

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</p> <p style="text-align: center;"><u>Regularly Scheduled Meeting</u> <u>Business Session</u></p> <p style="text-align: center;"><u>Wednesday, October 23, 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 Nov 14, 2013 As presented</p>
<p>Meeting called to order at 7:05 PM by Supervisor Mark Englerth.</p> <p>Roll Call: J. Lippert, Englerth, M. Cook. (3 Present, <u>Quorum Present</u>).</p> <p>Absent: John Jerkatis, and Bruce Campbell, both absent with notice.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p>Staff Present: Zoning Administrator Larry Knowles, Sandy Marcukaitis, Constable Jim Orr, and Frank Fiala.</p> <p>Visitors: 2 (not including staff present).</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p><u>APPROVAL OF MINUTES: 10-10-13</u>, postponed until next meeting of Nov. 14, 2013.</p>	<p><u>APPROVAL OF MINUTES</u> Minutes to be approved 11/14/13.</p>
<p><u>CHANGES TO THE AGENDA:</u></p> <p>Mark Englerth, Supervisor, requested that Roger Rottschafer, of Lynn Drive, be moved to the top of the agenda, and followed by Frank Fiala, Chairman of the Planning Commission (PC).</p>	<p><u>CHANGES TO THE AGENDA</u></p>
<p><u>ACKNOWLEDGEMENT OF VISITORS:</u></p> <p>Roger Rottschafer, of Lynn Dr., was present to represent the Special Assessment for Lynn Drive Road Improvement. Rottschafer contacted all but four residents. Rottschafer has over 51% support on the petition for the quoted road work by the BC Road Commission not to exceed the amount of \$85,000.</p> <p>It was clarified that there are 45 parcels involved in the proposed project. The 45 parcels comprise all the way to M-179 from “private” Lynn Drive. It stops at Shroeder’s driveway because their driveway is on Lynn Drive. Private Lynn Drive ends at Rock Drive.</p> <p>Note: * Residents of “private” Lynn Drive are working <u>separately</u> with the Road Commission to improve their section of the road.</p> <p>J. Lippert mentioned the petition to Lynn Drive land owners from Barry County Board of Road Commissioners in 2009. This petition went to the Barry County Drain Commission on behalf of the residents of Lynn Dr.</p> <p>J. Lippert inquired as to what the Drain Commission was doing to repair the drain work on Lynn Drive.</p> <p>Englerth mentioned that the Drain Commission is being addressed, and that the Road Commission is at the table. One way or not, this proposed project (Lynn Drive Special Assessment \$85,000) will be completed, to make the people of Lynn Drive whole.</p> <p><i>*Attach letter from Board of County Road Commissioners 9-20-13; presented at</i></p>	<p><u>ACKNOWLEDGEMENT OF VISITORS:</u></p> <p>Roger Rottschafer, of Lynn Dr. Special Assessment for Road Work</p> <p>Page 1 of 4 YST Bd Trustees 10-23-13 Attach letter “A”</p>

ACKNOWLEDGEMENT OF VISITORS: cont'd

Discussion occurred regarding the “not to exceed \$85,000” proposal from the Road Commission. It was commented that assessments usually deal with a fixed amount:

- The township may be contributing a portion to the payment.
- There may be an amount coming back from the Drain Commission...

It was noted that the work would be done in late Spring and assessed in the winter 2014. Rottschafer commented that the amount will not exceed \$85,000, and a majority of the residents are okay with the amount of \$85,000.

M. Cook commented that there are a lot of nuances in this project that are not typical of a normal assessment. Discussion occurred regarding getting specific amounts for each parcel to be assessed.

Rottschafer noted that the problem is that the water cannot get to the drains. Brad Lamberg from the Road Commission will be fixing this with the cutout work they will be doing with the rest of the road work.

Discussion occurred regarding what would be the next step in the assessment process for Lynn Drive residents. The next step in the process would be the accepting of the petition presented at tonight’s meeting. The Clerk will forward the petition to the Assessor.

At the next meeting of November 14th the Board will pass a resolution accepting the petition to go forward to hold the first public hearing. It was noted that R.

Rottschafer does not have to come back to the next meeting (adoption of resolution).

All public hearings are noticed in the local paper; all residents (signed petition and not signed on the petition) in the District are noticed by letter. The township will send letters to those in the proposed special assessment district.

After reviewing the special assessment district procedure, it was officially noted that the Petition which was circulated and presented by Roger Rottschafer was accepted by the board, on 10/23/13. not to exceed \$85,000. The name of the assessment is: Lynn Drive Road Improvement. R. Rottschafer commented that he will be sending a letter to the four residents that he was unable to contact regarding the petition. Clerk asked for copy of the letter that Roger circulated to the residents. (attachment to minutes)

Frank Fiala, PC Chairman, mentioned the recent Planning Commission meeting with Whispering Pines. Fiala plans to be present, November 14, 2013, when the Board of Trustees receives the Preliminary Approval of Whispering Pine’s requests for a PUD (Planned Unit Development) Special Use Permit and Condominium Preliminary Plan.

