition of the policy? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Is the interpretation justified or is proof provided to explain why the interpretation is reasonable? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Was I convinced that the interpretation is justified and reasonable? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Did the interpretation address all aspects of the policy? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Does the data show compliance with the Manager's interpretation of our policy? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
-

Comments regarding further policy development:

1. Is there any area regarding this policy that you worry about that is not clearly addressed in existing policy?

2. What policy language would you like to see incorporated to address your concern?

Signature and date of Board member _____

U.S. SPECIALTY INSURANCE COMPANY

RENEWAL CERTIFICATE

Sponsored by

Michigan Township Participating Plan



Master Policy No. HMTP-0110000
Certificate No. HMTP-282160
Renewal of HMTP-272160

NAMED INSURED AND ADDRESS:

UNION CHARTER TOWNSHIP
2010 S. LINCOLN ROAD

MT. PLEASANT, MI 48858
ISABELLA COUNTY

AGENT NAME AND ADDRESS:

BERENDS HENDRICKS STUIT INSURANCE
AGENCY, INC.
3055 44th STREET SW

GRANDVILLE, MI 49418

AGENT NO. 99900

POLICY PERIOD: From: 11/01/2019 To: 11/01/2021
at 12:01 a.m. Standard Time at your mailing address shown above.

PAYMENT PLAN: ANNUAL

BUSINESS DESCRIPTION: GOVERNMENTAL SUBDIVISION

In return for the payment of the renewal premium, the above numbered policy is renewed for the Policy Period specified above, subject to all terms, conditions, exclusions and limits of this policy, except as otherwise specified herein.

This policy consists of the following coverage parts for which a premium is indicated. This premium may be subject to adjustment.

Table with 3 columns: COVERAGE PART, PREMIUM, and a descriptive note. Rows include Commercial Property Coverage Part, Commercial General Liability Coverage Part, Employee Benefits Liability Coverage Part, Public Officials Liability Coverage Part, Law Enforcement Liability Coverage Part, Commercial Inland Marine Coverage Part, Commercial EDP Coverage Part, Commercial Crime Coverage Part, Commercial Auto Coverage Part, Boiler & Machinery Coverage Part, TRIA Property, and TRIA Casualty.

TOTAL ANNUAL PREMIUM \$ 67,853
2nd ANNUAL INSTALLMENT

FORMS APPLICABLE TO ALL COVERAGE PARTS:

- No changes from previous Policy Period.
Changes on the attached endorsements shown below are effective as of the inception date of the Policy period specified above.

Refer to PKGILH0002 2011 Schedule of Forms and Endorsements

COUNTERSIGNED 10/24/2019 BY
DATE AUTHORIZED REPRESENTATIVE

**Charter Township of Union
Investments with Isabella Bank
March 31, 2020**

Investment	Original Purchase Date	Last Renewal Date	Term	Interest Rate	Maturity Date	Original Amount	Balance 3/31/2020
General Fund CD	3/13/2019	3/13/2020	12 months	2.0%	3/13/2021	2,500,000	2,575,180
General Fund CD	7/18/2019	7/18/2019	12 months	2.6%	7/18/2020	600,000	610,377
General Fund CD	11/21/2017	2/21/2020	12 months	1.65%	2/21/2021	750,000	787,600
Fire Fund CD	3/13/2019	3/13/2020	12 months	2.0%	3/13/2021	425,000	437,781
Fire Fund CD	1/25/2019	1/25/2020	12 months	2.0%	1/25/2021	550,000	568,206
Public Impr CD	7/18/2019	7/18/2019	12 months	2.6%	7/18/2020	200,000	203,459
East DDA CD	7/16/2019	7/16/2019	12 months	2.6%	7/16/2020	408,760	415,830
Tribal CD	7/18/2019	7/18/2019	12 months	2.6%	7/18/2020	300,000	305,188
East DDA CD	11/21/2017	2/21/2020	12 months	1.65%	2/21/2021	500,000	525,067
West DDA CD	7/16/2018	7/16/2019	12 months	2.5%	7/16/2020	601,422	625,487
West DDA CD	7/16/2019	7/16/2019	12 months	2.6%	7/16/2020	304,691	309,961
Water Fund CD	3/13/2019	3/13/2020	12 months	2.0%	3/13/2021	2,000,000	2,060,144
Water Fund CD	11/21/2017	2/21/2020	12 months	1.65%	2/21/2021	500,000	525,067
Sewer Fund CD	3/13/2019	3/13/2020	12 months	2.0%	3/13/2021	2,000,000	2,060,144
Sewer Fund CD	11/21/2017	2/21/2020	12 months	1.65%	2/21/2021	500,000	525,067
Sewer Fund Reserve CD	3/13/2019	3/13/2020	12 months	2.0%	3/13/2021	277,887	316,599
Total Investments						<u>12,417,761</u>	<u>12,851,154</u>

Charter Township of Union Investment Policy

WHEREAS, the Board of The Charter Township of Union, Isabella County, in exercising its fiduciary responsibilities desires to safeguard the funds of the Township that may be invested from time to time, and

WHEREAS, Public Act 77 of 1989, MCL 41.77 requires that the Township Board designate the banks or depositories for the money belonging to the Township, including the time for which the deposits shall be made and all details for carrying into effect the authority given in this act, and

WHEREAS, Public Act 196 of 1997, MCL 129.91, *et seq.*, requires township boards, in consultation with the Township Treasurer, to adopt an investment policy, now

THEREFORE BE IT RESOLVED, That this policy is applicable to all public funds belonging to The Charter Township of Union and in the custody of the Township Treasurer.

