

<p style="text-align: center;"> <b>YANKEE SPRINGS TOWNSHIP</b>  <b>BOARD OF TRUSTEES</b>  <u><b>Regular Board Meeting</b></u>  <b>Thursday, February 14, 2019</b>  <b>7:00 p.m.</b>  <b>Yankee Springs Township Hall</b>  <b>284 N. Briggs Rd., Middleville, Michigan 49333</b>  <b>MINUTES</b> </p>	<p> <b>FINAL MINUTES</b>  Page 1 of 6  <b>YS BOT – Regular Mtg.</b>  2/14/19  Distribute 2-27-19 / jcl  Bd approved March 14, 2019 </p>
<p> Meeting called to order at 7:01 p.m. by Supervisor Mark Englerth.  <u><b>PLEDGE OF ALLEGIANCE</b></u>  <b>Roll Call:</b> All Present: Jansma, J. Lippert, L. Knowles, Englerth, VandenBerg.  <b>Staff Present:</b> Chuck Biggs- Constable, Rich Beukema, Dave VanHouten, Frank Fiala, Dan Miller -Deputy Fire Chief.  <b>Visitors:</b> 15 (not including staff present). </p>	<p> <b>CALL TO ORDER</b>   <b>PLEDGE</b>   <b>ROLL CALL</b> </p>
<p> <u><b>ADDITIONS/CHANGES TO AGENDA:</b></u>  <b>Under New Business:</b> Water System Sanitary Survey requested by L. Knowles.  <b>Whispering Pines</b> information to be added to <u>New/Old Business/</u> (Drain District Resolution) requested by M. Englerth.  <b>Treasurer Report:</b> Add GLASWA Report. </p>	<p> <u><b>ADDITIONS/CHANGES TO AGENDA</b></u>   <b>CONSENT AGENDA</b> </p>
<p> <u><b>CONSENT AGENDA:</b></u>  <b>Approval of Consent Agenda Minutes:</b> <ul style="list-style-type: none"> <li>• Regular Board Meeting – January 10, 2019</li> <li>• January 2019 Check Register: Check #915049 – Check #915091 = \$40,785.82</li> <li>• January 2019 Payroll Register: Check #6425 - #6437 Net Amount : \$9,804.99</li> </ul> <u><b>APPROVAL OF CONSENT AGENDA:</b></u>  <b>Motion by Lippert with support from VandenBerg to approve the Consent agenda for tonight’s meeting. Roll Call: Jansma: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 5, No: 0. MOTION CARRIED.</b>  <b>VandenBerg called for discussion regarding comment of M. Boysen on page of 5 of minutes of 1/10/19 not being written in verbatim. Discussion took place. No further action was taken.</b> </p>	<p> <b>CONSENT AGENDA</b>   <b>APPROVAL OF CONSENT AGENDA</b> </p>
<p> <u><b>PUBLIC COMMENT:</b></u>  (*Public Comment can be heard on the meeting audio at the 11 minute mark). MTA (Michigan Township Association) advises the minutes of a public meeting should provide a factual, concise record of the <u>actions</u> taken by the public body, <b>not a verbatim report of comments made.</b>  <b>Lucas Spoor, of Park Dr.,</b> commented regarding an event planned throughout the Gun Lake community for June 21, 22, 23<sup>rd</sup> pending venue permit approval. </p>	<p> <u><b>PUBLIC COMMENT</b></u> </p>

**ACKNOWLEDGEMENT OF VISITORS**

**Barry County Commissioner - Vivian Conner –gave report of the past month’s activity.**

**TREASURER’S REPORT: presented by Alice Jansma, Treasurer**

- January 2019 Financial Statement & Investment
- January 2019 Receipt Report
- Note Bank Name Change
- Casino Revenue to Date – starting 2012
- GLASWA Report

*Motion by Lippert with support from Knowles to accept the Treasurer’s Financial Report for January 2019. All ayes. MOTION CARRIED.*

**BOARD ACTION ITEMS(S):**

1. **Resolution** “Not to Impose” additional 3% penalty fee for any taxes paid on/or after 2-15-19 through 2-28-19 TAX YEAR 2018.

