

<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP</b>  <b><u>BOARD OF TRUSTEES- Regular Meeting</u></b></p> <p style="text-align: center;"><b>Virtual only (Zoom) Meeting</b>  <b>Thursday, January 14, 2021</b>  <b>6:00 pm</b>  <b>Yankee Springs Township Hall</b>  <b>284 N. Briggs Rd., Middleville, Michigan 49333</b></p> <p style="text-align: center;"><b>MINUTES</b></p>	<p><b>FINAL MINUTES</b>  Page 1 of 8  <b>YS BOT – Regular Mtg.</b>  January 14, 2021</p>
<p>Meeting called to order at 6:00 p.m. by Supervisor Rob Heethuis</p> <p><b><u>PLEDGE OF ALLEGIANCE</u></b>  <b><u>INVOCATION</u></b></p> <p><b><u>Roll Call:</u></b> Present: Heethuis at Lisa Lane, Mousseau at Heritage Bay Dr., Cunningham at Township Hall, Knowles at Beatrice Ave., VanHouten at Rock Dr.</p> <p><b><u>Staff Present:</u></b> John Frigmanski, Frank Fiala, Sandy Marcukaitis, Ron Heilman</p> <p><b><u>Visitors:</u></b> 12 via ZOOM  ZOOM HOST: John R. Smith at Florida residence</p>	
<p><b><u>ADDITIONS/CHANGES TO AGENDA:</u></b>  Cunningham requested to change the scope of the item regarding the Recording Secretary position to change to a vote to hire a Recording Secretary.</p> <p><b><u>Motion by Knowles with support from Cunningham to approve the change to the agenda as presented.</u></b> <i>Roll Call Vote: Cunningham: yes; Mousseau: yes; VanHouten: yes; Heethuis: yes; Knowles: yes.</i>  <b>Yes: 5, No: 0. MOTION CARRIED.</b></p>	<p><b>ADDITIONS/  CHANGES TO  AGENDA</b></p>
<p><b><u>APPROVAL OF CONSENT AGENDA:</u></b>  Board Minutes: 12/10/2020, 12/28/2020 and 1/6/21  December Accounts Payable: Checks #916123 through #916190; total amount: \$48,144.69  December 31 Payroll Checks #6881 through #6912 = \$13,761.32 net amount</p> <p><b><u>Motion by Cunningham with support from Mousseau to approve Consent Agenda as presented.</u></b>  <i>Roll Call Vote: Knowles: yes; Cunningham: yes; Heethuis: yes; Mousseau: yes; VanHouten: yes.</i>  <b>Yes: 5, No: 0. MOTION CARRIED.</b></p>	<p><b>CONSENT  AGENDA</b></p>
<p><b><u>ACKNOWLEDGEMENT OF VISITORS:</u></b>  <b>Ron Heilman &amp; Ray Eister</b> – Attending to discuss short term rentals which is a Board action item tonight.  <b>Vivian Connor</b> – County Commissioner. Provided a brief overview of the County organizational meeting and committee assignments. Contracts have been approved for the monumentation survey and peer review board. Barry/Eaton County Health Department is working on vaccine administration. Interviews will be taking place for statutory board appointments that expired in</p>	<p><b>ACKNOWLEDGE  MENT OF  VISITORS:</b></p>

December 2020. Also have a tentative agreement in place between the county and the corrections officers. Vivian Connor and Catherine Getty will take turns attending BOT meetings.

**FINAL MINUTES**  
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**PUBLIC COMMENT: -Limit 3 minutes**

**Phyllis Wordhouse:** A plan for 4 more pickleball courts has been submitted to the previous board and would like to know why the board would not accept the donation to pay for it. Concerned that if not accepted soon and move forward that the players will go elsewhere because the courts are too busy.

**PUBLIC COMMENT**

**Ken Pechumer:** Expressed concern that while the board says they support the pickleball movement it has not moved forward and would like to see the waiting come to an end.

