

<p style="text-align: center;"> <b>YANKEE SPRINGS TOWNSHIP</b>  <b>BOARD OF TRUSTEES</b>  <u><b>Regular Board Meeting</b></u>  <u><b>Thursday, January 9, 2020</b></u>  <b>7:00 p.m.</b>  <b>Yankee Springs Township Hall</b>  <b>284 N. Briggs Rd., Middleville, Michigan 49333</b>  <b>MINUTES</b> </p>	<p> <b>FINAL MINUTES</b>  Page 1 of 8  <b>YS BOT – Regular Mtg.</b>  1/9/2020  Distributed 1-14-2020 </p>
<p> Meeting called to order at 7:00 p.m. by Supervisor Mark Englerth.  <u><b>PLEDGE OF ALLEGIANCE</b></u>  <b>Roll Call:</b> Jansma, Englerth, Lippert, VandenBerg, Knowles.  <b>Also Present:</b> Catherine Kaufman, YS Attorney  <b>Staff Present:</b> Frank Fiala, Ron Heilman, Richard Beukema, Dave VanHouten, Sandy Marcukaitis, Frank Fiala, Chuck Biggs-Constable.  <b>Visitors:</b> 16 (not including staff present).  <hr/> <u><b>ADDITIONS or CORRECTIONS TO AGENDA:</b></u>  <b>Strike:</b> S. Marcukaitis from <u>Public Comment</u>  <b>Add:</b> Fire Chief/Deputy Fire Chief (Joe &amp; Dan Miller) under <u>Acknowledgment of Visitors</u>.  <b>Possibly Add:</b> <u>Zoning Item – maybe under Closed Session</u> </p>	<p> <b>CALL TO ORDER</b>   <b>PLEDGE</b>   <b>ROLL CALL</b>    <hr/> <u><b>ADDITIONS/ CHANGES TO AGENDA</b></u> </p>
<p> <u><b>ACKNOWLEDGEMENT OF VISITORS</b></u>  <b>Barry County Commissioner, Vivian Conner</b> gave the County Commissioner’s report. <u>Written report provided.</u>  <b>V. Conner noted:</b> <u>Public Meeting – A Barry County Community Dialogue Event, hosted by the Barry County Board of Commissioners, on Wednesday, January 22, 2020 at 7:00 p.m. at the Thornapple Valley Church- (2750 S. M-43 Hwy., Hastings, MI 49058) regarding current use and condition of Barry County Jail and Sheriff’s Office and current use and condition of the Commission on Aging facility in Hastings.</u>  <b>Ken Pechumer-Pickleball Representative,</b> noted there was a meeting last fall (2019) and the pickleball promotional groups got approval for taping basketball and tennis court. At tonight’s meeting, Pechumer suggested relocating the basketball pole. Once done, the group is looking for approval to repaint the area, not tape, for both pickleball and basketball. K. Pechumer commented that the pickleball promoters really work hard and think through things. Sketches were distributed. K. Pechumer noted that it was common for multiple courts to have the basketball pole outside of the fence. Approximate cost would be \$6,000 to move basketball pole and to paint. Pechumer noted that they are not asking the board to take care of that expense. K. Pechumer commented that they had close to 40 people playing Monday at the First Presbyterian Church (Hastings area). </p>	<p> <hr/> <u><b>ACKNOWLEDGE -MENT OF VISITORS:</b></u> </p>

**Mr. Joe Miller, Fire Chief, and Dan Miller, YS Deputy Fire Chief**

- J. Miller noted year-end statistics.
- **Saturday, Feb. 15 - Breakfast coming up at the YS Fire Station.**
- J. Miller commented on calls between Barry & Allegan County.
- J. Miller noted ISO (Insurance Service Organization) puts together a “report card” for the Fire Department, commented J. Miller. Yankee Springs is a “6- 10.”

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**PUBLIC COMMENT**

**PUBLIC COMMENT: (Limit to 3 Minutes).**

**R. Heilman** commented on the MSU Master Citizen’s Program. Heilman noted that some classes can be done online. Heilman wasn’t sure how the board wanted PC/ZBA members to sign up for it. Also R. Heilman reminded the audience of a meeting this Saturday, at the township hall regarding the proposed township hall/office renovation.

