

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</p> <p style="text-align: center;"><u>Regular Meeting</u></p> <p style="text-align: center;"><u>Thursday November 14, 2013</u> 7:00 p.m.</p> <p style="text-align: center;">Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>FINAL MINUTES Approved Dec 12, 2013 As presented</p>
<p>Meeting called to order at 7:00 PM by Supervisor Mark Englerth.</p> <p>Roll Call: Jerkatis, J. Lippert, Englerth, M. Cook, Bruce Campbell. (All Present).</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Staff Present:</u> Zoning Administrator Larry Knowles, Constable Jim Orr, Alice Jansma, Cathy Strickland, Frank Fiala.</p> <p><u>Also Present:</u> John Lohrstorfer, YS Twp. Legal Counsel</p> <p>Visitors: 25 (not including staff present).</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p><u>ADDITIONS/CHANGES TO AGENDA:</u></p> <ul style="list-style-type: none"> • Add: Under Frank Fiala, PC Chairman (#8): Rezoning Request: Chemical Bank Building located M-179; Wayland, MI. 	<p><u>ADDITIONS/CHANGES TO AGENDA</u></p>
<p><u>APPROVAL OF MINUTES</u></p> <p>Clerk Jan Lippert pointed out that pg. 5 of October 10, 2013's Board of Trustees minutes mentioned Jeff McCray of Burnham and Flowers and a representative from Risk Management would be at tonight's meeting. This meeting will be rescheduled and will not take place this evening. Lippert also commented that no one attended the approved October seminar in Frankenmuth last month. January MTA annual conference will cover the same.</p> <p>Motion by M. Cook with support from Jerkatis to approve minutes of October 10, 2013 Regular Board Meeting as presented. All ayes. MOTION CARRIED.</p> <p>Motion by M. Cook with support from Campbell to approve minutes of October 23, 2013 for Regular Meeting/Special Business Session as presented. All ayes. MOTION CARRIED.</p>	<p><u>APPROVAL OF MINUTES</u></p> <p>Motion by to approve minutes of October 10, 2013- Regular Board Meeting, and of October 23, 2013 for Regular Meeting/Special Business Session as presented. MOTION CARRIED.</p>
<p><u>PUBLIC COMMENT:</u> None</p>	<p><u>PUBLIC COMMENT:</u> None</p>
<p><u>ACKNOWLEDGEMENT OF VISITORS:</u></p> <p>Ron Heilman, (property owner adjacent to Whispering Pines) commented that he and neighbors of Whispering Pines were not aware that they would be involved in</p>	<p><u>ACKNOWLEDGEMENT OF VISITORS</u></p> <p>Page 1 of 7 YST Bd Trustees 11-14-13</p>

a Special Assessment District for Road paving. Heilman referred to one of the conditions (Road Paving) for Whispering Pines Condominium Preliminary Development plan approval. Heilman also commented that he had requested a six foot high fence, which was not granted. Heilman noted that he has people trespassing onto his property who are from Whispering Pines and Heilman has a liability with this. Also, fires by others who are trespassing onto his property are occurring. Someone cut one of his (Heilman's) trees down to use for their own firewood. He cited two different occasions where his wife put out fires before harming his pole barn and a neighbor's house and is constantly picking up bottles and cans from those who are trespassing on his property. He is constantly policing the roadside as well, has to be especially careful when mowing. Heilman commented that the problem is a lot of people are in a very small space. Heilman also commented that the roadway is gravel and rutted. Cars are still going 40 – 45 MPH on it, and if the road is paved, they will be traveling even faster. The road is on Heilman's property and he is liable.

TTES REPORT: David Middleton, Fire Chief gave September and October reports to the Board members. Over 89 calls occurred in September and over 100 in October. Middleton commented that there is extra activity in YS Township this year, running 5 or 6 more ambulance calls a month than a year ago.

TAPP (Thornapple Ambulance Partnership Program) memberships were mentioned. \$45.00 a year will cover (per household) any cost above whatever an individual's insurance would pay.

Treasurer Jerkatis asked if it would be possible to get an activity report from TTES. Middleton commented that there are strict HIPPA laws out there that make such a report difficult to distribute. Middleton commented that he will see what he can do regarding a report.

Middleton also mentioned that the self-contained breathing apparatuses equipment (tanks) owned by the township are approaching their expiration date. TTES is looking into a FEMA grant for this, however, if a grant is not obtained, the cost of 17 of these units will run in the vicinity of \$119,000. Currently, TTES, is working with Kent County on a possible "bulk" purchase.