BE IT FURTHER RESOLVED, That the Charter Township of Union Treasurer and/or the Township Manager is authorized to manage funds belonging to the township, including depositing funds in approved financial institutions and administration of investments in conformance with MCL 41.77 and policies as set forth in this resolution.

BE IT FURTHER RESOLVED, That the Board approves the following financial institutions as depositories of township funds:

- Isabella Bank
- Isabella Community Credit Union

BE IT FURTHER RESOLVED, That the Treasurer shall recommend financial institutions for approval for the safekeeping of Township funds based on an evaluation of the performance and solvency of the institution, as well as past performance in exercising due care and prudence in managing the custody of Township funds held in trust, if applicable. The Treasurer shall periodically evaluate approved and potential financial depositories and shall make recommendations as to appropriate changes in approved depositories when warranted.

In determining safekeeping and custody qualifications, financial institutions document a minimum capital requirement of at least \$10,000,000 and at least five years of operation. All financial institutions and brokers/dealers shall be pre-qualified by supplying the following:

- Audited financial statements
- Proof of NASD certification or FDIC insurance
- Proof of state registration
- Certification of having read, understood and agreement to comply with the Charter Township of Union investment policy.

The Treasurer shall annually examine the financial condition and registrations of qualified financial institutions and brokers/dealers by obtaining annual updates of the information listed above.

BE IT FURTHER RESOLVED, That when the Manager's analysis of the Township's cash flow requirements reveal that surplus funds will not be required to meet current expenditures for a specific length of time, the Treasurer and/or Manager is authorized to make prudent investments for a length of time that will provide a reasonable return on investment yet ensure that such funds will be available when needed and will not be exposed to undue risk. The Treasurer and/or Manager is authorized to invest township funds in the following instruments:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
- (b) Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, but only if the financial institution is eligible to be a depository of funds belonging to the state under a law or rule of this state or the United States.
- (c) Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase.
- (d) Repurchase agreements consisting of instruments listed in subdivision (a).
- (e) Bankers' acceptances of United States banks.
- (f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.
- (g) Mutual funds registered under the investment company act of 1940, title I of chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:
 - (i) The purchase of securities on a when-issued or delayed delivery basis.
 - (ii) The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.
 - (iii) The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.
- (h) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Cooperation Act of 1967, Public Act 7 of 1967, (*Ex Sess*), MCL 124.501, *et seq.*
- (i) Investment pools organized under the Surplus Funds Investment Pool Act, Public Act 367 of 1982, MCL 129.111, *et seq.*
- (j) The investment pools organized under the Local Government Investment Pool Act, Public Act 121 of 1985, MCL 129.141, *et seq.*

BE IT FURTHER RESOLVED, That the objectives of this policy are to:

- maintain safety of principal of township funds;

- maintain a diversified investment portfolio;
- maintain adequate liquidity; and
- achieve a market rate of return on relatively safe investment instruments.

To accomplish these objectives, decisions and actions involving the Township's investment portfolio shall meet the following criteria:

Safety: Safety of principal is the foremost objective of The Charter Township of Union Township's investment practices. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall investment portfolio. The Treasurer and/or Manager shall minimize credit risk by investing only in the safer types of securities, pre-qualifying financial institutions, brokers/dealers, intermediaries, and advisers with whom the township will do business; and diversifying the investment portfolio so that the impact on the investment portfolio resulting from losses on individual securities will be minimized.

Diversification: The investments shall be diversified by avoiding over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities). Investments shall have varying maturities. Investment instrument selection shall avoid high credit risks and shall include use of readily available funds such as local government investment pools or mutual funds to maintain sufficient liquidity.

Liquidity: The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Securities shall have maturity dates concurrent with cash flow needs. Securities with active secondary or resale markets, as well as money market mutual funds offering same-day liquidity for short-term funds shall also be used to ensure liquidity. The Treasurer shall minimize interest rate risk by avoiding the need to sell securities prior to maturity and investing operating funds primarily in short term-securities, money market mutual funds or similar public investment pools. Securities shall not normally be sold prior to maturity except to minimize loss of principal; to improve the quality, yield or target duration in the portfolio; or to meet liquidity needs.

Return on Investment: The investment portfolio shall be designed to attain a market average rate of return during budgetary and economic cycles while taking into account investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to safety and liquidity objectives. The core of investments is limited to relatively low risk securities, and a fair rate of return relative to risk is assumed.

BE IT FURTHER RESOLVED, That the Treasurer and/or Manager shall make such investments and only such investments as a prudent person would make in dealing with the property of another, having in view the preservation of the principal and the amount and regularity of the income to be derived.

The standard of prudence to be used shall be the "fiduciary" standard and shall be applied in

context of managing an overall portfolio.

BE IT FURTHER RESOLVED, The Treasurer may elect to have certificates and other evidence of investments held by a financial institution, provided that the financial institution presents to the Township Treasurer sufficient documentation and acknowledgment of the investment instruments held on behalf of the Township.

