

**ADA TOWNSHIP BOARD MEETING  
MINUTES  
April 27, 2009**

Meeting was called to order by Supervisor Haga at 7:30 p.m. Members present: Supervisor Haga, Clerk Burton and Treasurer Rhoades, Trustees: Proos, Smith, and Westra, Sytsma. Also present, Recording Secretary Thompson, and 43 community members.

**APPROVAL OF AGENDA**

**Moved by Proos, supported by Sytsma, to approve the agenda as presented. Yes -7; No - 0. Motion carried.**

**GENERAL TOWNSHIP BUSINESS**

**CONSENT AGENDA:**

**Approval of Minutes**

April 13, 2009 Regular Board Meeting

**Receive and File Various Reports/Communications**

1. Planning Commission Minutes 3/19/09; 2. Sheriff Report-East Precinct 1/1/09-3/31/09; 3. Zoning Board of Appeals 3/3/09; 4. Open Space Preservation Advisory Board Minutes 3/12/09; 5. Bevak-Non-Motorized Trail-Bailey Drive Petition 4/16/09; 6. Utility Advisory Board Minutes 3/19/09; 7. Grand Valley Metro Council-Transportation Policy Committee Minutes 3/18/09; 8. MTA Legislative Update Fax 4/10/09, 4/3/09; 9. Ada Historical Society Minutes 3/14/09; 10. Building Permit Trends 4/21/09; 11. Gorman-Township Non-Motorized Trails 4/6/09; 12. Hall-Township Non-Motorized Trail 4/15/09; 13. April Supervisor Report 4/25/09.

**Moved by Westra, supported by Rhoades to approve the minutes and accept reports and communication under the Consent Agenda. Yes - 6; No - 1; Absent - 0. Motion carried.**

**APPROVAL OF WARRANTS AND RECEIPTS**

Hand Checks: #101 \$1,337.86; #208 \$253.50; #211 \$325.00; #590 \$35.35; #591 \$35.36; #592 \$1.44. Total Hand Checks \$1,988.51. Warrants: #101 \$23,855.99; #205 \$7,890.88; #208 \$10,663.56; #211 \$259.72 #590 \$65,265.17; #591 \$94,633.75; #592 \$218.90.

Treasurer Rhoades presented Warrants and Receipts in the following amounts: Hand Checks: **Payment # 7 retainage to Rivertown Contractors.** Total checks and warrants **\$204,776.48 Roll call; Westra, Smith, Proos, Sytsma, Rhoades, Haga, Burton; Yes - 7; No - 0; Absent - 0.**

**Moved by Proos and supported by Sytsma to approve payment of retention funds in the amount of \$3,000 for Phase One, Contract 1 of the Trail. Roll Call: Proos, Burton, Smith, Westra, Rhoades, Sytsma, Haga, 7-Yes 0-No Motion Carried**

**PUBLIC COMMENT**

Diane Thomas, 8700 3 Mile Rd, asked if the township has plans in the budget for fixing McCabe and 3 Mile Rd. There is a real traffic hazard there. Haga stated there are no budget line items for that repair. The road commission is responsible for the roads with a 55/45 split. He will have them look into it.

Jerry Galloway, 9098 Conservation, asked if there are plans for resurfacing or repairing Honey Creek Rd. Haga stated since it is a primary road, the road commission is responsible and Haga has not seen it in the current plans.

Rose Myers, 3 Mile Rd. wanted to know if general funds are available and how they are to be used. Haga stated the general fund is used for township needs.

Michelle Zuidema, 9081 Conservation NE, stated she received seven (7) pages of a Bailey Rd. petition of which the language was not accurate. She read from a letter she wrote to the Board which is on record in the Clerk's office.

Stephan Ibanez, Greentree Farms, asked what mechanisms are in place for oversight to be sure financial figures and handouts given to the public are correct. Mr. Ibanez stated there are completely different numbers given at different times by the Township. It would be in the best interest of the township to give a clear understanding of these differences.

## BOARD COMMENT

Westra stated it might be in the best interest for the township to hire a qualified CPA with government experience to help us optimize our use of existing accounting software including project cost tracking components, and a reporting component to insure we can generate accurate financial statements that are simple to understand by the Board and community at large.

