

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES <u>Special Board Meeting</u> Monday, February 17, 2020 7:00 p.m. Yankee Springs Township Hall 284 N. Briggs Rd., Middleville, Michigan 49333 MINUTES</p>	<p>FINAL MINUTES Page 1 of 18 YS BOT – Spec. Mtg. Pickleball 2/17/2020</p>
<p>Meeting called to order at 7:00 p.m. by Supervisor Mark Englerth. <u>PLEDGE OF ALLEGIANCE</u> <u>Roll Call:</u> All Present: Jansma, L. Knowles, Englerth. <u>Absent with notice:</u> Jan Lippert and Shane VandenBerg. <u>Staff Present:</u> Frank Fiala <u>Visitors:</u> 21 (not including staff present).</p>	<p>CALL TO ORDER PLEDGE ROLL CALL</p>
<p><u>PURPOSE OF MEETING: (PER POSTED NOTICE)</u> “Township Board of Trustees meeting of 2/13/2020”: Motion was made by Englerth with support from VandenBerg to take Attorney/Client privilege Confidential Email of 2/4/2020 from (YST) Attorney Catherine Kaufman, a public document for the meeting of 2/17/2020... 1. Drake Land Development – Court Case – Deed of Property with Restrictions. 2. Yankee Springs Township Park – Pickleball Players Request. To reconfigure court, moving basketball hoop/post to make it safer.</p>	
<p><u>BOARD COMMENT:</u> <u>Supervisor Englerth</u> commented that this special meeting was held because it is difficult to get into specific things/long discussions at a regular board meeting. Englerth thanked those in attendance for coming. <u>Mark Englerth</u> commented that he felt “we are halfway or two-thirds the way home. We just got a couple hurdles we got to get over. “Is that the consensus that you have, Alice?” <u>Alice Jansma</u> commented, “We just need to slow down and make sure we have everything done the way it’s supposed to be done.” <u>Larry Knowles</u> commented, “I’m not fully up to speed as far as everything that is being proposed.”</p>	
<p><u>PUBLIC COMMENT:</u> <u>Ken Pechumer, of 2431 Patterson,</u> Member of Promote Pickleball team, thanked the audience for coming tonight and asked if board members got a chance to read email from Wendy Norton. Pechumer commented that the email was well-written and really represents the pickleball players. K. Pechumer apologized for not coming to a lot of meetings and not promoting pickleball. He felt after Nov. 14th, getting the approval from the board to support the project, he felt he had better things to do. <u>Alice Jansma, Treasurer,</u> commented that the township started pickleball in 2011 when it did the multi-sports court with Len Eister. A. Jansma noted the court was done with an engineering company and was in the Parks and Recreation Plan that the board approved. “This is kind of like coming around the corner from what we already started way back when,” added Jansma. “Nobody’s against it, we just have to make sure we do it, the way it’s supposed to be done.”</p>	<p><u>PUBLIC COMMENT</u></p>

Ken Pechumer commented “Our goal of more courts always had the park’s best interest in mind.” Regarding approval by the board to put tape down on the tennis court for pickleball, “It just didn’t make sense to invade the tennis court....The basketball court still gets a little bit of use but not enough to be solely a basketball area. And we talked about that at the last meeting when proposed moving the basketball pole outside the fence so that area can be dual purpose, both basketball and pickleball.” Pechumer noted that he has talked to many people, and has visited many courts in other communities. “Plan well so you can execute well. We’re ready to execute,” noted Pechumer. “It supports your five year plan for the park... so that’s why we haven’t been bugging you until now,” concluded Pechumer.

Tom Madden, of Willson Drive, read the following at the request of M. Englerth:

From: Wendy'
Sent: Sunday, February 16, 2020 12:21 AM
To: Mark Englerth; Alice Jansma; Shane Vandenberg; Larry Knowles; Janice Lippert
Subject: Pickleball - It's a bandwagon you don't want to be on the wrong side of.

I’m writing this message to my Yankee Springs trustees because even though I am away for a few weeks and can’t attend Monday’s meeting, I want my voice to be heard.

This topic is dear to me.

In my 26 years of living at Barlow Lake I’ve never cared enough about a township-wide topic to comment/weigh in. I’ve paid WAY more than a hundred thousand dollars in taxes to this township in 26 years, and you’ve never heard from me.

Until now.

I am currently on a six week ski/golf/pickleball trip around the western US. My husband and I travel a fair amount, and when I pick a place to visit across our US, pickleball is always on my radar. I recently played for a week in Big Sky Montana, and I’m about to play for two weeks in Green Valley AZ. Last week, when I attempted to play pickleball in Mammoth CA, I found that they charged \$25 for two hours. Really?? That speaks volumes about the possibilities for pickleball in resort areas - like our Yankee Springs in summer. The east and west coasts are always ahead of the midwest, and they’re always a barometer of what’s coming to the midwest. I’m not saying we should charge \$25 for two hours of pickleball, but if CA is doing so, the demand is there.

And it’s going to be coming our way.

On this trip we also met with two of my husbands WMU college friends in Deer Valley Utah - I was delighted to discover that they play Pickleball many times each week. They’re as passionate about pickleball as I am. And they too travel around the US always with an eye to where they can play pickleball.

