

**ADA TOWNSHIP BOARD MEETING
MINUTES
APRIL 9, 2007**

Meeting was called to order by Supervisor Haga at 7:30 p.m. Members present: Supervisor Haga, Treasurer Pratt, Clerk Ensing Millhuff, Trustees: Damstra, Proos and Sytsma. Also present: Planning Director Ferro, Recording Secretary Smith and 14 community members. Trustee Westra arrived at 7:33 p.m.

APPROVAL OF AGENDA

Changed on the agenda under New Business: Item A. - Rieth-Riley Settlement Agreement will be Resolution R-040907-1, and Item D. Ada Criterium Bicycle Race Road Closure will be Resolution R-040907-2.

Moved by Sytsma, supported by Pratt, to approve the agenda as amended. Motion carried.

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA:

Approval of Minutes

March 26, 2007, Regular Board Meeting

Receive and File Various Reports/Communications

1. 2006 Fire Department Annual Report; 2. Financial Report - 2/07; 3. Region 8 Notes - 3/07; 4. Comcast - lineup - 3/21/07 & 3/28/07; 5. March Board of Review Report - 3/20/07; 6. REGIS Board Minutes - 2/28/07; 7. MTA Legislative Update Fax - 3/23/07 & 3/30/07; 8. Appreciation notes - Park Maintenance Employees - 3/21/07 & 3/7/07; 9. KCRC Three Mile Rd. Project from Pettis Ave. to 1000' correspondence - 3/30/07.

Moved by Proos, supported by Sytsma, to approve items on the Consent Agenda. Motion carried.

APPROVAL OF WARRANTS AND RECEIPTS

Treasurer Pratt presented Warrants and Receipts in the following amounts: Hand Checks: #101 \$7,185.76; #205 \$2,168.57; #208 \$940.97; #590 \$135.01; #591 \$135.00; #592 \$22.08. Total Hand Checks \$10,587.39. Warrants: #101 \$14,739.46; #205 \$15,312.02; #208 \$560.33; #213 \$28.32; #590 \$50,852.14; #591 \$87,472.12; #592 \$2,771.99. Total Warrants \$171,736.38. Total Checks and Warrants \$182,323.77.

Moved by Proos, supported by Sytsma, to approve the Warrant Report of April 9, 2007, in the amount of \$182,323.77. Roll Call: Yes - Sytsma, Westra, Haga, Pratt, Proos, Damstra, Ensing Millhuff. No - 0. Absent - 0. Motion carried.

PUBLIC COMMENT

Henry Hoeks, 5671 Michigan Street, stated the Master Plan is proceeding at a very slow pace and suggested the problem was due to lack of consideration of the writing process. He stated large blocks of time were needed for the writing process and the Planning Director was unable to schedule the time due to his other duties. He suggested one possible solution: Suspend all other job related duties 3-4 days per week so the Planning Director could concentrate on the completion of the Master Plan.

John Sarb, 500 Auburn Trail, asked if there was anything in place in Ada or Kent County regarding lawn maintenance and/or home exterior conditions. He added he has a home for sale, and some homes in the area are in shambles, and he doesn't know what recourse is available. Supervisor Haga responded Ada does have an ordinance regarding cars and junk and those matters could be reported to the Zoning Administrator for investigation.

BOARD COMMENT

Trustee Proos stated the master plan process needs to move forward and would not be against setting aside one day per week for the planning director to work on writing, but he would be against setting aside three or four days per week. Adding everyone has both working and personal demands on their time but need to concentrate on finding ways to get the required work done.

Trustee Sytsma stated she believes additional projects are put onto the planning director, which prevents him from completing work such as the master plan. The planning commission cannot go any further until the master plan is completed.

Supervisor Haga stated funds were budgeted for contract work in the Planning Department, adding the Administrative Committee would continue to consult with the planning director as to what sections could be done through contracting (such as the basic updates) and what additional or changes needed to be done by the planner.

Trustee Westra stated it was just as important to work smarter as it is to work harder. Adding the Technology Committee would be working on making some tools available to collaborate better and make every position more efficient. Stating it would be a problem to remove the Planning Director from his ordinary duties for three or four days per week and you do what you have to get the job done.

Clerk Ensing Millhuff stated the issue of the master plan had been discussed and there was a possibility of contracting with someone to help the planning director with the writing process. Supervisor Haga agreed there may be some additional duties currently assigned to the planner that could be re-assigned to someone else; adding he would strive to get immediate action.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

RESOLUTION R-040907-1 - RIETH-RILEY SETTLEMENT AGREEMENT

Moved by Westra, supported by Damstra, to adopt Resolution R-040907-1, which is the resolution approving the settlement agreement for purpose of resolving pending litigation.

Planning Director Ferro explained it had been about 3 1/2 years since Rieth-Riley had submitted their zoning application asking for approval of a mining operation on the Koning property. The Planning Commission went part way through the review process and held a public hearing when there was an inquiry into the legality of Rieth-Riley's operations. After an investigation, a staff determination was made and eventually upheld by the Zoning Board of Appeals the operations were unlawful and that decision led to a lawsuit filed by Rieth-Riley against the township. Since that time, there has been a slow negotiation process to try to settle the matter out of court and avoid the expense and uncertainty of the litigation outcome. He summarized the results of the two-year negotiation process for the board and the public.