*Motion by Jansma with support by Lippert to adopt Resolution #02-01-2109 not to impose 3% penalty fee for any taxes paid on/or after 2-15-19 through 2-28-19. Roll Call: Jansma: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 5, No: 0. MOTION CARRIED.*

2. **Contract Renewal 2019 Ocean Omega (IT):**

*Motion by Jansma with support by VandenBerg to approve contract with Ocean Omega Systems for 20 hours of block time at \$99.00 per hour (\$1,980.00). Roll Call: Jansma: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 5, No: 0. MOTION CARRIED.*

3. **Multi-Court Resurfacing – Racquet Sports at Township park.**

*Motion by Lippert with support from Knowles to accept contract with Racquet Sports for color coding, and crack repair for \$17,595.00. Brief discussion. Roll Call: Jansma: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 5, No: 0. MOTION CARRIED.*

4. **Resolution** to Adopt 2018 Master Plan. Brief discussion regarding slight Master Plan updates occurred.

*Motion by Knowles with support from Jansma to adopt Resolution #02-02-2019 to approve updated Master Plan. Roll Call: Jansma: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 5, No: 0. MOTION CARRIED.*

5. **P.O. Tracks for Rescue (Kawasaki Mule Utility Terrain Vehicle)**  
Deputy Fire Chief, Dan Miller commented on request.

*Motion by Englerth with support from VandenBerg to accept bid from Harrison for \$5,479.00. Brief discussion. Roll Call: Englerth: Yes, Lippert: Yes, VandenBerg: Yes, Jansma: Yes, Knowles: Yes. Yes: 5, No: 0. MOTION CARRIED.*

**ACKNOWLEDGEMENT OF VISITORS:**

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**Barry County Commissioner - Vivian Conner**

**TREASURER’S REPORT: Alice Jansma, Treasurer**

**BOARD ACTION ITEMS**

**6. Meeting Date Set: WORKSESSION 2-18-19 – 6 p.m. \* Water Hook-ups and REU's.**

*Motion by Jansma with support from VandenBerg to have work session for Water Hook-ups and REU's on 2/18/19 at 6 p.m. All Ayes. MOTION CARRIED.*

**7. Resumes Board of Review Members (Lintz and Cook)- Tabled per Englerth.**

**8. Trustee Appointments to Zoning Board of Appeals and Planning Commission:**

*Motion by Englerth with support from VandenBerg to appoint L. Knowles to the ZBA. Roll Call: Englerth: Yes, Lippert: No, Knowles: No, Jansma: No, VandenBerg Yes. Yes: 2, No: 3. MOTION FAILS.*

*Motion by Englerth with support from VandenBerg to appoint VandenBerg to Planning Commission. Roll Call: Englerth: Yes, Lippert: No, VandenBerg: Yes, Jansma: No, Knowles; No. Yes: 2, No: 3. MOTION FAILS.*

Brief Discussion. No further action taken.

**9. Contract Renewal Gun Lake Area Women's Club – Township Park**

*Motion by Lippert with support from VandenBerg to accept contract renewal with Gun Lake Area Women's Club for 2019 township park work in the amount of \$2,000. Roll Call: Englerth: Yes, Lippert: Yes, VandenBerg: Yes, Jansma: Yes, Knowles: Yes. MOTION CARRIED.*

**10. Authority to Contact Township Attorney Discussion**

*Motion Knowles with support from Lippert to allow any township board member to contact the attorney whenever they need service with all township board members being copied (emailed). Discussion took place. Roll Call: Englerth: No, Lippert: Yes, VandenBerg: No, Jansma: Yes, Knowles: Yes. Yes: 3, No: 2. MOTION CARRIED.*

*\*Regarding attorney fees: Board consensus was to have \$250 Trustee limit per transaction and \$500 Supervisor limit per transaction to stay in place.*

**11. Office Renovation – to be tabled until next month for Trustee Knowles to review advice from Don DeVries of Fleis & VandenBrink.**