Three documents are to be presented to the Board. The documents have been prepared by the Planning Commission with the assistance of John Lohrstorfer, Township Attorney. One of the documents will be the Findings of Fact (8 points). The next document will list conditions to be met for preliminary approval of the PUD.

The third document is the conditions for the preliminary approval Condominium Plan for Whispering Pines (WP).

Fiala and Larry Knowles, ZA, answered any questions regarding

ACKNOWLEDGEMENT OF VISITORS: cont'd

Special Assessment District Process Summarized

Petition for Lynn Drive Road Improvement ACCEPTED.

Attach letter “B”

Frank Fiala Whispering Pines Preliminary Approval to Twp Board

Frank Fiala, regarding WP preliminary approval: cont'd

the Preliminary proposal approval of Whispering Pines. Fiala will also be present at the November 14, 2013 meeting as it has been motioned and supported by the Planning Commission for Fiala to be there for the presentation and further questions. Fiala also mentioned that the Public Hearing has taken place for WP on September 19, 2013. The PC's preliminary approval goes to the Board, on Nov. 14th, 2013.

For the record, J. Lippert, Clerk, requested a copies of the WP site plan map. Copies can be made by Barry County Lumber.

Fiala commented that the Board will be asked to sign off on the WP Site plan, the Findings of Fact, and the conditions for the PUD & Condominium Development Plan and to give this preliminary approval at its next meeting.

It was mentioned that September 19, 2013, Public Hearing for Whispering Pines, must be noted in the Preliminary Approval presentation by the PC to the Board of Trustees.

For the record, it was noted that the following documents, all dated October 17, 2013, have been received by the Township Board:

1. Finding of Facts for Whispering Pines (8 points of record).
2. Conditions for Planned Unit Development Special Use Permit.
3. Conditions for Condominium Preliminary Development Plan Approval.

Mark Englerth mentioned the thousands of hours involved in this project from Mr. Middleton (Fire Chief), to Mr. Knowles (ZA), to the Attorney, to the PC and the ZBA. Englerth thanked both the ZBA and the PC for getting all this work done and mentioned the after dark work of Larry Knowles and Englerth staking off the emergency service road for the Fire Chief's approval.

Fiala commented that M. Englerth, and Fiala will be meeting with GLPA President and those involved regarding the issue of funneling. Also, a public hearing will take place regarding a zoning issue that was discovered recently regarding lakefront zoning at WP.

ZONING ADMINISTRATOR'S REPORT: by Larry Knowles, ZA (Monthly report will be given at Regular Board meeting on November 14, 2013)

L. Knowles commented, for informational purposes, that the City of Hastings is getting estimates regarding Tablets/Notebooks. The current cost is approximately \$499.00 for the device, plus a \$50.00 monthly phone plan (with Verizon). (The Twp. is interested in purchasing a similar item as well).

CLERK'S REPORT: by J. Lippert

- Clerk Lippert fielded any questions and explained any items relating to **accounts payable** checks presented.

Motion by M. Cook with support from Englerth to approve **accounts payable** checks #912238 - 912244 for the total amount of \$1,437.51. ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: Absent. Jerkatis: Absent. Yes: 3, No: 0. Absent: 2. MOTION CARRIED.

Frank Fiala / Whispering Pines

ZONING ADMINISTRATOR'S REPORT: by Larry Knowles, ZA

CLERK'S REPORT
Jan Lippert

Accounts Payable approved

- The MTA will be holding its annual Education Conference, January 28 – 31 at Grand Traverse Resort. Early bird registration will be in December.

SUPERVISOR'S REPORT: Mark Englerth

Englerth commented that a letter of resolution that was sent to Russ Yarger of the Drain Commission. A letter of follow up, (10 days later), has been sent out today as well.

R. Yarger has verbally told Englerth that he will be contact with the engineer involved on the Lynn Drive Drain District project.

The Sewer Authority had a meeting last week with a Human Resource firm. They are working on a 10 year business management plan which will take in a Labor Relations viewpoint. Retirement planning and insurance items are some of the subjects being considered. Labor Union attorneys will be interviewed within the next week.

Work has been done cleaning up the corner by Payne Lake Road and Chief Noonday to make it a safer intersection. This was a collaboration between MDOT and the County Road Commission.

OTHER PUBLIC COMMENT: None

OLD/NEW BUSINESS:

The next Board meeting will consist of: The Barlow and Payne Lake Weed Control Special Assessment District hearings beginning at 6:00 p.m. Also, Risk Management, Burnham & Flowers Insurance, and John Lohrstorfer will be present at the November 14, 2013 meeting as well.

The Cemetery project/work is still being considered. Pleasant Valley Estates preliminary testing of copper pipes is being done as well.

ADJOURNMENT:

Motion by J. Lippert with support from M. Cook to adjourn at 8:59 p.m. Approved by all.

Respectfully submitted:
Deb Mousseau
Recording Secretary 10-26-13

Date: 10-30-13 jcl draft

Approved : _____
Janice C. Lippert, Township Clerk
Final Minutes Approved: Nov 14, 2013

SUPERVISOR'S REPORT:

Mark Englerth

OTHER PUBLIC COMMENT: None.