Sytsma stated the Arbor Day celebration in the Park last Saturday was a success, and a Liberty Elm tree was given as a donation and dedicated in George Haga's name. She thanked Mark Fitzpatrick, Parks Director, for ramping up this program and applauded his efforts.

Proos stated there are quite a few roads that are bad in Ada Township, such as McCabe and Honey Creek. He urged any residents with road issues to get them to the township so they can be shared at a meeting coming up with the road commission, and hopefully influence the plan. He spoke to the burms that need work in front of the Pettis property, and that we need to get compliance with the requirements regarding the Reith Riley burm where several trees need to be replaced. Proos stated "We won some major battles in trying to get these things put to bed and now they need to comply with the deal."

Treasurer Rhoades asked if there was any type of maintenance for keeping the streetscape on the railroad side of Bronson. Haga replied there are no plans, and the majority is railroad property.

Supervisor Haga stated regarding the DDA, TIF plan and anticipated a Public Hearing at the May 11<sup>th</sup> Board meeting, a special Township board meeting on May 4, 2009 at 7pm to meet with Kent County, GRCC, and KC library. The Act requires us to meet with the other taxing entities.

## UNFINISHED BUSINESS

There was no unfinished business.

## NEW BUSINESS

### **RESOLUTION R-042709-1, ROAD CLOSURE-ADA CRITERIUM BICYCLE RACE**

Jim Ippel from the Ada Bike Shop stated this is the eighth year the race has been held. Everything always runs well and there are no complaints. Last year they held a Kids' race and had 120 registered. He stressed the need to have the Township patch the roads before the race.

Moved by Westra, supported by Sytsma to adopt the Resolution R-042709-1, Road Closure-Ada Criterium Bicycle Race. Member Smith asked about the roads and Supervisor Haga stated there has never been a charge from the Road Commission for patching and minor repairs. He will speak to the Road Commission regarding this year's race. Sytsma added she thinks the race is an awesome event and she's glad we support it. Sytsma stated the race adds to the quality of our township.

**Roll Call: Sytsma, Westra, Proos, Rhoades, Smith, Burton, Haga Yes: 7; No: 0; Resolution adopted.**

### **TRAIL COMMITTEE RECOMMENDATION FOR PHASE III OF ADA'S NON-MOTORIZED TRAIL**

Jim Ferro, Planning Director, gave a presentation on Phase III of Ada's Non-Motorized Trail. In March there was a work session with the Trail Committee and Board, and in April, another Trail Committee meeting with public input. Steve Groenboom, Moore & Bruggink, gave an overview of the projects that have been completed over the last couple years. A summary of the project was discussed by Mr. Groenboom, showing how much has been spent to date and how much will be spent on Phase III as discussed by the trail committee. He discussed available funds for construction compared to projected costs, and reasons for the shortfall early on in the process, and shortly after the bond issue passed. The Fulton Street bridge was originally estimated at \$100,000 but now is \$243,000, and asphalt was laid 3 inches thick rather than 2 inches thick for added quality of the trail. Then asphalt prices went up. \$775,000 is roughly what the trail will cost over and above. Member Proos asked how much more it has cost due to easement issues or change orders over the last two phases. Steve Groenboom stated he did not have the information at this time but 15% is put in for contingencies or unknowns.

Planning Director Ferro stated the trail committee, on April 15<sup>th</sup>, focused on route, how to proceed with the Natural Beauty Road status on Bailey Rd., and timing and schedule for construction. First, after looking at technical information and grades on Honey Creek, and comparing to AASHTO (American Association of State Highway & Transportation Officials) design guidelines, they unanimously recommended the trail be routed down Conservation,

McCabe and Bailey, and that no more consideration be given to routing the trail down Honey Creek between Conservation St. and Pettis Ave. because of the steep grades encountered on that route and the impracticality of building a trail on Honey Creek Ave. Second, they recommended the Township Board request the Kent County Road Commission remove the Natural Beauty Road designation on Bailey Drive with the intent that re-designation of the road be sought after trail construction is completed. And third, the Trail committee recommended the Board proceed with the trail project as originally planned as soon as possible and put at least a portion of the project out to bid in order to get as much done as quickly as possible with the available funds. In regards to the NBR status, Ferro stated the committee reviewed a survey by the Bevaks which determined a high percentage of residents contacted on and around Bailey Dr. approved the construction of the trail on Bailey Dr., even if it meant taking way of the NBR designation. A letter was received from Pam and Rick Bevak which is on file in the clerk's office. The trail committee did not concern themselves with the financials which they determined should be addressed at the board level.

