

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</p> <p style="text-align: center;"><u>Regular Board Meeting</u></p> <p style="text-align: center;"><u>Thursday, March 12, 2020</u> 7:00 p.m.</p> <p style="text-align: center;">Yankee Springs Township Hall 284 N. Briggs Rd., Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>FINAL MINUTES Page 1 of 7 YS BOT – Regular Mtg. 3/12/2020</p>
<p>Meeting called to order at 7:00 p.m. by Supervisor Mark Englerth.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Roll Call:</u> Present: Jansma, Knowles, Englerth, VandenBerg.</p> <p><u>Absent with Notice:</u> J. Lippert, Clerk.</p> <p><u>Staff Present:</u> Chuck Biggs- Constable, Frank Fiala, Karen Kennedy, Dave VanHouten, Sandy Marcukaitis, Brad Williams- Code Enforcement Officer, Ron Heilman.</p> <p><u>Visitors:</u> 10 (not including staff present).</p>	<p>CALL TO ORDER</p> <p>PLEDGE</p> <p>ROLL CALL</p>
<p><u>ADDITIONS/CHANGES TO AGENDA:</u></p> <p><u>Add: to Clerk’s Report:</u> c.) Fire Report and d.) Whispering Pines Drain Information with the copy of the opinion from the attorney.</p> <p><u>Add:</u> Correspondence regarding Gun River Intercounty Drain and additional drain information (to be included in Supervisor’s Report).</p>	<p><u>ADDITIONS/ CHANGES TO AGENDA</u></p>
<p><u>ACKNOWLEDGEMENT OF VISITORS:</u></p> <p><u>Barry County Commissioner- given by Vivian Conner</u> <i>(Written report could not be submitted due to V. Conner’s recent surgery).</i></p>	<p><u>ACKNOWLEDGE MENT OF VISITORS:</u></p>
<p><u>CONSENT AGENDA:</u></p> <p><u>Approval of Consent Agenda Minutes:</u></p> <p><u>Board Minutes:</u> Regular Board Meeting: Feb. 13, 2020 <u>Special Meetings:</u> February 17, 2020; February 28, 2020</p> <p><u>February Accounts Payable Check Disbursement Register:</u> Check #915589 through Check #915642 = \$73,463.21</p> <p><u>February Payroll:</u> Check #6683 through #6698 Net Amount : \$10,800.37</p>	<p><u>Barry County Commissioner - Vivian Conner</u></p> <p>CONSENT AGENDA</p>
<p><u>APPROVAL OF CONSENT AGENDA:</u></p> <p><i>Motion by Jansma with support from Knowles to approve the <u>Consent agenda for tonight’s meeting.</u> <u>Roll Call:</u> Jansma: Yes, Lippert: Absent, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 4, No: 0, Absent: 1. MOTION CARRIED.</i></p>	<p>APPROVAL OF CONSENT AGENDA</p>
<p><u>PUBLIC COMMENT:</u></p> <p><u>Ron Heilman, of Johnson Dr.,</u> commented on wanting to move forward on the Veterans Memorial. R. Heilman spoke of getting flags, poles, and flag holders and an inscription on the other side of the stone. R. Heilman noted he will be coming next month to the board regarding</p>	<p><u>PUBLIC COMMENT</u></p>

a fundraiser. R. Heilman also commented that there's nothing in Barry County for people with PTSD, substance or alcohol abuse problems. Heilman mentioned possibly partnering with Pennock Hospital. Heilman noted, "We don't have anything. If anyone you know has an issue, they have no place to go."

M. Englerth commented on working a couple nights ago with a homeless individual. Englerth noted this individual was a Veteran of two wars. M. Englerth commented that there wasn't any help available and added, "We do not have the tools to deal with it."

Jim Deters Gun Lake Rd., current president of Gun Lake Protection Agency, thanked the board members for their service and contributions to their community. Deters read and provided a copy for the following GLPA approved letter of March 9th:

To: Yankee Springs Township Board of Trustees
From: Gun Lake Protective Association (GLPA)
Date: 3-9-20

The GLPA Board wishes to express concern and disappointment over the process followed in the recent decision to grant five additional boat slips in the sale process of the site known as the old 'Bauman Marina'. GLPA objections are as follows:

