

<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</b></p> <p style="text-align: center;"><b><u>Regular Board Meeting</u></b></p> <p style="text-align: center;"><b><u>Tuesday, July 10, 2018</u></b> <b>7:00 p.m.</b></p> <p style="text-align: center;"><b>Yankee Springs Township Hall 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 6 YST Bd Trustees 7.10.18 With attachment Approved Aug. 9, 2018</p>
<p>Meeting called to order at 7:03 p.m. by Supervisor Mark Englerth.</p> <p><b><u>PLEDGE OF ALLEGIANCE</u></b></p> <p><b><u>Roll Call:</u></b> All Present: Jansma, J. Lippert, Englerth, Boysen, VandenBerg.</p> <p><b><u>Also Present:</u></b> Catherine Kaufman, Yankee Springs Township Attorney</p> <p><b><u>Staff Present:</u></b> Chuck Biggs- Constable, Rich Beukema, Sandy Marcukaitis, Cathy Strickland, Frank Fiala.</p> <p><b><u>Visitors:</u></b> 7 (not including staff present).</p> <hr/> <p><b><u>ADDITIONS/CHANGES TO AGENDA:</u></b></p> <ul style="list-style-type: none"> <li>• Add To Consent Agenda: Minutes of June 19, 2018</li> <li>• Add: Under Clerk’s Report – Register for checks</li> <li>• Note: Election Commission will meet after meeting tonight.</li> <li>• Add: Accept Master Plan for Distribution (Under Supervisor’s Report)</li> <li>• Add: Vacation Voting: Discussion (Under Old Business)</li> <li>• Add: Minutes – Issues (Board) (Under Old Business)</li> </ul>	<p><b>CALL TO ORDER</b></p> <p><b>PLEDGE</b></p> <p><b>ROLL CALL</b></p> <p><b><u>ADDITIONS/ CHANGES TO AGENDA</u></b></p>
<p><b>Catherine Kaufman</b> provided an Attorney Client Privileged Document which was distributed to Board members. The Board read the document privately in open session. Discussion took place regarding whether the board should go into closed session or remain in open session to discuss document. VandenBerg asked if he should remove himself from the board and sit in the audience, as well as J. Lippert doing the same. C. Kaufman commented that it was not necessary.</p> <p><b><i>Motion by Englerth with support by S. VandenBerg to waive attorney client privilege of this document, accept document, and make document public.</i></b> Roll Call: Englerth: Yes, Jansma: Yes, VandenBerg: Yes, Boysen: Yes, Lippert: Yes. Yes: 5, No: 0. MOTION CARRIED.</p> <p>C. Kaufman read the document into the record publicly (<b><u>see Attached Document</u></b>). Document was a statement of C. Kaufman regarding the preliminary plat review of Shalinda Development and requirements met by Trustee VandenBerg. This statement reflects the process as reviewed by C. Kaufman.</p> <p>C. Kaufman commented that she was unaware that she had to draft the ordinance format to amend the <b><u>Lot Coverage requirement</u></b> (Section 12.6), also the definition of how it’s measured (Sec. 2.1). <b><u>This will go on the August Board meeting agenda.</u></b></p>	<p><b>Yankee Springs Township Attorney: Catherine Kaufman</b></p> <p><b>MOTION to waive attorney client privilege of document and make public.</b></p> <p><b>Document read by C. Kaufman</b></p>

Boysen mentioned C. Kaufman looking into the GLASWA Articles of Incorporation. Kaufman commented that she will be looking into it Friday, July 13, when she will be back in her office.

VandenBerg commented that the Board should discuss the possibility of Kaufman attending a few more Board meetings in the future.

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**APPROVAL OF CONSENT AGENDA:**

- Tabled (6-14-18) Minutes of June 2, 2018 (at the Fire Station)
- Special Meeting: June 12, 2018 – 2018-19 Projected Budget Presentation
- Regular Meeting: June 14, 2018
- Special Meeting: June 21, 2018 – Board of Trustees/Catherine Kaufman (Open session)
- Special Meeting: June 26, 2018 Proposed 2018-2019 Budget Adoption Public Hearing
- \*Closed Session Minutes of 6-21-18
- June Check Register #914669 through Check #914726 = \$45,941.05
- June Payroll Checks: #6279 - #6294 = \$11,705.46

**CONSENT AGENDA**

VandenBerg commented on looking at the original minutes (first draft) regarding June 2, 2018 (tabled on 6/14/18 – Regular Board Meeting).

*Motion by Jansma with support from VandenBerg to remove June 2, 2018 minutes from the consent agenda and be tabled to the end of the meeting. Roll Call Vote: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.*

Motion to TABLE approval of June 2, 2018 minutes until end of meeting.