BE IT FURTHER RESOLVED, That the Treasurer and/or Manager shall refrain from personal business activity that could conflict with the proper execution and management of township investments, or that could impair the Treasurer's and/or Manager's ability to make impartial investment decisions.

BE IT FURTHER RESOLVED, That the Manager shall provide on a quarterly basis a written report to the Township Board concerning the investment of Township funds. (PA 213 of 2007 updated)

BE IT FURTHER RESOLVED, That the Township shall comply with all applicable statutory standards for investment of public funds as they now exist or as they may be subsequently amended. Any provision of this resolution that conflicts with applicable statutory requirements and standards is void.

ADOPTED: AYES: _____

NAYES: _____

ABSENT: _____

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted by the Board of Trustees of the Charter Township of Union, County of Isabella, Michigan, at a regular meeting held on Wednesday, March 14, 2012.

Peter Gallinat, Clerk
Charter Township of Union

CHARTER TOWNSHIP OF UNION
Board of Trustees
Regular Meeting

A regular meeting of the Charter Township of Union Board of Trustees was held on March 14, 2012 at 7:00 p.m. at the Union Township Hall.

Meeting was called to order at 7:00 p.m.

Roll Call

Supervisor Barker, Clerk Gallinat, Treasurer Stovak, Trustees Lannen, Mikus and Verwey were present. Trustee Dinse was excused.

Others Present

Brian Smith and Pat DePriest

Public Comment

No comments were offered

Reports/Board Comments

- Mikus reported on the Sustainability Committee meeting held on March 13, 2012
 - Stovak reported on the Travel and Meeting Policy Committee meeting held on March 9, 2012
- A work session was set for April 19, 2012 at 6:30 p.m.

Approval of Agenda

Add under "Board Agenda" G. Reappointments to the Planning Commission

Gallinat moved Lannen supported to approve the agenda as amended. **Ayes: all. Motion carried.**

Consent Agenda

- A. Communications
 - Manager's Report
- B. Minutes – February 8, 2012 regular meeting
- C. Bills
- D. Payroll
- E. Township Logo

The Manager's report and the township logo were taken off the consent agenda for discussion.

Gallinat moved Mikus supported to approve the consent agenda as amended. **Ayes: 6.**

Nays: 1. Motion carried.

Gallinat moved Stovak supported to approve the township logo with changes. **Ayes: 6. Nays: 1. Motion carried.**

BOARD AGENDA

A. Late Fee Waiver Request

Gallinat moved Verwey supported to deny the late fee waiver request in the amount of 3,786.15 from Copper Beech Townhomes. **Ayes: all. Motion carried.**

B. Resolution and Application for Poverty Exemption

The resolution and application for poverty exemption was offered by Stovak and supported by Mikus. Roll call vote – Ayes: Gallinat, Lannen, Mikus, Stovak, Verwey and Barker. Nays: none. Absent: Dinse. Resolution declared adopted.

C. Land Division – J. David Kerr, Parcel #14-021-30-001-00

Gallinat moved Verwey supported to approve the land division for J. David Kerr, parcel #14-021-30-01-00. Ayes: all. Motion carried.

D. 2% Requests – Spring 2012

Stovak moved Gallinat supported to approve the Spring 2012 2% requests as submitted. Ayes: all. Motion carried.

E. Highway and Street Projects

Stovak moved Lannen supported to approve the Highway and Street Projects and related budget adjustments as presented. Ayes: all. Motion carried.

F. Investment Policy

Verwey moved Mikus supported to approve the Investment Policy as presented. Ayes: all. Motion carried.

G. Reappointments to the Planning Commission

Gallinat moved Mikus supported accept the Supervisor's recommendation and approve the reappointments of Mary Henly, Ben Jankens and Kathy Primeau to the Planning Commission. Ayes: all. Motion carried.

EXTENDED PUBLIC COMMENT

No comments were offered

FINAL BOARD MEMBER COMMENTS

- Mikus inquired about utility bill due dates and related ordinance
- Barker informed the Board that Art Reach is working on the banners at Jameson Hall
- Verwey commented on Barker's broken arm

ADJOURNMENT

The Chair adjourned the meeting at 8:20 p.m.

Board of Trustees

March 14, 2012

APPROVED BY:

Peter Gallinat, Clerk

John Barker, Supervisor

(Recorded by Kathy Blizzard)

REQUEST FOR TOWNSHIP BOARD ACTION

To: Board of Trustees	DATE: April 15, 2020
FROM: Mark Stuhldreher, Township Manager	DATE FOR BOARD CONSIDERATION: 04/22/2020
ACTION REQUESTED: Board of Trustees annual review of Board Governance Policy No. 3.4 – Agenda Planning	

Current Action Emergency

Funds Budgeted: If Yes Account # _____ No N/A

Finance Approval N/A

BACKGROUND INFORMATION

The Board Governance Policy was originally adopted in 2010 with subsequent amendments in 2013, 2014, 2018, 2019 and 2020. The purpose of the Policy is to assist the Board of Trustees in the execution of their duties as a policy making body. Through the articulation of various policies within the totality of the document, the Board of Trustees is encouraged to focus on long term organizational outputs and the discharge of its fiduciary responsibilities.