Over the past five years pickleball has become an important part of my life. I’m the classic pickleball demographic - as is much of Yankee Springs Township: Age 50 and over, of OK/good health and wanting to maintain/improve health as I age, I’m active and wanting to stay active as I age. I also want to engage with people who want to stay active and healthy as we age - that describes pickleball players to a tee.

There are so many reasons Americans are flocking to pickleball unlike any sport today:

- it’s easy to play regardless of your athletic background
- it keeps us off the couch
- it keeps us engaged socially
- it works our minds as well as our bodies - most of us want to improve our game.
- it reduces stress levels
- it improves endurance
- it’s fun, engaging, social, doable, and addicting in nothing but good ways.

With the proposals before you, for additional pickleball courts in YS park, you have an opportunity to positively affect many lives in our township and beyond, with relatively little effort or monetary commitment.

Weight lifting classes?
Aerobic classes?
Yoga?
Thai Chi?

So many options for we aging Americans, and so few of us partake - to some degree because of the cost. You have a proposal before you to make Pickleball free. And ridiculously beneficial in so many ways.

Pickleball is crazy popular across west Michigan and the US, and growing more so every day. Building courts in our area is the right thing to do, now and in the long term, for our citizens and our community. Now is the time for Yankee Springs to build new courts and to get on this bandwagon. Just last week Coldwater MI approved eight new courts. Let's not be left behind as the rest of Michigan and the US recognizes how easy it is to positively affect so many of our residents.

I attach a link to a recent survey about pickleball:

https://612d4947-b374-4da0-a8c1-56705852895f.filesusr.com/ugd/82c67c_ba5682830c374a45a2a9c75ad233c839.pdf

And, FWIW, personally I drive to both Grand Rapids and Kalamazoo many days each week to play pickleball. My vote would be for Yankee Springs to build an indoor, heated, year round facility in which play could happen regardless of the weather outside. I recognize that's above and beyond the scope of this issue at hand. At a minimum, I vote for, and very strongly support, four additional courts at Yankee Springs Park.

Pickleball is nothing but good! And with the burgeoning local support, you have absolutely nothing to lose. This is a win-win for the residents of Yankee Springs. And a HUGE reason for visitors to put Yankee Springs on their to-visit list.

I sincerely hope that my first ever comments to you, the trustees who are entrusted to represent me and my tax dollars, don't fall on deaf ears.
And again FWIW - I vote. Early and often.

Wendy Norton

Deb Donker of Thornapple Township commented that she was a retired school bus driver (drove for 32 years). D. Donker retired due to health issues. Since she has started playing pickleball in 2012, playing 3 to 5 times a week, her health has improved almost 90%.

Tim Zyskowski, of Oakwood Shores, commented "Have they already done what they wanted to do in the five year window or are we waiting for the five (5) year window?"

Ken Pechumer commented that part of the five (5) year plan has been completed and part of the five (5) year plan is to put in a bathroom. "It's a no brainer but it costs money," added Pechumer, "and I'm trying not to add that to the problem right now." Pechumer noted that he has talked to ladies at the park and "there's not a lady that wouldn't want a restroom to be there."

K. Pechumer also commented on singleness, (singles, widows, widowers) and keeping them from being inactive. "I guarantee you that anybody who comes over to the pickleball courts,... you'd be in the next game.... That's simply the way it works. That's what happened to me...They suck you in and I've been addicted ever since...It's a positive thing for helping people live longer and better."

Tom Madden commented, “I think the question is, is there another five year plan coming?”

K. Pechumer answered, “I can’t answer that. But there are other parts of the plan that are focused on increasing the recreational opportunities there.”

Warren Wheeler of N. Norris Rd., was introduced by M. Englerth. Wheeler commented, “These five year plans are put together to really acquire money... I’m a safety consultant for playgrounds.” It was noted that Wheeler certifies playgrounds. Wheeler commented that he sees pickleball everywhere. “If the basketball isn’t being used, why is it there? If the tennis court isn’t being used, why is it there?”

T. Madden asked, “Have you seen a sport engage this age of people so quickly?”

W. Wheeler commented “No. No.” to T. Madden. W. Wheeler mentioned the Michigan Passport programs for funding of money by grants and offered his assistance. Fences and lighting were mentioned by Wheeler for grant money ideas.

A. Jansma commented on previously applying for two grants. The township had to match the grants. One grant was for multi-surfaced courts, and the other- a gazebo. Both grants were received. A. Jansma commented on the need of engineering for plans.

W. Wheeler commented on the Michigan Trust Fund being strictly for acquiring and developing parks.

K. Pechumer commented, “We (Promote Pickleball team) started this on the basis that we are not going to ask the township for any money. That doesn’t mean we aren’t looking for grants. But grants take their time. I’ll go on record to ask the township to spend money for a bathroom facility out there.... I’ll take care of the financing (right into or write it to) these pickleball courts. Irregardless of what happens with the restroom facility, but that’s our position.”

Jansma asked, “Who is going to maintain them as they go?”

K. Pechumer commented, “We would hope the township would be able to.”

Jansma commented that the township had just spent \$17,000 on maintaining the one the Promote Pickleball team is using now.

W. Wheeler commented on making it as maintenance free as possible. Wheeler said a lot of groups, “a pickleball organization, they’re going to be the ones who maintain it...So I think maintenance is not really a big issue. So long as you make that park and make it available, these people are going to step up and take care of it.”