**12. Veterans Memorial Site – Update**

Brief discussion occurred. Knowles requested that a public meeting (forum) be held to address this (*Veterans Memorial Site*). Saturday, March 2, 2019, at 10 a.m. was determined to be the date for meeting at the Township Hall. (*Meeting to be advertised in the Sun & News by Clerk Lippert.*)

**CLERK'S REPORT: Jan Lippert, Clerk**

- **Road Commission Date:** Tuesday – 2-19-19 at 9 a.m. – Road Commission Bldg.
- **December/January PCI Building Report**
- **YSTFD January Stats**
- **Current Invoice Register to Date for Approval**
- **Reminder: Barry County Solid Waste Oversight Committee – Thursday 2-28-19, 6 to 8 p.m.**
- **Winterfest this weekend**
- **Board members copied of Bauckham, Sparks' most recent bill.**

*Motion by Knowles with support from Jansma to approve current invoice register (2/14/19) for the amount of \$23,677.88. Roll Call: Jansma: Yes, Knowles: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes. Yes: 5, No: 0. MOTION CARRIED.*

**SUPERVISOR'S REPORT: Mark Englerth**

- **Annual 2018 Report Wayland Area EMS and Wayland Fire Department**

Englerth commented on a recent meeting with the Fire Chiefs of Yankee Springs Fire Department and R. Hess of Wayland Area EMS on February 6, 2019. Englerth commented on having Dan or Joe Miller to come to the board when there is a need. The board was in agreement with Joe or Dan Miller (YS Fire Chiefs) coming to the board.

*Motion by Englerth with support from Knowles to have Alice Jansma represent Yankee Springs Township Board at the Wayland Area EMS bi-monthly board/meetings. Englerth asked that the representative report back to the YS Board regarding the WAEMS meetings. Roll Call: Jansma: Yes, Knowles: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes. Yes: 5, No: 0. MOTION CARRIED.*

D. Miller, Deputy Fire Chief, referred to the Annual Fire Department report and added that the department's biggest goal was to get CO2 alarms and smoke detectors into homes. D. Miller noted that the alarms/detectors are offered for free.

- **Update on Funneling-**Supervisor Englerth commented on the recent meeting of Feb. 4, 2019 with Jim McManus of Barry County Zoning - Eric Thompson, YS Zoning Administrator and Jim McManus will be sitting down to see if the YS Ordinance could be tweaked a bit. Commented that the real issue was the behavior making it a law enforcement issue of disturbing the peace. Englerth commented that the next meeting date on this issue is yet to be determined.
- **Wind Generators, solar power, renewable energy-** Englerth noted a date is coming regarding an informational meeting with spokesperson(s) from University of Michigan on these items.
- **Mental Health-** Englerth noted that State Representative, Julie Calley, and local churches of the community will be involved on addressing this issue in Yankee Springs.

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**CLERK'S  
REPORT: Jan  
Lippert, Clerk**

Approval of Current  
Register.

**SUPERVISOR'S  
REPORT: Mark  
Englerth**

• Waive Signage Ordinance for Gun Lake Winterfest Signs

*Motion by Englerth with support from Jansma to waive signage ordinance for Gun Lake Winterfest Signs. Roll Call: Jansma: Yes, Knowles: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes. Yes: 5, No: 0. MOTION CARRIED.*

*\*Englerth apologized for not having the monthly code enforcement report from Brad Williams available.*

**PUBLIC COMMENT:** (Limit 3 Minutes) –

*MTA (Michigan Township Association) advises the minutes of a public meeting should provide a factual, concise record of the actions taken by the public body, **not a verbatim report of comments made.***

**Three (3) additional public comments were heard by the Board at 8:31 p.m.:**

*(\*The following Public Comments can be heard on the meeting audio beginning at the 1 hour, 31 minute mark).*

**Dave VanHouten, of Rock Drive and the ZBA**

**Gloria Medendorp, of Vista Point Drive**

**Bill Medendorp, of Vista Point Drive**

**NEW/OLD BUSINESS/ BOARD COMMENT:**

**A person is needed from the township board to represent the township on Feb. 27<sup>th</sup>, at 1 p.m., at the Sewer Authority. Knowles noted the DEQ is conducting, using a private firm, a Water System Sanitary Survey.**