1. The issue was brought as a non-agenda item, raised in the Supervisor's Report toward the end of the meeting of Jan. 9, 2020. In so doing, public input and prior notice regarding this issue and decision was effectively shut out.
2. The decision made ignored the advice and recommendation of the Board's own Zoning Administrator and legal counsel who recommended the issue go through the proper channel of being referred to the Planning Commission for site plan modification. Additionally, the process followed appears to be in violation of Yankee Springs Township Zoning Ordinance IX Planned Unit Development Sec. 9.9 Amendments and Revisions which states, "A developer may request a change in an approved final development plan. Except for those changes determined to be minor as provided below, changes to an approved final development plan or any conditions imposed on a PUD special use permit shall be reviewed and approved, approved with conditions, or denied by the planning commission and the township board of trustees pursuant to the procedure provided by this article for an original request." Negotiation of boat slips is not one of the 'minor conditions provided below' in the ordinance.
3. The process followed in your January meeting granting additional slips to the PUD that was in place sets a dangerous precedent for future marina expansion requests.

What was the rush to grant additional boat slips at the expense of following proper procedures? The GLPA certainly makes no accusation, but a Supervisor or Trustee, having met privately prior to the meeting with a potential buyer/developer, his lawyer, and realtor, getting him or herself appointed with the support of two other members of the Board to negotiate additional slips to an existing PUD, and then having the township lawyer make the privately negotiated settlement kosher by declaring it a 'municipal condition', has the effect of risking the appearance of impropriety and erodes public trust and confidence in our local governance process. Granting additional boat slips in such a way; off agenda, without public notice or opportunity for input, without even informing neighbors of what is being considered, raises questions about the future of how such decisions will be made and breaks trust and faith with the residents of Gun Lake who are concerned about increased boat traffic and overcrowding.

Last year the GLPA led the resistance to a proposed expansion of a marina on the south side of the lake from 20 slips to more than 50. A hundred residents showed up at an Orangeville Township meeting to give input as this petition was being considered. Equal numbers showed up at a Barry County Commission meeting. the peoples' voice

was heard and influence felt because proper process and notifications were followed. this is democracy.

If the same process followed in the recent case in Yankee Springs Township had been followed in the Orangeville Township case it isn't difficult to envision that the result may have been a marina expansion of 37 slips - negotiated without public input or prior notice, off agenda, bypassing the Planning Commission.

The GLPA asks the Board as a good faith gesture tonight to pass a motion declaring and reaffirming that any future awarding of boat slips or docks for commercial purpose be done only through proper zoning and planning commission processes, including prior public notice and opportunity for input. We look forward to reading it in the minutes. Thank you.

Jim Deters - President Gun Lake Protective Association with unanimous Board approval (meeting 3-9-20) 10941 Gun Lake Rd.

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TREASURER'S REPORT: presented by Alice Jansma, Treasurer

- February 2020 Financial Statement & Investment Report
- February 2020 Receipt Register
- GLASWA February 2020 Report/ March Agenda

Motion by Knowles with support from VandenBerg to accept the Treasurer's Financial Report for February 2020. All ayes. MOTION CARRIED.

BOARD ACTION ITEM(S):

a. Awards of Bids for Generator (For Township Office/Hall)

Motion by Jansma with support from Knowles to accept Steensma bid for generator at \$7,798.29 for generator. Roll Call Vote: Knowles: Yes, Jansma: Yes, VandenBerg: No, Englerth: No, Lippert: Absent. Yes: 2, No: 2, Absent: 1. MOTION FAILS.

Discussion on procedure took place. It was noted low bid on bid sheet summary did not follow procedure. (Not sealed envelope and not marked properly.)

Motion by Englerth with support from VandenBerg \$6,647.00 which includes equipment from Lowes, with Yankee Electric (\$1,000) and Welton Heating and Cooling quoting electric and gas. ROLL CALL: Englerth: Yes, VandenBerg: Yes, Knowles: No, Jansma: No, Lippert: Absent. Yes: 2, No: 2, Absent: 1. MOTION FAILED.

b. Fleis & VandenBrink Water Reliability Study – Larry Knowles

Knowles explained extension was given until Dec. 31, 2020 for the study.

Motion by Jansma with support from VandenBerg to accept bid of \$8,200 from Fleis & VandenBrink for the Water Reliability Study. *Roll Call: Jansma: Yes, Lippert: Absent, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 4, No: 0, Absent: 1. MOTION CARRIED.*

TREASURER'S REPORT: Alice Jansma, Treasurer

BOARD ACTION ITEMS

MOTION on Generator

Another MOTION on Generator

MOTION on Water Reliability Study

BOARD ACTION ITEMS *continued:*

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c. Resolution Regarding Township Attorney Services – Shane Vandenberg

M. Englerth read the proposed Resolution regarding Township Attorney Services.

Motion by Vandenberg with support from Englerth, to adopt the Resolution (Township Attorney Services). ROLL CALL: Englerth: Yes, Vandenberg: Yes, Knowles: No, Jansma: No, Lippert: Absent. Yes: 2, No: 2, Absent: 1. MOTION FAILED.