BARRY COUNTY COMMISSIONER'S REPORT: Craig Stolsonburg commented that the Commission's strategy planning process starts tomorrow, and should continue into February;

- Barry County also has a new website up and running. "Barrycounty.org"
- Charlie Pullen has been appointed to fill the vacancy on the Veteran's Board
- Dawn Wood was hired as the Drug Court administrator.

There is a little bit of controversy going on regarding teleconferencing when a commissioner or other Barry County official is on vacation for an extended amount of time.

**ACKNOWLEDGEMENT
OF VISITORS cont'd**

Ron Heilman Comments...

TTES REPORT: Fire Chief, D. Middleton

**BARRY COUNTY
COMMISSIONER'S REPORT:**
Craig Stolsonburg

PLANNING COMMISSION CHAIRMAN: Frank Fiala

**PLANNING COMMISSION
CHAIRMAN, FRANK
FIALA**

Frank Fiala summarized all of the work the Planning Commission has been doing the past several months regarding the Whispering Pines PUD (Planned Unit Development), Condominium and Site Plan approval process. Fiala, on behalf of the Planning Commission, presented the following items to the Board of Trustees:

- Findings of Fact
- Condominium Preliminary Development Plan Approval
- Planned Unit Development Special Use Permit Preliminary Approval

Fiala also commented that these items are subject to a list of conditions, (15 items), for preliminary approval. Fiala noted that the same set of conditions was for both the condo development plan approval AND the PUD Special Use permit preliminary approval.

Final approval will include items such as the updating of by-laws and the final site plan.

Fiala went through all of the documents, reviewing each item and answering any questions regarding these items. A correction was made to #3 Findings of Fact with the date for the ZBA meeting as September 10, 2013 not 2010.

(correction to FOF zba mtg 9-10-2013)

After comments and questions were heard from Board members regarding the Findings of Fact (8 points) information, a motion was made:

Motion by Campbell with support from Jerkatis to approve with correction to accept the Finding of Facts of the Planning Commission regarding Whispering Pines.

ROLL CALL: Jerkatis: yes, J. Lippert: yes, M. Englerth: yes, M. Cook: yes, and Campbell: yes. Yes; 5, No: 0. MOTION CARRIED.

Motion to approve WP (Whispering Pines) Finding of Facts. Motion Carried.

The list of Conditions for BOTH the PUD and Condo Preliminary approvals was discussed. Supervisor Englerth asked the Board for comments or questions. The following items were brought up:

The road pavement requirement of a special assessment district requirement (in the event that paving condition was not fulfilled), and also assurance that there would be room to address anything that may come up in the future after preliminary approval (appeal process), dockage (re: renters not docking their boats at WP), fencing (type of fence, and intent of a fence), seasonal use (no homesteading), wells (2 total), by-laws, fire pits and the fire safety road.

Also the wordage of condition #4 was discussed. The word “docking” could cause confusion. The following motion was made as a result:

Motion by Jerkatis with support from Campbell to remove the word “docking” from #4 of the conditions of the PUD and Condo approval. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. 5 yes, 0 no. MOTION CARRIED.

Motion to approve removal of “docking” from Condition #4. Motion Carried.

John Jerkatis thanked the Planning Commission for all of their energy put into this project.

Motion by Jerkatis with support from Campbell to approve the PC's recommendation for Condominium Preliminary Development Plan for Whispering Pines Condominium Association, at 12759 Whispering Pines Drive, Parcels 30-370-001-00 through 30-370-021-00. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. 5 yes, 0 no. MOTION CARRIED.

Prior to the roll call vote, discussion was called. Englerth, Supervisor, commented on property rights if someone had clear title, a mortgage, or a land contract to or for property. Rights of renters were discussed as well. J. Lohrstorfer commented that renter agreements can change things and it is different in what an owner can do with renters. J. Lohrstorfer mentioned getting into the regulating of renter activity in by-laws, etc. J. Lippert mentioned cities that have rental ordinances. J. Lohrstorfer commented that townships may have these ordinances as well. Yankee Springs does not have a rental ordinance.

Fiala also brought up (before the roll call vote) that in 2001, the lakefront of Whispering Pines was zoned lakefront residential for the Gun Lake Overlay District and should have been zoned resort recreation. The public hearing for re-zoning on this will occur November 21, 2013. It was confirmed that Whispering Pines Association was aware of this. The fee has been waived because it was erroneously zoned by the township.

Motion by Jerkatis with support from Campbell to approve the PC's recommendation for issuance of preliminary approval of a Planned Unit Development Special Use Permit for Whispering Pines Condominium Association, at 12759 Whispering Pines Drive, Parcels 08-16-370-001-00 through 08-16-370-021-00 with the striking of the word "docking" in condition #4 for the preliminary approval. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. 5 yes, 0 no. MOTION CARRIED.

