

YANKEE SPRINGS TOWNSHIP
BOARD OF TRUSTEES
Special Board Meeting
Monday, November 13, 2017
6:00 p.m.
Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, Michigan 49333

MINUTES

Page 1 of 3
 YST Bd Trustees
 11.13.17

APPROVED
 Dec. 14, 2017

MINUTES

Meeting called to order at approximately 6:00 p.m. by Supervisor Mark Englerth.

CALL TO ORDER

PLEDGE OF ALLEGIANCE:

PLEDGE
ROLL CALL

Roll Call: Present: Jansma, J. Lippert, Englerth, VandenBerg. (Present: 4 of 4) (5th position was that of R. Rottschafer who has resigned.)

Staff Present: Cathy Strickland, Rich Beukema, Sandy Marcukaitis, Frank Fiala.

Visitors: 14 (not including staff present). C. Yonkers of J-Ad present

PUBLIC COMMENT

OPENING REMARKS: Mark Englerth, Supervisor

Englerth stated that he liked to run a casual meeting, like at the "family supper table", but it hasn't been that way. As a result, everyone has suffered, especially the community. Englerth addressed those in attendance were welcome to public comment, but he was going to enforce a three minute limit. Englerth added that he had let the limit be extended in the past, but wouldn't be doing that this evening. Englerth commented on going in a new, positive direction. If negative, aggressive comments were made, from the audience he would ask the person to sit down and if they still didn't stop, then he would ask them to leave.

PURPOSE OF
MEETING

PUBLIC COMMENT: None.

PUBLIC COMMENT

PURPOSE OF MEETING:

PURPOSE OF
MEETING

Replacement of Trustee- Due to Resignation of Trustee Rottschafer (effective immediately) and Replacement of Zoning Administrator – Due to Resignation of Larry Knowles (effective immediately).

Englerth commented on The Rules of Engagement. Englerth commented "In a perfect world we don't need a set of rules. We should all express our feelings and our concerns and move forward in a positive direction. Somehow we kind of need to get back on that track." Englerth requested a copy of the Resolution (from the MTA). J. Lippert stated the Resolution from MTA was in the Board packet at Wednesday's meeting. Englerth requested a copy for the Board again.

Discussion on Trustee Replacement:

Discussion on
Trustee
Replacement

It was noted the board has 45 days to find a replacement – if after 45 days there is no replacement, then the County will take over getting a replacement with a special election. Further discussion took place. Advertisement occurred for Mary Cook's position when she resigned.

Motion by A. Jansma with support from Lippert to appoint L. Knowles as Trustee to YS Township Board due to vacancy created by Rottschafer's resignation. Englerth: No, Lippert: Yes, Jansma: Yes, VandenBerg: No. Yes: 2, No: 2. TIE VOTE.

Discussion prior to the vote (on motion above): It has been approved with the lawyer(s) regarding the appointment of L. Knowles to the Trustee position per A. Jansma. Jansma provided legal documentation for Englerth. (attachment E-Mail 11-13-17 Rob Thall)

Englerth favored for advertisement for candidates. "For transparency with everybody ... With the bumps and grinds that we've had, I don't think it would be perceived that we are doing our jobs. But that's just me," remarked Englerth.

M. Englerth and S. VandenBerg requested advertisement for the position. VandenBerg "It doesn't seem reasonable to me to cut everybody else out."

Motion by VandenBerg with support by Englerth to advertise for position of Trustee vacated by R. Rottschafer in local newspapers. Roll Call Vote: Englerth: yes, VandenBerg : yes, Jansma: No, Lippert: No. TIE VOTE.

In regards to a time frame – A. Jansma reiterated the importance of the 45 day limit to have a replacement.

Discussion took place regarding when advertisement would go in the paper, time length for running ad, also evening hours and Saturday morning hours for interviews were discussed along with time of meeting.

Motion by Englerth with support from Lippert to advertise for position of Trustee for two weeks in the Penasee Globe and The Sun & News (Nov. 18 & 19th and November 25 & 26th) with deadline for applications to be received at the Township Office on or before November 29th, at 3 p.m. Schedule for Interviews is: Dec. 4th, 5th, and 6th at 7 p.m. and Thursday, Dec. 7th will be set aside for the Board to meet to appoint a Trustee from the applicants. Roll Call: Englerth: Yes, Jansma: Yes, Lippert: Yes, VandenBerg: Yes. YES: 4, NO: 0. MOTION CARRIED.

Note: Gun Lake Improvement Board meeting on Dec. 7th at 6 p.m. (GLIB will need to be notified of 7 p.m. meeting.)

Break: 6:37 p.m. Resume: 6:49 p.m.

(Break requested by M. Englerth for private discussion with L. Knowles.)

Replacement of Zoning Administrator – due to resignation of Larry Knowles:

After private discussion behind closed office door, Englerth announced L. Knowles will continue as Zoning Administrator for next 30 days. Englerth asked the board for time to get a candidate (for Zoning Administrator). Englerth asked that the motion be tabled regarding the replacement of L. Knowles to allow him (Englerth) and L. Knowles to move forward and they will report back to the board as it evolves. "But rest assured that Yankee Springs is going to get the service through the Planning and Zoning Office and the working relationship with the Planning Board and the ZBA that we've had in the past," added Englerth.

MINUTES

Page 2 of 3
YST Bd Trustees
11.13.17

MOTION to appoint L. Knowles as Trustee to replace Rottschafer's vacancy.

Motion to advertise for position of Trustee vacated by R. Rottschafer.

Motion to advertise for position of Trustee.

BREAK

Replacement of Zoning Administrator – due to resignation of Larry Knowles

L. Knowles commented that he hopes the township can aggressively find a replacement. He desperately wants to be done with the Zoning Administrator position. Knowles stated that the way the Board was handling this situation tonight was a drastic improvement from what has been happening. He commented that he was a lot happier with this board right now.