Certain policies, such as Policy 3.4 (Agenda Planning), are to be reviewed and monitored for compliance on an annual basis. Attached to this memo is an evaluation form that can be used for the review/discussion of Policy No. 3.4.

Board Policy 3.4 – Agenda Planning

To accomplish its job products with a governance style consistent with board policies, the board will follow an annual agenda which (a) completes a re-exploration of Ends policies annually and (b) continually improves board performance through board education and enriched input and deliberation.

- 3.4.1 The cycle will conclude each year on the last day of May so that administrative planning and budgeting can be based on accomplishing a one-year segment of the board’s most recent statement of long-term Ends.
- 3.4.2 The cycle will start in June with the board’s development of its agenda for the next year.
 - 3.4.2.1 Consultations with selected groups in the ownership, or other methods of gaining ownership input will be determined and arranged in the third quarter, to be held during the balance of the year.
 - 3.4.2.2 Governance education and education related to Ends determination, (e.g. presentations by futurists, demographers, advocacy groups, staff, etc.) will be arranged in the third quarter, to be held during the balance of the year.
- 3.4.3 Throughout the year, the board will attend to consent agenda items as expeditiously as possible.

3.4.3.1 The Board will include as an agenda item for a regular board meeting in June and January discussion regarding upcoming Saginaw Chippewa Indian Tribe 2% application options

3.4.4 Township Management monitoring will be included on the agenda if monitoring reports show policy violations, or if policy criteria are to be debated.

SCOPE OF SERVICES

Not applicable

JUSTIFICATION

An annual review of Board Policies allows for the Board of Trustees to monitor itself regarding adherence to policies that apply to the Board of Trustees.

PROJECT IMPROVEMENTS

The following Board of Trustees goals are addressed in this review (From Policy 1.0: Global End)

- Community well-being and common good
- Prosperity through economic diversity, cultural diversity, and social diversity
- Safety
- Health
- Natural environment
- Commerce

COSTS

Not applicable

PROJECT TIME TABLE

Not applicable

RESOLUTION

Not applicable

Use this evaluation form for discussion at the Board of Trustees Meeting on April 22, 2020.

Review all sections of the policy listed and evaluate compliance with policy.

1. Indicate item by item if you believe the Board in strict compliance with the policy as stated?
2. If you indicated that the Board is not in strict compliance with the policy as stated, please indicate what you notice that gives evidence that the Board is not in compliance?
3. How do you think the Board could improve the process to be in full compliance?
4. What does the Board need to learn or discuss in order to live by its' policies more completely?

Charter Township of Union



To: Township Board of Trustees
From: Mark Stuhldreher, Township Manager
Subject: Policy Governance Review
Date: April 17, 2020

Policy Review: 1.1-1.6 Global Ends
Type of Review: Internal
Review Interval: Annual
Review Month: April 2020

Policy Wording

The specific policies are listed in the data report

Manager Interpretation

Township Manager interprets this policy to be the primary driver that directs all activities of the Township administration. The goal of the administration is to focus efforts on advancing the various Ends articulated in the policy.

Justification of Reasonability of Interpretation

The Township Manager's interpretation utilizes the subsections of the policy which is clearly written and approved by the Board of Trustees.

Data

See attached report

Compliance

Based on the data presented, the Township Management Team is in compliance with the policy as stated.

Global Ends 2019 Accomplishment Report All Departments

Union Township exists to support a sustainable community through the most effective use of resources that achieve the highest quality of life.

Ends

The highest quality of life encompasses sustained or enhanced:

1. Community well-being and the common good
2. Prosperity through economic diversity, cultural diversity, and social diversity
3. Safety
4. Health
5. Natural environment
6. Commerce

1. Community well-being and the common good

- The Poverty Guidelines and application was approved to be used for the 2020 Assessment Roll.
- Community and Economic Development Director position was filled
- The Community and Economic Development Department staff and Planning Commission completed their reviews of the initial draft of a comprehensively updated Zoning Ordinance prepared by the Township's consultant, McKenna Associates, Inc.
- The Community and Economic Development Department staff initiated the "start-step" process in the BS&A Building Module computer software application to streamline the permit approval process and improve coordination with Assessing and Zoning approvals, allow certificates of occupancy to be automatically emailed to Assessing and the Fire Department upon issuance, and to automatically notify the Isabella County Community Development Department of a new commercial building project that may require plumbing, heating, electrical, and mechanical permits and inspections.
- The Community and Economic Development Department staff updated forms for Planning Commission and Zoning Board of Appeals applications and integrated review procedures, payments, and more day-to-day land use planning and zoning operations into the BS&A Building Module to streamline the review and approval process.
- The Community and Economic Development Department staff completed the change to move all current rental inspection records to scanned attachments within the BS&A Building Module to provide for improved access to the information.
- The Community and Economic Development Department staff began digitizing approved building plans and moving them into the BS&A Building Module to provide for improved access and organization of the information, and to reduce staff time needed to respond to Freedom of Information Act (FOIA) requests.
- Community and Economic Development Department staff participated in various professional training events covering a variety of procedural and technical topics throughout the year to stay up-to-date related to specific areas of expertise.

