

<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, August 10, 2017</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 YST Bd Trustees 8.10.17 DRAFT JCL DISTRIBUTE 8-14-17</p>
<p>Meeting called to order at approximately 7:00 p.m. by Supervisor Mark Englerth.</p> <p><u>PLEDGE OF ALLEGIANCE:</u></p> <p><u>Roll Call:</u> Jansma, J. Lippert, Englerth, Rottschafer, VandenBerg. (All Present) <u>Staff Present:</u> Larry Knowles, Cathy Strickland, Frank Fiala, Chuck Biggs- Constable, Rich Beukema, Greg Purcell, Paul Heystek, Sandy Marcukaitis <u>Visitors:</u> 4 (not including staff present). C. Yonkers of J-Ad present</p>	<p>CALL TO ORDER</p> <p>PLEDGE ROLL CALL</p>
<p><u>ADDITIONS/CHANGES TO AGENDA:</u></p> <p>Add to Consent Agenda:</p> <ul style="list-style-type: none"> • Minutes of Spec. Mtg. (Veterans Memorial) of Saturday, July 15, 2017 – 8:00 a.m. • <u>Under Rottschafer Report</u> – Physio Control, Inc. Purchase Order Request: \$15,685.03 (Instrument for chest compressions with limited personnel.) • <u>Under Clerk’s Report:</u> FOIA – Resolution No. 08-01-2017. • <u>Under Old Business:</u> R. Rottschafer requested a BC Zoning issue request of L. Knowles. 	<p><u>ADDITIONS/CHANGES TO AGENDA</u></p>
<p><u>APPROVAL OF CONSENT AGENDA:</u></p> <ul style="list-style-type: none"> • <u>Minutes:</u> Special Meeting – July 13, 2017 5:30 p.m./ Informational Meeting • Special Meeting - July 13, 2017 6:30 p.m./Assessment Roll District #46 • Regular Bd. Mtg– July 13th, 2017 / 7 p.m. • <u>ACCOUNTS PAYABLE:</u> 7-1-/31-2017 Check Disbursements #914192-914239 Amount \$75,576.30 • July 31st, 2017 Payroll Checks # 5943 through Check # 5964 = \$12,736.73 • July Receipt Journal <p><u>*Amendment to pg. 16 of July 13, 2017 Regular Meeting Minutes: A. Jansma seconded (supported) the Amendment to Article XX, Section 20.2 – ZBA Membership, Ordinance #07-01-2017.</u></p> <p><u>Motion by Rottschafer with support from VandenBerg to approve the Consent agenda for tonight’s meeting as amended. ROLL CALL:</u> Jansma: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.</p>	<p>APPROVAL OF Consent Agenda</p> <p>Approval of Consent Agenda as amended. MOTION CARRIED.</p> <p>PUBLIC COMMENT</p>
<p><u>PUBLIC COMMENT: (Limit 3 minutes)</u></p> <p><u>Paul Heystek, PC Member, YS Resident</u> –commented buoy placement at Island and Parker Drive was not done before Memorial Day this year. One buoy did get placed the day of the Board meeting, and the 2nd buoy was placed just before this meeting as P. Heystek had just made it known.</p>	

Cuddy Drain has no buoys there. No wake zone is there. Two buoys are out on the shortest channel. P. Heystek has talked about volunteer opportunities, but Heystek feels the buoy placement has to be contracted out, so buoys are placed before Memorial Day Weekend and taken out after Labor Day. Heystek noted with volunteers, there's no follow up.

Frank Fiala, Planning Commission, Road Commission, Solid Waste Oversight Committee and YS Resident: On September 23, there will be a Fall Pick Up Collection for Hazardous Household Waste. IRIS Company Services has been retained with Ms. Archer on a two year contract for reviewing recycling efforts and recycling coordination. Yankee Springs will be reviewed at the township, Friday, August 10 at 10:30 a.m.

Alice Jansma, Treasurer recommended the township writing a Thank you to Allegan County for the great job they did on Patterson Rd.

ACKNOWLEDGEMENT OF VISITORS:

Barry County Board of Commissioners –Vivian Conner gave the Commissioner's Report.

Sandy Marcukatis, Planning and Zoning – presented a Newsletter Request for this Fall (by October, 2017). M. Englerth asked that everyone contributing would turn in information (rough draft) to Sandy within two weeks.