#### Public Comment

Stephan Ibanez, Greentree Farms stated another set of figures have again been presented. He reviewed his list of figures.

Michelle Zuidema, 9081 Conservation Rd., gave an overview of the trail millage and passed around pictures to the Board of where the trails from Phase II are washing out. A letter she presented to the Board is on file in the Clerk's office.

Bob Hudson, 8405 Bailey Oaks, spoke in favor of the trails. He stated his family is a biking and hiking family and understands there are those who will lose a portion of their property, but Bailey is not safe as people drive too fast. With the trails it will be much safer for the young and adults to bike and hike. It is a safety factor. He voted for the trails in good faith.

Rose Myers, 3 Mile Rd, it's not fair to her as a farmer. Her home is 100 years old. She doesn't want it put on her land.

Jerry Galloway, 909 Conservation, stated we need new microphones. He also stated he doesn't walk, run, or scooter which is what this trail is meant for, but he is in favor of this trail, and it will attract more young people to this area. He is concerned however with maintenance.

Pam Bevak, 9020 Bailey Rd., stated she's in favor of removing the NBR designation, then have it put back on. She quoted a statement by Jon Rice in an article published in GR Press.

Tracy Bye, Conservation, stated there's too much weight being given to the 86 signatures on the Bevak survey. As proposed, maintenance has not been discussed and voters thought this was self funded project. She asked if we are obligated to adhere to Federal regulations, and if the township had been in the past She is a huge fan of bike trails, but there is a place for trails, and for a casual biker, this trail is far from casual.

Diane Thomas, 3 Mile Road, asked how much grade there is on Bailey.

Julie Rich, 9701 Bailey Rd., stated for her children, who walk and bicycle the road, it is unsafe. Her father walks the road at 81 years old. She stated she needs these pathways/trails.

Scott Liversedge, 9180 Bailey, supports the bikers and trails.

Steve Hall, 8115 Bailey Dr. thanked the trail committee for their time involved in planning the trails, and is in favor of the trails. He stated everyone did know what they were voting on and is for continuing in the direction they voted on.

Rich Bevak, Bailey Rd, asked the Board to please listen to the voters.

Merrit Paget, 8075 Bailey Dr., chose GR area and Ada as his place to retire. The trail would be a great resource for the township, and he looks forward to the trails.

Randy Bates, 412 Pettis, supports the trail.

**Moved by Proos and supported by Burton to reaffirm the original trail route. Yes: 6 No: 1 Motion carried**

Resolution R-042709-2, to request the Kent County Road Commission revoke the "natural beauty road designation" of Bailey Drive in Ada Township, between Vergennes St. and McCabe Ave. Moved by Smith and supported by Proos to adopt the Resolution R042709-2.

#### Public Comment:

Dave Gorman, Bailey, stated he doesn't know what the NBR designation does or how it benefits him. The trail would allow him and his family to enjoy the beauty along Bailey Dr. and would like to see the path completed promptly.

Jerry Galloway 909 Conservation, asked for clarification regarding the NBR designation relating to it's reinstatement after construction of the trail. Also to add codicil before the NBR is redesignated, the road Commission would have to do something to the road.

#### Board Discussion:

Smith stated she wished we didn't have to do this, yet they tried to go to the road commission and the Kent County Road Commission were not cooperative and it is a concern of hers.

Sytsma stated the Kent County Road Commission is difficult to work with and doesn't have confidence in them that they will return the designation.

Westra stated he shares Sytsma's concerns. He would like to see something more definitive to allow this project to move forward. The Road Commission should tell us they will restore the designation and we have that commitment up front.