OLD/NEW BUSINESS

ADJOURNMENT

BOARD OF COUNTY ROAD COMMISSIONERS
OF BARRY COUNTY

Office
1725 West M-43 Highway, P.O. Box 158
Hastings, MI 49058-0158
Phone (269) 945-3449 • (888) 575-8059 • FAX (269) 945-4580
Website: www.barrycrc.org
E-Mail: administration@barrycrc.org

Commissioners:
FRANK M. FIALA
D. DAVID DYKSTRA
DAVID D. SOLMES

BRADLEY S. LAMBERG, P.E.
Managing Director
GARY VANDECAR
Secretary

Friday, September 20, 2013

Mr. Roger Rottschafer
1268 Lynn Dr.
Middleville, MI 49333

attach "A"
to Minutes
of 10-23-13

After our initial site meeting in which you requested an option to improve the roadway without full pavement reconstruction, I visited the site with our engineering department staff. We measured and marked the worst areas. Below I have listed the costs associated with saw cutting and removing these areas and paving them back at a full depth 3" thickness. The Road Commission & Township are planning to chip and seal the roadway, once the patches are complete and the chip and seal has been completed the road will look more uniform than if only the chip and seal were to be completed. Please speak with your neighbors, show them the areas marked for improvement, and let me know how you would like to proceed. If nothing is done to the roadway the Road Commission & Township still plan to chip and seal the roadway, however without removal and replacement of the areas marked, ride-ability will remain unchanged. Please find the below set of options. Thank you!

- Chip & Seal
 - Cost covered by Road Commission & Township *In Budget*
 - Costs: \$ 12,240.00
- Patch Removal & Replacement Costs:
 - Cost covered by residents
 - Saw cut & remove approx. 865 syd, replace with 3" of hot mix asphalt
 - Cost: \$ 17,813.00 *water off the Road*
- Paving Asphalt Spillways (3 small, 1 larger)
 - Cost covered by residents
 - Remove sod, grade underlying soils, place asphalt to guide water to catch basins
 - Cost: \$ 2,500.00
- Mill & fill 3.5" with minor repairs (as previously quote)
 - Cost covered by residents
 - Mill & remove 3.5" of asphalt and replace with new 3.5" layer of pavement
 - Cost: \$ 85,000.00 - ~~\$12,400.00~~
- Full depth reconstruction
 - Costs covered by residents
 - Full depth removal of asphalt and subgrade materials. New sand, gravel, & asphalt layers.
 - Cost: \$ 180,780.00

Sincerely,

Bradley S. Lamberg

Bradley S. Lamberg, PE
Managing Director

*Record 9.25.13
Meeting
from Mark S.*

Subject: Lynn Drive Improvements

Rec'd 10.23.13
Twp Board Mtg
ATTACH "B"

Neighbors:

This is to inform you that I have been contacting residents to sign a petition regarding repairs to Lynn Drive. We approached the Barry County Road Commission and Yankee Springs Township, in late August in regards to our drainage problems and disrepair of the road. We were given two options. They required 2 petitions to be signed and to have a 51% majority on one of the petitions.

The Township has agreed to set up a special tax assessment district where they will loan us money and collect it back on our winter taxes over the next 5 years. The approximate fees you can see below will be on a per year basis, these figures are the maximum, if the final price is lower that will be reflected in the amount taxed.

One other option for payment is for the parcel owners to write a 1 time check to the Township and you won't be billed on your taxes. They are adding a \$770 fee for handling this is for clerical costs and posting this in the local papers. All parcels will pay part of the \$770. Anyone who wants a payment plan over 5 years will pay 1% interest for the loan. If you pay up front you would not have to pay for the additional interest.

Options:

1. Cost \$20,313: annual tax \$100

This would be to cut out and patch approximately 865 syd. of the road, replaced with 3 in. of asphalt where necessary, and then to cover with chip and seal from M179 to where Lynn Dr turns into a private drive. Also they would put asphalt run off basins from the road to the 4 drains that are inoperable because they were not put in properly. They have contacted the Drain Commissioner to be responsible for this cost.

2. Cost not to exceed \$85,000: annual tax \$370

This would be to mill the road down 3.5 in and to put back 3-3.5 in. of asphalt. Also, they will slope the road away from the driveways that are affected by heavy water run off. This includes asphaltting the run off basins to the drains that were improperly installed.

I have gotten all but 4 parcel owners to sign one or the other. At this time we have 4 residents which desire the \$20,313 version, and 42 for the \$85,000 version. The biggest reason for the people wanting the more expensive version, is we cannot keep having the Road Commission add ¼ to ½ in. of chip and seal each 6-8 years as this will cause additional water problems because the height of the road. It is too high in certain areas now causing flooding problems for some land owners. So at some point this has to be done. We have problems currently, so most felt now is the time to fix it.

I will keep you posted on any additional information as I get it. Road Commission plans to do this June of 2014. If you have questions please feel free to call me or stop by.

Roger Rottschafer (616) 292-4206
1268 Lynn Drive