

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</p> <p style="text-align: center;"><u>Special Board Meeting</u></p> <p style="text-align: center;"><u>Shalinda Development Water Main Extension (Loop)</u></p> <p style="text-align: center;"><u>Wednesday, January 17, 2018</u></p> <p style="text-align: center;">6:00 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 1.17.18 Draft circulated 1-25-18 with attachments Agreement / Resolution Final Approval of Preliminary Plat of Shalinda Subdivision</p>
<p>Meeting called to order at 6:00 p.m. by Supervisor Mark Englerth.</p> <p><u>PLEDGE OF ALLEGIANCE:</u></p> <p><u>Roll Call:</u> Jansma, J. Lippert, Englerth, Boysen, VandenBerg. (All Present)</p> <p><u>Staff Present:</u> Frank Fiala, Rich Beukema, Todd Delamar</p> <p>Visitors: 10 (not including staff present).</p>	<p>CALL TO ORDER</p> <p>PLEDGE ROLL CALL</p>
<p><u>Additions or Corrections to the Agenda:</u></p> <p><u>Add: Under New Business:</u> Discussion with YS Attorney regarding responsibility of the township board with events/behavior occurring recently.</p> <p>Motion by Englerth with second by M. Boysen to add the above requested discussion with attorney to the agenda. ROLL CALL VOTE: Jansma: Yes, Lippert: Yes, Englerth: Yes, Boysen: Yes, VandenBerg: Yes. YES: 5, NO: 0. MOTION CARRIED.</p>	<p><u>Additions or Corrections to the Agenda</u></p> <p>Agenda approved with addition under New Business.</p>
<p><u>PURPOSE OF MEETING:</u></p> <p>Meeting called at the January 11, 2018 Board Meeting As Follows:</p> <p>Township Board Discussion Regarding S. Payne Lake Water Main Extension (Loop) Shalinda Developer.</p>	<p><u>PURPOSE OF MEETING</u></p>
<p><u>PUBLIC COMMENT: none at this time</u></p>	<p><u>PUBLIC COMMENT</u></p>
<p><u>ACKNOWLEDGEMENT OF VISITORS:</u></p> <ul style="list-style-type: none"> • Catherine Kaufman, Township Attorney • Larry Knowles, Director – Gun Lake Area Sewer & Water Authority • Don DeVries – Fleis & VandenBrink, Engineer • Attorney Meyer • Geoff Moffatt <p><u>Attorney C. Kaufman, Yankee Springs Attorney:</u></p> <p>YS Attorney Kaufman asked two (2) of the board members J. Lippert and S. VandenBerg, to be seated with audience. Both members left the board table and were seated in the audience.</p>	<p><u>ACKNOWLEDGEMENT OF VISITORS</u></p>

Attorney Kaufman commented on reviewing technical information from: L. Knowles of GLASWA, the Engineer's comments, and information/draft agreement and copy of resolution from C. Meyers (Attorney for Shalinda Development).

Before signing the agreement, C. Kaufman wanted to make sure that the Board members knew what was going to be signed. Kaufman asked questions of the Board for clarification. Discussion took place.

Attorney for Shalinda Development, C. Meyers commented that he didn't receive emailed comments of Don DeVries of Fleis & VandenBrink in time to review them.

RECESS: At approx. 6:20 p.m.: Attorney (for Shalinda) C. Meyers, Prof. Developer-Geoff Möffat and Shane VandenBerg left the hall to discuss the emailed comments of Don DeVries of Fleis & VandenBerg.

The group noted above returned to the hall at 6:34 P.M

Upon returning, Attorney Meyer reviewed items of the proposed agreement. Further discussion took place. Englerth encouraged signing the agreement this evening. Both attorneys commented that they would do it tonight.

At 6:55 p.m., both Kaufman (YS Twp.) and Meyer (Shalinda Development) left hall and went into township office to amend the agreement.

The attorneys returned at 7:01 p.m. (Agreement was revised and initialed by both attorneys).

Motion by Boysen with support from Jansma **to adopt resolution granting the final approval of the final preliminary plat of Shalinda subdivision.** ROLL CALL VOTE: Jansma: Yes, Boysen: Yes, Englerth: Yes, J. Lippert: Abstained, VandenBerg: Abstained. Yes: 3, Abstained: 2, No: 0. MOTION CARRIED.

