

**ADA TOWNSHIP BOARD MEETING
MINUTES
DECEMBER 14, 2009**

Meeting was called to order by Supervisor Haga at 7:30 p.m. Members present: Supervisor Haga, Clerk Burton, Treasurer Rhoades, Trustee Westra, Trustee Smith, Trustee Sytsma, Trustee Proos. Also present: Planning Director Ferro, Township Engineer Groenenboom, Recording Secretary Johnson and five community members. Members absent: none.

APPROVAL OF AGENDA

Supervisor Haga noted two changes to the agenda. Under "IV. A. – Approval of Warrants and Receipts" one item had been added: Pay Application 3 For Phase III of the Non-Motorized Trail Project. Under "VII - New Business" one item had been added: Item A – Resolution R-121409-2, Reauthorization to Purchase Property at 383 Pettis Ave SE. **Moved by Westra, supported by Rhoades, to approve the agenda as amended. Yes - 7, No - 0; Motion carried.**

GENERAL TOWNSHIP BUSINESS

CONSENT AGENDA:

Approval of Minutes

November 23, 2009, Regular Board Meeting

Receive and File Various Reports/Communications

1. Region 8 Notes - 12/2009; 2. Kent District Library Minutes - 10/15/2009; 3. Supervisor Report - 11/2009; 4. Comcast - Channel Lineup - 12/1/2009; 9. MTA Legislative Update - 11/13/2009, 11/20/2009, 11/25/2009. **Moved by Westra, supported by Smith, to approve the Minutes and accept the reports and communications under the Consent Agenda.**

Treasurer Rhoades noted he had been incorrectly cited in the November 23rd Minutes as Trustee Rhoades in the section on the Property Division Moratorium Exception Request for 2741 Egypt Valley.

Trustee Smith noted the Region 8 Notes mentioned various grants for water and sewer projects; she inquired if any of the grants were applicable to Ada projects. Supervisor Haga responded they are investigating the various possibilities, as well as coordinating with Grand Rapids on potential grant applications, for capital improvement projects, potential forcemain repairs, etc.

In light of the November 20th MTA Legislative Report outlining two state bills introduced for consideration that would divert local law enforcement money to the state, Trustee Smith expressed concern for potential loss of local law enforcement funding. Supervisor Haga did not have additional details yet, but will follow up on this important issue. Trustee Westra asserted the importance of retaining local funds for effective local government. He asked for an update on the current state of Ada's successful joint policing model, particularly in view of Kent County's continuing financial challenges.

Yes – 7, No – 0; Motion carried.

APPROVAL OF WARRANTS AND RECEIPTS

Treasurer Rhoades presented Warrants and Receipts in the following amounts: Hand Checks: #101 \$5,053.99; #205 \$1,385.46; #208 \$1,084.77; #590 \$3,507.86; #591 \$1,796.61; #592 \$247.50; Total All Hand Checks \$13,076.19. Warrants: #101 \$26,692.38; #205 \$36,192.74; #208 \$4,218.60; #211 \$34,770.36; #248 \$2,641.87; #590 \$14,009.42; #591 \$171,227.02; #592 \$2,901.36; Total Warrants \$292,653.75. Total All Checks and Warrants \$305,729.94. Treasurer Rhoades noted there was an addendum to the Warrant Report in the amount of \$1,319.82, which brought the total to \$314,130.98. The addendum is for credit card charges, which require payment due by January 10th to avoid late fees. Therefore, the addendum had to be included in this Warrant Report in order to get Board approval and issue payment in a timely fashion. **Moved by Clerk Burton, supported by Trustee Sytsma, to approve the Warrant Report for December 14, 2009, in the total amount of \$305,729.94.**

Trustee Westra noted Item #6 on the Warrant Report (Lee's Trenching Service for the water main break on Scarborough and Grayfield) in the amount of \$21,402.70 exceeded the amount which Ada policy requires must be put out for bid. He acknowledged these services were used in an emergency situation, but requested a bid package be developed for non-specialized services to be provided in emergency situations. He emphasized the importance of being in compliance with the purchasing policy and using competitive bidding, particularly in light of the economy.