At this time, the Board members read the Closed Session minutes of June 21, 2018 at the fire barn. Each Board member received a copy of the minutes and read them privately.

*Motion by Jansma with support from Boysen to accept Closed Session minutes of 6/21/18 at the Fire Station. Roll Call Vote: Boysen: Yes, Jansma: Yes, VandenBerg: Yes, Englerth: Yes. (Yes: 4, No: 0, Abstained: 1, (Lippert abstained as Lippert was absent with notice from the 6/21/18 Closed Session Meeting.) MOTION CARRIED.*

Closed Session Minutes of 6/21/18 (at the Fire Station) approved.

*Motion by Jansma with support from Boysen to approve the Consent agenda for tonight's meeting as presented above with minutes of June 2, 2018 removed. ROLL CALL: Jansma: yes, Lippert: yes, Englerth: yes, Boysen: yes, VandenBerg: yes. Yes: 5, No: 0, MOTION CARRIED.*

APPROVAL OF CONSENT AGENDA as amended.

**PUBLIC COMMENT:**

**R. Heilman of the ZBA**, commented that normally he is “spot on” with the Planning Commission. Heilman commented, “The ZBA, that I’m on, had asked the PC to take a look at lot coverage for our township. We had a 30% and we were getting a lot of appeals coming in to our group. They wanted 36% or they wanted 40% or they 39%. We had discussed that with a few people in the past because it had to do with run-off... They are not only allowed 30% for the building structure, but they are allowed 10% more for decks, sidewalks and the like. So we asked the PC that we would like to have it moved up.” The goal of the ZBA was 40% according to Heilman to alleviate a lot of the ZBA requests. “So we had them look at it. One of the rare times that I disagree with the PC’s recommendation is they want 50%. At 50% that’s 2500 sq. feet on a 50 x 100 ft. lot. And if you have 10% for your decks and sidewalks and stuff, you are going to start running into situations where we’re going to have complaints about runoff and we have nothing in place to take care of or deal with that. And you have to

**PUBLIC COMMENT**

realize that. So when somebody builds something and they have a runoff problem they are supposed to take care of that but if they don't, we have a number of them in the township right now that we have runoff problems with and nothing is getting resolved with it. My point to the board would be I would like to have you really take a serious look at this 50% that the PC is bringing to you, instead of 40% like we had asked for. And I will just preface by saying in a final note here, if you do allow 50% for this building structure, they will be coming to the ZBA with appeals to go with 60% or 70%, so you need to keep that in mind because we have to look at each case on a case by case basis. And some of the lots they have problems with the way that they can build and some of them want to put great, big monstrous homes on small lots...so you want to take a look at your landscape and what do you want it to look like. Like all great big buildings like up at Green Lake or places like that where they don't have that situation. Yeah your tax base will go up. Yeah the township is going to get more tax dollars, but is that what you want to look at? So, I'm just saying as a member of the ZBA, I'm coming to you and saying, I want you to take a real hard look at this. Like I say, 99% of the time I'm in full agreement with the PC; this time I'm not."

**Julie Fox, resident and YS Business owner**, commented, "Just because you can make citizens FOIA you guys for information, that doesn't mean you should be making people do that for every little thing. Information that we have a right to have should be free flowing. This FOIA stuff is a waste of everybody's time including Mark's now because he's had to take it over because of the questionable handling of FOIAs before. Just because you can make somebody FOIA something, doesn't mean you should. And I want to talk about the loop thing...because I know we got a little bit of a comment about tax people paying for it. It's not uncommon for a township to pay for a loop. And what they get in a return is the fact that for a developer, for a homeowner that wants to build, it makes it easier and more appealing for them to do so, and when they do that, what does that equal? Ding, Ding, Ding! Tax dollars. So you get your money back. It's an investment. It's not unusual. There's nothing wrong with it- at all. And the last thing I want to say is, I'm glad that Catherine cleared up some of this stuff with Mr. Vandenberg, but one thing the board has never cleared up, and I think that they should, is the fact that the night, when I was here, and several people have had this in public comment, that Mr. Vandenberg spoke from there (the board table), the board gave him permission to, by acknowledging that he could, and then nobody objected to it at all until after the fact. And I think that the board should take a moment and review that information, review the notes, review whatever you have to, and I think that that should be cleared up.

**Bill Medendorp, of Vista Point**, commented that he agreed with what Julie Fox just said so he didn't have to "be up there".

#### ACKNOWLEDGEMENT OF VISITORS

**Barry County Commissioner -Vivian Conner** gave the **Barry County Board of Commissioners Report**. (*Written Report submitted as well*).