Motion by A. Jansma with support from M. Englerth to rescind L. Knowles' resignation (with Knowles' written consent). Roll Call: Englerth: Yes, Jansma: Yes, Lippert: Yes, VandenBerg: Yes. YES: 4, NO: 0. MOTION CARRIED.

J. Lippert inquired if the Zoning Administrator's job should be advertised at this time. L. Knowles commented that maybe it should be advertised as he didn't want to be talking about it four months from now. Englerth stated that the board will be "taking the steps" (toward replacement).


For the record, J. Lippert attached to tonight's agenda: 1996 Job Description of Zoning Administrator and also 2006 Job Description of Z.A. from McKenna & Associates.

Shane VandenBerg personally thanked Larry Knowles.

ADJOURNMENT:

Motion by Englerth with support from Jansma to adjourn at approximately 6:56 p.m. Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 11.13.17

Date: draft distributed 11-16-17 jcl 
Approved: APPROVED Dec. 14, 2017
Janice C. Lippert, Township Clerk

MINUTES

Page 3 of 3
YST Bd Trustees
11.13.17

**MOTION TO RESCIND
RESIGNATION OF L.
KNOWLES**

Attachment Job
description

ADJOURNMENT

ATTACHMENT
MINUTES

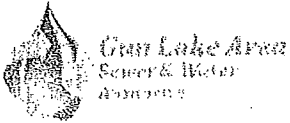
Alice Jansma

From: Larry Knowles <lknowles@gunlakesewer.org>
Sent: Monday, November 13, 2017 3:56 PM
To: Alice Jansma; Janice Lippert
Subject: FW: Trustee Appointment

OF 11.13.17
6 PM / JCL

Email forwarded.

Larry Knowles
Director



From: Rob Thall [mailto:thall@michigantownshiplaw.com]
Sent: Monday, November 13, 2017 2:06 PM
To: Larry Knowles <lknowles@gunlakesewer.org>
Subject: Trustee Appointment

Hi Larry, below you can see the provision from the Michigan Constitution that allows what would otherwise be an incompatibility of office. Normally, a incompatibility of offices exists when there is subordination or supervision of one office to the other, or a breach of fiduciary duty (ie can't be on both sides of a contract). The below allows for Township Board members to serve on or "with" inter-local agreement Boards and Authorities. To carry this out the following would need to occur:

1. Yankee Springs Township would appoint you Trustee within 45 days of resignation.
2. Yankee Springs Township would then authorize you to perform duties as Director of the Sewer Authority.
3. The Sewer Authority would revise its Articles of Incorporation allowing for a Member's Trustee to also serve with the Authority Board as Director.

I have also reviewed this issue with Attorney Kaufman and we are in agreement with this process which must include the amendment to the Articles. Please let me know if they intend to proceed with this course of action. Thanks----Rob

§ 28 Governmental functions and powers; joint administration, costs and credits, transfers.

Sec. 28.

The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the

power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

Robert E. Thall
Bauckham, Sparks, Thall, Seeber & Kaufman, PC
458 W. South Street
Kalamazoo, MI 49007
Phone (269) 382-4500
Fax (269) 382-2040



Confidentiality Notice: This email and any attachment to it are intended only for the use of the intended recipient(s). If you have received this transmission in error, please immediately notify the sender by "reply" and permanently delete this message from your computer system. **Reliance:** Any legal opinion expressed in this email, including any attachment, may only be relied upon by those persons or entities that are clients of Bauckham, Sparks, Thall, Seeber & Kaufman, PC. If the intended recipient(s) is a client, this email and any attachment are subject to the attorney/client privilege. **Non-binding Electronic Transmission:** This email, including statements, symbols or any attachment, is not meant to constitute an electronic signature or an offer, acceptance or intent to contract electronically. **IRS Required Notice:** To ensure compliance with IRS regulations, we inform you that any tax advice contained in this communication, including any attachment, is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Planning and Zoning Administrator (PZA)

General Description

Assists in administration of the duties of the Zoning Administrator, Township Supervisor, and other Township Administration to ensure smooth and efficient operations by providing specific organizational and administrative support.

Counterwork

Assist citizens, representatives from various professional organizations, Township Board and Commission members, and other interested parties regarding planning and zoning related matters. Provides a positive first impression to visitors to the Township Hall.

Maintains materials for use with counterwork discussions, such as zoning maps, future land use maps and tax maps, aerial photos, business cards, applications and guideline sheets, and Zoning Ordinances and Land Use Plans.

Maintains master copy of all applications and guideline sheets to hand out to prospective applicants and citizens.

Ensures all applications submitted are complete and that the necessary information has been collected from the applicant at submission.

Casework and Files

Ensures applicants provide an 11 x 17-inch copy of site plans, for the township 1) to copy; 2) to hand out to interested citizens; and 3) to attach to meeting notices.

An important component of the PZA's role is archivist for the Planning Commission and Zoning Board of Appeals. Creating and maintaining an orderly filing system is critical and time consuming.

Provide initial review of residential and commercial site plans and give feedback as necessary to applicants until ready for Planning Commission review.

Courtesy and Helpfulness

Conducts all business with the public and office in a friendly, helpful polite and considerate manner so as to reflect well on the Township's government.

Training

Train new Zoning Administrator, when hired, on Township policies and procedures so that the new employee will be prepared to competently perform the required tasks and responsibilities.

Teach the new employee the basics about the Township's Zoning Ordinance and instruct them about the permitting and development process so that they will be able to take applications and answer basic questions at the front counter or over the phone.

Provide procedure guidelines or checklists to assist Township staff and applicants in understanding the development, application, and permitting processes.