A. Jansma commented, “But don’t we need that in writing?...I’m sorry. I’m thinking about the township.”

Englerth commented that Alice is one who dots her “i’s” and crosses her “t’s”, and he respects her for it. Englerth said he’s “going to start up his back hoe and start flingin’ dirt.” “So all of us together, and Larry just wants to know what’s going on and what their plan is. So we’ve got a great team here, already.” Englerth commented that this discussion could not place during a regular board meeting. We don’t have time.... Nobody’s fighting, we just are so close to all being on the same page, you agree Alice?” Englerth continued, “Let me put a couple of them down that I’ve heard already.” Englerth mentioned moving the hoop to the outside of the fence and extending the neck back into the court area or they could shoot baskets...”

K. Pechumer commented the pole is a safety issue for the park right now... “just the way it sits.” “My goal, is not just about pickleball, my goal is to move the pole so it is not a safety issue to the park,” commented Pechumer.

Englerth commented, “And you have the ability to bless that, right?”

A. Jansma commented, “That was engineered...”

W. Wheeler commented, “I don’t see a problem there....If you’re in six feet it gives you two feet grace....moving outside the fence...there’s no safety concern. It’s a wiser move all the way around.”

Englerth commented, “We still have to run this past our insurance company. Englerth commented on “another piece that was brought up in deeding the property to the township”. “There are some reverter? clauses in that... We are going to get a hold of him (Brian Drake) We’re going to get a hold of the attorney if there is anything that has to be adjusted on that. ... I’m comfortable that he is not against having a pickleball court. OK. So that is one document we’ll put in place. We’ll get the drawing to the insurance company, to the risk management people. To be sure that they’re comfortable with it. So we’ve got the insurance company, we got the hoop, we’ll have Warren... walk that through and bless it, then we’ll go to insurance company, we’ll go to Mr. Drake, and then we’ll go back to the attorney to get any documentation that we would possibly need to be shared. I don’t see it on there, but it doesn’t hurt to dot your i’s and cross your t’s. The last thing we want to do is end up going court on anything. So what else is there that we need to move forward on this?”

Knowles asked, “What’s the plan as far as financing? Are you (Pechumer) planning on having it completely financed before we start? (Pechumer commented, “Yes”.) I just wanted to make sure there’s a guarantee...”

Englerth interjected, “There is a Phase I and a Phase II.”

Pechumer replied (to Knowles), “It’s not going to happen (regarding financing). I personally guarantee it. It’s not going to happen.”

Knowles commented, “I just wanted to make sure the money’s there, that’s all.”

Englerth commented, “There is a Phase I and a Phase II, correct? You want to get it all approved at once, even though there are two phases?”

K. Pechumer commented, “What I would prefer, if I could walk out of here tonight, with approval to move that basketball pole. I’m not going to do it now...All I need to know is that I have that down so I can move on.”

Jansma commented, “We can’t do that until we talk to the Risk people.”

Pechumer commented “There’s only a couple things that have to happen and what I’m hearing, everybody’s okay with that. It’s a very logical thing to do, to me it’s what they call a ‘no brainer’ move.”

Jansma commented that she had been involved with something similar with a basketball court at a school. It was a lot to get it taken care of. “Everybody said ‘they don’t need it. They don’t need it.’ Well, they did need it. It becomes a problem when you start fussing around with stuff that’s already been done.”

Mike Cunningham, of Heritage Bay Dr., commented on being in the audience at every meeting since this came up, “Move forward on what? I haven’t heard what it is. Are we talking about moving the basketball court? Are we talking about building an indoor facility for \$500,000? What are we talking about? Explain it to us. When you say ‘What do we need to do to move forward, move forward on what specifically, and I would like to see drawings...so we know what you are talking about. ...At one meeting the board rushed off and approved without asking questions or allowing anybody to ask questions, tape on courts. The Board unanimously said, ‘Yes. Let’s do that.’ According to you, (K. Pechumer) and I thought so sitting in the audience, it didn’t make sense. Now you’re saying it didn’t make sense. So we approve something that is a ‘no brainer’ now, and then after something happens ...somebody is going to say, it doesn’t make sense. But tonight’s a ‘no brainer’ and you want the approval. This group, obviously, is very biased. You’re all pickleball players, you want it to happen. You want it approved and that’s understandable. But you have to understand there’s more people in the township, there’s t’s to be crossed and i’s to be dotted. So that we don’t wind up in an argument a few years from now over who said what. It should be in writing. We need to take the time to do things right, not push forward at a pace where we get it wrong. Nobody in their right mind would be against pickleball... Why would anybody do that? ...I can’t think of anybody that would be against pickleball. It’s not against pickleball that I am; I am against a board that constantly makes mistakes because they are trying to satisfy the people in front of them who are demanding something. I’ll tell you, I’ve met people who’ve come out of the meetings that you weren’t at because you didn’t think it was necessary because they had already approved what they said at the time was just ‘We’re just giving a general approval’ you took that to mean a rubber stamp. You didn’t come anymore because you thought it was a done deal. I was afraid it was a done deal even though it didn’t sound like it. People who have told me, ‘I’m not against pickleball, but what’s going on here? This is being rushed through so fast.’ I’m telling you, while nobody is against pickleball, I think the group and the sport in this area, to some people are getting a bad name. Not because of pickleball or a few

individuals, or because of the way this board is not doing their job for the township, in asking the right questions they're falling all over themselves trying to get votes or something. But they need to slow down and you need to realize maybe that you may get what you want, but there may be people that are mad. Just sayin'”

Pechumer commented, “I appreciate your comments. But when we got approval to tape the courts, ...that was a step forward that we thought. I took that information and I did exactly what you are telling the board to do. I went out there and measured where that tape would fall. So I know exactly where those pickleball lines would be. ...You got the back line of one of those pickleball courts is going to be 4’ away from that basketball pole...”