**Diane Gardner:** Commented that the Fairground might be a good place for vaccinations.

**TREASURER’S REPORT: By Deb Mousseau, Treasurer.**

- Reviewed the Financial Statement & Investment Report for Dec. 2020
- Asset Forfeiture Report was filed with the state of Michigan on 12/16/2020 (annual report)

**TREASURER’S REPORT**

*Motion by VanHouten with support from Cunningham to accept Treasurer’s Report as presented.*

*Roll Call Vote: Heethuis: yes; Knowles: yes; Mousseau: yes; Cunningham: yes; VanHouten: yes  
Yes: 5, No: 0. MOTION CARRIED.*

**CLERK’S REPORT: by Mike Cunningham, Clerk**

- January 2021 current invoice register as of January 8 for a total of \$132,07.41

**CLERK’S REPORT**

*Motion by Mousseau with support from Knowles to accept the invoice register as presented.*

*Roll Call Vote: VanHouten: yes; Cunningham: yes; Knowles: yes; Mousseau: yes; Heethuis: yes.  
Yes: 5, No: 0. MOTION CARRIED.*

**Motion to accept Invoice Register**

- PCI December 2020 Report
- December 2020 Yankee Springs Township Fire/Emergency Medical Response
- December 2020 Complaint Log
- Correspondence – GLASWA report for December 2020
- Above items are all included in the board packet and copies attached to minutes
- Sexton update – New sexton was hired effective January 1, 2021. Three year contract was signed by Cunningham and Heethuis on December 31.
- Recording secretary position update: scope changed to a full hire.

*Motion by Cunningham with support from Mousseau to hire Betsy Frigmanski as the Board Recording Secretary.*

*Roll Call Vote: Heethuis: yes; Cunningham: yes; VanHouten: yes; Mousseau: yes; Knowles: yes.  
Yes: 5, No: 0. MOTION CARRIED.*

**Motion to hire Recording Secretary**

*Motion by Knowles with support from Mousseau to accept Clerk’s Report as presented.  
Roll Call Vote: Knowles: yes; Cunningham: yes; Mousseau: yes; VanHouten: yes; Heethuis: yes.  
Yes: 5, No: 0. MOTION CARRIED.*

**Motion to approve  
Clerk’s Report**

**COMMITTEE REPORTS:**

**COMMITTEE  
REPORTS**

• **Park Committee**

Park committee met January 14 and brought 4 items to the board:

- One, permission to get bids to get electricity from the pedestal to the pavilion.
- Two, request for a park custodian.
- Three, permission to speak to Athletic Directors at Wayland and Thornapple Kellogg schools to inform that that the Township has a field available for structured practices.
- Four, requesting that a board rep decide if picnic tables need to be restored or replaced.

The board feels that the committee should move forward with getting the bids and so forth and bring specific requests and recommendations to the board for approval. VanHouten asked about a dedicated fund for the Parks Committee so they have a budget that they can use to bring specific requests to the board. This will be discussed in the future.

• **ZBA and Planning Commission report**

Both the ZBA and the PC are one member short. Heethuis will be contacting individuals who are interested and conducting interviews and hopes to bring the candidate names to the Board in February for approval.

• **Fire/EMS report**

None

• **Water Advisory report**

GLASWA board has decided to charge minimum sewer rates to area restaurants who are unable to operate under the state COVID closure guidelines. Once the state lifts the restrictions the charges will return.

**BOARD ACTION ITEMS:**

- Set and confirm date for Joint meeting with PC & ZBA for 1/27/2021 (zoom meeting)  
6:00 PM

*Motion by Cunningham that the meeting will occur on January 27<sup>th</sup> at 6:00 pm with support from Mousseau.*

*Roll Call Vote: Heethuis: yes; Mousseau: yes; VanHouten: yes; Cunningham: yes; Knowles: yes.  
Yes: 5, No: 0. MOTION CARRIED.*

**MOTION TO SET  
DATE FOR JOINT  
MEETING**

**MOTION TO  
APPOINT REP TO  
GUN LAKE  
IMPROVEMENT  
BOARD**

- Appointment of Board rep to the Gun Lake Improvement Board

*Motion by Heethuis to appoint Jan Lippert to the Gun Lake Improvement Board with support from Cunningham.*