- Community and Economic Development Department staff cleaned out the EDA storage space to discard outdated banners and other obsolete items. Arrangements were made to recycle or to donate items to the Habitat for Humanity as appropriate.
- Collective Bargaining Agreement negotiated and ratified
- Replacement of Pickard Street Welcome Banners on behalf of EDA.
- Implemented Classification and Compensation Study recommendations

1. 1 Residents engage in a vibrant community life.

1.1.1 All demographics within the township can feel welcomed, feel belonging, and engage with the community.

1.1.1.1 A welcoming atmosphere, promoting tolerance and inclusion of all cultures, orientations and economic status.

1.1.1.2 Fair and nondiscriminatory code enforcement

- The Community and Economic Development Department does not discriminate based on race, wealth, knowledge or ability, and we strive to work through language and cultural barriers. Everyone is treated with respect and professionalism.
- The Community and Economic Development Department staff provides for consistent building, property maintenance, and rental housing code enforcement by utilizing inspection checklists, with documentation of inspection results recorded in the BS&A Building Module application to allow for quick reference.
- When a resident or property owner is found in violation of a Zoning Ordinance requirement, the Zoning Administrator sends a letter to inform them of the violation and potential penalties, provide direction for corrective action, and establish a reasonable time period for completion. In the event of a failure to make necessary corrections, follow up enforcement actions are taken until the violation is resolved.

1.1.1.3 Residents take pride in their community, understand its past and engage in its future.

1.1.2 Residents look to the township as a key information source for community activities, services and resources in the region.

- The Community and Economic Development Department staff promptly responds to all questions from residents, business owners, landlords, tenants, and others about the building code, Zoning Ordinance, rental inspection program, and ordinance enforcement issues in the Township.
- The Zoning Administrator issued a total of 33 zoning approval letters in 2019.
- The schedules and meeting packets for all regular Planning Commission and Zoning Board of Appeals meetings were posted online well ahead of the meeting to allow for public notice and review of meeting agendas and application materials.

- The Township’s Master Plan, Zoning Ordinance, Zoning Map, and other land use planning and zoning documents are available on the Township’s website, which is also regularly updated with announcements and hearing notices.
- Continued partnership with Epicenter E-publication
- Participation in Community Branding Project/Meetings.
- Annual Audit was successful, provided financial information free from material misstatements. Annual budgets are amended as needed. Financial information provided to the public is accurate and can be relied upon.
- Compiled and submitted US Census Bureau address/property information and verification completed for 2020 Census.
- Member of Local Census Advisory Committee

2. Prosperity through economic diversity, cultural diversity, and social diversity

- The Planning Commission considered six (6) special land use applications and four (4) rezoning applications during 2019.

1.2 All residents can thrive and achieve more than their basic needs.

- Increased interest income earned provides additional resources
 - 2019-\$367,733
 - 2018 - \$225,000
 - 2017 - \$133,600
 - 2016 - \$ 70,000
- In 2019, the Township’s General Fund Spending was \$228,000 under budget
- Implemented the “Field Assessing” software to speed up the assessing process when the Assessing is on the constituent’s property and improve accuracy of the Assessing function, eliminating paper processes.
- Prepared/Printed/Mailed Quarterly Water and Sewer Billing Statements in the amount of \$3,785,639

1.2.1 Diverse and special communities are attracted by the community’s creative and innovative spirit and high quality of life.

3. Safety

1.3 All residents may enjoy a safe environment including:

- Successfully applied for fire protection reimbursement from the State of Michigan receiving \$11,000 for fire protection on State owned buildings in the Township

1.3.1 Safe, accessible routes for pedestrians, bicyclists, and motorized vehicles.

- Sidewalks were constructed due to site plan approval at the Renaissance Public School Academy (2797 S. Isabella Road) and McDonalds Restaurant (1963 East Remus Road).
- Ongoing maintenance and repair of the Economic Development Authority’s sidewalks, streetlighting system, benches, and other streetscape improvements ensure that the

Township's investments into these public improvements are protected and available to pedestrians and bicyclists.

1.3.2 Code enforcement to original specifications for commercial, industrial, and residential properties.

- The Community and Economic Development Department's enforcement efforts help to ensure that all applicable code and ordinance requirements are satisfied, and public safety is protected.
- The Holiday Inn & Suites building project at 5278 E. Pickard Road, which was originally issued a building permit in 2015 and required substantial investments of time by Township and County inspectors to ensure that the building conformed to applicable health and safety related code requirements, was finally completed and issued a certificate of occupancy in 2019.
- While inspecting unit at The Village at Bluegrass apartment community (4300 Collegiate Way), the Rental Inspector identified significant deterioration of stairways and porch landings, which resulted in the removal of the concrete and steel stair and railing systems on several building types, leveling and repairing of the landings, and installation of new wood stairs/treads and aluminum railings as appropriate for all 14 buildings.
- While inspecting unit at the Springbrook Townhomes townhouse community (4650 Isabella Road), the Rental Inspector identified significant deterioration of rear decks and stairs. The process of repairs and replacement began in the Fall of 2019 and is expected to be complete in the Summer of 2020 for all 96 units. Work includes new decking and stair systems and aluminum railings that will allow for improved ingress-egress for residents, better weathering in the future, and a longer useful service life.
- During rental unit inspections throughout the year, the Rental Inspector tested and confirmed replacement of all smoke detectors in rental units not manufactured within the last ten years, as required per NFPA 72.
- During the course of his work in 2019, the Rental Inspector observed a total of forty-four (44) issues of concern (high weeds, construction without permits, and other potential ordinance violations), which were referred to the appropriate Township departments for further review and action as needed.
- The Community and Economic Development Department issued 191 building permits and issued 44 final certificates of occupancy during 2019.
- The Building Official completed 22 plan reviews and conducted 410 inspections in 2019.
- The Building Official issued two (2) stop-work orders and two (2) field correction actions for failures to comply with approved building permits or building code requirements.
- The Zoning Administrator investigated sixteen (16) complaints of violations of Township ordinances, and also issued thirteen (13) notices of violation of the Township's Noxious Weeds Ordinance.
- The Zoning Administrator reviewed and issued seven (7) sign permits and three (3) yard sale permits in 2019.