**Representative from Payne Lake – Extending Payne Lake Weed Assessment** (*Not present*).

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#### ACKNOWLEDGE- MENT OF VISITORS

**BOARD ACTION ITEMS:**

- a. **Zoning Ordinance Amendments Art. XII, Sec. 12.6**
- b. **Zoning Ordinance Amendment Art. II, Sec 2.1 Public Hearing Held at Planning Commission meeting– June 21, 2018.**

*\*These items were tabled to the August regular Board meeting. See C. Kaufman’s comment above.*

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

- **June 2018: Financial Statement**
- **Attached Investment Report**
- **Receipt Distribution Report June 2018**
- **Water Advisory Board Minutes**

**Motion by Lippert with support from VandenBerg to accept the Financial Statement for June 2018 as presented. All ayes. MOTION CARRIED.**

**SUPERVISOR REPORT: Mark Englerth**

**Updates: Gypsy Moth:** Supervisor Englerth commented “Still chasing the gypsy moth syndrome”. Some parts of the township are devastated by this according to M. Englerth. Englerth commented that the township relies on help from a lot of agencies for assistance on this matter. Englerth commented that the township will continue to monitor the issue, and apologized for not having all the answers.

**Further updates were given regarding: Buoy on Gun Lake**

**Veterans Memorial** – Englerth commented that it is moving along, but under financed. Englerth also noted that the last pile of sand was donated by Martin Excavating. “The only thing that we have got in it is the cost of the stone itself and the concrete, not the labor. Not happy with the past, but am happy with the destiny,” added Englerth. Englerth thanked Ron Heilman, and Shane VandenBerg for their work. The supervisor acknowledged that M. Boysen has been a little under the weather.

**Code Enforcement Officer, Brad Williams** was present tonight. “He (B. Williams) treats the people in the community with dignity and respect,” commented Englerth. Englerth commented, “We have had numerous complaints from people within the office that have no validity.” Englerth commented, “...any complaints will go either directly to our friend at PCI, Eric, or myself. We can come back again and again...So we need to draw a line in the sand. It is a blessing that he’s (B. Williams) here. But every time he comes in the office, people can not misuse their position by not going through the same process as anybody else....”

**Motion by VandenBerg with support from Boysen that any complaints coming from staff for Brad (Enforcement Officer) will go thru Eric of PCI to file a complaint or go to M. Englerth.**

Roll Call: Englerth: Yes, Lippert: Yes, Jansma: Yes, Boysen: Yes, VandenBerg: Yes. Yes: 5, No: 0. MOTION CARRIED.

**Brad Williams** commented that he finds the job interesting and he is learning new things. “There’s a lot of information out there that I’m still getting myself involved with...Being here at YS, I’ve been a little concerned from other people at other townships saying ‘Oh they’re tough down there. Oh that lake. You gotta watch out about that lake’. I didn’t see anything like that at all.” Williams commented that Yankee Springs is a great community. “It’s been overall good working here.” Williams noted that he felt very comfortable here and thanked the Board.

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**BOARD ACTION ITEMS**

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

**SUPERVISOR’S REPORT: Mark Englerth**

**MOTION to have Complaints from staff go to Eric Thompson, and Mark Englerth.**

**Master Plan:** A. Jansma commented that accepting the Master Plan will just get it distributed to adjoining communities for a 63 day commenting period. The Board is not “approving” it. Englerth commented that the acceptance allows for the PC to follow the law, move the ball forward, and get it out to the general public.

*Motion by Boysen with support by Jansma to accept the Master Plan for distribution.* All Ayes.  
MOTION CARRIED. \*Note: *Rebecca Harvey and Sandy Marcukaitis will follow through.*

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

- **June Yankee Springs Fire Report**
- **June 911 Report – Clerk’s Office**
- **PCI June Building Report**
- **Planning Commission Minutes of 6-21-18**
- **Invoice Register of 7/10/18:** Check #914727 (\$355.63) (Separate invoice) and General invoice register \$59,454.19.

**Motion by Jansma with support from Vandenberg to accept the invoice register -** Roll Call: Englerth: Yes, Lippert: Yes, Jansma: Yes, Boysen: Yes, Vandenberg: Yes. Yes: 5, No: 0.  
MOTION CARRIED.