Cunningham commented to save time in the meeting. I don't need to know lines and dimensions. I'm not complaining about that. You are not elected to do this. The board is elected to do their job too, for all the township. Your job is, as I see it, you can do the job for the township that's fine. I really appreciate that. But you are probably more specific to the pickleball group that you are responsible to. But we can't recall you, we can't put you in jail for malfeasance or something if you do something wrong. The responsibility lies with them (board) to do for us. And you guys need to do the best job that you can, but I'm just saying if you go along with pushing it through and don't provide say what Alice is asking for where she says 'It's not a "no brainer".' If you don't pay attention to her, then somebody like me is going to say...against the group.”

Pechumer commented, “I'm definitely listening to her. So I think the steps that need to be taken here with the insurance companies or something like that, is a valid thing to do. I don't have any particular problem with that. What my problem is, I don't want to be talking about this in June. OK?”

Cunningham commented “...Five year plan, you're not even on it. There's people in this township that want stuff done. Maybe it takes a while and maybe they never get it done. Why does this have to be done now and before June? It could, but why? ...As far as money, I've heard promises, but I've also heard our supervisor say, 'Maybe the township should pay 20% of the cost.'”

Nancy Parker (address not available) – commented that when someone is planning a proposal or project ... “You draw it out. You do the measurements, put everything on it. Present it to the board... It is all in writing... so that 10 years down the road, somebody says, ‘Oh, well what did we approve? You have it all right there drawn out. Is that what you want?’” N. Parker noted that she has been on committees before.

Englerth commented that the resolution was “that we were going to go forward. It was not that we were positive about it. We had an interest in it. He wanted to tape it off. ... We are doing the right things. We are doing our job. We are doing our due diligence.as it moves forward there are two phases to it.” Englerth reiterated that the township was having a special meeting because this type of discussion could not take place in a regular township board meeting.

Fred Brown (address not available) commented regarding talk about eliminating the basketball courts as an option. F. Brown asked if the basketball pole would still be in the way if moved. (K. Pechumer commented, “No.”) F. Brown mentioned that he was playing at MSA and noticed a sign on the wall “Play at your own risk.” “I don’t think there’s a sign out there (twp. park)”, mentioned Brown. He noted that people do fall, and can get hurt.

W. Wheeler commented, “I don’t understand bringing the insurance company in. As long as you are doing something that is making things compliant and by industry standards. I’m all over the state doing these things. The insurance companies ask to come in but they are never asked beforehand. Just seems odd if you’re within the bounds of what’s compliant, why do they need to be involved?”

Englerth commented that there have been a few things such as the YS Clean-Up. “Once we make the insurance company aware of that they are on board with everything. It doesn’t hurt to run it by them. ... If they want a little pad on it or whatever, why not ask them ahead of time? We can do that in a matter of a couple days... But we are going to dot our i’s as long as we can and cross t’s. There are board members. I’m not the sole decision-maker. Alice had some concerns, Larry wanted to have more information. So this is the time we do these things. What we are doing right now is a bullet list of what needs to be done....We’ve got total transparency....more opportunity for the community to have input. So we are moving forward. Government is an awkward pig to move forward.”

Knowles asked “...What are the phases?”

Pechumer commented “...the first phase is simply moving the basketball pole. That can happen maybe as early as April. In some way it is a two-step process. Move the basketball pole and get outside of the fence. Relocate the backboard so that it’s playable... The next step would be to repaint that entire area for ... pickleball and basketball. I don’t want to eliminate basketball out of the park. I think that would be a bad thing to do. At the same time, I tell you, I don’t see any basketball players out there...” Pechumer commented “Once that’s done, that’s the existing platform that’s at the park, tennis court, existing basketball court area, two pickleball courts that’s the existing sports facility right now. So, we get that done. The next phase is to put the four pickleball courts in. Now, I understand this gentlemen’s concerns (M. Cunningham), but at the same time, when you put plans together and you’ve done your homework, you’ve talked with people, and you’ve interviewed people and you’ve talked to construction people, the time is now if I am going to accomplish this – this year. If I wait another 30 days, these people are all going to be busy for the entire season. I don’t want to waste a season, ok. Now, if that’s pushing it too fast, I’m sorry, I’m just too enthusiastic. You know. I’m 100% believing that I’m not doing anything wrong or in anyway hurting any part of the park... You can google a picture of the park. We are taking a part that is never going to be used for anything else. I can guarantee you that.”

Cunningham commented “You cannot give me a guarantee for that or the funding or whatever you personally guaranteed earlier. If you put it in writing with a bond or something, then maybe I’ll buy it. You say words like ‘Never’... it’s just not true. You can’t prove it.”

Pechumer interjected that he can prove it.

Cunningham commented, "... We have to wait until sometime after never to know whether it happened or not?"

