

YANKEE SPRINGS TOWNSHIP
BOARD OF TRUSTEES

Special Board Meeting Regarding Proposed Pickleball Project

Friday, February 28, 2020

9:00 a.m.

**Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, Michigan 49333**

MINUTES

FINAL MINUTES

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YS BOT – Spec. Mtg.
Pickleball 2/28/20

Meeting called to order at approximately 9:00 a.m. by Supervisor Mark Englerth.

PLEDGE OF ALLEGIANCE

Roll Call: All Present: A. Jansma, L. Knowles, M. Englerth, J. Lippert, S. VandenBerg.

YS Attorney: Catherine Kaufman, Present.

Staff Present: Frank Fiala, Dave VanHouten

Visitors: 15 not including staff present.

PUBLIC COMMENT:

Rob Heethuis, 3525 Lisa Lane, (provided written comment) commented, “I personally came from the gym. I understand exercise and the socialization that goes with it. I get it. I don’t believe that anybody in this room is against pickleball. It’s a great game. I have a lot of friends that love the game. Our board is elected individually and each member carries a vote. A vote is sacred. This decision on a pickleball solution has went on way too long. That’s because it’s become political posturing. Good guys vs. bad guys in an election year. We have to end this. I recommend, and that’s all I can do, is recommend, to the board to vote on a decision to send this to the Planning Commission with the administrator, planner, attorney, and maybe Mrs. Marcukaitis who’s done so much for our parks, and a couple of pickleball people from the group. Have the group determine a plan and bring it back to the board which gives them best knowledge for a vote. It takes the air out of a political solution. Thank you.”

Mike Cunningham, of Heritage Bay Dr., commented that this week he gave a document to the board members in their mailboxes. Cunningham commented that the document was too long to read but contained his thoughts on what should be the questions in negotiations on the issues that surround the project. And Cunningham commented that he has come up with additional thoughts. Cunningham felt the board hasn’t asked enough questions, or gotten enough information from the pickleball group. Cunningham outlined his personal site plan approvals and recent SEU on an outbuilding that had gone before the Planning Commission. Cunningham noted the information he had to provide to the PC for approval. Cunningham felt that the pickleball group needs to provide more information, and it was not ready for any kind of approval. Cunningham mentioned that the meeting time was held on a work day at 9 a.m. when many people are unable to be at the meeting. Questions that Cunningham had were: How many people play pickleball and do they live in the township? How much money has the group raised? Are they even close to being ready to do a job like this? Cunningham commented that he had checked on his own and the dollar amount that he saw, unless there was “more somewhere (else), wasn’t close to what the project is supposed to be costing.” Cunningham noted he hadn’t seen a “solid estimate” on the project. Cunningham commented that he wasn’t against pickleball. “I think the pickleball group is being very ill-served by the way it’s being handled. I think it could have been done, probably approved by now, if it had been done right in the first place.”

CALL TO ORDER

PLEDGE

ROLL CALL

PUBLIC COMMENT

Ken Pechumer, of 2431 Patterson, commented that he has made it known and has been available to anyone that wants to talk to him. Pechumer commented that the funds are there and they (PB group) are prepared. Pechumer commented that they are basically building a parking lot with cages. Pechumer commented that all he wanted to do was add some pickleball courts, not change the tennis court or basketball.

ACKNOWLEDGEMENT OF VISITORS:

- a). **Catherine Kaufman, Township Attorney**
- b). **Megan Roschek: MI Account Manager – Burnham & Flower Insurance Group**
- c). **Jennifer Venema: Risk Control Field Representative MI Township Participating Plan.**

PURPOSE OF MEETING: (PER POSTED NOTICE)

Meeting was set at the Special Meeting of 2/17/2020.

For Further Discussion regarding Pickleball Court(s) Use of Yankee Springs Township Park Land.