*\*MTA Annual Conference is during the last week of April this year per J. Lippert.*

**Rob Heethuis of Lisa Lane, in Yankee Springs** *(provided typed comment)*: I started attending Yankee Springs board meetings last August when our local papers called for our board to resign because our government was dysfunctional. At the first meeting that I attended, there were five attorneys present. We didn’t elect attorneys. We elected our board. This was not good government. It was political posturing looking for an edge. It’s also political bullying. It is a waste of tax payer money. Any attorney will render an opinion for money. Attorneys don’t judicate. We elected you to vote. You are vetted. Stop this nonsense. We expect good government. Correct this or voters will in the next election in August coming up in a few months. Thank you.

**Dave VanHouten of Rock Dr.,** *(provided typed comment)*: Several years ago, Larry Knowles, Director of Gun Lake Sewer and Water Authority and a resident of Yankee Springs Township came to the conclusion that he could be of service to his township by becoming involved in its governance. That led to his decision to run for the Yankee Springs Township Board of Trustees. The attorneys for GLASWA, the attorneys for the Yankee Springs Board of Trustees, and the Barry County Prosecutor, have all agreed that there is and was no conflict of interest by serving the public in both positions. The public also agreed-he was elected to the Board in November of 2018.

Little did he think that by doing so that he would be subjected to the personal and political attacks and the completely unfounded allegations that followed. Nor did he ever conceive that he would be subjected to three criminal investigations conducted by the Barry County Sheriff’s Department, each of which resulted in findings, on April 11 and April 15, 2019, by the Barry County Prosecutor and based on the law and the facts that no crimes occurred. Indeed, in two of the matters, the investigation continued despite there being no relevant criminal statute implicated. One of those claims was related to his voting as a citizen to consider a recall petition of a public official. Now that those baseless, thoughtless and ill-conceived allegations are behind him, he will continue his Township and GLASWA responsibilities and work on insuring that it does not happen to anyone else. The citizens of Yankee Springs Township are fortunate to have such a representative as Larry Knowles.

**Mike Cunningham, of Heritage Bay Dr.,** *(provided typed comment)*: There have been a number of meetings over the last few months concerning the renovation and expansion of the

township hall. This project has also been considered and discussed for the past 17 or 18 years.

The township board voted at the October 2019 meeting to move forward with a plan to renovate and expand the current office based on a design created by Fleis & VandenBrink and a committee of township employees.

I have spent a bit of time in this building as a member of the planning commission and as an election inspector. I have gotten to know the building and the people who work here as a result. I believe the current building and location are well suited for the proposed project. The building is in need of the proposed upgrade and expansion. Putting the project off until sometime in the future will not provide any benefit now and it will not lower the future cost of the project. I believe that the construction cost inflation rate is about double what the general inflation rate is. Interest rates seem to be low currently and the economy is good so I think this is a good time for a project like this.

I think the project cost will be around one million dollars including interest. I don't think anyone wants to spend this much money. But when I think about it I have always thought things cost more than they should and that did not change the fact that I needed them and had to pay what it cost. I have also seen this to be true in many projects costing a lot more than this over my working career. This project is needed and is very much a good use of our tax dollars.

The most common comment I have heard in past meetings is that the cost was too much. The alternative I have been hearing is to spend more than twice this amount for a new building in a location that I don't consider to be as good. I think that this alternative was considered and rejected by the committee and the board. I have not heard anything in recent meetings that changes my opinion about moving forward with the approved project.

I have heard that some people were told, or that there was a rumor going around that our taxes would need to be raised for this project. Knowing the people involved in this decision and having some knowledge about the townships financial health, I had assumed that taxes would not need to be increased.

The township met with a municipal financial advisory firm, Baker Tilly in November to get details on how the project would be financed. Baker Tilly said that the township finances were in good shape and confirmed my assumption that the project could be done without having to raise taxes. I believe that what Baker Tilly said was that the township could almost pay for the project without seeking any kind of a loan but recommended that some of the project be paid for out of the general fund and the rest financed. I agree!