Prior to the Roll Call vote, Trustee Vandenberg commented that it was crazy for a Supervisor and Trustee to ask for permission (to contact the attorney). "...Stacked deck... I have to go ask the board member that I'm concerned about (*to ask for permission to contact the attorney*)?" added Vandenberg. Trustee Vandenberg asked why he was being penalized for not spending money on the township attorney. Trustee Knowles asked who had spent money on the resolution proposed at tonight's meeting.

d. MOTION: JOINT MEETING w/ PLANNING COMMISSION PUBLIC HEARING March 16, 2020 - 7 p.m. (Hearing is in regard to Pickleball courts)

Discussion occurred prior to Roll Call vote.

Motion by Englerth with support by Vandenberg to have a JOINT meeting with the Planning Commission and Township Board for Public Hearing on March 16, 2020. ROLL CALL VOTE: ROLL CALL: Englerth: Yes, Vandenberg: Yes, Knowles: No, Jansma: No, Lippert: Absent. Yes: 2, No: 2, Absent: 1. MOTION FAILED.

Englerth commented that he may post it (in The Sun & News) as a Special Board Meeting to avoid the Open Meetings Act.

CLERK'S REPORT: Jan Lippert, Clerk (Report Given by Alice Jansma, Treasurer).

CLERK'S REPORT: Report given by Alice Jansma, Treasurer

a. Current Invoice Register for Board Approval

Motion by Jansma with support from Englerth to approve current invoice register (3/12/2020) for the amount of \$22,580.30. Roll Call: Jansma: Yes, Knowles: Yes, Lippert: Absent, Englerth: Yes, Vandenberg: Yes. Yes: 4, No: 0, Absent: 1 MOTION CARRIED.

Approval of Current Register.

b. ELECTION RESULTS PRECINCT 1 & 2

911 millage passed in township and county.

(Please see next page for more election information.)

Presidential primary March 10, 2020

Precinct 1

	2016	2020
Registered voters	1940	2372
AV Ballots sent	216	289
AV ballots Tabulated	205	263
walk in ballots tabulated	561	335
Total ballots cast	766	598
% of voter participation	39%	25%

Precinct 2

	2016	2020
Registered voters	1439	1653
AV Ballots sent	223	283
AV ballots Tabulated	215	255
walk in ballots tabulated	409	257
Total ballots cast	624	512
% of voter participation	43%	30%

3/11/2020 mv

c. Fire Department Report for February 2020

d. Minutes of Whispering Pines Drain and C. Kaufman comments

M. Englerth commented on the option(s) being either to go back and create a drainage district that is not a county drain, or redraw the county drain district and put it back. Englerth commented "Basically the drawings that they had didn't fit what needs to be done."

SUPERVISOR'S REPORT/UPDATES: Mark Englerth

Gun River Intercounty Drain:

A meeting (Day of Review) will be held March 24th at the township hall regarding Gun River IC Drain, Williams Lake Drain, and County Drain #3 per Englerth. Englerth noted that if residents are within these districts, or the expansions of those districts, they will receive a mailing.

Generator (voted on in Board Actions (above)).

Cemetery – Englerth commented that it was back to the drawing board on the cemetery (Robbins), as no bids were received.

Fleis & VandenBrink – Water testing in Section 19 – Supervisor Englerth noted that data was received from Fleis & VandenBrink over the phone and Englerth asked for an email instead, but had not received the email as of yet. Fleis & VandenBrink will come to a meeting (next month) and present the information free of charge.

Board of Review -Englerth commented it was a slow year. Two days of Review are finished up.

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SUPERVISOR'S
REPORT: Mark
Englerth

Veteran's Memorial –Englerth commented that R. Heilman had already spoke about the memorial. Englerth added that work will soon be done. Daffodils were planted. There is concrete work to do.

PUBLIC COMMENT: (Limit 3 Minutes) –

PUBLIC COMMENT

Gloria Medendorp , Vista Point Drive, commented, "...This three (3) to two (2) and 2 to 3 business is a sore spot for me and I believe that it has not gone unnoticed in this community." "... For you three (Knowles, Jansma, Lippert (absent)) to say that these two (Englerth & VandenBerg) can't call (attorney), it's unbelievable to me. You're no higher than they are. ...And if the reason behind it is you say you want to limit the amount of money that you're spending on the attorney then maybe we want to cut it down to one person and that should be the Supervisor." G. Medendorp commented that an election may fix the problem and maybe get five (5) people that can work together. "... give each one of you a budget and have so much money to spend on the attorney and you don't go over that..." G. Medendorp commented that she totally agrees with Shane (VandenBerg) and it's totally unfair. G. Medendorp added that she didn't know why Alice, Jan and Larry thought they were above the other two (Mark & Shane), "but you're not. At all. Thank you."