Supervisor Englerth commented that this meeting was to go through a punch list. Englerth spoke of Warren Wheeler’s involvement in the park. “Creating a safe place in the community” was why Burnham & Flower’s had been brought in today according to Englerth.

Englerth spoke of the basketball pole (at the YST Park) being moved to behind the chain-linked fence for safety reasons.

J. Lippert commented that Jennifer Venema of Risk Control and Larry Knowles and herself (Lippert) toured the park grounds yesterday. Lippert also noted that Supervisor Englerth had another obligation and could not attend. (Jansma was busy at office – Lippert added.)

Jennifer Venema commented that her only concern was the small short green posts that have to be installed for pickleball now posing a risk to the basketball court players.

Tom Madden commented, that the posts “are no where near the hoop.”

Venema commented they (posts) were still a concern, “...A risk. Additional courts don’t necessarily pose a risk.” Venema continued to discuss the considerations by Risk Management for a safe environment. Venema mentioned usage agreements and liability insurance certificates from organized groups (using the park) listing the township as an additional insured. “Hold harmless” language was mentioned as well. Venema commented that she would review the plan for the park, when it was made. Venema commented that she would not be coming up with a business plan for the park as Englerth had suggested.

It was noted that S. VandenBerg will be bringing PC information to the Board, regarding Special Events Forms/Permits, at the March 12, 2020 Board meeting.

Ken Pechumer, of 2431 Patterson, showed J. Venema and the audience a diagram of basketball court/pole and existing pickleball courts. Venema commented on protective capping for the fences. Pechumer and Venema briefly discussed the basketball pole.

Trustee S. VandenBerg asked if insurance costs would go down if the park was closed the first six months of the year. J. Venema commented that she was not an underwriter.

Lippert thanked J. Venema for coming out yesterday, and noted that the parking lot of the township park was being plowed and cracks have recently been sealed on the walkway last fall and resurfacing of the pickleball courts had occurred. Lippert commented that overflow parking (more than 30 cars) would then go on to Parker Drive, a narrow, dead-end road. Lippert also commented that the three-foot pickleball fencing needed to be capped.

Englerth called on C. Kaufman, YS Attorney and confirmed that she was called to attend this meeting by J. Lippert. Kaufman distributed a document to board members:

Attorney Client Privilege – Confidential. Clerk Lippert distributed to each Board member in a sealed envelope.

The Confidential E-mail includes her thoughts and concerns of the pickleball court project.

Kaufman commented that she had obligations to protect the township and had to ask questions regarding the proposed project.

Trustee Knowles had no further questions for Kaufman.

Treasurer Jansma commented that she had insurance coverage questions. It was confirmed that the park was covered with Burnham & Flower Insurance Group as far as general activities. Organized and all day activities by groups is a different scenario because it's a huge exposure.

Megan Roschek commented that in the latter scenario, the insurance company would like to know about the special event.

Jansma commented that she did speak with the Barry Foundation, and received a list of how a fund is set up for 501 3c's.

S. VandenBerg commented that he felt the (insurance) price would be raised to cover pickleball.

Megan Roschek commented that special events are covered unless there are large organized activities (events) which expose the risk. A user agreement was noted, as needed, when there's a group of 20 or more in a league or organized event/activity.

Englerth commented on the YS Clean Up Day taking place for the 5th year in a row (this Spring). Englerth noted that the insurance company is notified about the event every year. Englerth commented that a form and a policy to follow needs to be on the "To Do List".

Englerth also referred to reading through a court case and noted to C. Kaufman that he had contacted Mr. Drake in the state of Wyoming (previous land owner of the township park

property). Englerth commented that Mr. Drake will sign any document necessary to remove any liability from the township. (Mr. Drake no longer owns the property. Yankee Springs Township is the owner of record.)

J. Lippert read into record a letter from a resident: J. Miller, of Parker Dr.

The letter commented that it is incorrect (as written in the newspaper) that the soccer and baseball fields at YS Park are not utilized. The writer noted that it (YST Park) is not only used for soccer and baseball, but also for flag football, kickball, etc. (Letter is attached to the minutes.)