BREAK : 8:41 P.M. RESUME: 8:55 P.M.

All members present. At 8:55 PM

No. 3 Rezoning of the Chemical Bank Building: Frank Fiala explained the zoning situation with C1 and C3 zoning. A Public Hearing was held on November 7th, 2013. The Planning Commission recommends the Chemical Bank Building be rezoned from C-1 to C-3 to accommodate the Curley Cone drive through window restaurant within the Chemical Bank Building. Also, re-zoning fee of \$200 has to be refunded it was paid twice by two different individuals. There had been issues with paperwork. Jerkatis would like to table request for one month. Sees no emergency to approve this tonight.

Kebbie Brush, Curley Cone owner, would like to get started as soon as possible as it takes a lot of work and time to change an office building into a restaurant. A drive-through is planned with a little 6 foot "Bump Out Window" (so cars won't hit the building like they have at the old building.) Delays have already occurred can't pull

Motion to approve the PC's recommendation for Condominium Preliminary Development Plan for WP Condominium Association, at 12759 Whispering Pines Drive, Parcels #08-16 -370-001-00 through -370-021-00.

Motion to approve the PC's recommendation for issuance of preliminary approval of a Planned Unit Development Special Use Permit for Whispering Pines Condominium Association, at 12759 Whispering Pines Drive, Parcels 08-16 370-001-00 through-370-021-00 with the striking of the word "docking" in condition #4 for the preliminary approval. MOTION CARRIED.

**Bank Building
Rezoning
Recommendation/Request**

any permits until the re-zoning is approved. Clerk asked if there was a Commercial site plan review submitted. A short break was taken for Clerk to gather the corrected paperwork.

Break: 9:20 p.m.

Resume: 9:37 p.m.

After the break, J. Jerkatis apologized to the owner of Curley Cone. After information was distributed, the following motion was made:

Motion by M. Cook with support from Campbell to approve action of PC to rezone Parcel No. 08-16-019-010-02 from C1 to C3 to allow a drive-through Restaurant (Curley Cone) at 12850 W. M-179 under Ordinance # 11-14-2013 and request that \$200 be refunded to Kebbie Brush. ROLL CALL: Jerkatis: yes, J. Lippert: no, Englerth: yes, M. Cook: yes, Campbell: yes. 4-yes, 1-no. MOTION CARRIED.

TREASURER’S REPORT: John Jerkatis

Motion by M. Cook with support from Campbell to accept and approve the Treasurer’s Report as presented. All ayes. MOTION CARRIED.

Jerkatis commented that he would like to have approval of preposted envelopes with forever stamps for future mailings. The pre-stamped envelopes will result in substantial savings. Current envelopes will still be used.

Motion by M. Cook with support from J. Lippert to purchase pre-stamped envelopes (Geiger Printing) not to exceed \$5,500.00. ROLL CALL: Jerkatis – yes, J. Lippert – yes, Englerth – yes, M. Cook – yes, Campbell – yes. All Yes (5). MOTION CARRIED.

CLERK’S REPORT: by J. Lippert

Motion by J. Lippert with support from M. Englerth to accept the snow plow bid of DK’s Landscaping/Snowplowing for 2013-2014 (Township Hall and Fire Station). ROLL CALL: Jerkatis – yes, J. Lippert – yes, Englerth – yes, M. Cook – yes, Campbell – yes. All Yes (5). MOTION CARRIED.

It was noted that \$48.00 each would be charged per plow (includes shoveling of sidewalks) for the Township Hall and Fire Barn. “Salt as needed” will be \$60.00 per location. The Township Park will be taken care of per a minimal price per owner of DK’s Landscaping/Snowplowing. A certificate of liability insurance was turned in as requested.

Motion by M. Cook with support from Jerkatis to approve payroll check #s 4988 – 5011 for the total amount of \$12,043.34. ROLL CALL: Jerkatis – yes, J. Lippert – yes, Englerth – yes, M. Cook – yes, Campbell – yes. All Yes (5). MOTION CARRIED.

Clerk Lippert explained any questions on the accounts payable register.

**Bank Building
Rezoning
Recommendation/Request
(cont’d)**

Motion to approve Re-Zoning from C1 to C3 Chemical Bank Building. Motion Carried. **Ord. No. 11-14-2013**

**TREASURER’S REPORT:
John Jerkatis**

Motion to purchase pre-stamped envelopes (Geiger Printing) not to exceed \$5,500.00. **MOTION CARRIED.**

**CLERK’S REPORT
Jan Lippert**

Motion to accept the snow plow bid of DK’s Landscaping/Snowplowing for 2013-2014 (Township Hall and Fire Station). **MOTION CARRIED.**

Motion by M. Cook with support from Jerkatis to approve check #s 912245-912280 for the total amount of \$47,355.43. ROLL CALL: Jerkatis – yes, J. Lippert – yes, Englerth – yes, M. Cook – yes, Campbell – yes. All Yes (5). MOTION CARRIED.