*Roll Call Vote: Cunningham: yes; Heethuis: yes; Mousseau: yes; VanHouten: no; Knowles: no. Yes: 3, No: 2. MOTION CARRIED.*

- Pickleball: Discussion on how to move forward  
Cunningham reviewed emails from residents that he has received; a total of 7 comments requesting additional courts. An email from Gloria Pitch was read at her request asking for approval to expand by four courts. Cunningham has also received correspondence from 21 residents around the park area who have concerns about safety should the park become busier with additional pickleball courts and also that residents do use the basketball courts and they don't want that to be eliminated. Heethuis and Cunningham have been doing research and traveling around the county to see what is provided in other municipalities around the area. They have also had discussion with the attorney, zoning administration and township planner who are professionals who provide services to many counties and are experts in the field. The zoning administrator shared that most townships do not want to deal with donations as it can cause problems of ownership. The township has a legal responsibility and ownership of the park. The Pickleball group cannot do some of the things that they are requesting because it is public land. The group can request that the township board build additional pickleball courts and can make a donation to the Board so the Board can make the project happen. The board will make two motions tonight.

*Motion by Cunningham that the Board direct the removal of tape and/or other markings and equipment, if any exist, from the basketball and tennis courts at the Township Park on or before April 1, 2021, which action will result in there being two Pickleball courts, one Basketball half court, and one Tennis court for the use of Yankee Springs Township residents and others with support from Knowles.*

*Discussion: Park was designed as a multi-sport park and that will be diminished by infringing on the only basketball and tennis courts that are available in the township. That's why this is being proposed as the first step. A recommendation by the insurance agent was made to the board that they do not allow pickleball to be played on the basketball court because of safety and liability issues. Van Houten talked to many people about the park and spent time there over the summer to determine what the community usage is and there are a lot of different feelings and it is a multi-use park. He thinks it's proper to remove the tape.*

*Roll Call Vote: VanHouten: yes; Cunningham: yes; Knowles: yes; Heethuis: yes; Mousseau: yes. Yes: 5, No: 0. MOTION CARRIED.*

**MOTION #1  
REGARDNG  
PICKLEBALL  
COURTS**

**MOTION #2  
REGARDING  
PICKLEBALL  
COURTS**

*Motion made by Cunningham with support from Heethuis that the Board move ahead to consider the proposal for additional Pickleball courts at the Township Park by establishing the following main points and requirements/principles:*

- 1. The Pickleball Group will provide all funding for the creation of a number of additional Pickleball courts that will be built, owned, maintained and controlled by Yankee Springs Township. All funding to include legal, design, and project management costs, and any other expenses incurred to create the courts and enforce any agreements entered into by the Township and the Pickleball Group.*
- 2. Funding for preconstruction activities will be placed under Township control prior to the start of the project. Funding for construction activities will be placed under Township control prior to construction commencement.*
- 3. Approval of this motion will result in the creation of documents requiring the signature of properly authorized representatives of the Pickleball Group before any further action is taken by Yankee Springs Township. The proposed documents will further detail the relationship between the Township and the Pickleball Group described in this motion.*

*Discussion: This motion will drive what documents the attorneys will produce and present to the Pickleball group for signature to establish the relationship as a necessary first step. VanHouten: not convinced that more pickleball courts are what the citizens really want. He thinks there are other options out there that have not yet been explored. Cunningham: clarified that his motion does not specify the number of courts, it could be anywhere from zero courts to four courts. Finances might dictate a number less than four as well as the impact on the neighborhood and those are some of the things the board should be willing to discuss. Knowles: wants to know the Parks committee view on this. Heethuis: this motion is the groundwork for how this will be discussed and how the township could move forward and setting guidance on how the township could accept funds. The attorney and the zoning administrators both stress the importance of the Parks committee in this situation. The committee does not recommend expanding the pickleball courts as it's not within the scope of how the park was developed and also has concerns about liability, maintenance, traffic, parking, confusion regarding fundraising and leadership of the pickleball group. Mousseau: \$18,000 has been budgeted for the fiscal year for the park. Motion does not require either side to spend any money, just creates the documents and sets the framework. The end result is that the courts would belong to the township, and not under the control of the Pickleball group. The next step is for the Pickleball group to decide whether or not they want to sign the documents developed by the attorney. If the motion is approved, the attorney would bring the motion to the Pickleball group and ask them to sign the motion and agree to the guidelines to move forward. If the group refuses then that would end the discussion on pickleball. That meeting would be in February and would give them the opportunity to further discuss the possibility of the project moving forward.*

