

City of Plainwell



Brad Keeler, Mayor
Lori Steele, Mayor Pro-Tem
Todd Overhuel, Council Member
Roger Keeney, Council Member
Randy Wisnaski, Council Member

Department of Administration Services
211 N. Main Street
Plainwell, Michigan 49080
Phone: 269-685-6821
Fax: 269-685-7282
Web Page Address: www.plainwell.org

“The Island City”

AGENDA

City Council

Special Meeting

Tuesday, June 2, 2020

10:00 AM

1. **Call to Order**
2. **Roll Call**
3. **New Business:**

A. Ordinance 386 – Temporary Moratorium Mining Licenses/Applications

Council will consider approving an emergency ordinance to temporarily suspend consideration of mining operations within the city while the existing Ordinance is being reviewed.

4. **Public Comments**
5. **Council Comments**
6. **Adjournment**

Join Zoom Meeting

<https://us02web.zoom.us/j/86163123236?pwd=RkhScFgrQTJVaM5rTENCOwPHSmdwdz09>

Meeting ID: 861 6312 3236

Password: 8zUcuh

Note: All public comment limited to two minutes, when recognized please rise and give your name and address

**CITY COUNCIL
CITY OF PLAINWELL
Allegan County, Michigan**

Councilmember _____ moved, supported by Councilmember _____, the adoption of the following ordinance:

ORDINANCE NO. 386

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE CITY OF PLAINWELL
CODE OF ORDINANCES TO ADD A NEW SECTION 8-5 IMPOSING A
TEMPORARY MORATORIUM**

THE CITY OF PLAINWELL ORDAINS:

Section 1. Amendment of Chapter 8. Chapter 8 of the City of Plainwell Code of Ordinances is amended to add a new Section 8-5 to read as follows:

Sec. 8-5. TEMPORARY MORATORIUM ON MINING LICENSES AND APPROVALS.

A. Findings. The City Council finds as follows:

1. At the City of Plainwell's request, a recent review of the City's ordinances and regulations relative to mineral extraction and mining activities was conducted by the City's planning consultant, Williams & Works.

2. The memorandum, a copy of which is on file with the City Clerk, concludes that provisions in the City Code, including the Zoning Ordinance, could provide better clarity.

3. The report further notes that the City's Master Plan does not address mining or mineral extractions operations.

4. Michigan's Zoning Enabling Act provides in part that mineral extraction activities are not to be prevented by local governments unless very serious consequences would result. It is in the best interest of the City, as well as its residents, property owners and businesses, if the City's regulations for mineral extraction and mining activities are clarified to enhance the ability of the City to determine in any particular instance whether "very serious consequences" will exist.

5. The City intends to diligently conduct a more detailed review of such regulations and develop ordinance and master plan provisions relative to mineral extraction, mining and similar activities within the City.

6. The City Council finds that a moratorium to allow for such a review and development of regulations is both reasonable and prudent, and will promote the public health, safety and welfare of City residents, property owners and businesses.

B. Administrative Action.

1. A moratorium is hereby imposed upon the issuance of any City permit, license, zoning approval, rezoning, variance, or similar approval for any mineral extraction, mining or similar activity within the City. During the moratorium term specified herein, no City official, employee, body, commission or agent shall accept, process, administer, issue or approve an application, permit, zoning approval, rezoning, license, variance or other approval for such uses.

2. During the time that this moratorium is in effect, mineral extraction, mining and similar activities shall not be operated, expanded, installed, placed, or used within the City.

C. Term of This Ordinance. The moratorium imposed herein shall remain in effect for six (6) months following the effective date of this Ordinance. Prior to the expiration of this moratorium, the City may extend the moratorium to allow sufficient time to complete and enact any such ordinance, regulations or other matters deemed necessary by the City.

Section 2. Effective Date. Consistent with Section 5.3 of the City Charter, and for the reasons set forth above as well as the need to provide for possible reviews of mineral extraction and mining activities in the City and the potential impact of the same on public safety, the City Council hereby declares the adoption of this ordinance to be an emergency and that it shall become effective immediately upon its publication (or a summary hereof) in a newspaper of general circulation within the City.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

APPROVED: June 2, 2020

I certify that this ordinance was adopted at a special meeting of the Plainwell City Council held on June 2, 2020.

Brian Kelley, City Clerk

New Business:

A. Ordinance 386 – Temporary Moratorium Mining Licenses/Applications:

The city planners have identified areas in the zoning ordinance related to mining that need to be updated. While the ordinances are being reviewed and considered by the Planning Commission, the planners and the city attorney recommend this ordinance temporarily suspending consideration of mining operations until the ordinances can be formally reviewed and updated.

Recommended action: Consider approving Ordinance 386 as presented.