My opinion is that after nearly 50 years, the township hall should be renovated and expanded which is what our elected representatives have voted to do. We should be glad that our township board over many years has exercised enough spending restraint to be able to do a project like this without increasing taxes. May that always be so!

I am not sure what the next step is but would think that it might be to move forward with the project financing and the final building design. I ask that the board move forward with the project that has been approved.

**John Jerkatis, of Ravens Way Dr.**, commented that he has been a Yankee Springs resident pretty much since 1957, and also noted he respected everyone here tonight as well as the citizens that are interested in the agenda of the township board. "It just kind of hit me... \$93,000 to administrate a project ... for a 1,700 ft. building (addition) to this building..." "First

off, do we really need the expansion?.. I don't believe that there was enough viable options to this expenditure to go ahead and approve it without ... more options." Jerkatis mentioned other facilities for meetings such as the YMCA (Camp Manitou-lin). Jerkatis suggested going into the township hall for extra office space. Jerkatis mentioned renting a meeting room from the Camp at \$1,000 a month, \$12,000 a year. Jerkatis commented that it would take 135 years at \$12,000 a year to add up to approximately \$1,000,000. Jerkatis commented on possibly spending funds on putting lights up on intersections, more pickleball courts, or a refund of taxes back to the citizens.

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**CONSENT AGENDA:**

- a. **Board Minutes:** December 12, 2019
- b. **December Accounts Payable**
- c. **December Payroll**

**CONSENT  
AGENDA**

*Correction:* A. Jansma pointed out the following correction to the minutes of December 12, 2019 on page 5:

***CORRECTION to  
DEC. 12, 2019  
Board Minutes***

*Strike:* “Shane VandenBerg- as a one-year Representative to the PC for reappointment, as Trustee to the PC.”

A. Jansma noted that S. VandenBerg, Trustee, does not have to be reappointed. His appointment goes as long as his term. Confirmed by Attorney Kaufman.

**APPROVAL OF CONSENT AGENDA:**

*Motion by Jansma with support from VandenBerg to approve the Consent agenda for tonight's meeting as corrected. Roll Call: Jansma: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 5, No: 0, MOTION CARRIED.*

**APPROVAL OF  
CONSENT  
AGENDA**

*Motion by J. Lippert with support from Englerth to approve December payroll of \$12,852.09 (gross)/ \$10,618.99 (net) and December payables of \$34,038.94. Roll Call: Jansma: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 5, No: 0, MOTION CARRIED.*

**TREASURER'S REPORT: presented by Alice Jansma, Treasurer**

**TREASURER'S  
REPORT: Alice  
Jansma, Treasurer**

- a. **December 2019 Financial Statement & Investment Report+**
- b. **December 2019 Receipt Report+**
- c. **GLASWA December Report+ Articles of Incorporation/Gun Lake Area Sewer & Water Authority - Attorney Catherine Kaufman**

*Motion by Lippert with support from Knowles to accept the Treasurer's Financial Report for December 2019 as corrected. All ayes. MOTION CARRIED.*

**BOARD ACTION ITEMS:**

**a) Adopt Articles of Incorporation GLASA – Yankee Springs Township**

Catherine Kaufman, referenced her email, dated Friday, October 18, 2019 in which she

addressed items from her review of the Articles of Incorporation (GLASA). Kaufman was requested to review the Articles by A. Jansma. Kaufman reviewed possible changes to the Articles. Noted: C. Kaufman's firm had nothing to do with drafting the proposed Articles Of Incorporation. Lengthy discussion took place.

J. Lippert commented that she would like to thank the Board for bringing the Articles of Incorporation up to date from 1977.