Pechumer commented "Well I'll agree with you. I can't actually say that- at some point in time somebody might actually want to put a water park type thing up there and say 'Boy I wish we had that particular space', but I can tell you that there's two soccer goal posts out there and I'll guarantee you that there's never been a soccer people (person) on that field. Ok. Never. I don't think there's ever been anybody...."

Cunningham commented, "Now you say you don't think there..."

Englerth interjected, "Part of the process would be a Phase II. I'm guessing it would be about \$150,000 is that..."

Pechumer commented "...It may be as low as \$85,000 and as high as \$105,000."

Jansma commented, "Where do I see that?"

Englerth commented, "...Once the piece that we would put on with that –that would make reason, is even if it was in an escrow account at Hastings City Bank (Highpoint Community Bank), and that money was there and the contracts were bid. And that part would be approved. And when that part was done, Mr. Knowles has a construction background. I have one. Warren (Wheeler) has one or whatever, that would be approved. So when we do these projects, the due diligence will be done...."

Pechumer interjected, "You're not going to get any of my donors to put some money into Hastings State Bank waiting for this project. They are going to put their money into the 501 3c to get a donation for it."

A. Jansma commented, "Who's name is that in?"

Pechumer commented, "It's called the Promote Pickleball Team Fund # 339."

Jansma asked, "That's all? There's no individual names involved with that 501 3C?"

Pechumer commented, "...Well the original people who put it together was Phyllis Wordhouse, myself, and Jim Pennix. I mean that's the documentation that we had to supply to Barry Community Foundation to set up the 501 3C. That's an active fund. There's money in there, right now.

Jansma commented, "But we don't know that."

Tom Madden inquired "How do you need to know it? You started a bulleted list. And Alice you mentioned a couple of times that we need toalso create a bulleted list. What is it that's missing that we're not providing you? That we can give you."

Jansma commented, “A contract. We need to have some kind of a contract, if we’re dealing with somebody that’s 501 3C. We didn’t know that before. I don’t know who’s been communicating all this stuff.”

Englerth interjected “...What I think we do as we go along, is we say ‘Do we approve this. Okay, how is it going to be funded? Okay. Are we going to approve that?’ Some of this will be done in steps. It’s not like we do these things every day. ...If we say, ‘subject to getting the money, in a secured fund’, now who is going to oversee the construction manage of it. Is it going to be one people is it going to be two people? We’ve got to start somewhere on some common ground to move forward. So, I think we are pretty close...And actually too, maybe the funding and how it is handled is a matter of law not a matter of choice.”

Pechumer commented, “Alice, here’s a choice. Okay. You can either work with this document, there’s two copies, or this one here, which ever one satisfies whatever you need or any modification of this. This identifies who we are. It identifies our mission statement. It identifies our plan. When the (YS) attorney came back and asked for ‘What are we going to use the pickleball courts for?’ my wife and I just started laughing. We’re going to use it for pickleball.”

Knowles commented, “Who has the power to spend money in your organization?”

Pechumer commented, “I can make that request, as well as Phyllis, as well as Tom...Anyone of us can make the request to direct that money towards a contractor.”

Jansma commented, “This is the first time we even had known you were a 501 3C. I don’t know who you were communicating with. And I’m not trying to stop it. I just want to make sure that in five years, somebody doesn’t come back and say, even in less time, why did you do that?...”

Pechumer commented, “And we’re not trying to do anything slippery or whatever. All we are trying to do is improve the lives of people and turn grass(?) into saving lives....”.

Knowles commented, “Is it set up for more than one person to approve expenditures?”

Pechumer commented, “It’s not specifically set up that way, we would operate that way. But it’s not.”

Knowles commented, “I think it should be, because that scares me.”

Pechumer commented, “That would not be a problem. That would not be a problem. Like I said, we are going to operate that way. We don’t do anything without the three of us talking. ...I don’t have a problem with that at all. We’re going to put that in writing. It’s not a big deal. And I agree with you. I think that’s good business practice.”

Cunningham inquired, “Who would select the contractor and oversee the construction?... Who would do the specifications for the quality of work.... Would it be the pickleball group? Would it be the township? These are some of many questions I have. And I think they are valuable questions.”

Pechumer commented, “I’m prepared to take that particular position. And whether I’m in it or not, I will do it. Tom has that particular expertise also. So I would expect we would be doing that as a joint effort.... Part of plan, part of the conversation plan for tonight was to ask one of the board members to be a part of that process. I think it’s important to have one of the board members that we can communicate to directly. ‘Here’s what we plan to do next. Is there any issues? Is there any problems? The contractor selection, I’ll stand up here and debate that all day long about what’s right and wrong there because I’ve done my homework. I know who I want to surface and I know who I want to have as a fence guy. And I’ll challenge anybody in this room to want to go around and find better people than we picked out.”

Cunningham commented, “Do you know whether that’s legal whether a township can actually do that.. because a township, a lot of times, anyway, a township has to get competitive bidding... I don’t know as a member of the public whether your group can operate totally separate from, on township property, separate from the legal requirements for the township....”

Englerth commented “That is a question for the attorneys.”

Cunningham agreed, “Yeah. I know. But the attorney is not here. That’s why I’m raising the question tonight.”

Fred Brown commented, “You’re the board for the township. You’re not raising taxes on all this, so I’m not seeing a big problem...”