Regarding the following agreement: *If the township does not complete loop before Dec. 31, 2020, this agreement is null and void per C. Kaufman, YS Attorney.*

Motion by Boysen with support from Jansma **to approve Agreement Regarding Contribution to Proposed Payne Lake Road Water Main Loop.** ROLL CALL VOTE: Jansma: Yes, Boysen: Yes, Englerth: Yes, J. Lippert: Abstained, VandenBerg: Abstained. Yes: 3, Abstained: 2, No: 0. MOTION CARRIED.

(Supervisor and Treasurer will sign Agreement for the township.)

Brief Recess to make copies of Agreement & Final Plat Approval.

At 7:18 p.m., Mr. C. Meyers left the township hall with no further business to take care of.

Shane VandenBerg and Jan Lippert resumed places at the front of hall with the rest of the Board.

Engineer, Don DeVries of Fleis & VandenBrink, was thanked for charging the township for only one (1) hour tonight and no travel time.

FINAL MINUTES

Page 2 of 7
YST Bd Trustees
1.17.18

RECESS: 6:20 p.m.

Resume: 6:34 p.m.

RECESS: 6:55 p.m.

RESUME: 7:01 p.m.

**MOTION TO APPROVE
FINAL PRELIMINARY
PLAT of SHALINDA
Subdivision.**

Attachments

**MOTION to APPROVE
AGREEMENT
REGARDING
CONTRIBUTION TO
LOOP ON PAYNE LK. RD.**

PUBLIC COMMENT:

R. Lippert, of Park Drive- commented “At a recent meeting some female launched a tirade against me with the accusation that I was cruising by her house or had made an observation or something. I just wanted to make sure that it is in the record that it is totally and absolutely false. It could have been a mistake, a very unlikely event, but if so if she saw some professional help - an optometrist- got some new glasses –I’m sure that her vision of me and perhaps pink elephants would probably go away. As far as being on that street, I have absolutely no reason to go there. Until she went into the tirade I didn’t know where she lived and nor did I have any reason. In fact, in all probability, I don’t think I’ve been on that road in about 5 years because a good friend, an outstanding pillar of the community used to lived there. We used to occasionally get together there. Lynn Donovan who unfortunately passed away with cancer. I haven’t been on that street since that time. So, if it is a lie, I think the person should probably seek some other assistance.”

“My other topic, Mr. VandenBerg, may come as a surprise to you, but I have absolutely no objection to your project. My only concerns for the safety of the residents would be provided for with the appropriate water supply as recommended by the water department, the consulting engineers, the planning commission and of course the fire department. You’ve complied with everything else. You’ve complied with the zoning, you’ve complied with the regulations, built to code. If you don’t care about the added traffic and dust, I don’t either. For one thing, it’s not my back yard. The main concern was the safety of the people in the project and it seems that you’ve addressed that. Good luck with your project. And one last this is I hope you don’t look to the general fund as the source of financing your project in any way.”

Geoff Moffat, of Shalinda Development commented “It was inferred that Mr. VandenBerg was going to seep money from the general fund.... You all know that that’s not possible anyway... taxpayer dollars will not be involved ...and it shouldn’t be –just for the record. I have a petition here that was file yesterday, January 16th, it’s a recall petition filed by Mr. Larry Knowles alleging that at the regular board meeting of October 12, 2017, Trustee Shanon VandenBerg used the board of trustees position to corrupt the decision-making process(ing?) of the township board. I’ve read those minutes in detail and there is no such corruption. I just want you guys to have a copy of this.”

Dee Ryman, of Pine Meadows commented that she would like to say one thing about Larry Knowles –“When Shane stood up, he (Larry) stood up... to shake hands, that night, what was it, the 8th, I think, anyway, Larry sat back down. I said are you going to shake hands with Shane? He said ‘I’ll do it after the meeting.’ I said you’d be smart to do it right now. He got up, shook hands, sat back down. He (Larry) said, ‘I hate this job. I hate it. I hate it.’ Three times you (Larry) said it. And then he said, ‘I don’t even have time for this job,’ noted Ryman. D. Ryman continued, “And I could take a lie detector on that ...It cost \$500, you (addressing Larry) want to take it? I’ll take it. You bet ..?. your f***ing ..?. (M. Englerth interrupted the comment.) I’m sorry, sorry, sorry! (Someone in the audience commented, “...like Trump”) (M. Englerth commented, “Not again.”) (Laughter heard from audience.) “Who? Trump? You can take lessons from him. Start now,” added D. Ryman.