1.3.3 Safety in parks and township property.

- Each month the Township Hall exit, and emergency lights were tested for function and repaired or replaced as needed to maintain full operation.
- During the course of his work, the Rental Inspector observed a siren malfunction in the park and notified Central Dispatch for their correction.
- Purchase of construction trench box for excavation projects.
- Purchase of fall protection safety rail equipment.
- Installation of new FAA clearance lights at Broadway Tower.
- Replacement and calibration of confined space gas monitoring detector equipment.
- Respirator fit and use training.
- Confined space safety training conducted.
- Osha compliance safety training conducted.
- AED's purchased in the amount of \$7,100.00, and installed at WWTP, Jameson Park, McDonald Park, Isabella Treatment Facility, Mission Road Shop, and Township Hall.
- State of Michigan elevator Inspection conducted at Pump Station #2.
- Pump Station #2 Elevator maintenance, inspection, certification, and load test completed.

1.3.4 Safe, well maintained roads

- In 2019 Union Township and the EDA participated with the Isabella County Road Commission by providing funding for road improvement projects, in the effort to provide safe and accessible routes for motorized vehicles.
- Lincoln Road overlay in the amount of \$162,293.14
- Approved gravel road contract in the amount of \$50,835
- Approved brine contract in the amount of \$18,360.82
- McGuirk Subdivision Paving Special Assessment
 - provided information on paving special assessment districts with resident of McGuirk Subdivision.
 - Received informal petition for McGuirk Subdivision Paving Special Assessment
 - Coordinated with Isabella County Road Commission regarding cost of road improvements for McGuirk Subdivision.
 - Provided formal special assessment petition and information on circulating special assessment petition to resident of McGuirk Subdivision.
- Coordinated with MDOT regarding removal of tree in MDOT right-of-way on behalf of EDA. Scheduled removal of tree and site cleanup.

1.3.5 Safe and secure schools through intergovernmental efforts

4. Health

- Township utilized services provided by local Mid-Michigan Industries (MMI) to remove unsafe material and trash from properties left vacant and unmaintained.
- Participation in Electronic Recycling Long Term Collection Coalition Project
- Participation in Multi-Jurisdictional Storm Water Master Plan Study
-

1.4 Residents of all ages shall have access to facilities that enable an active, healthy lifestyle.

- Completion of sprinkler installations at the Morey Courts Recreation Center (Isabella Community Sportsplex) allowed the Building Official to authorize an increase in building occupancy from 300 to 2,000, which opens the facility up for many more uses.
- Provided seasonal staffing for township parks to facilitate the operation and maintenance of the township parks, provide support to various baseball and softball leagues for league play, and provide support for numerous softball and baseball tournaments.
- Administration of two percent grant awarded to Union Township and Union Township Little League, for improvements to Union Township parks.
- Purchase of accessible picnic tables for use at township parks.
- Sealcoating of parking lot and walking paths at McDonald Park in the amount of \$7,661.00.
- Coordination with the City of Mt. Pleasant for the purchase of playground structure for Jameson Park.
- Completion of Jameson Park Improvement Master Plan.
 - Held Public Outreach/Input meeting for Jameson Park Improvement Master Plan.
 - Presentation of Jameson Park Improvement Master Plan to EDA Board.
 - Participated in EDA Jameson Park Planning Committee meetings. Provided administrative support to Planning Committee.
- Provide facilities that residents can use the gather for events such as open houses, weddings, birthday parties, baby and wedding showers.
 - Jameson Hall 2019 rentals - 65
 - Pavilion Rentals -19
- Seasonal opening and winterization of parks restrooms, maintenance garage, and concession stand.
- Participate in and chair sub-committee that is exploring the viability of Recreation Authority in support of a community wide aquatic center.
- In partnership with broader community work began on Inter-Local Pathway connecting Deerfield pathway into existing CMU pathway network

1.4.1 An accessible, walkable and bikeable community.

- The Community and Economic Development Department verifies that accessibility rules are followed to make sure all people can enjoy and access the community regardless of mobility or disability issues. We also ensure construction of new structures or alterations to existing structures are barrier free accessible.
- The Community and Economic Development Department staff and the Sidewalk and Pathways Prioritization Committee continued to work to plan for and implement the Township's established sidewalk policies.
- Prepared Sidewalk Implementation & Prioritization Map: list of recent sidewalk developments to update map for Sidewalk Committee.