CLERK’S REPORT: by J. Lippert (cont’d)

- Correspondence was received and distributed regarding Cuddy Intercounty Drain Drainage Board Meeting held at the YS Township Hall on November 8, 2013 and minutes from September 25th meeting were distributed as well.
- GLIB (Gun Lake Improvement Board) Minutes of October meeting (re: weed control) were distributed.
- Meeting Thursday, December 5 for the Barry County Chapter of the MTA at Castleton Township. Meet & greet at 6:00 p.m., potluck at 6:30 p.m. (please bring a dish to pass and own table service).
- Communication received from Safe Harbor. Safe Harbor is opening a new satellite office in Hastings. Discussion
- Correspondence also received from HCC Public Risk Claim Service, Inc. regarding 12719 Goldenrod Court regarding water main break. Discussion
- Newsletter received from the Barry County Road Commission.
- Regarding DEQ Complaint of July 16, 2013 -restoration has been completed on Westwood Lane.
- PCI Building Construction value added: \$893,000.
- Lynn Drive Special Assessment District petitions have been filed.

Motion by J. Lippert with support from M. Cook to proceed with Lynn Drive Improvement Special Assessment District and make notice to the landowners for first public hearing on December 12, 2013 at 6:30 p.m. ROLL CALL: Jerkatis – yes, J. Lippert – yes, Englerth – yes, M. Cook – yes, Campbell – yes. All Yes (5). MOTION CARRIED.

Discussion took place regarding the Lynn Drive project, and the Drain Commission’s part of this issue. Discussion occurred regarding governmental immunity and funds of township involved in special assessment districts. Fiala clarified work to be done on Lynn Drive by the Road Commission. It was mentioned that the assessment is still due to the Drain Commission on Lynn Drive. J. Lippert added that she’d like to have the Fire Operating contract on the agenda for the December Board meeting.

ZONING ADMINISTRATOR’S REPORT: by Larry Knowles, ZA

October SPR’s: (5)

- Accessory building at Russell Drive, Wayland.
- Home addition on Elmwood Beach, Middleville.
- New house on Russell Drive.
- Pole Barn on Beatrice Drive, Middleville.
- House on Beatrice Drive, Middleville.

CLERK’S REPORT: by J. Lippert (cont’d)

Payroll and Accounts Payable approved

ZBA:

- Approved a variance request for a new home on Lakeridge Dr. (Payne Lake)
- Denied request for an accessory building on Russell Drive.
- Denied request for dwelling of less than 720 sq. feet on the first floor in a pole barn on Shady Lane.
-

SUPERVISOR'S REPORT: Mark Englerth

Water Report: Market studies being done to negotiate the contract with the sewer authority.

FEMA: Notification received communicating the 90 day waiting period has passed.

M. Englerth thanked Frank Fiala and everyone for all of their work with Whispering Pines.

OTHER PUBLIC COMMENT:

Frank Fiala, PC Chairman commented that the PC meeting of December 19th is cancelled. Also, the PC would like a joint meeting as soon as possible, possibly January. The PC would like to continue having two meetings a month for at least six months to get back on track, as the PC has been very involved in Whispering Pines.

M. Englerth commented that he'd like to start doing something similar to a "committee as a whole" concept. (Board of Trustees) One meeting a month would be to just work things out, and not pay bills, or have Treasurer's reports, etc.

J. Lohrstorfer referred to some townships having just "work sessions".

J. Lippert will have the 2014 Township Meeting Schedule on the next meeting's agenda.

OLD/NEW BUSINESS:

No meetings for the Board of Trustees on November 27 or December 25, 2013.

ADJOURNMENT:

Motion by J. Lippert with support from Jerkatis to adjourn at 10:50 p.m. Approved by all.

Respectfully submitted:
Deb Mousseau
Recording Secretary 11/18/13

Date: _____

Final Approval of Minutes: Dec 12, 2013
Janice C. Lippert, Township Clerk

**ZONING
ADMINISTRATOR'S
REPORT: by Larry
Knowles, ZA**

**SUPERVISOR'S REPORT:
Mark Englerth**

**OTHER PUBLIC
COMMENT**

OLD/NEW BUSINESS

ADJOURNMENT