FINAL MINUTES

Page 3 of 7
YST Bd Trustees
1.17.18

PUBLIC COMMENT

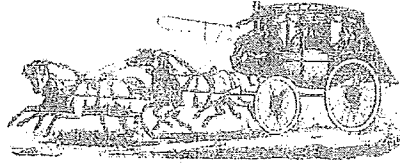
R. Lippert, of Park Drive

Geoff Moffat, of Shalinda Development

Dee Ryman, of Pine Meadows

BOARD COMMENT:

Jan Lippert, Clerk, distributed a written statement regarding her role as FOIA coordinator. Written statement was read by Jan Lippert as follows:



Township of Yankee Springs
284 N. BRIGGS ROAD – MIDDLEVILLE, MICHIGAN 49833
269-795-9091 / FAX 269-795-2388

January 17th, 2018

Office of Clerk

Board Comment – Special Meeting January 17, 2018

Statement regarding my role as FOIA coordinator, to help you understand the facts!

As Township Clerk, I have been assigned the additional duties of FOIA coordinator. I am not Paid an additional salary for these additional duties. Serving as FOIA coordinator is not a Statutory duty of the Clerk. Instead, I perform these additional duties, which can be time consuming and complicated, because the Township Board authorized me to do so.

The Michigan Freedom of Information Act allows for a WRITTEN request for public documents. A verbal request is not a Freedom of Information Act request, I always ask that they put their request in writing. In that way, the person who thinks they are making a FOIA request verbally, will actually be making a FOIA request by putting it in writing. The Township has forms for a FOIA request; they are available on the Township website for anyone's use. Additionally, I accept any WRITING that states it is a FOIA request. Any written FOIA request is treated as one, although I do recommend that people use the FOIA request forms for ease of tracking the requests.

To my best knowledge, I have always answered all FOIA requests accurately, If there are responsive documents to a FOIA request requires additional time to respond, the Township will notify the requesting party in writing that the Township is taking the 10 day extension on the request.

In many cases, I will consult with the Township attorney to make sure I am responding accurately on a FOIA request.

Also, I must state, if the FOIA request is not clear I may ask for clarification of the request in writing.

Last, the Freedom of Information Act requires that if the Township does not have a public record in its possession that is responsive to the FOIA request, the FOIA coordinator must certify in writing that there is no such document. This has happened couple of times recently. For instance, while there may at one time have been a responsive document, that document is no longer in the Township's possession or the possession of its employees, contractors, etc. As FOIA coordinator, if someone submits a FOIA request that might be in the possession of

FINAL MINUTES

Page 4 of 7
YST Bd Trustees
1.17.18

BOARD COMMENT

Written statement was read
by **J. Lippert, Clerk**

the Township's assessor, planning consultant, zoning administrator, zoning enforcement officer or other contractor, I must contact all those contractors to determine if they have any responsive public documents. In many cases, this will require the Township taking the 10 day extension before I can accurately produce responsive documents or certify that there is no such document.

My ability to do this has been further complicated recently when the Zoning Administrator and Zoning Enforcement officer resigned.

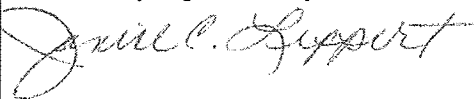
Regarding Ms. Fox's statement and for everyone's information, - I did check all the Townships records and checked with all Township contractors. While there was at one time such a complaint - there is no longer any such document in the Township's possession or in the contractors' possession. I was surprised at that, because I knew that I had previously made that complaint. As FOIA coordinator, I must respond by law that there is no such document. And that is what I did.

I take my duties as FOIA coordinator seriously. It is equally important that someone making a FOIA request understand that the request has to be writing - a verbal request is not a FOIA request.