Englerth commented, “... The question is, is do you ultimately, those are independent funds and the commitment is they’re putting infrastructure on the piece of township property. They are gifting it to the township. How they spend their money, with who they want to spend it with, is up to them. If the township was spending the money, then it would be a different discussion. So would it be ideally to have somebody from the board, with the individual as the construction project goes through, bringing people up to speed? What are their expenditures? Did it fit the scope? Even if Warren had a hand in it. Is that, together, all of these issues can be resolved. And we’re within a stone’s throw of being there, I believe. Mr. Knowles? This is an achievable goal or within a stone’s throw.”

Knowles commented, “...I don’t know the timing. I don’t know if that’s accurate. I’d really like to see that.two phases and stuff, that I don’t know the timing for either one. I’d like to see it in writing.”

Pechumer commented, “Given the approval to move the basketball pole, I would say the timing would be April, subject to weather....and then after that the court surface people coming in, again they have to do that when the weather is right. That may be a temperature issue. Might have to get to a few days of 70 degrees... So let’s say that’s April-May. My goal is to start the construction of the four (4) pickleball courts as early as May but realistically the

first part of June....I think we are looking at about a two month project.

Jansma commented on the court order. "It was privileged information. ...You might want to look at it."

Pechumer commented, "Well I did, but I didn't go through page by page by page." (referring to the court order).

Jansma pointed out part of the court order that said, "encumbered".

Pechumer asked, "Anybody know what encumbered means?"

Tom Madden commented, "Hindered."

Unidentified person commented, "Like a second mortgage. Encumber of property."

Pechumer read part of the court order: "Set property shall under no circumstances, be sub-leased or encumbered in whole or in part, nor used for the purpose of conducting any commercial enterprises except related to park activities such as concession stands."

Pechumer commented, "We're not."

Jansma commented, "I understand that. But Mr. Drake doesn't own that property anymore."

Englerth summarized, "This is what I've got down so far from our meeting tonight. We're going to define a little better in writing Phase 1 and 2. Basketball hoop...is Warren if you can get out there with me, we will get Risk Management people out there and meet you out there. We'll get a hold of Brian Drake and be sure that there isn't anything that he's uncomfortable with and will get that document in writing and we'll involve the attorney. You've already got some drawings but we'll make sure that we've got those spot on. Basically we'll put down the timing in April. We will run by attorney – if they gift it and that's one thing about having the money in a special account. You have a proof set of drawings. You're going to meet those specifications. You're going to build that within the township property and gift it to the township, that would probably be the easiest. What does the insurance company say? What does the attorney say? There's some things that this board needs to do. And there's some things that you need to do. What I'm thinking. And the board hasn't even weighed in on me...so if there's anything else you'd like on this list?"

Knowles commented, "...Should this come to the Planning Commission?...Parking. What's being addressed and what's not? I don't know."

Englerth commented that as the park grows, "...if you have more and more events there...maybe your parking isn't going to be adequate..."

Knowles commented, "That's why I'm asking. You're talking about putting four more pickleball courts...I don't know how many people that is. I don't know how many people are in back waiting for their turn. I don't know that this is being addressed."

Englerth commented, “I don’t know if anybody would know that. In other words, as there’s more and more and more use of the park, perhaps the parking lot would be expanded. And I think we would know that at that time... It’s kind of like our recycling, we want everybody to recycle and when we get twice as many people our costs doubled.”

Knowles commented, “I agree and I don’t. I think that it’s clear as a bell that they think there’s going to be a lot more people out there. There’s a reason why they’re trying to four more pickleball courts. I’m assuming there’s going to be more traffic. I haven’t seen anything that says we are addressing it, whatsoever.”

Pechumer commented on courts in Lake Odessa which do not have paved parking. Pechumer noted they have tournaments at Lake Odessa. “So, if there’s overflow cars, they can either go south or north of the existing parking lot and park on the field that is out there. I’m not going to stand there and call it grass; it’s basically ...solid ground. People parking there, it’s not an issue.”

Knowles commented, “Well it’s probably not to you, but I don’t know yet if it is an issue. I think it’s something that should be addressed.

Jansma asked, “Have you thought of any place else you can do this? Like the church (Gun Lake Community Church) or the fairgrounds?”

Wheeler commented, “It’s a good thing. You want people to use the park. But parking,...if the park is being used that there’s overflow, it’s a great thing. Expand the parking lot. My goodness you have the real estate. That’s a good thing.”

Jansma commented, “But who’s going to pay for that?”

Pechumer commented, “To answer your question (about looking at other locations?) We didn’t go out and look at ... the fairgrounds. And part of that is the physical aspect of where it is. As much as our Promote Pickleball Team is a Barry-wide thought process, it’s 30 minutes from my house (fairgrounds)... I tried to talk to the church people (GLCC). Left my card and name there. I know the pastor plays pickleball.They certainly have the land there. But I don’t know if they have the mindset to want to do it. It’s not as an ideal location as the park because four (4) more courts gives us eight (8) courts in one location. It’s just a better way to be. Pickleball people. Let me tell you this story...Pechumer spoke of a “pretty competitive game going on. Next to us is 4 to 6 ladies playing...my turn to serve. I’m about ready to tell these ladies to be quiet...kept my mouth shut. You never hear your own noise.... played.... got home. So happy I kept my mouth shut because those ladies were having so much fun... They were playing together and that’s what more courts will allow them to do...People that are new to the game...I want to train people ...and teach them how to play. I will teach him (W. Wheeler) how to play...”

