

**GAINES CHARTER TOWNSHIP
REGULAR MEETING
GAINES TOWNSHIP
WATER & SEWER ADVISORY COMMITTEE
MEETING MINUTES ~ February 25, 2014**

CALL TO ORDER

A Water & Sewer Advisory Committee meeting was called to order by Tim Haagsma at 1:00 p.m. on Tuesday, February 25, 2014 at the Gaines Charter Township (GCT) Offices located at 8555 Kalamazoo Avenue SE, Caledonia, Michigan 49316.

ROLL CALL

Members Present: Jan Boone, Jeff Gritter, Tim Haagsma, Don R. Hilton, Sr.
Members Absent: None
Others Present: Neil Jansen, Mika Myers Beckett & Jones
Sandy Wiltzer, Recording Secretary

APPROVAL OF NOVEMBER 27, 2013 REGULAR MEETING MINUTES:

MOTION: By Jan Boone, supported by Don Hilton, to approve the minutes for the November 27, 2013. Water & Sewer Advisory Committee meeting as presented.
YES: Jan Boone, Jeff Gritter, Tim Haagsma, Don R. Hilton, Sr.
NO: None
ABSTAIN: None
MOTION: Carried

APPROVAL OF JANUARY 20, 2014 JOINT MEETING MINUTES:

MOTION: By Jan Boone, supported by Jeff Gritter, to approve the minutes for the January 20, 2014 Joint Meeting with Byron Township Water & Sewer Advisory Committees as presented.
YES: Jan Boone, Jeff Gritter, Tim Haagsma, Don R. Hilton, Sr.
NO: None
ABSTAIN: None
MOTION: Carried

PUBLIC COMMENT:

None.

CURRENT MATTERS:

- a. **Dutton Industrial Drive Watermain Easement Acquisition.**
Neil Jansen from Mika Myers Beckett and Jones stated the process is based in constitutional provision. The Township may not seize property without compensation.

Condemnation may take place if done for the public good.

The process begins by the public body making a determination that condemnation is necessary. In this case the public body is the Township Board and the condemnation refers to the easement. The Township Board must pass a "Resolution of Necessity" stating the easement is necessary for public health, safety, and welfare and good of the public. The resolution is called a "Declaration of Taking", and the Board's approval and signing executes the condemnation. Neil Jansen will draft the document for the Township.

A good faith offer is made to purchase the property from VanDellen Steel. The offer is based on an appraisal requested and paid for by the Township. A survey is attached to the offer. Compensation in the amount of the appraisal is placed in escrow with the Court. The Township does not need to wait for VanDellen Steel to accept or reject the offer. A suit is filed in Kent County Circuit Court. Neil Jansen says the courts do not get into the business of second guessing the decision made by the Township. The property owner may challenge the condemnation and the court will entertain those hearings. The property owner may challenge the condemnation based on his feeling that it is not necessary. This would result in a jury trial. If there is no opposition, the court will transfer ownership to the Township immediately

The money held in escrow will be released to the property owner if the parties resolve the condemnation prior to trial. If the issue is not resolved, both parties must prove their perceived value. The court will make a determination (usually 1/3 of the difference) between the value stated by the Township and that stated by VanDellen Steel. The property owner will try for as much as they can. If a jury finds a value greater than that offered by the Township, VanDellen may ask for their attorney fees to be paid. The Court has the discretion to award this request.

Jeff Gritter stated that he has been talking to VanDellen Steel but an official offer has not yet been made.

The current appraisal will be updated as it is over a year old. The valuation date of the appraisal should also be the date filed with the Court.

Tim Haagsma asked Jeff Gritter about VanDellen Steel's statement that they would let water go as far as Kamps Hardwoods located at 6925 Dutton Industrial Park Drive SE, but requested verbiage stating they would never have to connect themselves.

Jeff Gritter stated he does not feel an unconditional waiver should be granted from a practical point of view to a single property owner. A future Board may have a different opinion and he does not feel it is in the best interest of the Township, the property owner or others on the private street to grant waivers for utility service. When other property owners elect to connect, they will pay a special assessment fee at that time based on the requirements of the Township's Ordinance.