Finally, I have to state for the record that in no case have I, as FOIA coordinator, been non responsive, not produced records, claimed that records did not exist (if they did) or destroyed records because producing them would be embarrassing to me personally. I take my duties as Township Clerk and as FOIA coordinator seriously. I perform these duties to the best of my ability and as required by law. I do not use my position as FOIA coordinator (or as Township Clerk) in a punitive manner.

If any board member would like more information on FOIA, please let me know. Should anyone want to review any recent FOIA requests and responses to those requests, you need only submit a FOIA request, in writing, to the Township.

Janice C. Lippert,
Yankee Springs Township Clerk



BOARD
DISCUSSION/NEW
BUSINESS

BOARD DISCUSSION/NEW BUSINESS:

M. Englerth asked the attorney, C. Kaufman, if the board could go into closed session.

C. Kaufman commented that only if she wrote a written legal memo to go into closed session.

M. Englerth commented that he would be okay about speaking in public instead of a closed session. Englerth referred to Jan Lippert's written statement. He asked C. Kaufman if the township board had any responsibility to take action, and if it does, what are the township board's options. "If we've got a responsibility, we want to take it. If the township board doesn't, then we won't, but the general public needs to know what our responsibilities are, and I didn't know that. So that is why we asked you (C. Kaufman)," commented Englerth.

C. Kaufman commented on FOIA requests and added that she was aware that there is a complaint of J. Lippert's handling of the FOIA request. Kaufman noted that if there's a denial or a partial denial of whatever the person asked for, the FOIA appeal rights (a document) has to go with the response. Then, if someone has an issue, they have the appeal rights information. Kaufman spoke of appeal rights and that a person can go to the township board or circuit court. C. Kaufman noted that she has assisted the clerk in preparing almost all of the (FOIA requests). Kaufman commented that if there's more than the FOIA item, in terms of what the Board can do regarding the Board member's behavior, a recall petition could be filed, or there could be an ethics ordinance (in Yankee Springs). Kaufman noted that the principles of governance have been signed and in terms of any type of punishment, there's not a whole lot the board can do against another board member.

Englerth and C. Kaufman continued to discuss the appeal rights of the complainant.

M. Boysen asked C. Kaufman if she (Kaufman) felt comfortable that the township has complied, if the FOIA complainant would go to court with an appeal. Kaufman confirmed she felt comfortable. Boysen commented "That's the bottom line. If we've complied, then we're good.... There's a fine line between personal opinion and township business and personal attacks. It seems like a giant waste of our time to sit here and listen to somebody personally attack somebody. Because if that is what we are going to do, then we have to do it for everybody. This will turn this into a circus. ...If she has a problem. Great. If she can get it stated in three minutes, great. But to prattle? on about her personal attacks, it's wasting our time. And we don't have time for that. But that's my opinion.....going forward, we make it clear to people that want to be on the agenda that this is not going to be a forum for personal attacks... You've got three minutes, and you've got something to say that is about township business, if it's something we can help you with, then great. Otherwise deal with it in the courts... a recall petition, whatever.... that's the democratic process, but the rest of this is just wasting our time."

A. Jansma asked, "Can we stop a personal attack?"

Kaufman commented that during public comment a person has to be allowed to make a public comment. "You can only remove someone from a meeting for a breach in peace," commented Kaufman.

A Jansma asked if the person being attacked can ask to go into closed session.

C. Kaufman commented on the parameters of going into a closed session.

M. Englerth inquired if there's a dispute, if it would be reasonable to sit down with the people involved.

Kaufman commented that one or two board members (not a quorum) can sit down and talk with a resident.

Englerth commented "I think, we are beyond that." Englerth commented that the information would be for the future.

J. Lippert inquired regarding recorded conversations.

FINAL MINUTES

Page 7 of 7
YST Bd Trustees
1.17.18

Kaufman noted that under federal law, a person must be notified that they are being recorded. Under state law, a person could be recorded without notification, but the recording only could be used for their own recollection, - otherwise a person should be notified that they are being taped.

C. Kaufman commented that the board members can be required to file FOIA requests to see information that should be available to all of them, but Kaufman felt the information belonged to all five board members as being "one governmental entity".

Englerth referred to a conversation with Kaufman regarding an individual in which the comment was made, "we need to do some reining in". Englerth wanted to know if Kaufman wanted to go in closed session about this matter.

Kaufman commented that a memo needs to be written (by attorney) for a closed session.