Trustee Westra inquired about Item #16 on the Warrant Report (\$650.00 to Advance Newspapers for DDA ads). Supervisor Haga clarified the ad spending was part of the promotional spending allocated to the DDA. Trustee Westra asked if any items pre-approved by the Board could be noted on the report in the future. Supervisor Haga explained the specific item was not pre-approved, but it was part of the DDA's budget that had already been approved by the Ada Board and the Board receives quarterly reports of revenue and expenses of all of the funds, including the DDA.

Roll Call: Yes – Proos, Smith, Burton, Westra, Sytsma, Rhoades, Haga. No - 0. Absent - 0. Motion carried.

PAY APPLICATION 3, PHASE III NON-MOTORIZED TRAIL PROJECT

Supervisor Haga indicated Township Engineer Steve Groenenboom was scheduled to be present at 8:00 pm; this item would be addressed after he arrived.

PUBLIC COMMENT OTHER THAN AGENDA

There was no Public Comment.

BOARD COMMENT

Trustee Westra reported he had received several positive comments on the recent Christmas celebrations in the village; he extended kudos to everyone involved.

Trustee Sytsma noted the November 13th MTA Legislative Report included coverage of proposed changes to the landfill surcharge formula distribution. In particular, she inquired what the landfill surcharge was prior to the proposed increase. She remarked on the item on proposed changes to lawn fertilizer legislation. She encouraged the Planning Commission to include more aggressive language addressing synthetically produced organics in the Riparian Rights Ordinance. She reminded everyone how essential it is to protect the quality of the watershed that directly supplies the local drinking water.

Supervisor Haga noted Kent County has issued a flyer entitled "2010 Assessment Information: Understanding Proposal A in a Declining Market". It includes a good summary of the impact of the economy on assessments, and therefore, the tax base. The flyer is available at the treasurer's office and the assessor's office.

Regarding the Millhuff unemployment claim, Supervisor Haga announced a letter was received December 14th, dated December 7th. The Township attorneys are following up to determine if an appeal to the recent determination of ineligibility has been filed.

Supervisor Haga updated the Board on the DEQ (Department of Environmental Quality) response to the three sanitary sewer force main breaks that occurred in 2009 on January 27, February 21, and June 21. Violation notices were issued by the DEQ; meetings were held with the DEQ; follow-up reports were provided to the DEQ; staff, contractor, and engineer reviewed alternatives; a contingency plan was developed; the Township Board approved installation of a valve and other appurtances at the Fulton lift station; and the Township Board authorized the testing of the 16-inch sanitary sewer force main. Test results from the consultant are anticipated shortly. On November 18, 2009, an Enforcement Notice was received from the DEQ. On December 8th, staff, contractor, and engineer met in Lansing to discuss the violations. Discussions also focused on the process of resolving this matter through an Administrative Corrective Order (ACO) by agreeing to certain conditions, timelines of additional corrections, fines, and penalties. Penalties are based on the three sanitary sewer discharges, the late reporting of sanitary sewer discharge to the DEQ, and the late reporting to the local news media of the June sanitary sewer discharge in the amount of \$44,000.00. The response to the DEQ could include a counteroffer, timelines, etc. regarding an ACO. Alternative to an ACO, the DEQ would forward the matter to the Attorney General for handling. Therefore, staff, contractor, and engineer met with the Township legal counsel for development of an appropriate response to the DEQ. Any final decision/action would require Township Board approval. Regarding the reporting, the first two discharge incidents were filed late and received by the DEQ on March 5, 2009. Notification of the break on June 21 at Ada Drive and Thornapple River Drive was made to The Grand Rapids Press at 1:30pm, which was 7.5 hours after notification requirements. As indicated on the discharge report on the June 21 break, there was 22,500 gallons of sanitary sewage authorized to be pumped into the storm drain system. 242,773 gallons flowed in to the storm drain as a result of the break in the same manner of drainage as the first two breaks and quantities associated with them. The DEQ Notice cites 265,273 gallons intentionally pumped into the storm sewer, but that is not accurate, as it combines the volume pumped by decision and the volume that overflowed due to the break.