BOARD ACTION ITEMS: (Larry Knowles – Zoning Administrator)

- **Land Division Request: Stewart London/ 295 N. Peets Road, Middleville/ Parcel 08-16-012-010-00 – 36.5 Acres Zoned RR.**

Motion by Rottschafer with support by Jansma to approve land division request of Stewart London (land owner), of 295 N. Peets Rd., Middleville. All ayes. MOTION CARRIED.

- **Ordinance No. 08-01-2017 Amendment of Title of Article XIV Adoption (Land Division & Platted Lot Split Regulations)**

Motion by Rottschafer with support from Jansma/VandenBerg to adopt Ordinance No. 08-01-2017 (Amendment of Title of Article XIV Adoption (Land Division & Platted Lot Split Regulations). All Ayes. MOTION CARRIED.

BOARD ACTION ITEMS: (Supervisor Englerth & Trustee Rottschafer)

- **Minutes 8-2-17: 7 pm Open House – Informational Meeting Regarding the Veterans Memorial Location** The votes were counted at the 2nd Meeting: 90 for Fire Station, 18 for Twp. Park, and 1 undecided.

Greg Purcell thanked Pat Kreple for providing refreshments for the Open Houses. G. Purcell summarized comments of those attending the Open house(s). G. Purcell also made comments in a memo that was sent to the Board regarding items that need to be considered and recommendations regarding the Veterans Memorial. Fund raising activities are still needed.

Motion by Rottschafer with support by Jansma to place the location of the Veteran's Memorial at the Fire Station as the public voted. All Ayes. MOTION CARRIED.

Date for next Veterans Memorial Committee meeting will be:

Thursday, August 24, 2017 Meeting at 6:00 p.m. at the Fire station

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ACKNOWLEDGEMENT OF VISITORS

Barry County Board of Commissioners –
Vivian Conner

Sandy Marcukatis, Planning and Zoning

BOARD ACTION ITEMS

MOTION by Rottschafer Supported by Jansma to Adopt Ord. No. 08-01-2017 All YES – Motion carried

MOTION ON LOCATION OF VETERANS MEMORIAL

<ul style="list-style-type: none"> • Joint Meeting of the Boards Set With M-DOT- Tues., Aug. 15th at 6:30 p.m. <p>J. Lippert commented the meeting will be published in newspaper. Questions to be turned in (by Monday) and forwarded to MDOT (via email by Jan) prior to the meeting which will be held: Tuesday, August 15, at the <u>township hall</u> at 6:30 p.m.</p>	<p>FINAL MINUTES Page 3 of 7 YST Bd Trustees 8.10.17</p>
<p>TREASURER’S REPORT: Alice Jansma, Treasurer</p> <ul style="list-style-type: none"> ➤ <i>Motion by Lippert with support from Rottschafer to approve the previous month’s Treasurer’s Report as presented. All ayes. MOTION CARRIED.</i> ➤ L 4029 - discussed as well as <u>Fire Millage will expire in December of 2018</u>, but discussion has to start now regarding the funding of our fire department. 	<p>TREASURER’S REPORT: Alice Jansma</p>
<p>TRUSTEE ROTTSCHAFFER – FIRE REPORT</p> <p>July Calls: MFR: 29 Fire: 16 (high fire count because of wind storm – fire dept. was out cutting down trees on the road and monitoring lines that were on fire).</p> <p>Jaws of Life delivered on Monday. Practice occurred on Tuesday. A demonstration will take place on August 28th in the evening.</p> <p>Rottschafer referred to a <u>Penasee Globe</u> article regarding increased calls for Wayland Area EMS and made corrections to the misinformation found in the article “Increase in Emergency Calls to Wayland Area EMS Straining Budget”.</p> <p>Physio Control, Inc. Purchase Order Request: \$15,685.03</p> <p>Instrument once set up provides effective chest compressions to deliver vital oxygen to the brain and can prime the heart for successful shock with limited personnel.</p> <p><i>Motion by Rottschafer with support from VandenBerg to purchase the instrument from Physio Control for the amount of \$15,685.03. ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.</i></p>	<p>TRUSTEE REPORT/FIRE COMMITTEE: Roger Rottschafer</p> <p>MOTION TO APPROVE CHEST COMPRESSION INSTRUMENT</p>
<p>Schedule Meeting Regarding Trails – Discussion occurred regarding a meeting that may have to take place prior to a public meeting to define parameters of the trails. It was decided to wait until after MDOT’s presentation to go into a Trails meeting(s).</p>	
<p>CLERK’S REPORT: Jan Lippert, Clerk</p> <p>Board Action – Resolution Authorizing Clerk to Submit Grant SOS Purchase New Voting Systems (2 Precincts)</p> <p><i>Motion by Jansma with support from Rottschafer to approve Resolution authorizing Clerk to Submit Grant SOS Purchase New Voting Systems (2 Precincts). All Ayes. MOTION CARRIED.</i></p>	<p>MOTION TO approve Resolution – Clerk to Submit Grant – Purchase New Voting Systems.</p>