1.4.2 Drinking Water that meets or exceeds Michigan standards for quality of water.

In 2019 the Public Service Department completed the following projects and programs in our continued efforts to maintain the Townships water system and meet or exceed Michigan standards.

- Conducted yearly commercial cross connection inspections and provided required reporting on program to EGLE.
- Prepared and distributed yearly Consumer Confidence Report to all water customers.
- Completed Wellhead Protection Plan Update.
 - Conducted quarterly Wellhead Protection Team meetings
 - Received approval of plan from State of Michigan
 - Administration of Wellhead Protection Grant
- Twelve monthly MOR's submitted to EGLE – zero violations
- Review, approval, and inspection of water plans for installation of water main for new developments.
 - Isabella County Road Commission Project
 - M20 Development Project
 - Citizens for Health
 - Dr Yacisan
 - Renaissance School
 - Mt. Pleasant Storage Central
 - Mercantile Bank
- Weekly water system maintenance including repairs of water shut off boxes, fire hydrants, and water valves throughout township distribution system.
- PFAS Quarterly Water Samples completed.
- Administered yearly backflow prevention device testing program and provided reporting on program to EGLE.
- Thirteen monthly water samples completed, and results submitted to EGLE. No violations
- Yearly hydrant flushing, maintenance, repair, and winterization completed to ensure proper operation of hydrants for fire protection purposes and continued water quality.
- Installation of new chlorine generation equipment at Isabella Treatment Facility.
- Rehabilitation and cleaning of Well #8 located at the Mission Road Treatment Facility in the amount of \$18,613.00.
- Charter Township of Union and City of Mt. Pleasant Joint Water Study Completed.
 - CGAP Grant Funding Administration
 - Grant Funding received in the amount of \$29,349
- Installation of Well #11 Isabella Treatment Facility
 - Test well drilled and tested
 - Drilling of Well #11
 - Completion of 72 Hour Pump Test for Well #11

- Submittal of Pump Testing/Aquifer Analysis to EGLE Water Resource Division
- Completion of watermain design and site work by Gourdie Fraser, reviewed by Union Township.
- Submittal and approval of watermain construction permit for site development and water main installation for Well #11
- Annual Water Asset Management Report Update
- Prepared and submitted Annual State of Michigan Emergency Action Plan
- Prepared and submitted Annual State of Michigan Sampling Site Plan
- Cross training between water and sewer operators conducted
- EGLE bi-annual Drinking Water site visits conducted.
- Completed flow test on six water wells
- Purchase of 2019 Utility Tractor (water & sewer) in the amount of \$20,400.
- Ordinance Amendments completed (water and sewer).
- Exterior cleaning of Broadway Tower and 500,000-gallon ground storage tank in the amount of \$7,100.00.
- Completion of computer one-hour course on computer viruses/hacking (water & sewer)
- Lead and Copper Site Plan & Preliminary Distribution Materials Inventory Line Identification Report submitted to EGLE
 - Prepared/developed cross reference system for Lead & Copper line identification – identified 470 residential accounts matching initial criteria.
 - Prepared/developed cross reference system for Lead & Copper line identification – identified 100 commercial accounts matching initial criteria.
 - Lead and Copper service line inspections completed for sampling sites
- Prepared 2% Funding Application for installation of Pickard Road Fire Hydrants
- Installation of four fire hydrants on Pickard Road in the amount of \$34,050.00.
 - Prepared Bid Specifications and RFP
 - Conducted bid opening
 - Prepared RFBA to award to Malley Construction
 - Prepared contract documents
 - Inspection of hydrant installation
- Installation of concrete bunkers at Mission Road Shop and McDonald Park (water, sewer, and parks).
- Conducted various flow test for commercial sites for design of fire suppression systems.
- GPS of water and sewer assets for township mapping system.
- Completion of REU analysis for (499) commercial water customers.
- Pesticide, herbicide, and carbamates water sampling completed.
- Repair of water main and service lead leaks throughout township and installation of water main taps as needed.

1.4.3 Wastewater system meets or exceeds Michigan standards.

In 2019 the Public Service Department completed the following projects and programs in our continued efforts to maintain the Townships sanitary sewer system and meet or exceed Michigan standards.