C. Kaufman commented "I'm concerned with some of the processes that end us up in litigation. I've been your attorney for a little over two years now, and I think we have to be very careful with peoples' due process rights and I think we need to understand exactly how far we can go on imposing conditions on developers ... and we may need a refresher on how far we go on some of that."

M. Englerth commented that a time should be set up as soon as possible because "It has happened again and again...and we've got people really reaching beyond that... So we'll put that on our list...Nobody wants to stay here 'til midnight (tonight)."

ADJOURNMENT

ADJOURNMENT:

Motion by Boysen with support from Jansma to adjourn at 7:58 p.m. Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 1.17.18

Date: 1-25-18 Draft Circulated jcl

Approved : Feb. 8, 2018

Janice C. Lippert, Township Clerk

ATTACHMENT
TO MINUTES
1.17.18

Clerk
Copy

TOWNSHIP OF YANKEE SPRINGS

COUNTY OF BARRY, MICHIGAN

SPECIAL

At a ~~regular~~ meeting of the Township Board of the Township of Yankee Springs, held at the Township Hall, 284 N. Briggs Road, Middleville, MI 49333-8629, on the 17 day of January, 2018, at 6:00 p.m.

PRESENT: Mark Englerth
Michael Boyesen Alice Jansma

ABSENT: _____

Abstained/Excused: Jenice Lippert, Shawne Vandenberg
The following resolution was offered by BOYSEN and seconded by JANSMA.

RESOLUTION GRANTING FINAL APPROVAL OF THE FINAL PRELIMINARY PLAT OF SHALINDA SUBDIVISION

WHEREAS, S.J. Vandenberg Construction Co. ("Developer"), has submitted the final preliminary plat of Shalinda Subdivision, with last revision date of July 27, 2017;

WHEREAS, on April 14, 2016, the Township Board granted approval of the preliminary plat of Shalinda Subdivision (at the time known as Shangri-La Subdivision);

WHEREAS, the Developer has now attained approval of the preliminary plat by the appropriate state and local agencies and has applied to the Township Board for approval of the final preliminary plat; and

WHEREAS, the Township Board has considered the application and now desires to grant approval of the final preliminary plat, upon certain terms and conditions as set forth below.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. **Approval of Final Preliminary Plat.** The Township Board grants final approval of the final preliminary plat of Shalinda Subdivision upon the terms and subject to the conditions of this resolution and the Michigan Land Division Act (288 P.A. 1967, as amended).

2. **Barry County Road Commission Requirement.** The Developer shall comply with the additional requirement(s) of the Board of County Road Commissioners of Barry County as set forth in the letter of Bradley S. Lamberg PE, dated July 31, 2017. Within 120 days of this Resolution, the Developer shall submit to the Board of County Road Commissioners of Barry County revised plans conforming to this requirement(s) ("Revised Plans").

3. **Barry County Drain Commissioner Requirement.** The Developer shall comply with the additional requirement(s) of the Barry County Drain Commissioner & Director of Public Works as set forth in the letter of Jim Dull, dated August 14, 2017. Within 120 days of this Resolution, the Developer shall submit to the Barry County Drain Commissioner & Director of Public Works Revised Plans conforming to this requirement(s).

4. **Township Engineers' Requirements.** The Developer shall comply with the additional requirement(s) of the Township Engineers in the manner set forth in the column "S.J. Vandenberg Reply" in the "Shalinda Plat Developer's Response" attached hereto as **Exhibit A**. Within 120 days of this Resolution, the Developer shall submit to the Township Engineers Revised Plans conforming to these requirements.

AYES: Englert, Jansma, Boyse

NAYS: _____

ABSTAIN: Leppert, Vandenberg

Shalinda Plat Developer's Response

to

Fleis & Vandenbrink Letter Dated 10/09/17 Re: Yankee Springs Twp. -- Shalinda
Subdivision Site Plan Review

and to

Gun Lake Area Sewer & Water Authority Recommendation to Yankee Springs Township
Dated 9/11/17 Re: Shalinda Subdivision Water Main Extension