Jansma commented that the fairgrounds have indoor facilities there that could be used too.

Tom Madden inquired, “Are you suggesting it’s too much of a hassle for the township to do this?”

Jansma commented, “I’m not against it. I just asked if you approached anybody else.”

Tom Madden commented “We’re trying to put the courts where there are existing courts. You’re the only two courts in Barry County. There’s no other courts for pickleball in Barry County.”

Knowles commented, “City of Hastings.”

Pechumer commented, “Hastings does not have any outdoor courts at all. We met with the YMCA guy two or three weeks ago he was about ready to go in front of the board with a proposal and we went through like four different locations....and said ‘This is really not the best place. ... We just flat out gave him some advice...”

L. Knowles commented, “You’re talking about Tyden Park. (Pechumer commented, “Yeah.”) There’s no pickleball in Tyden Park?”

T. Madden repeated, “There’s no pickleball in Barry County except the two in Yankee Springs Township Park.”

Pechumer commented, “There’s nothing in Tyden Park. Now somebody might have put some tape down...on the tennis courts, over there...”

T. Madden commented about the large cracks at the tennis court in Tyden Park (Hastings). “I’m a tennis player, I won’t play there.”

Knowles commented, “I understand. But I do think it’s marked for both. It was, anyway. At any rate, ...”

Englerth commented that the discussion should stay focused on what the group is proposing. This group is proposing to take and re-do the existing tennis courts...”

Pechumer interjected, “No. We’re not touching the tennis courts. Sacred ground. I’m not going to fight with the tennis people.”

Pechumer commented, “Here’s the problem, you put four pickleball courts out there, I got to bring in portable nets. What do I do with portable nets when I’m done? I’ve got to store them some place. I don’t have any storage facility in this whole plan. I don’t think we need it. The other thing, if I tape it,... I’ll guarantee you, you get 16 pickleball players out there and two tennis players show up, we’re going to have a lot of unhappy people... So I’m not touching that ground... Basketball. Not worried about it, potential conflict there (basketball)...very low percentage... and they still have the ability to play there if they want to.”

Englerth commented, “...This group is committing \$100,000 to this community. To where everybody can play. Better than half the park is not utilized. The softball field is not utilized,

and the soccer field is not. If we need to expand the parking lot because of the growth, if those facilities stayed the same, and you have a soccer team and a baseball team, you'd have the same problem, does the parking area have to grow? I don't think we need to drag them into that discussion. They've put something on the table that they would like to improve the pickleball opportunity in the community. As we go down the road, and you can have a five year plan or not. Maybe soccer will come crazy. Maybe we need a bathroom. Those are different issues. These people are coming here with a gift. I don't know if it's this board's job to ask for more. That's just my thought on the parking. Certainly a good question. And we may need to do it down the future. The question would be, can you park on the grass or not for the overflow?"

Knowles commented, "I didn't say I think it is their issue. I'm saying I think we should look at it. That's why I suggested the Planning Commission. I do think it's crazy to go forward with ignoring it. I do think that that's not wise. I don't think it's their issue."

Nancy Parker commented to Alice Jansma, "You said something about you had a concern about maintenance, and about \$17,000 and if I understand Ken right, there's not maintenance involved."

K. Pechumer commented, "No. That's not true. There will be maintenance as some point in time."

Nancy Parker commented, "I'd hate to see it stop because the township's going to have to spend money to maintain it, after the pickleball people spend \$100 grand. So what was your concern?... It's not like you're clearing snow because we don't play in snow."

W. Wheeler asked what the courts would be made of. Wheeler thought it might be clay.

Pechumer confirmed they were to be made of asphalt. Pechumer also commented that he had received a quote for cement of \$97,000 (for excavation and concrete). Pechumer also talked to Racquet Sports of Comstock Park noting they had a great reputation- they do surface and lines. Racquet Sports said that "My job will be 25% more expensive for you if I do it on concrete". Another item was that concrete is not the most favorable surface for 50 and older crowd, noted Pechumer. ("Asphalt is softer", added Jansma).

Mark Englerth commented to K. Pechumer, "Are you willing to commit and meet again next Monday? And see if we can get this off the table." (Pechumer was willing to meet).

M. Englerth reviewed the list of items to be done:

- Define Phase 1 and 2.
- Go out there and work with Risk Management people.

Englerth addressed Warren Wheeler, "You're going to get drugged into this if we need to give you a check. Are we willing to pay Warren at this time? That's what he does for a living."

Knowles commented, "I don't want to do that at this meeting."

Wheeler commented, "Let me see how much I'm involved first."

Englerth continued,

- "We're going to get with Brian Drake. We're going to see if we can get some kind of written communication going with him."

- We are going to redefine the drawings again.
- We are going to look at funding. And I will get a hold of Catherine (Kaufman) to say ‘In fact if they have a 401(501) C3, and they commit to a design and they build that per agreement, then is that within the law? And if it is their money then they can spend it anyway they want. It’s not tax dollars’ money.’”

Jansma commented, “Has the 501 C3 been approved? This just says the application’s been sent in. We did one...”

Pechumer commented “It should say it was approved.”