FOIA Ordinance Update (Distributed 8-7-17):

Motion by Lippert with support from Rottschafer to adopt Resolution #08-01-2017 Regarding FOIA Procedures and Guidelines. ROLL CALL: Jansma: yes, Lippert: yes, Englerth: no, Rottschafer: yes, VandenBerg: yes. Yes: 4, No: 1, MOTION CARRIED.

Current Invoice Register for Approval dated 8-10-17:

Motion by Jansma with support from Rottschafer to approve invoice register of 8/10/17 (\$126,559.64). ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.

SUPERVISOR REPORT, Mark Englerth:

M. Englerth commented on attending a Supervisor Seminar in Frankenmuth recently.

An Emergency Services Appreciation Day is being planned for sometime around Sept. 11th. Contact M. Englerth to help with this. An individual in the community has recently passed away and his family will be involved.

Robbins Cemetery – M. Englerth mentioned the possibility of adding a fence. Discussion took place. Several trees and stumps have been taken out (approx. 50 trees). Other work has been completed as well. A bill has not been received from B & R or Ritchie’s Tree Service.

ZONING ADMINISTRATOR REPORT: Larry Knowles, Zoning Administrator –
(Written report submitted.)

The **Planning Commission** held a hearing for an SEU for an outbuilding on Sandstone (July 20, 2017).

The PC will hold a hearing for an SEU for an outbuilding on a vacant property without a principal residence – (August 17, 2017).

July Complaints and Site Plans (Report submitted).

GUN LAKE AREA SEWER & WATER – Larry Knowles, Director

- **July Report (distributed 8-7-17)**
- **Water Board Meeting Minutes of 8-1-17 (distributed)**
- **Rate Increase information given to township (to be voted on in September).**

A user group was added to GLASWA rates (the marina). Rates were set at a per slip basis. (1 plus .2 per slip)

Rottschafer commented on the current situation/lack of communication with Barry County Zoning. Lucas Spoor’s project is scheduled to proceed on Monday, August 14th. Materials for project are on site.

Motion by Rottschafer with support from Jansma to authorize Catherine Kaufman to attend Barry County ZBA meeting with L. Knowles (ZBA Hearing to be obtained first by L. Knowles, as a Gun Lake Resident) and to authorize for C. Kaufman to issue a stop work order if necessary.

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MOTION TO APPROVE RES. #08-01-2017 (FOIA Procedures & Guidelines)

MOTION TO APPROVE INVOICE REGISTER of 8/9/17

SUPERVISOR REPORT- MARK ENGLERTH

ZONING ADMINISTRATOR REPORT: Larry Knowles

GLASWA Report L. Knowles, Director

MOTION FOR LEGAL COUNSEL regarding BARRY CTY. ZONING

Discussion:

L. Knowles said that he has made the contacts and hasn't received any information from anyone. L. Knowles commented that he, personally, as a citizen on Gun Lake, has asked for a hearing with the Barry County ZBA. L. Knowles' inquiry is about the 20 slips already in place.

Items discussed were:

-Lack of any communication on the part of Barry County Zoning regarding public procedures and permitting process of the marina project

-Barry County Zoning's neglect of the YS Resolution

-FOIA authorization

-75% of Gun Lake is in Yankee Springs Township

-Concern of marinas possibly coming in on other lakes (such as Payne, Barlow)

-A request for a Special meeting with the YS attorney

-Authority to authorize legal counsel

-Timeline for the attorney's availability was discussed since project is scheduled for Monday, August 14

-Legal expense and township liability

-A possible meeting with Vivian Conner, Greg Purcell and Michael Brown

-Maintaining a positive relationship with Barry County Zoning

-Saturday, August 12, at 9:30 a.m. will be an annual meeting of the GLPA, at the Gun Lake Chapel. Members of the GLPA are invited to come. The marina expansion is not on the agenda at this time. GLPA is waiting on the DEQ.

-The DEQ references local zoning approval and other agency requirements in its permit application.