Trustee Proos noted the Enforcement Notice addressed not only the forcemain breaks and the issues resulting from those, but also the delay in reporting the breaks. Supervisor Haga explained that the DEQ focus in the meetings has been primarily on the breaks and the discharge of the sewage into state waters. Trustee Proos recommended acknowledging the error to the state and paying at least a portion of the fine as we potentially negotiate the clarifications and a possible fine reduction. Trustee Sytsma felt the large fines levied on the deliberate discharge should be corrected prior to payment, as there was no intentional misconduct and the volumes are not cited accurately. She noted the Board has been actively working to resolve the problems, and the situation arises from decisions made long ago. Trustee Westra was concerned the reporting wasn't done in a timely manner. He expressed interest in reviewing the disaster recovery plan that addresses even the size and scope of the recent breaks. Supervisor Haga indicated the contingency plan has been put together; changes may be made to accommodate the DEQ's concern. It will be part of the response to the DEQ. Trustee Westra questioned the need for any authorized discharge, and this would be incorporated as a possible strategy in the revised contingency plan. Trustee Proos reiterated the need for cooperating with the DEQ and paying the fines as needed, rather than trying to fight the fines. He suggested looking to other communities for existing best practice guidelines and contingency plans, rather than re-inventing the wheel. Supervisor Haga explained one of the challenges in obtaining pumper trucks to handle the overflow is there are limited companies with the equipment available locally. In addition, one of the breaks fell on Father's Day and another was during heavy rain and flooding in Holland, which made obtaining necessary equipment and staffing very difficult. The City of Grand Rapids has a contingency plan that will be used as a development model.

UNFINISHED BUSINESS

PROPERTY DIVISION MORATORIUM EXCEPTION REQUEST - HILLIKER PROPERTY - 2741 EGYPT VALLEY

Supervisor Haga requested Planning Director Jim Ferro to present the moratorium exception request to the Board. Planning Director Ferro noted Ms. Hilliker was once again unable to be present at this meeting due to health reasons. He indicated she had suggested the Board act in her absence. Planning Director Ferro also clarified again he had not advised Ms. Hilliker during the course of their interactions, but

had simply provided information on Township policies, procedures, status on proposed zoning changes, etc. There have been a few moratorium exemptions granted recently; one of those is in close proximity to Ms. Hilliker's property. Two of the approved exemptions had had purchase agreements in place prior to the moratorium, but the third exemption did not have a purchase agreement pending or a land division application filed, but only a survey completed. Ms. Hilliker does not have a purchase agreement in place. Planning Director Ferro also noted that, under the current zoning regulations, her property would be eligible for one division into two parcels; the township-wide implications would not be significant. **Moved by Rhoades, supported by Sytsma, to deny the property division moratorium exception request on the Hilliker property at 2741 Egypt Valley Avenue NE.** Trustee Proos urged the Board to remain consistent; he felt it was advisable to postpone until Ms. Hilliker could be present. **Moved by Proos, supported by Smith, to postpone action on the property division moratorium exception request on the Hilliker property at 2741 Egypt Valley Avenue until Ms. Hilliker can be present at the next Board meeting to answer questions and provide information.** Trustee Sytsma commented a vote to postpone would be preferable to a denial vote, as more information from Ms. Hilliker may affect the outcome of the vote. Supervisor Haga pointed out any moratorium exceptions granted would expire when the moratorium expires, unless the application has been formally processed through the Township by that time. Trustee Westra encouraged the Board to continue to action; he felt all the facts were clear and that there was no compelling reason to either postpone or to deny. Trustee Smith noted the letter submitted to the Board had many generalities, few specifics, no purchaser, and the actions seemed to have been instigated after the moratorium was instituted. She felt it was advisable to postpone, as the owner may be able to provide facts not presented, and the issue as currently presented would lend itself to a denial. Treasurer Rhoades clarified his original motion to deny was predicated in part upon the fact the property was only eligible for one split, and will not be likely affected by the pending zoning changes. **Yes - 6, No - 1; Motion carried.**