***Motion by Lippert with support from Englerth to table adopting Articles Of Incorporation GLASA until February meeting. Ayes: 4, Opposed: 1 (Knowles). MOTION CARRIED.***

**b) Approve Service Contract Year 2020 – Ocean Omega Systems (IT Providers)**

***Motion by Knowles with support from VandenBerg to contract with Ocean Omega for 25 hours of service for calendar year of 2020. Roll Call: Jansma: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 5, No: 0, MOTION CARRIED.***

**c) Forward to Planning Commission – Update: Special Event Permit Application**  
**Update: Special Exception Use Permit Application**

*\*To be put on the Agenda for the Joint Meeting. (Tuesday, Jan. 21 at 7 p.m.)*

**CLERK'S REPORT: Jan Lippert, Clerk**

- December 2019 PCI Report+ Year End 2019
- YSTFD December Statistics+ Barry County 911 December Report on File
- Planning Commission Meeting Minutes
- Joint Meeting 7 p.m. on Tuesday, January 21, 2020
- Current Invoice Register +

***\*Meeting Saturday, January 11th at Township hall – at 11 a.m. (Renovation)***

***Motion by Jansma with support from Lippert to approve current invoice register (1/9/20) for the amount of \$36,145.92 Roll Call: Jansma: Yes, Knowles: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes. Yes: 5, No: 0, Absent: 0. MOTION CARRIED.***

**SUPERVISOR'S REPORT: Mark Englerth**

**a) Robbins Cemetery Survey**

If board approves this phase it will allow it to go out for bid. M. Englerth will put out the RFP for it. Knowles asked and Englerth confirmed that the RFP will go out in the paper.

***Motion by Lippert with support from Knowles to accept specifications (Robbins Cemetery) as presented. All Ayes. MOTION CARRIED.***

**b) Generator Options**

Englerth reviewed bids on generator.

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**BOARD ACTION ITEMS**

**CLERK'S**

**REPORT: Jan Lippert, Clerk**

**SUPERVISOR'S REPORT: Mark Englerth**

It was noted that L. Knowles will run RFP in the paper (Knowles & Jansma will work on RFP).

c) **Street Lighting – Mobile Home Park**

d) **Water Testing – Test needs to be done for two (2) more spots -per Lippert’s e-mail communication from Don DeVries from Fleis & VandenBrink.**

Also: Willard Case would like to use the township hall for the venue of a possible petition drive regarding water quality in the township. (Wording unsure of petition – at this time). Discussion took place.

e) **Verbal Correspondence**

Englerth noted existing commercial property issues in the past. Englerth commented on an issue near the old Bauman’s marina. Englerth gave the history of the old marina. Marina has been torn down. Twenty boat slips or ten docks have been there for 30 years plus- per Englerth. A couple complaints have been filed on it (previously). Aerial photos have been reviewed. Eric Thompson (Zoning Administrator) sent a letter, and Brad Williams (Code Enforcement Officer) contacted the owner. Owner referred to historical use. Englerth wanted the Board to be brought up to speed on the situation.

**C. Kaufman, YS Attorney**, commented that she had discussed Eric Thompson’s determination, and noted there has been a PUD approval since 2000 (April or May). Kaufman explained processes that could take place, such as going to the ZBA, but these would be time consuming at this point.

**R. Beukema** commented regarding his recollection and thoughts of this situation. Also there’s been confusion on the terms “docks” and “slips”- noted Beukema.

**Further discussion took place.**

*Motion by Knowles to have Zoning Administrator put his decision in writing regarding status of conditions on this property. No support for motion. MOTION FAILS.*

*Motion by Englerth with support of VandenBerg to allow Englerth to contact seller and will negotiate to 15 boats. ROLL CALL: VandenBerg: Yes, Englerth: Yes, Jansma: Yes, Lippert: No. Knowles: No. Yes: 3, No: 2. MOTION CARRIED.*

*C. Kaufman suggested preparing a notice of “municipal condition” which would “essentially say ‘this property with this legal description’- making sure we just contain the C-3 portion of this property- is allowed to have 15 boats- we record in a notice of municipal condition to protect the buyer as well as everyone else- so we understand the scope of it. So if we get that far, that’s what my recommendation would be.”*