Comment Offered in Letter

S.J. Vandenberg Reply

Water main

- | | |
|--|---|
| 1. "Water main material should be Ductile Iron Class 52 or Pressure Class 350 to match current material used in the Township water system." | Agree, will revise construction plans. |
| 2. "Hydrant spacing is recommended between 400-500 for residential areas. It is recommended that an additional hydrant be added between lots 3 & 4." | Agree, will revise construction plans. |
| 3. "The 8" water main will dead-end at cul de sac. A 20' utility easement on lot 10 should be provided for possible future extension of the water main." | Agree, this easement will be shown on the final plat of Shalinda to be recorded. |
| 4. "It is recommended the water main for both phases be installed for both phases during phase 1 construction." | Agree, will revise construction plans. |
| 5. "Water services for lots 9 & 10 Should come perpendicular off the Water main ..." | Agree, will revise construction plans. |
| 6. "The water main general notes on Sheet 1 reference "Crockery" Township and should be corrected." | Agree. (It is noted Yankee Springs Township has no adopted water main construction standards. Crockery Twp. water system is similar to Yankee Springs, so its standards were used.) |
| 7. "Looped water lines are always recommended over dead-end lines to | |

CPK 1/17/18
CEM 1/17/18

~~provide better reliability ..."~~

~~The Shalinda Plat has ample water service for domestic consumption and fire protection.~~

~~The proposed Payne Lake Road loop is an off-site public improvements that will benefit many properties served by the water authority. The Shalinda developer will participate in the cost of the Payne Lake Road loop on the same terms as other owners benefited by that loop.~~

~~Please note that, in addition, the developer will contribute connection fees to the water systems as dwelling units in Shalinda are built.~~

~~Finally, please note that the Payne Lake Road loop is on the list of capital improvements that the water authority has already indicated are a priority and that the water authority currently holds the cash equivalent of nearly \$520,000, more than enough to address the estimated \$282,000 project cost, including engineering.~~

*CPK 1/17/18
CEM 1/17/18*

Sanitary Sewer

1. "The proposed Shalinda Drive has an existing 8" sanitary sewer that was previously installed, but it appears that sewer laterals will still need to be installed."
2. "The sewer laterals for lots 9 & 10 should be connected closer to manhole 7 to minimize their length."
3. "Manhole #7 rim elevation will need to be raised 3' to match the proposed road elevation. This adjustment should be made with a new pre-cast concrete manhole section and not with block or adjusting rings."
4. "The sanitary sewer general note on sheet 1 references Crockery Township and should be corrected."

Agree, will revise construction plans.

Agree, will revise construction plans.

Agree, please note final grading detail will determine the amount of manhole adjustment.

Agree.

Road & Drainage Comments

Developer acknowledges and will address each comment via construction plan review by the Road Commission and Drain Commissioner, which are the agencies with jurisdiction.

Water Main Extension

1. Permit states 700. If 6" water main, plan shows an 8".
2. Crockery Twp. referenced, need copy of specifications.
3. PVC water main proposed.
4. Provision for future extension to the north is recommended via 10' easement.
5. 500' hydrant spacing recommended 675 proposed.
6. Water main on east side of ROW.

8" water main will be built.

Provided.

Ductile iron will be used.

Agree [see comment above].

Agree [see comment above].

Water main on west side of ROW due to location of existing water main as previously approved by Yankee Springs Township.

- CEM 1/17/18*
- CPK 1/17/18*
7. Easement for water main *at end of road.*
 8. Valve should open clockwise to close, not clockwise to open as indicated in specifications
 9. Hydrants to be red, not yellow as indicated in specifications

12' easement will be conveyed to Township upon completion and testing of the water main, as required. Easement will then be based on "as-built" location.

Agree.

Agree.

10. Hydrant detail not found
11. System should be looped, using 8" ductile iron main along Payne Lake Road to well house.

Will provide hydrant detail on construction plans.

The Shalinda Plat has ample water service for domestic consumption and fire protection.

The proposed Payne Lake Road loop is an off-site public improvement that will benefit many properties served by the water

authority. The Shalinda developer will participate in the cost of the Payne Lake Road "loop" on the same terms as other such owners benefited by that loop.

Please note that, in addition, the developer will contribute connection fees to the water systems as dwelling units in Shalinda are built.

Finally, please note that the Payne Lake Road loop is on the list of capital improvements that the water authority has already indicated are a priority and that the water authority currently holds the cash equivalent of nearly \$520,000, more than enough to address the estimated \$282,000 project cost, including engineering.