*Roll Call Vote: Knowles: no; Heethuis: yes; VanHouten: no; Cunningham: yes; Mousseau: yes. Yes: 3, No: 2. MOTION CARRIED.*

- Short Term Rental Discussion

**Ron Heilman** has concerns that the state and legislature have become involved in the short-term rental situation. He cites that the Township has two ordinances: 3.8 and 3.81 in the ordinance book that discuss permitted uses in the residential lake front zoning districts. Uses not permitted are also listed as well as uses by special exception permit only. There is no ordinance that covers short term rentals. He would like the board to consider sending to the planning commission adding an item to the ordinance that says short term rentals are not permitted and define what short term rentals are. He feels this is needed due to the fast-growing number of rentals and the problems being caused to the residents.

**Ray Eister:** Agrees with the concerns presented by short term rentals. He cited a particular owner who does not live in the area but owns two properties and advertises them together so there are very large groups that rent them. They have caused unruly behavior and stress and property damage for the residents and also can cause a dangerous situation when there are too many parked cars which block the road.

Cunningham expressed that the board has sympathy for the situation and feels it's not suitable for a residential neighborhood. Has had discussion with the attorney and his suggestion that short term rentals be considered a business venture and then they have to have permits for a business venture. A committee could be formed to suggest an effective solution. Heethuis confirmed that the attorney and other professionals suggest it go to the planning commission or other ad hoc group to come up with an ordinance. VanHouten expressed concern for infringing on property owners' rights. Possibly the Board can meet with the sheriff to discuss complaints and law enforcement actions. Knowles expressed agreement with VanHouten's statements. Heethuis made a recommendation to send the issue to the Planning Commission. Knowles said it should be discussed at the Joint meeting on 1/27/21. It will be put on the agenda.

- Resolution NOT to impose the additional three percent (3%) penalty fee for any taxes paid on or after February 16 through March 1, 2021, for tax year 2020. Per Deb Mousseau it is customarily done every year to extend a grace period for residents to pay taxes.

*Motion by Mousseau with support from Knowles not to impose the additional three percent penalty fee for any taxes paid on or after February 16, 2021 through March 1, 2021, for tax year 2020.*

*Discussion: Should a number be assigned to the resolution #1-1-2021. It's a customary tradition that has been done every year.*

*Motion corrected to add the Resolution #1-1-2021.*

**Roll Call Vote:** Knowles: yes; Heethuis: yes; Cunningham: yes; VanHouten: no; Mousseau: yes. **Yes: 4, No: 1. MOTION CARRIED.**

- Request to pay off Gun River 2019 and Gun River 2020 bills for the township's portion: \$525.17 for Gun River 2019 and \$1,014.75 for Gun River 2020. Recommendation to pay it now and avoid any interest.

**FINAL MINUTES**

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**DISCUSSION OF  
SHORT TERM  
RENTALS**

**MOTION TO PASS  
RESOLUTION  
#1-1-2021**

*Motion by Larry Knowles to pay off the Townships portion of the 2019 Gun River assessment (Gun River IC19) for \$525.17 with support from VanHouten.  
Roll Call Vote: Mousseau: yes; VanHouten: yes; Knowles: yes; Heethuis: yes; Cunningham: yes  
Yes: 5, No: 0. MOTION CARRIED.*

*Motion by Mousseau to pay off the Townships portion of the 2020 Gun River assessment for the amount of \$1,014.75 with support by Cunningham.  
Roll Call Vote: Cunningham: yes; Mousseau: yes; VanHouten: yes; Heethuis: yes; Knowles: yes.  
Yes: 5, No: 0. MOTION CARRIED.*

- Ocean Omega 2021 Service Contract Renewal (company that does the IT work for the township).