- Cleaned and televised 37,538 feet of sanitary sewer in the amount of \$62,688.46.
- Rehabilitation of bypass manhole at Pump Station #7 in the amount of \$72,872.00.
- Pump station pump replacement/repairs, float, and motor repairs completed throughout year at nineteen pump stations.
- NPDES monitoring for effluent toxicity testing, metals analysis, and organic analysis.
- Twelve DMR submitted to MDEQ & EPA – zero violations
- Sanitary sewer collection system hydrogen sulfide monitoring completed.
- 2019 Sanitary Sewer Manhole Rehabilitation Project completed in the amount of \$64,340.00 for (18) eighteen manholes.
- Updated lab Quality Control Quality Assurance Manual at WWTP and submitted to EGLE.
- Installation of twenty-four-inch manhole inflow inserts on twenty-four-inch trunk line to WWTP.
- Installation of manhole inserts in the Concourse Pump Station service area.
- Raised and repaired manholes located on Lincoln Road north of Pickard.
- Biosolids sampling conducted for yearly biosolids application program.
- Review, approval, and inspection of sanitary sewer plans for installation of sewer main for new developments.
 - Isabella County Road Commission Project
 - M20 Development Project
 - Citizens for Health
 - Dr Yacisan
 - Mercantile Bank
- Submittal of yearly Sanitary Sewer Asset Management Plan Report to EGLE.
- Completed quarterly effluent sampling for low level mercury analysis at WWTP.
- Install new impellor RAS/WAS pump #3
- Tertiary filter panel upgrade at WWTP
- Perform yearly WWTP process meters calibration
- Compiled and submitted Pay Request #1 for Asset Management SAW Grant award in the amount of \$329,802.49.
- WWTP – EPA/EGLE joint compliance inspection conducted.
- Completed Annual NPDES Additional Monitoring Requirements metals testing, annual NPDES Whole Effluent Toxicity Testing, annual Storm Water Inspections, and annual EGLE Required Total Coliform Testing for Drinking Water Lab Certification Renewal.
- Drinking water lab certification inspection conducted by EGLE.
- Sanitary sewer collection system maintenance conducted, which includes manhole repair, sanitary sewer line cleaning, pump station alarm testing, sewer line repairs, bioxide station maintenance, and wet well cleaning.
- Drained and cleaned oxidation ditch number (1) one.
- Completed individual lab operator AQ/QC testing – EGLE & EPA requirement.

- Nottawa Township Sanitary Sewer Project
 - Provided maps and GIS information to Nottawa Township along proposed force main route.
 - Assisted Nottawa Township Engineer by providing design information about force main cleanouts and air relief structure requirements.
 - Review and comment sanitary sewer force main plans – met with Engineers
- Completed biosolids hauling and land application (649,000 gallons applied) submitted reports to EGLE
- Sanitary sewer point repairs completed (Saddle Lane & Collegiate Way)
- WWTP preventative maintenance and repairs completed throughout plant
- 2,075 MISDIG Marking/Locate Request completed throughout township

5. Natural environment

- The Township amended the Zoning Ordinance to allow for establishment of private and commercial-scale solar power generation systems, which may help to reduce long-term community reliance on non-renewable energy sources for electric power.
- Held Clean Up Day event-approximately 201 vehicles passed through the event and ~51,000 lbs. of material (recycling, waste, metals, etc.) was collected
- Set up Building Department and Zoning to receive online payments for building permits, rental inspection fees and zoning fees electronically, saving paper and natural resources
- Increased online payments to the Township for tax bills, utility payments and building department by 41% in 2019 over 2018 by promoting online payments on the tax bills, face to face and over the phone.

1.5 Residents can enjoy the natural resources and green space of the township.

1.5.1 Air, water and soil meet or exceed Michigan’s quality standards.

- The Community and Economic Development Department monitors new and existing building construction and verifies prior to the commencement of construction work that soil erosion protection measures (subject to county permit approval) have been properly employed to stop dirt and sediment from leaving the job site. This helps to protect our natural waterways from contaminants and sedimentation.

1.5.2 People have optimum access to and enjoy a clean Chippewa River through intergovernmental efforts.

- Actively participating with community wide group to create a Chippewa River Water Trail Master Plan

1.5.3 Natural corridors optimized for enhanced commercial and residential districts.

6. Commerce

- The building inspection, rental inspection, planning, and zoning services of the Township were consolidated under the new Community and Economic Development Department to better coordinate these services and expand the Township's influence in the area of local economic development.
- Township staff met with local business representatives, developers, and prospective investors to discuss potential development projects in the Township.
- Successfully applied to the State of Michigan for tax increment finance reimbursement for lost personal property tax revenue for the East DDA. The Township received \$59,000 for the East DDA.
- Filed and posted the Township's financial information timely to meet the State's requirements for continued receipt of State Revenue Sharing dollars.

1.6. Commercial establishments, including new, innovative and traditional, are drawn to Union Township through commerce –friendly economic development policies.

- Ongoing maintenance and repair of the Economic Development Authority's streetlight decorations, irrigation systems, and other public improvements within the DDA districts ensure that the Township's investments are protected and offer the maximum economic benefit for local businesses and potential investors.
- The Community and Economic Development Department staff performs building plan reviews and process permit applications in a timely manner to ensure compliance with state building codes and Township ordinances, to review and address any deficiencies or issues, and to minimize re-design during the construction process.
- The Community and Economic Development Department staff is always willing to consider alternative and innovative solutions to common and uncommon problems that arise during the construction process, without compromising code requirements.
- The Rental Inspector organized and attended a meeting with local inspectors, enforcement, and fire personnel as part of an ongoing evaluation of the Township's rental housing inspection program.

1.6.1 Controlled establishment of potentially undesirable businesses.

- The Rental Inspector conducted site visits with inspections and follow up as needed for over 3,800 rental unit spaces in hotels, apartment buildings, townhouses, duplexes, and single-family rentals during 2019.
- The Community and Economic Development Department monitors and controls what type of construction takes place in full compliance with all applicable state building code and Township ordinance requirements for the site