***Motion by Jansma with support of Lippert to have L. Knowles and M. Englerth represent the Board for the Survey noted above. All ayes. MOTION CARRIED.***

**Drainage District – Whispering Pines – At the November meeting of 2018, Jim Dull, Barry County Drain Commissioner, requested a resolution regarding the potential draining system at Whispering Pines – Site Condominium. At the time, A. Jansma asked if J. Dull had a map, and any idea of the cost. The matter has been tabled since that meeting and has not been brought up again until tonight’s meeting noted A. Jansma.**

***Motion by Englerth with support from Jansma to adopt Resolution #02-03-2019 allowing the Drain Commission to move forward with a drainage district for Whispering Pines Resort. Roll Call: Jansma: Yes, Knowles: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes. Yes: 5, No: 0. MOTION CARRIED.***

**BOARD COMMENT: Trustee Larry Knowles: Email Catherine Kaufman 1-15-19 / Email Catherine Kaufman 1-28-19 to Julie Pratt (Prosecuting Attorney).**

**Larry Knowles, Trustee, requested this item to be on tonight’s agenda and commented regarding**

PUBLIC COMMENT

NEW/OLD BUSINESS/ BOARD COMMENT

last month's "pretty ugly" meeting (1/10/19). Knowles commented "Part of the problem we're having moving along is some of the mistruths... When you state that the attorney was very clear that I could not vote on anything Gun Lake Sewer-related, and everybody believes that, and then somebody goes out and calls the Sheriff after the meeting, who calls the Prosecutor - wakes her up at 11 o'clock, to say that I committed a crime here (at the meeting of 1/10/19)." Knowles commented that the Prosecuting Attorney contacted the township attorney about the matter. Knowles referred to C. Kaufman's (Township Attorney) email (letter) (responding back to the Prosecuting Attorney) regarding his voting abilities regarding GLASWA. Knowles commented that Kaufman's email "is clear as a bell by this letter that what you said is far from the truth. She (Kaufman) is not supporting the idea that I can't vote on anything Gun Lake Sewer." At this point, L. Knowles asked M. Englerth if he agreed with what C. Kaufman said in her letter to the Prosecuting Attorney.

**Englerth** commented "I don't know that, Larry." Englerth commented that he did read the letter.

**Knowles** commented that he planned to put the letter out "because I want the press to make sure that they understand, too." Knowles noted to the J-Ad reporter present at the meeting that he (Ian Watson) would receive a copy of the letter.

**Englerth** commented, "I would make one comment, and that any legal opinion is an attorney-client privilege unless it becomes public. I don't know if that document has been asked to be public or not. There's an ongoing investigation going on."

**Knowles** commented that the letter was shared with a third party (the prosecuting attorney) "which eliminates all confidentiality." Knowles commented that Englerth could ask the attorney about the letter (email) being "not privileged".

**Englerth** asked to finish his comment. "So I don't know where it's at. It's an ongoing investigation. One minute we're not supposed to ask the attorney any more questions about whether Mr. Knowles' position is compatible or non-compatible. We're not supposed to spend any money and then the next minute under an investigation that is not done, that you take one little piece of information and you want to make it public. I've been wrestling with this forever of 'do we make it public or not'. And apparently we're not asking the board to do that. So whatever Mr. Knowles does, is on Mr. Knowles, and it's not a board decision at this point."

*\*The entirety of Knowles' and Englerth's discussion can be heard on the audio download at the 1 hr 45 minute mark. Full audio recording of this meeting has been downloaded to the township office computer system on 2/14/19 immediately following meeting.*

**ADJOURNMENT:**

Motion by Englerth with support from VandenBerg to adjourn at 8:49 p.m. Approved by all.  
Motion Carried.

Respectfully submitted:  
Deb Mousseau  
Recording Secretary 2/14/19

Date: Distribute draft copy / jcl  
Approved : Bd Approved March 14, 2019  
Janice C. Lippert, Township Clerk

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**BOARD COMMENT**

**ADJOURNMENT**