Englerth requested a 5 minute recess. (Recess was taken). *The Promote Pickleball group spoke with the Insurance Company at this time.*

Ken Pechumer of the Promote Pickleball Team commented on taking Phase I off the table, “scratching the use of the basketball court”. He said to deal with the basketball court at a different time because the four new courts were more important to him. He commented to still move the basketball pole, for safety, still repaint area, and use temporary nets. If basketball players show up, “I guess we have to leave,” added Pechumer. Regarding organized events, Pechumer commented if there’s a procedure to follow, the Pickle group will work with that and follow it.

Clerk Lippert commented she had requested from Phyllis Moorhouse last summer, to complete such a form because she was conducting organized events, such as lessons, team competitions etc.

C. Kaufman spoke of the Special Use permit or agreement, and Pechumer commented that they (Pickleball Promote team) would fill out these forms if necessary for events.

Jansma commented to K. Pechumer and asked who would get bids, RFPs, and who would approve them. Discussion took place including C. Kaufman.

Englerth commented that Pickleball Group and C. Kaufman should sit down and work out the issues regarding who would work with the contractor(s).

Knowles complimented the Pickleball Group on doing a fantastic job, and thought the project was great for the community. Knowles noted that he appreciated the offering of the pickleball group. Knowles commented that he felt it should still go to the Planning Commission to have a Public Hearing and involve the Professional Planner, C. Kaufman, and the Zoning Administrator. Knowles also suggested having Fleis & VandenBrink involved (at the expense of the township) to ensure safety for the sake of the township.

K. Pechumer commented on his contacts with contractors.

C. Kaufman commented that the work would take place on township property.

Jansma noted comments of the representative from the Barry Foundation regarding making sure the money was in place.

Motion by Knowles with support from Lippert to send proposed project to the Planning Commission for immediate review, once Public Hearing has been held with the Planner, YS Attorney, and Zoning Administrator included, report back to the Board with a recommendation and include Fleis & VandenBrink (at the expense of YS Twp.). Discussion took place. ROLL CALL VOTE: Englerth: Yes, VandenBerg: Yes, Jansma: Yes, Lippert: Yes, Knowles: Yes. Yes: 5, No: 0. MOTION CARRIED.

Timing was discussed (for Planning Commission’s review). Englerth called for a Special meeting with the Planning Commission. A fifteen day notice is needed for the Special meeting. C. Kaufman will write Public Notice immediately.

J. Lippert noted that Tuesday, March 10th was the Presidential Primary Election.

Monday, March 16th, at 7 p.m. was the date selected to hold the Special meeting for the Planning Commission’s review (and possible Joint meeting with the Board).

PUBLIC COMMENT:

Dave VanHouten, 870 Rock Dr., asked if there was guidance and information that could be given to the Planning Commission. Dave VanHouten commented on having a scale drawing of what is being proposed (which just recently changed), and a detailed business plan of how the proposal “will go down”.

An unidentified person commented, “I compliment the board on your decision, you made the right one. Thank You.”

Mike Cunningham, 1908 Heritage Bay Dr., commented that he was glad to see that it was being moved to the Planning Commission. Cunningham commented that workshop meetings should be involved to handle all of the details. Cunningham commented that the review should cover everything. “This is going to get approved. It is. ‘When’ depends on how good you do your jobs,” concluded Cunningham.

Full audio recording of this meeting has been downloaded to the township office computer system immediately following meeting.

ADJOURNMENT

ADJOURNMENT:

Motion by Englerth with support from VandenBerg to adjourn at approximately 10:35 a.m. Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 2/28/2020
PER AUDIO

Date: Approved by Board of Trustees March 12, 2020
Draft Minutes Distributed 3-6-2020

Approved : _____
Janice C. Lippert, Township Clerk