NEW BUSINESS

RESOLUTION R-121409-1, TOWNSHIP ANNUAL MEETING AND BUDGET PREPARTION SCHEDULE FY 2010 / 2011

Supervisor Haga presented the schedule for the 2010/2011 Township annual meeting and budget preparation. **Moved by Smith, supported by Westra, to adopt Resolution R-121409-1, which is the Township annual meeting and budget preparation schedule for 2010/ 2011.** Trustee Westra inquired if the new accounting system could be used to export the budget into an Excel spreadsheet for distribution to the Board for review. Supervisor Haga explained the new system allows data to be more easily imported into the system, but the Board will receive the same format of budgets as received in the past.

Roll Call: Yes – Smith, Sytsma, Proos, Westra, Burton, Rhoades, Haga. No – 0. Absent – 0. Resolution is adopted.

ETHICS BOARD REAPPOINTMENT OF MR. JON SARB

Supervisor Haga requested the Board confirm the reappointment of Mr. Jon Sarb for an additional four-year appointment to expire 10/1/2013. **Moved by Sytsma, supported by Proos, to reappoint Mr. Jon Sarb to the Township Ethics Board for a four-year term to expire 10/1/2013.** . **Yes - 7, No - 0; Motion carried.**

PAY APPLICATION 3, PHASE III NON-MOTORIZED TRAIL PROJECT

Township Engineer Steve Groenenboom was now present; he reported on trail progress to the Board and presented the Phase III Non-Motorized Trail Pay Application #3, which covers work through December 3rd. A change order is in the works for a reduced price on the sand; that change order is not included in the Pay Application because it is still in process. The costs remain steady in line with the project estimate. The base layer of asphalt has been laid on most of the bike path; some boardwalk work will continue through the winter. **Moved by Proos, supported by Sytsma, to approve Pay Application #3 to Katerberg-Verhage for the non-motorized trail project in the amount of \$266,465.83.** Trustee Proos inquired as to the project status as compared to projected timing. Township Engineer Groenenboom indicated the job had originally been bid in early June with a planned start date of late June and an October 30th completion. Unfortunately, the job was unable to start, in part due to a DEQ permit issue and in part due to an easement issue with Siedman Park. The contractor was able to begin on the portions outside these issues, which were not resolved until late August. This put them behind schedule. Most of the remaining costs are related to the boardwalk, which can continue through the winter. Trustee Westra clarified these project costs are being aggregated in the job costing system in a summary fashion. He requested a monthly job cost report that details budget to actual for each project. Trustee Smith followed up on the suggestion that topsoils, etc. removed during the project be made available to the Parks Department. Township Engineer Groenenboom indicated there has not yet been any removed material which can be re-purposed by the Township. **Roll Call: Yes – Westra, Rhoades, Proos, Smith, Sytsma, Burton, Haga. No - 0. Absent - 0. Motion carried.**

CAPITAL IMPROVEMENT PLAN FOCUS GROUP PROPOSAL

Planning Director Ferro presented the capital improvement plan focus group proposal. The Planning Commission and the CIP (capital improvement plan) Committee both feel additional measures are necessary to obtain public input on the CIP, particularly in determining priorities for types of capital expenditures. Response to the public meetings and the website posting have been very limited. Proposals were obtained from three research firms; after reviewing the proposals, Gartner & Associates is recommended for approval. **Moved by Rhoades, supported by Burton, to approve the recommendation to contract with Gartner & Associates to conduct CIP focus**

groups in an amount not to exceed \$5,700.00. Trustee Proos noted there had been multiple opportunities for public comment already. He was opposed to spending the money at this time to further seek input when the department heads have already provided much of the needed information and the public has had the opportunity to be a part of the process. The economy will have a great impact money available for CIP projects; he did not approve of spending some of the limited funds on focus groups. Instead, he proposed seeking public comment on the existing department project wish lists. Trustee Westra said the focus group sample size was not sufficient and he expressed possible concerns with the proposed methodology of the research. He stated this was not the best use of the money and communication for the long-term strategic goals of the Township.