- | | |
|---|---|
| 12. Will water main be phased? | No, entire water main will be built with phase 1. |
| 13. GLSWA recommends one tap per customer. | Each dwelling unit will be served by a separate service line and meter. |
| 14. Yankee Springs does not have "meter horn/bar". | Plumber will install, call for inspection. |
| 15. Yankee Springs does not install meter | Plumber will install, call for inspection. |
| 16. "Ball valves" must be installed upstream and downstream of each meter | Agree. |
| 17. GLSWA recommends no-lead brass fittings from water main to water meter | Agree. |
| 18. Developer should deliver digital "as built" drawings on completion of water main construction | Agree, pdf format or as requested. |
| 19. GLSWA recommends "mega-lugs" at all mechanical connections | Agree. |
| 20. Water main shall not be connected to water system until all pressure tests and chlorination are finished. | Agree. |

ATTACHMENT
TO MINUTES
1-17-18

Clerk
Copy

Agreement Regarding Contribution to Proposed Payne Lake Road Water Main Loop

This Agreement Regarding a Contribution to Proposed Payne Lake Road Water Main Loop ("**Agreement**") is entered into this 17 day of January, 2018, by and between YANKEE SPRINGS TOWNSHIP, a Michigan general law township, of 284 North Briggs Road, Middleville, Michigan 49333 ("**Township**") and S.J. VANDENBERG CONSTRUCTION CO., a Michigan corporation, of 1025 Payne Lake Road, Wayland, Michigan 49348 ("**Developer**").

Recitals

- A. Developer owns an approximately nine acre parcel of vacant land located off of Pine Meadows Drive in the Township with property parcel identification number 08-16-019-022-00 (the "**Property**").
- B. Developer desires to develop the Property into "Shalinda Subdivision" which contains 12 lots on which Developer or its purchasers intend to erect 12 duplex structures as permitted by the multi-family zoning for the Property.
- C. On April 14, 2016, the Township granted approval of the tentative preliminary plat for Shalinda Subdivision, at the time known as Shangri-La Subdivision.
- D. Effective as of the same date as this Agreement, the Township adopted the resolution granting final approval of the final preliminary plat of Shalinda Subdivision on the terms and conditions set forth in that resolution ("**Resolution**").
- E. The Township owns a water system ("**Water System**") which includes a water main located in Pine Meadows Drive that can and will serve the Shalinda Subdivision ("**Pine Meadows Water Main**").
- F. The Township contracts with the Gun Lake Area Sewer and Water Authority ("**GLASWA**") to operate the Water System.
- G. The Pine Meadows Water Main ends at the intersection of Pine Meadows Drive and Payne Lake Road.
- H. The Township wishes to extend the Pine Meadows Water Main south along Payne Lake Road from the intersection of Pine Meadows Drive and Payne Lake Road to the water main on west side of Payne Lake Road just north of Chief Noonday Road ("**Proposed Payne Lake Water Main Loop**").
- I. The Proposed Payne Lake Water Main Loop has been recommended for construction since at least the April 2012 Water System Reliability Study conducted for the Township.
- J. The Proposed Payne Lake Water Main Loop will benefit all Yankee Springs Township water customers because it will provide redundancy to the water tower located further west

on Chief Noonday Road, will benefit the Township by improving fire-fighting capability, and will benefit the current and future water customers that will be served by the Payne Lake Water Main Loop through the Loop being installed adjacent to their properties, through the redundancy provided by the Loop, or through further extensions of the Water System made possible by the Loop.

- K. At this time, the Township engineer Flies & VanDenbrink has informed the Township that the expected cost of designing and constructing the Proposed Payne Lake Water Main Loop is \$282,000.00.
- L. The Township is committed to constructing the Proposed Payne Lake Water Main Loop and funding the same.
- M. Although the Township cannot request or require that Developer contribute to the Proposed Payne Lake Water Main Loop as a condition of approving the plat for Shalinda Subdivision, the Developer voluntarily agrees to the terms of this Agreement.
- N. Under a resolution adopted by the Township in 1991 (believed to be Resolution #43 entitled "The Water Supply System Utility Ordinance"), Developer, because of its contribution to the cost of constructing the Pine Meadows Water Main, is entitled to receive a \$1,100.00 discount for certain water connection fees (the "**Connection Fee Discount**"), which would include any water connection fees that apply in Shalinda Subdivision.

