

BENTON CHARTER TOWNSHIP
PLANNING COMMISSION
5136 WINDSOR HIGHWAY, POTTERVILLE MI 48876

MEETING MINUTES

MEETING DATE: October 9, 2025

- 1) Chair Locke called the meeting to order at 7:01 pm and led meeting attendees in the Pledge of Allegiance
- 2) Roll Call: Members Present: Ben Kudwa, Jeff Locke, Maureen Sorbet, Jack Temsey, Chris Tennes, Barb Wickerham; Member Absent: Roger Harris

Others present: Steve Hayward, E.T. MacKenzie Company; John Diemer; Asher Diemer Zoning Administrator, Tammy Foster; Township Supervisor Gary Suits

- 3) Approval of Agenda
 - a) MOTION – a motion was made to approve the Thursday, October 9, 2025 Planning Commission agenda as presented by Mr. Temsey with support by Mr. Tennes. Motion carried unanimously.
- 4) Approval of August 7, 2025 Planning Commission Meeting Minutes
 - a) MOTION – a motion was made to approve the Thursday, August 7, 2025 Planning Commission meeting minutes as presented by Mr. Temsey with support by Ms. Sorbet. Motion carried unanimously.
- 5) Public Comment unrelated to Agenda Items
No public comment was made.

6) NEW BUSINESS

- a) Review SUP2019-001 Renewal, John Diemer Mining Operation

Renewal of Special Use Permit with an existing expiration date: 12/31/2025

Section 14.30.3.C of the Benton Charter Zoning Ordinance permits the first renewal of a mining and extraction operation land use approved by Special Use Permit to be renewed for up to one (1) five (5) year term at the discretion of the Planning Commission. Mr. John Diemer submitted a request for renewal with the applicable application fee on September 29, 2025.

Administrator Foster reviewed the staff memo which was included in the PC agenda packet. She provided an overview of the land use over the last five (5) years with regard to known complaints, operating status and applicable permits which are in place.

Mr. John Diemer reviewed current operations of the mining extraction business on Benton Road and the anticipated work over the upcoming five (5) years.

Mr. Hayward explained E.T. MacKenzie's existing and continuing role as operated of the mining extraction pit.

Planning Commission asked several questions of Mr. John Diemer and Mr. Hayward and discussed the current operation of the Special Land Use and Permit.

MOTION – a motion was made to approve the renewal of SUP2019-001 for the Diemer Mining Excavation Special Use Permit on parcel #:070-007-200-088-05, for the following reasons:

1. The request meets the general standards for Special Use Permit found in Section 14.05 of the Benton Charter Township Zoning Ordinance.
2. The request meets the specific standards specified for Mining and Extraction Operations in Section 14.30 of the Benton Charter Township Zoning Ordinance.

Subject to the following stipulations:

1. Continued operation be in accordance with the approved site plan from 11/05/2020.
2. The requirements of the Eaton County Road Commission and Eaton County Drain Commissioner continue to be met.
3. The requirements of the Zoning Board of Appeals as noted in the public hearing of Wednesday, January 8, 2020 are met.
4. The applicant shall provide the Township with copies of the required approved permits.
5. A performance bond in the amount of \$23,000 be required of the applicant to remain in full effect for the duration of mining operations.
6. An escrow fee deposit be made by the applicant from time to time to off-set the incurred costs of the Township for the continued administration of this permit.
7. Operating Conditions remain as required as a part of the original SUP2019-001 approval as detailed in items 2a-q of the final approval letter dated 12/31/2020 (on file).
8. Failure of the applicant to comply with any of the provisions required by Benton Charter Township Zoning Ordinance, or any stipulations required by the Benton Township Board in granting the Special Use Permit, shall constitute grounds for termination of the Special Use Permit by the Benton Township Board.”
9. The expiration date of this Special Use Permit shall be December 31, 2030 and no additional renewal will be allowed. Any additional extraction activities after 12/31/2030, must obtain a new permit satisfying the requirements of the Benton Charter Township Zoning Ordinance.
10. If extraction operations cease for more than one (1) year, the operation is deemed abandoned. No extraction may resume on an abandoned site unless and until a new permit is issued under the Benton Charter Township Zoning Ordinance.

b) Discuss Zoning Administrator's as-needed professional services contract

Zoning Administrator Foster reviewed a memo dated 10/09/2025 included in the PC agenda packet which described the services provided to the Township with regard to Zoning Administration by Ms. Foster's company, Ziemnick Foster Engineering, LLC (ZFE) since November 2019.

Ms. Foster noted that the current contract was signed in November 2019 with services provided on an hourly, as-needed basis. Ms. Foster requested the Township review a new contract going forward to provide for an up-to-date scope of services and general terms and conditions.

Planning Commission asked Ms. Foster several questions concerning her role as Zoning Administrator. Several Commissioners noted their satisfaction with Ms. Foster's services to the PC and Township.

MOTION – a motion was made by Mr. Temsey with support by Ms. Wickerham to recommend that the Township Board review and renew a professional services contract on an hourly, as-needed basis for Zoning Administration Services provided by Ms. Foster and Ziemnick Foster Engineering, LLC. The motion carried unanimously.

7) OLD BUSINESS

a) No old business was reviewed.

8) NEXT MEETING – November 6, 2025, as required.

9) A motion for adjournment was made by Ms. Wickerham with support by Mr. Kudwa. Motion carried unanimously. The meeting adjourned at 8:01 p.m.