(At this point the recorder shut itself off. Trustee Smith expressed concern that participation in the focus groups may be limited and may unexpectedly select a non-random sample, as the focus group was proposed for two hours during the workday. She noted there have been efforts made to obtain public input and there has not been much feedback. The Board continued to discuss the effectiveness of the focus groups until Supervisor Haga called a short recess to correct the technical difficulty.)

Supervisor Haga called the meeting back to order after the short recess. He suspended the Board Comment briefly to allow public comment on the issue.

PUBLIC COMMENT ON CAPITAL IMPROVEMENT PLAN FOCUS GROUP PROPOSAL

Mr. Thomas Korth, 8805 Conservation NE, Planning Commission Chairman and member of the CIP Committee, addressed the Board. Mr. Korth reminded the Board that some people feel spending should be very limited in this economy, but others are concerned there is currently a budget surplus that must be spent to keep in compliance with audit standards. Spending decisions must be made and the more information that can be gained about the pulse of the community, the better. He asked the Board to recommend some method of gaining the expanded information, even if the Board chose not to pursue focus groups in specific.

Frank Hoover, 700 Marbury, felt focus groups would be a waste of money. He suggested putting a flyer in the newsletter which the interested residents could mail back. It would be an easy and inexpensive method to reach those members of the public interested enough to respond.

CONTINUED BOARD COMMENT ON CAPITAL IMPROVEMENT PLAN FOCUS GROUP PROPOSAL

Treasurer Rhoades indicated when Jeff Gartner of Gartner & Associates spoke to the CIP Committee, he indicated he used similar sample sizes and methodology when he did similar research for Cascade Township and for Forest Hills Public Schools. Treasurer Rhoades reminded the Board it was important to get the public view on the department wish lists that have been assembled. Supervisor Haga noted the data obtained from the focus groups would likely be of value to the budget process as well. Trustee Westra suggested using the approximately 200 email addresses which residents have provided to the Township; they are a self-selected group demonstrating interest in Ada Township. It is important to make strategic investments in communication; it better serves the Township to encourage communication through the website participation and through emails. Supervisor Haga felt the use of focus groups to hone in on public preference for CIP priorities was a unique piece related to a specific effort. It is not easy to get good public participation on these issues which may not be hot-button issues, but which are very important. Trustee Proos suggested using the existing email list to ask residents to rate the existing departmental wish lists. He emphasized trying inexpensive and simple methods first. Clerk Burton indicated if an email survey were used, professional assistance would still be needed to craft and analyze the survey. Effectively soliciting opinions requires the viewpoint of a professional. Gartner Groups has the expertise to obtain the necessary feedback. Trustee Smith pointed out it would still be necessary to develop the questions, even if focus groups were used. Trustees Proos and Westra suggested using the email list to send a survey based on the existing potential project wish list. Trustee Westra said the Township needed to mature to the point where it could stop paying consultants to collect data that should be collected by internal staff with tools the Township already has. Clerk Burton clarified the project wish list is well over 100 items, which is too big and unwieldy for a quick survey. Trustee Proos reminded the Board even if focus groups or a survey aren't used, there still is a plan and a framework to begin to move forward. Because the process is fluid in motion, he suggested surveying one department at a time as the process moves forward. Supervisor Haga said that the CIP is reviewed on an annual basis and adjusted as needed.

Yes - 3, No - 4; Motion defeated.

PHASE III NON-MOTORIZED TRAIL – COVERED BRIDGE PROJECT

Planning Director Ferro and Township Engineer Steve Groenenboom presented the covered bridge project. Mr. Harold Brander, Sr., a long-time resident on Conservation Ave, has proposed a covered bridge on the trail on Conservation across HoneyCreek ave, similar to the covered bridge on Grand River Drive. Mr. Brander has donated substantially to the project and has been active in raising donations for the project. At this point, the net additional cost for changing the planned boardwalk to a covered bridge at the location in question is \$26,300. There have been just under \$18,000 in confirmed donations at this point, which leaves roughly \$8,500 outstanding. The first question before the Board was to determine if the proposed covered bridge would be implemented, with the cost shortfall to be covered by the township. If the covered bridge project is approved, the second question before the Board was to award the contract to build it. **Moved by Proos, supported by Sytsma, to proceed with the covered bridge application to the portion of the trail vs. the original planned boardwalk.** The Board discussed the costs involved in the change in the project and the process of fundraising to obtain donations for the remaining amount. **Moved by Proos to amend the motion to authorize funds not to exceed an additional \$5,000.00 from the Township general fund for the covered bridge project. Support by Smith.** Trustee Proos suggested an email call for donations be sent to the residents that have signed up for township information. Treasurer Rhoades noted the bids for the