*Motion by Cunningham to appoint Ocean Omega as the IT people for 2021 and allow Cunningham to sign the contract with support from Knowles.  
Discussion: Knowles asked for clarification on what is included in the contract. The contract is for a base amount and service rates per hour.  
Roll Call Vote: Knowles: yes; Cunningham: yes; Heethuis: yes; Mousseau: yes; VanHouten: yes.  
Yes: 5, No: 0. MOTION CARRIED.*

- Robbin’s Cemetery road bidding process – The bidding process was stalled last year and Board would like to move forward so they can sell lots in the cemetery in 2021. It would be advertised in the paper to get bids. The County Road Commission declined to bid but would be available to review the bid specs. Knowles discussed the two bids that were received last year and would like to accept one of those. The board would like to proceed by having Cunningham get legal advice about using last year’s bids and then can make a decision at the February meeting.

*Motion by Cunningham with support from Mousseau that Larry Knowles approach the two bidders involved after Cunningham contacts the attorney for approval.  
Roll Call Vote: Heethuis: yes; Knowles: yes; Mousseau: yes; Cunningham: yes; VanHouten: yes.  
Yes: 5, No: 0. MOTION CARRIED.*

- Roush presentation of framed certificate- Board wanted to recognize Gordon and Susan Roush for their years of service as the sextons for the township.

**OLD BUSINESS**  
None.

**PUBLIC COMMENT: Limit 3 minutes**  
**Phyllis Wordhouse:** Thanked the board for adding the topic of pickleball to the agenda but asked for clarification regarding the numbers recommended by the experts. She cited surrounding

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**MOTION TO PAY GUN RIVER 2019 BILL**

**MOTION TO PAY GUN RIVER 2020 BILL**

**MOTION TO RENEW CONTRACT WITH OCEAN OMEGA**

**MOTION TO PURSUE BIDS FOR ROBBINS CEMETERY ROAD**

**CERTIFICATE OF APPRECIATION TO ROUSH**

**PUBLIC COMMENT**

communities that have more courts. Also expressed that she does not see that the tennis and basketball courts are regularly used and they feel the park is a safer place when there are adults present on the pickleball courts.

**Ken Pechumer:** Stated that the Pickleball group does not want to be in control but just wants to make sure that the project is done correctly and cited that the bench between the pickleball courts is hazardous to the players. He also said the Pickleball group does not want to keep the board out of the process or control the use of the courts once completed. It is his feeling that the board does not want anything to change at the park.

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**BOARD COMMENT:**

**BOARD COMMENT**

**Knowles:** Expressed appreciation to the board and that a lot was covered in the meeting. Thanked John Smith for hosting.

**Mousseau:** Thanked John for being the Zoom host.

**VanHouten:** It was a great meeting. He dropped off certificate to Mark Englerth for his service.

**Cunningham:** Continuing to analyze the recycling situation to ensure that space is available for the community when they bring the recycling to the township hall. If items are left on the ground they will be put in the trash and not recycled. Feels good that people are not leaving as much on the ground.

**Heethuis:** Said he appreciated the board tackling difficult issues and making good decisions.

*Full audio recording of this meeting has been downloaded to the township office computer system on 1/15/2021.*

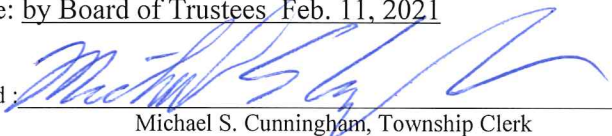
**ADJOURNMENT**

**ADJOURNMENT:**

**Motion by Cunningham with support from Knowles to adjourn at 7:58 p.m.**  
**Yes: 5, No: 0. Motion Carried.**

Respectfully submitted:  
Betsy Frigmanski  
Recording Secretary 1/18/2021

Date: by Board of Trustees Feb. 11, 2021

Approved:   
Michael S. Cunningham, Township Clerk