Chad Kraai, of Gun Lake commented that he was not sure he can make the meeting about Section 19. "...It's important to our ground water."

Diane Gaertner of Gun Lake Rd., commented they she had just an observation on a couple of things. Gaertner referred to the letter from the GLPA (read earlier) regarding the five (5) marina slips, "... we didn't follow the process, but it went through somehow." Regarding the new generator, D. Gaertner commented, "...We didn't follow the process, apparently for the lowest cost generator, never made it to the bid process. And the citizens are the ones that pay for both of those. That's not right, you guys."

Mike Cunningham, of Heritage Bay Dr., commented that the township calendar calls it a PC (Planning Commission) meeting, (March 16, 2020) and nothing was noted about a Joint meeting. There was nothing in the paper regarding a "Joint" meeting to Cunningham's recollection. Cunningham commented that the reason it (Meeting regarding pickleball courts on 3/16/2020) was taken to PC was to get something done. Cunningham commented that if it were a Joint meeting, the board would run that meeting. Cunningham commented, "It's simple stuff to make legally enforceable rules, ... to guarantee that they're going to pay for it and that the township doesn't get stuck with bills. They talk about pledges for the money, but those pledges, there's no guarantee that those will turn into dollars to pay the contractors. ...Nobody's stone walling, if anybody's stonewalling, to me, from what I've heard, it's the pickleball group. I found out that they didn't have much money, actual, real money, deposited yet with the Barry County Foundation. I was told that was wrong and that they would sue the Barry County Foundation because they gave out information. I asked, not in the meeting, but I asked the gentleman, 'How much money did they have?' and he said 'It was none of my business.' To me, that's stonewalling and I'm a citizen of this township. He wasn't-isn't. 'And it's none of my business.' So I want to see this in writing. So if that money is in an account, they can't take it back. I want real money in an account. If this is a \$100,000 gift, let's make it a true gift, that we don't get stuck with the bill. And we don't get something billed that we don't want. We should have some say as a township."

Sandy Marcukaitis commented that she is making a public comment regarding the Park and not pickleball. S. Marcukaitis commented that she asked if she could buy two grills for the park last May, and nobody gave her an answer, so she's coming back this year. Marcukaitis noted the grills would be placed by the pavilion. Also, Marcukaitis noted that she would like electric from the pedestal to the pavilion for crock pots. (This item will be on next month's agenda.) The last item Marcukaitis commented was on needing water from berm #1 to berm #6 and she will get a quote from Scott Havens (Gun Lake Sprinkling) regarding this, for next month's meeting. Also, S. Marcukaitis requested permission to go to Home Depot or Lowe's and buy a box of ceiling tiles for the township hall and get them put up. "With all of the heat going up," Marcukaitis commented, "We've got the warmest attic we've ever had."

Shane VandenBerg commented to Sandy Marcukaitis, "You buy them, and I'll put them up."

S. Marcukaitis commented, "I'll go buy them tomorrow. Can I spend that money?"

Englerth commented, "Public Comment."

S. Marcukaitis commented that she will be back next month.

Gloria Medendorp commented regarding the YS Twp. Park, noting that at the last Planning Commission meeting, it was suggested that the pavilion would be able to be reserved and rented out. G. Medendorp totally disagreed with the possible pavilion rental. Medendorp noted that there is very little shade for picnic tables. G. Medendorp commented that if she takes her grandchildren to the park and the pavilion is reserved, she's not sitting in the sun. G. Medendorp recommended reserving a pavilion at the state park. "I don't think we should even consider that pavilion to be reserved or rented out," added G. Medendorp.

Full audio recording of this meeting has been downloaded to the township office computer system on 3/12/2020, immediately following meeting.

ADJOURNMENT:

Motion by Englerth with support from Knowles to adjourn at 8:18 p.m. Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 3/12/2020

Date: June 17, 2020 by Bd Of Trustees

Approved : _____

Janice C. Lippert, Township Clerk

DRAFT MINUTES

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**NEW/OLD
BUSINESS- NONE**

**BOARD
COMMENT-NONE**

ADJOURNMENT