The settlement would call for all operations at 1723 Pettis Avenue to end by December 31, 2014, with mining to be completed by December 31, 2012. Conditions include the following: All material from the mined property must be taken only to Rieth-Riley's site plant on Egypt Valley/Pettis. Restoration would be required and would happen in phases, with complete restoration by December 31, 2014. Traffic generated by the operations could only go south on Pettis Avenue. Several parcels of land would be donated to the township for park and easements for public access. A number of operational standards for mining and restrictions regarding landscaping, etc. would be placed on the property. There would be specific limited hours of operation for mining and truck transport. There would be limited on the types of processes to be done. Future development of the site would be subject to the same zoning regulations and density rules currently in existence.

This settlement will be entered as a consent judgment, which is a court-approved document enforceable by Kent County Circuit Court. Rieth Riley would be required to provide an annual certificate of compliance to Ada Township. Township representatives would be entitled to conduct periodic inspections of the property to ensure compliance with the settlement terms. Violations could be brought to court for judicial remedies.

Additional benefits to the township include the guarantee of closure of Rieth-Riley's mining operations by a certain date (half of the time of Rieth-Riley's original request), allowing the township to move forward with its master plan of the area with a better sense of land use, allowing staff to focus their resources and time to other priorities, donation of enough asphalt for two miles of non-motorized trail and a commitment for discounted prices for four years. Rieth-Riley also benefits by the opportunity to transition its business to another location.

Attorney John Sperla explained he had submitted a revised consent judgment from the one in the packet, with the change being a provision dismissing all 11 counts by Rieth-Riley. The document is 99% complete with a bit of tweaking yet to happen. A legal description for the conservation easements as well as assurances of good title to all easements was still pending. Adding he had also insisted Brian Koning be added as a party to the lawsuit to allow for enforcement. He asked the board approve some discretion and authority to make non-substantive language changes.

Public Comment:

John Sarb, 500 Auburn Trail, asked for clarification of activity allowed by the river pathways.

Board Comment

Trustee Damstra stated the master plan called for more river access.

Trustee Westra commented the process had been arduous and he thought it was a good end result.

Trustee Proos reflected on the long process stating the agreement may not be perfect but this was a solution which would resolve the mining issue, bring closure for the township and eliminate additional attorney fees.

Clerk Ensing Millhuff agreed it was in the best interest of the township to move forward; stating it did bring "closure" for the residents of Ada without undue hardship to the business operation. Clerk Millhuff also thanked Trustee Damstra for the "endless hours" he had voluntarily spent during the process.

Trustee Sytsma agreed with the other board members and asked for clarification on enforcement process.

Trustee Damstra stated it was a long process and recognized this was a major issue with moving forward allowing the township to address other community issues at hand.

Supervisor Haga stated this matter had been a great challenge and it had taken hard work by the committee, the attorney and the entire board to come to a resolution.

Roll Call: Yes - Damstra, Proos, Sytsma, Westra, Pratt, Ensing Millhuff, Haga. No - 0. Absent - 0. Resolution adopted.

TOWNSHIP PROPERTIES FERTILIZATION

Supervisor Haga explained although the board had approved a multi-year contract via motion, the bid was only processed for one year. New bids have now been obtained for the 2007-09 seasons.

There was discussion among board members regarding using the lowest bidder, criteria for awarding bids, additional work from previous year's bid, and using organic materials.

Moved by Westra, supported by Proos, to postpone action on the fertilization bids and refer back to the Parks Director for research on organic fertilizers. Motion carried.

PROCLAMATION - MUNICIPAL CLERKS WEEK

Supervisor Haga presented a proclamation to recognize National Municipal Clerk Week and specifically the Ada Township Clerk. Clerk Millhuff stated she would abstain from voting.

Moved by Proos, supported by Damstra, to adopt the proclamation regarding the Municipal Clerks' Week scheduled for April 29 through May 5, 2007. Motion carried.

RESOLUTION R-040907-2 - ADA CRITERIUM BICYCLE RACE ROAD CLOSURE

Moved by Ensing Millhuff, supported by Sytsma, to postpone action on Resolution R-040907-2, due to lack of the applicant's presence. Motion carried.

OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT

Brett Boonenberg, representing Thornapple River Nursery, explained he has been doing fertilization work for about 15 years, approximately 8 to 10 years for Ada Township. He stated there were concerns with using organic materials. Stating there is no organic solution for proper weed control. Organic fertilizers must be applied about twice as often as the township requested to get the same result. He stated Thornapple uses slow-release fertilizers, (as recommended by MSU) which release slowly according to temperature and moisture and release very little nitrogen. They also stay 50 feet away from any water sources. He added he did not believe the public would be satisfied with the results from organic fertilizers applied as requested. He stated as a resident and business owner of Ada Township he valued his relationship with the township and would match the lowest bid.

ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

**Deborah Ensing Millhuff, CMC
Ada Township Clerk**

RS: JS