Don Hilton asked how many properties are owned by VanDellen Steel. Jeff Gritter stated that they own at least 3 properties and possibly more along Dutton Industrial Drive.

Tim Haagsma asked if VanDellen Steel will have any influence over the design of the watermain and Jeff Gritter said the watermain will be placed where it provides the best opportunity for the all of the properties to connect and in the Township standard location.

Don Hilton said attempting to place water down Dutton Industrial Drive has been ongoing issue for over 20 years. Friendly negotiations have not worked and he is ready to move forward with condemnation. With the easement, the Township will be able to provide

services such as fire protection and water of good quality to all on Dutton Industrial Drive.

MOTION: By Don Hilton one, supported by Jan Boone to support a move of condemnation, a resolution of necessity by Gaines Charter Township.

FURTHER DISCUSSION:

Don Hilton asked how long it would take to update the appraisal. Jeff Gritter stated he did not know, but felt it would be quick as not much time had passed since the last appraisal was completed. Don Hilton confirmed with Jeff Gritter that it was his intent to place the issue of condemnation on the March 17, 2014 agenda for the Township Board meeting.

YES: Jan Boone, Jeff Gritter, Tim Haagsma, Don R. Hilton, Sr.

NO: None

ABSTAIN: None

MOTION: Carried

ONGOING PROJECTS UPDATE:

From Jeff Gritter's memo dated February 21, 2014

1. **Byron-Gaines Northwest Water System Connection**

This project will give the water system a second connection to the Wyoming transmission system. The BGUA/Townships have purchased most of the components for this project due to long lead times and recently bids were opened for the installation of the components. The 42" X 36" Concrete Reinforced Cylinder pipe and closure pieces were ordered from Hanson Pipe for an April 1 delivery with a cost of \$28,325. A 36" valve, 2.5 feet of Class 56 ductile iron pipe, and a 36" cap were ordered from HD Supply for \$21,735. Lastly, Dykema Excavators was the low bidder to install all of the materials for this connection and their bid is \$31,900. The sub-total cost of this project without engineering and inspections is \$81,870.

Gaines Township in accordance with our cost sharing agreements with Byron Township will be paying 50% of these project expenses.

Don Hilton asked how long it would be before Gaines Township will profit by this installation. Jeff Gritter stated it will not be immediate, 5 to 10 years in a physical sense. However, it is immediate in that the DEQ will see two sources giving us a redundant supply. Byron Township has already had their first request to use water outside of the gas station.

2. **Burlingame Meter Station (BG2) Upgrades**

The Burlingame Meter Station upgrade project to replace and increase the capacity of the master water meter has been bid out and Jack Dykstra Excavating was the successful low bidder for a cost of \$98,875. This project is being managed by the BGUA and some components were pre-ordered from System Specialties so that they would be available for installation. The cost of the valve and actuator are \$7,315.

This project was estimated at \$150,000 but is coming in below this number so far at \$106,190 without engineering and inspections. Again this project will be a shared expense with Byron Township and Gaines Township will be responsible for 50% of the cost.

OTHER MATTERS:

a. **Election of Officers**

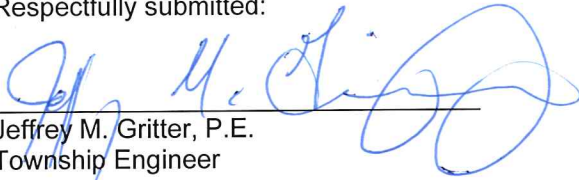
MOTION: By Jan Boone, supported by Don Hilton for the current slate of officers to remain the same

<u>YES:</u>	Jan Boone, Jeff Gritter, Tim Haagsma, Don R. Hilton, Sr.
<u>NO:</u>	None
<u>ABSTAIN:</u>	None
<u>MOTION:</u>	Carried

ADJOURNMENT

The meeting adjourned at 1:40 P.M.

Respectfully submitted:



Jeffrey M. Gritter, P.E.
Township Engineer