Jansma commented, “...Application to establish. It doesn’t say it was approved. Oh, I’m sorry... I was reading...”

Pechumer commented, “There’s money in the fund right now.”

Jansma commented, “That’s fine.”

Knowles commented, “... just found out a minute ago that it was asphalt. I just heard about how terrible asphalt courts are in Hastings. Definitely there’s maintenance involved.”

Pechumer commented, “The other problem is concrete cracks.”

Englerth commented about the age of the courts. It was confirmed (2011) by A. Jansma.

Englerth commented that the township just spent \$17,000 in repairs to the court (It was cracked and needed to be fixed – per Jansma.) Englerth commented that every nine (9) years it would have to be resealed. “So that’s about \$2,000 a year you got to put in a maintenance kitty, and I understand inflation and everything else. We did have it touched up, but there is a cost to owning.”

Wheeler commented, “It deteriorates from non- use because vegetation gets in ... starts pushing it apart. Tennis ball courts aren’t used much per Wheeler. Wheeler felt if courts were used they would take less maintenance.

K. Pechumer commented “That particular area there is a little smaller in terms of the square footage area that we are talking about... That number would probably be realistic.”

Jansma commented “And Racquet Sports is the one who did it because they are the ones who built it to begin with.”

Pechumer commented, “The real key to a good surface is a good foundation... Even though I’ve got two guys that I’m comfortable with as it relates to asphalt courts, once I know I can get in to Phase II, Tom and I are going to interview them because we’ve got a lot of history with these people... We’re going to go through the details.”

Wheeler commented “I remember this park was designed. The asphalt. Fleis & VandenBrink was involved and their stuff is sort of shoddy and they really had poor specifications for the bituminous section - the path was rough,...they did it cheap...I was never satisfied with the bituminous route around the park. Period.”

Jansma commented, “That’s a different…” Jansma was unable to complete her comment due to continued discussion.

Pechumer commented “We’re not going to pinch pennies in that particular aspect of it. It just wouldn’t make sense. We’re not approaching it that way. That’s not a mindset. We’re doing this for the park. But we’re still…want to have a great park.” Pechumer noted that he appreciated Wheeler’s enthusiasm to use the park.”

Englerth tried to set date for the next meeting. Englerth commented “He’s (Pechumer?) got some deadlines that he would like. And time is of the essence and time is important to him…”

Pechumer commented, “From everything the board has heard tonight, if we don’t have any issues with… I mean creating Phase I and II, …no big deal… If we don’t have any insurance issues? Attorney issues? Are we a go?”

Jansma commented, “We can’t make that decision here now.”

Englerth commented, “We can ask for a consensus which is not bearing on anything but at least you are going to hear how each one of the board members feel. A non- binding…”

Jansma commented, “I think we should talk and get our questions answered. I appreciate everything you’ve done. Don’t get me wrong at all… I’m not against it at all. I’m not against it. I just want to make sure we have everything done the way we are supposed to do it, instead of rushing in and saying ok…”

Pechumer commented, “I’m not asking you to do that. I don’t want to be talking about this…”

The next meeting date was set for: Friday, February 28, 2020 at 9 a.m.

Englerth commented that he will add questions of VandenBerg and Lippert to the list.

Pechumer commented on teaching pickleball to others.

T. Madden commented, “On the 28th, you want to review all the inputs. Is that the intent on the 28th? And you want the updated Phase 1 and 2 ahead of that? …Who does that get sent to?”

A. Jansma commented to email it to Jan Lippert and herself (A. Jansma).

Unidentified audience member commented, “When is the next meeting that we can all attend?…. What about for the people that work? This gentlemen could bring the people that he knows that might oppose this maybe.”

M. Englerth commented offering another meeting on Saturday the 29th. (It was not set).

The **unidentified person** continued, “To do it the next day, I don’t think is feasible…”

Englerth commented, “Let us get through that date. We’re not trying to hide behind any closed doors or anything. We’re trying to gather all the information. So everybody’s on the same page. And we can drop the hammer on this thing. So there will be another meeting. I’m not going to guarantee you when at this time. We are going to have communication and you’ve got communication with him (K. Pechumer)....”

Pechumer commented, “Maybe the question that Rick is asking –Is there a possibility of, on the 28th, if we have everything crossed, i’s dotted and t’s crossed, that we get a vote?”

Englerth commented, “That would be my goal. Yes.”

Pechumer commented, “I just get the feeling that we don’t really have any major issues here.”

Knowles commented, “I wouldn’t think so. That’s the biggest part that I don’t like I think is being rushed. I think with the parking is one....”

Englerth commented, “I think one thing that he has done...(cell phone interruption) When is the first time you came here (to Pechumer)?”

Pechumer commented “First meeting was probably back in September, October. Phyllis was running those meetings before she left.”

It was noted that the next regular board meeting is March 12th.

Englerth commented, “But we really got to see how far we get. This meeting, too.” Englerth also explained quorum issues and open meeting violations.

Nancy Parker confirmed there were five (5) voting members and two members were missing tonight.

Full audio recording of this meeting has been downloaded to the township office computer system immediately following meeting.

ADJOURNMENT:

Motion by Knowles with support from Jansma to adjourn at 8:30 p.m. Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 2/17/2020

Date: Approved by Board of Trustees, March 12, 2020

Approved : _____
Janice C. Lippert, Township Clerk