-Can the township be sued for asking Barry County to enforce their (Barry County's) zoning laws? YS Twp. isn't the one issuing the permit.

-At the previous YS Board (Regular) Meeting, L. Spoor commented that Mr. McManus (of Barry County Zoning) said that all Spoor needed was a soil erosion curtain, and materials are ready to start project.

-**G. Purcell** offered to sit down with Vivian Conner, M. Brown, J. McManus and L. Knowles to ask about their (Barry County's) public procedure (step by step) of what Spoor should be applying for to be issued a permit.

-**M. Englerth**, Supervisor, commented on turning the discussion into a public forum and reiterated maintaining positive relations with Barry County Zoning for the future, and not having the attorney involved yet. Englerth commented on having good relationships with McManus' office in the past. Englerth commented that he repeated what he was told by McManus, "Until there is a resolution, a request put in front of him, then he cannot comment. It would be premature. It would show bias going into it. Englerth commented on talking to Michael Brown first.

R. Rottschafner redirected the discussion to the issue being with the 20 slips that are already in.

G. Purcell commented that public information should be shared regarding the public process and criteria of the County.

Englerth commented on struggling as a board as to what is the best vehicle to find out the information. Englerth commented that the board wants an understanding. Englerth commented again that there will be a need for positive relationships (with Barry County Zoning). Englerth commented "I know when you sic an attorney on me, and start coming after me, probably the chances of us holding hands and singing "Kum Ba Yah" is not as good." Englerth suggested having Vivian Conner, Greg Purcell and Michael Brown sit down and maybe have M. Brown address it. (M. Brown is J. McManus' boss).

-**L. Knowles** commented that M. Brown has been copied on everything. It was noted that Michael Brown's boss is the Barry County Board of Commissioners. L. Knowles commented that he has talked to three Board Commissioners and hasn't gotten anywhere.

-**Vivian Conner** will take the YS Twp. Resolution back to the Board of Commissioners as a complaint from YS Twp.

-**R. Rottschafner** commented on asking C. Kaufman to speak to J. McManus as a friend, and cohort in zoning and teaching, which wasn't an action that Rottschafner felt needed board approval.

-A comment was heard from L. Spoor that he and his attorney are reviewing possible legal action against GLPA and Yankee Springs.

-**J. Lippert** commented L. Spoor's FOIA request was ready at 3:00 p.m. on Friday, August 4th as required. L. Spoor called the Township office would not be able to pick up the FOIA's documents due to an emergency. Nothing has been heard from Spoor since regarding his FOIA request.

-**S. VandenBerg** recommended having a meeting with the township attorney.

The Board agreed to set up a meeting with C. Kaufman. J. Lippert will contact the attorney to schedule a meeting.

F. Fiala inquired as to what the DEQ permit application says regarding Barry County Zoning.

L. Knowles said the DEQ permit app says, "This does not relieve your responsibility to meet the other agencies' ordinances."

Fiala voiced his concern about previous projects starting and being difficult to stop once started. Fiala added “Action needs to be done quickly. It certainly needs to follow all the procedures and doing all the right things, talking to all the right people.” Fiala commented on being a little disappointed in not getting any response for legitimate questions regarding procedures followed- especially with the 20 units that have already gone in.

Englerth commented on being on the same page as a team. “WE will make those decisions” commented Englerth. Englerth again brought up the need for good relationships with Barry County Zoning with future work on the Gun Lake Overlay District, and old commercial zoned areas in Yankee Springs that need to be looked at.

Englerth asked L. Knowles if he was happy if the Board takes one step with Greg and Vivian speaking with Michael Brown.

Knowles commented he’s not comfortable if works start on Monday. “We are not prepared for construction on Monday,” stated Knowles. Knowles voiced being beyond angry with the issue. Knowles commented that he has put a lot of energy into it and has begged Barry County and has not gotten anywhere.

Resolution will go to Vivian Conner to present to the Board of Commissioners.

Motion by Rottschafner with support from Jansma to rescind previous motion on the floor regarding authorization of C. Kaufman to attend Barry County ZBA meeting with L. Knowles. (Vote was not taken on motion to rescind)

MOTION RESCINDED
NO ACTION
DUE TO NO ROLL
CALL VOTE TAKEN

ADJOURNMENT:

ADJOURNMENT

Motion by Rottschafner with support from Englerth to adjourn at 9:20 p.m. Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 8.13.17

Date: Board Approved Sept. 14, 2017

Approved DRAFT -jcl 8-14-17
Janice C. Lippert, Township Clerk