**NEW/OLD BUSINESS/ BOARD COMMENT:**

**Meeting for Water Ordinance: Date will be set at the Jan. 21<sup>st</sup> (Joint) meeting.**

**NEW/OLD BUSINESS**

**BOARD COMMENT:**

**Englerth** referred to earlier comments during public comment and commented that both the attorney and Mr. Knowles' attorney had an opportunity to share the police report, the public... the investigation...bullying, mean... The attorney ...could have put it on the table ... "I talked to the Sheriff and the Sheriff had one comment, '...The Sewer Authority Board never fully cooperated with the investigation.' That was a quote from the Sheriff. They could of... but ...If you would look at the complaint. When somebody takes, and you're an elected official, ...a criminal complaint, it isn't your job to decide if it's true or not. It's your job to turn it over to law enforcement. It's called the process and the law in our land. And it's the prosecutor's job to look at it. So if you read the report, and look at the complaints, I took an oath of office I have a legal obligation and I have a moral obligation. And I fulfilled that obligation. So, about stirring the pot and twisting things, and bringing more drama when you stand right up there and do it yourself. So, if you have these issues or problems, come see me. I'll be happy to talk to you. I'll direct you. I'll also give you some advice of other things that the prosecutor said. I don't do this part of my job. I don't like it. I've got better things to do; build Veterans Memorial; cleaning up Yankee Springs; solving issues. But if you think you're upset about things being stirred, just stand right up there and stir it right along with everybody else. You want to know who I am, then you show the public who you are."

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**BOARD COMMENT**

**PUBLIC COMMENT:** (Limit 3 Minutes) - None.

**PUBLIC COMMENT**

**D. VanHouten** commented, "I stand by my comments. It's all public record that everybody can see, and the point that I really was emphasizing is that the decision was made that there was no conflict of interest with Larry being the director and employee (of GLASWA) and being on the board of Trustees. That's my point. The next one, I just wanted to ask, the Articles of Incorporation; how long did you guys have that to review (3 months)? ...You guys have had this for three months. It sounds like to me that the Board of Directors of the Sewer and Water Authority, are asking for our input as a township. Three months to develop that information and provide it to them. And this was the best that we can come up with? That's what frustrates me."

**S. Marcukaitis** – commented that she wanted to agree with whoever commented, 'When we put something out it needs to go for bid.' You give other people a chance in this community. I understand that we have a lot of trades people in this community. So, you will never be able to utilize them all if they can't bid on it." S. Marcukaitis commented in regard to former Treasurer, John Jerkatis, "I couldn't buy a bucket of paint unless I had three invoices on it."

**Vivian Conner** – commented that Orangeville will be meeting on February 10<sup>th</sup> at the township hall at 6 p.m. regarding the Letters of Incorporation.

**Robert Nelson** – commented on discussion of boat slips, "If you did the symmetry of what currently is in place in the other parts, wouldn't that be the best way to handle this situation?... (Englerth commented at this time that it was public comment.) Nelson continued, "The other thing, you guys are really living up to the comments that Fred Jacobs made about you. You're both being naughty tonight."

**Mike Cunningham**- commented that he wanted to make a comment in support of the generator for the township hall/office. Cunningham noted that it would be important for computer back up and this would be a place for refuge like the fire barn (in bad storm with loss of electricity). Cunningham also commented on the need of a generator for the elections.

Also regarding the use of township hall, M. Cunningham commented that he thought it should be limited to a YS resident, and “maybe you could put in your rules that they require a YS sponsor who is responsible for them and the content and maybe that would work as your rule.”

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*Full audio recording of this meeting has been downloaded to the township office computer system on 1/9/20 immediately following meeting.*

**ADJOURNMENT**

**ADJOURNMENT:**

Motion by Englerth with support from Lippert to adjourn at 9:42 p.m. Approved by all.  
Motion Carried.

Respectfully submitted:  
Deb Mousseau  
Recording Secretary 1/9/2020

Date: Draft copy distributed  
1-13-2020 /jcl

Approved : By Board of Trustees Feb. 13, 2020  
Janice C. Lippert, Township Clerk