~~O. In addition, under existing Township regulation Developer is obligated only to pay one water connection fee per duplex structure as opposed to one water connection fee per unit.~~

CPL
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NOW THEREFORE, in consideration of the mutual covenants contained in this Agreement, the Township and Developer agree as follows:

1. **Recitals are True.** The parties agree that the recitals set forth above are true and accurate.
2. **Developer's Contribution.** As its contribution to the cost of the Proposed Payne Lake Water Main Loop, rather than taking advantage of the Connection Fee Discount ~~and the ability to pay a water connection fee for each structure in Shalinda Subdivision,~~ ^{dwelling} Developer agrees that it will pay the full water connection fee of \$3,600.00 for each unit which is expected at this time to be 24 units ("**Developer's Contribution**"). Developer shall pay \$10,000.00 of the Developer's Contribution up front ("**Down Payment**") within 30 days of the Shalinda water main construction permit application being signed by the Township's agent as set forth in Section 3 below. The Down Payment shall apply as a credit to the first three water connection fees for the Shalinda Subdivision. Thereafter, the Developer shall pay each water connection fee for the Shalinda Subdivision when the Developer applies for the building permit for each structure, ^{which shall be \$3,600 for each dwelling unit}
3. **Revised Plans.** Upon the Township's engineer's approval of the Revised Plans (as defined in the Resolution) for the Shalinda Subdivision as set forth in the Resolution, the construction permit application shall be signed by the Township's Supervisor and forwarded promptly to the Michigan Department of Environmental Quality.

CPL
11/17/18
CEM
11/17/18

4. **Cost of Water Main Inspection.** During water main construction within the Shalinda Subdivision, construction inspection and testing will be performed the Township's engineer, not GLASWA, and the cost thereof shall be paid by the Developer.

5. **Deadline for Township to Complete Proposed Payne Lake Water Main Loop.** The Township shall complete construction and put into operation the Proposed Payne Lake Water Main Loop no later than December 31, 2020, and if the Township fails to do so then Developer shall have no further obligation to make contributions to the Proposed Payne Lake Water Main Loop pursuant to this Agreement and further, for the purpose of clarity, Developer shall receive the Connection Fee Discount for each water connection in Shalinda Subdivision.

6. **No Further Contribution Towards Proposed Payne Lake Water Main Loop.** Except for Developer's obligations under this Agreement, Developer shall have no further obligation to contribute to the construction of the Proposed Payne Lake Water Main Loop whatsoever, including but not limited to any special assessment of Shalinda Subdivision, this Agreement being in lieu of all other contributions that Developer could be required to make to the Proposed Payne Lake Water Main Loop.

OK 11/2/18
7. **Miscellaneous.** This Agreement shall inure to the benefit of and be binding upon the parties and their respective successors and assigns. All notices and other documents to be served or transmitted shall be in writing and addressed to the parties at the addresses stated on page one of this Agreement, or such other address or addresses as shall be specified by the parties from time to time and may be served or transmitted in person or by ordinary mail properly addressed and with sufficient postage. This Agreement has been executed in the State of Michigan and shall be governed by Michigan law. The waiver by any party of a breach or violation of any provision of this Agreement shall not be a waiver of any subsequent breach of the same or any other provision of this Agreement. If any section or provision of this Agreement is unenforceable for any reason and the unenforceability of such section or provision does not materially impair the remainder of this Agreement, then the remainder of this Agreement shall remain in full force and effect. It is contemplated that this Agreement will be executed in multiple counterparts, all of which together shall be deemed to be one Agreement. Any captions in this Agreement are for convenience only and shall not be considered as part of this Agreement or in any way to amplify or modify its terms and provisions. All attached exhibits are incorporated by reference as though fully stated in the Agreement. This Agreement may not be amended other than by a written document signed by both parties.

Alice M Jansma
Alice M JANSMA
Treasurer

Yankee Springs Township

By Mark W Englert
Print Name Mark W Englert
Its Superior

S.J. Vandenberg Construction Co.

By Shanon Vandenberg

Print Name Pres. Shanon J. Vandenberg

Its Pres.

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