Proos stated it's not our decision, but the Kent County Road Commission's. Proos stated because item 3 (putting the project out for bids) is so important, we should reconsider how we proceed. **Moved by Proos and supported by Westra to table the motion of R-042709-2 Yes: 7 No: 0 Motion Carried.**

**Regarding item 3, Proos made a motion and Westra supported to: first have a base bid to complete the trail from Seidman Park to Conservation, with the first alternative being the additional cost to continue from Conservation to McCabe. Section 2 would be the additional cost to do McCabe. Section 3 would be the cost to do the remainder of Bailey road to Ada Dr. In addition to that, a discount would be given the township if multiple bid sections are awarded as is customary, with project completion by Oct 25, and with a contingency for overruns at a maximum not to exceed 10% of the total bid.**

**Motion by Westra and supported by Sytsma, to amend the main motion.** That prior to any authorization for final approval, and in addition to the competitive bids, we have an audit of all our trail expenses to date by a CPA who specializes in public/ governmental matters, and that a fully audited account of all trail expenses to date be provided to the Board as well as a project plan for all phases of construction that we anticipate for this project going forward, and costs associated with those phases as well.

Proos commented he thinks this should be separate from the main motion, and we haven't got time to analyze the past; we need to move forward.

Sytsma stated the trail committee's responsibility a long time ago was to ask questions about the financing of the trail.

Rhoades stated the auditors are coming in two weeks.

Westra stated he is asking for a project audit not a general audit; they are different.

Haga stated he would like to confer with the auditors regarding a separate audit or alternatives.

**Yes: 2 No: 5 Motion to amend the main motion not carried.**

**Main motion: Yes - 7 No - 0; Motion Carried.**

**Moved by Burton, supported by Proos to remove from the table item Resolution R-041709-2, to request the Kent County Road Commission remove the Natural Beauty Road status on Bailey Dr. Yes: 6 No: 1 Motion Carried**

Haga stated he looked at this and by processing the recommendations of the trail committee including revoking the NBR status, he thinks it flows with the whole project and what the majority of the voters supported, and therefore supports removal of the NBR designation. **Roll Call: Yes - Smith, Burton, Rhoads, Westra, Proos, Haga; No - Sytsma; Resolution Adopted.**

**Moved by Westra and supported by Smith, that the Board not approve any funding for Phase III of the project until such a time we have an independent analysis of the projected costs including existing costs of this project. And that this project going forward be tracked for costs as well as timing, and we make use of our existing software to do project accounting on the expenses associated with the project.**

Stephen Ibanez, Greentree Farms, stated the number we're starting out with today can be determined by the independent CPA and when bids come in, there is a balance to start with.

**Smith moved to amend the motion, supported by Burton, that instead of hiring an independent CPA, we use the audit being done in May, having a specific report done regarding the expenses of the trail, and use project management for this and future projects. Yes - 7; No - 0; amendment to the motion carried. Yes - 1; No - 6; Motion as amended not carried.**

**Moved by Proos, supported by Sytsma to postpone items C, D, E, and F on the agenda until next meeting. Roll Call: Yes - Westra, Proos, Sytsma; No – Rhoades, Burton, Smith, Haga. Motion not carried.**  
**Moved by Sytsma, supported by Proos to proceed to items C & E on the agenda. Roll call: Yes: Proos, Burton, Sytsma, Haga; No - Rhoades, Westra, Smith. Motion carried.**

**FIRE DEPARTMENT PAID ON CALL APPOINTMENT (Joseph Bailey) - Moved by Proos, supported by Sytsma Yes: 7 No: 0 Motion carried.**

**FIRE DEPARTMENT REPLACEMENT PICK-UP TRUCK PURCHASE. Postponed to next Board meeting.**

**EXTENSION OF MILLER, JOHNSON LEGAL SERVICES - Moved by Sytsma, supported by Proos. Amendment to the motion by Proos and supported by Sytsma to not accept their 2% rate increase due to economics. Yes: 7 No: 0 Motion for amendment carried. Moved by Westra with no support, to amend the main motion to approve a contract for one year only. Amendment dies. Main motion as amended Yes: 6 No: 1 Motion Carried.**

**MOTION TO PROCEED IN TO CLOSED SESSION TO DISCUSS LEGAL OPINION REGARDING TAKE-OFF AND LANDING OF HELICOPTER ON DEVOS PROPERTY. Postponed till the next Board meeting.**

#### **OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT**

Kathleen Richter, 6301 asked what specific questions, what is discussed, and who is going to be in the closed session meeting. Haga stated the township board and the two attorneys will be at the meeting, but clarified that no decisions will be made in that meeting. All decisions will be made in the public portion of the Board meeting.

#### **ADJOURNMENT**

The meeting was adjourned at 10:22 p.m.

Respectfully submitted,

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Susan Burton  
Ada Township Clerk

RS/ba