work are not finalized, so the construction costs may actually be less than planned, which would reduce the overall current funding shortfall.

Yes – 7, No – 0; Amendment to the motion carried. The Board discussed the logistics of the changes in layout and costs introduced by the project design shift from boardwalk to covered bridge at the site. The path would angle to higher ground on the approach to the bridge, this would improve both aesthetics and help with the DEQ permit amendment. The owner of the easement at the location would approve the change in approach in conjunction with the covered bridge project. Trustee Westra noted this fundraising effort is a prime example where effective communication with residents is invaluable. He indicated the project, if approved, would need to be part of the capital improvement plan; he also inquired about the cost of maintenance. Trustee Proos commented the maintenance shortfall would need to be addressed, but it would be minimal. He said the Grand River covered bridge is beautiful and adds aesthetic value to the trail. He emphasized the need to reach out for donations for the project. Supervisor Haga said the Grand River covered bridge maintenance costs were not addressed separately; in both bridge cases, the maintenance would be part of the overall trail maintenance cost. **Moved by Westra to amend the motion to approve the covered bridge project only if the difference in cost is made up by donations from the greater community with a zero net cost to the Township. Second amendment to the motion died due to lack of support. Yes - 6, No - 1; Motion as amended carried.**

Moved by Sytsma, supported by Proos, to authorize contracting with Thomet Construction for the covered bridge project in an amount not to exceed \$26,500.00 in the Phase III Non Motorized Trail- Covered Bridge project. Trustee Westra questioned how the Board could select a vendor without an objective comparison of the elements of the project. He also noted the cost of the project exceeded the threshold at which projects are put out to bid. Supervisor Haga noted putting the project out to bid would increase costs of the project considerably. Trustee Proos clarified Township Engineer Groenenboom designed the bridge and gave the specifications to both contractors under consideration. Township Engineer Groenenboom noted his firm has donated all of the work costs related to this bridge project to this point. Supervisor Haga, Township Engineer Groenenboom, and Trustee Proos all indicated this modification to the trail would be considered a change order and is not dissimilar to some change orders in the past; Trustee Westra disagreed with that characterization. **Yes - 6, No - 1; Motion carried.**

RESOLUTION R-121409-2, REAUTHORIZATION TO PURCHASE PROPERTY AT 383 PETTIS AVE SE

Planning Director Ferro presented the resolution. The Township has been in negotiations since 2006 to purchase 383 Pettis to convert it to permanent open space. The Township has sought and been awarded grant funds to pay 75% of the acquisition costs. The original purchase offer was approximately \$145,000.00. The purchase was never able to be concluded due to various factors. Fanny Mae now owns the property and the price has been reduced significantly to \$69,100 (plus closing costs). The title insurance company requested a current reauthorization to purchase by the Board. **Moved by Proos, supported by Smith, to adopt Resolution R-121409-2, which is a resolution to authorize purchase of property at 383 Pettis Ave SE.** Trustee Smith noted the resolution handout cited R-121409-1, which should be corrected R-121409-2. Trustee Sytsma commended the Open Space Committee for their hard work on this project. **Roll Call: Yes – Sytsma, Proos, Westra, Smith, Burton, Rhoades, Haga. No – 0. Absent – 0. Resolution is adopted.**

OPPORTUNITY FOR ADDITIONAL PUBLIC COMMENT

There was no additional Public Comment.

ADJOURNMENT

The meeting was adjourned at 10:02 p.m.

Respectfully submitted,

Susan Burton
Ada Township Clerk

RS/kj