J. Lippert noted that the Fire Station thanked all those who attended the Pancake Breakfast last Saturday.

*\*Note: After tonight’s meeting – the Yankee Springs Election Commission (Jan, Mark, Alice) will meet to Approve Election Inspectors for the August 7<sup>th</sup>, 2018 Primary election.*

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

**RECESS: 8:24 p.m.                      RESUME: 8:36 p.m.**

During the recess, board members reviewed the most recent minutes of June 2, 2018 and the original minutes (first draft). J. Lippert had requested conversation between Vandenberg and Lippert where point of order was called to be added to the first draft. Discussion took place. It was noted that minutes need not be “verbatim”, as each meeting is recorded on audio.

*Motion by Lippert to amend the minutes of June 2, 2018 and add that Alice (Jansma) called for Point of Order. The discussion took place. Strike it (the discussion). The discussion occurred.*  
MOTION FAILED FOR LACK OF SUPPORT.

*Motion by Englerth with support from Jansma to have minutes as prepared by recording secretary be presented to the board and distributed by Clerk Lippert. If the board chooses to amend the minutes, it will be amended at the board meeting, not prior to the meeting.* Roll Call: Englerth: Yes, Vandenberg: Yes, Boysen: Yes, Lippert: Yes, Jansma: Yes. Yes: 5, No: 0.  
MOTION CARRIED.

*Motion by Englerth with support from Vandenberg to deny presented minutes of June 2, 2018 (in tonight’s consent agenda) and to accept minutes of June 2, 2018 (First Draft/Original minutes /Pages 1-4).* All Ayes. MOTION CARRIED.

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**MOTION to accept Master Plan for distribution.**

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

**MOTION TO APPROVE CURRENT INVOICE REGISTER.**

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

**MOTION to have Board receive minutes from Recording Secretary and be distributed by Clerk.**

**MOTION to accept Minutes of June 2, 2018 Pages 1-4 – Original draft.**

**BOARD COMMENT:**

**A. Jansma** commented to Julie Fox, that the township gives a lot of information out without having to have a FOIA and the township tries to give it out without FOIA because “it’s public information.”

**Julie Fox** commented that she hasn’t received anything without FOIA-ing it.

**M. Englerth** noted that a lot of documents are public documents and do not need to be FOIA’d. Englerth commented that even the documents that have been FOIA’d, there hasn’t been a charge for them. (Englerth has currently taken on the role of FOIA Coordinator).

**J. Fox** commented that she has paid for it (FOIA) in the past, and she thinks the township is doing much better (with FOIA requests).

**OTHER BUSINESS-**

Englerth commented on the upcoming meeting of July 24<sup>th</sup> regarding the Water Advisory Board. Englerth noted that the Water Advisory Board has contacted Rural Water Association to do a fee study. The Water Advisory Board would like to have a meeting but not with the whole board all at once, in order to not have a quorum. Discussion occurred. Englerth commented that he (Englerth) and Alice Jansma will have discretion regarding this meeting. Consensus was given by the Board to give Englerth and Jansma this discretion.

**Vacation Voting:** S. VandenBerg commented that after talking to hundreds of people over time that 98% of the populace said it (vacation voting or remote participation) is destroying our township. VandenBerg commented on things running more smoothly since there hasn’t been remote calling. Discussion took place.

***Motion by VandenBerg with support from Boysen to eliminate remote (vacation) voting over the phone for all boards of the township.*** (A person must be physically present to vote). Roll Call: Englerth: Yes, VandenBerg: Yes, Boysen: Yes, Lippert: Yes, Jansma: Yes. Yes: 5, NO: 0. MOTION CARRIED.

**V. Conner, Barry County Board of Commissioners,** commented that she will be speaking to the forester about Gypsy moths.

**ADJOURNMENT:**

Motion by Englerth with support from VandenBerg to adjourn at 8:59 p.m. Approved by all. Motion Carried.

Respectfully submitted:  
Deb Mousseau  
Recording Secretary 7.10.18

Date: Approved Aug. 9, 2018

Approved : \_\_\_\_\_  
Janice C. Lippert, Township Clerk

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**OTHER BUSINESS**

**MOTION to eliminate remote (vacation) voting over the phone for all boards of township.**

**ADJOURNMENT**

BAUCKHAM, SPARKS, THALL, SEEBER & KAUFMAN, P.C.

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MAY BE CONSIDERED IN A CLOSED SESSION PURSUANT TO SECTION  
8(H) OF THE OPEN MEETING ACT AND IS EXEMPT FROM DISCLOSURE  
IN ACCORDANCE WITH §13(A) OF THE FREEDOM OF INFORMATION ACT.

TO: Yankee Springs Township Board

FROM: Catherine Kaufman, Township Attorney



RE: Shalinda Subdivision

DATE: July 10, 2018

I have been asked to provide a written statement regarding my knowledge of the review process for the Shalinda subdivision. Accordingly, I provide the following comments.

Following the retirement of my law partner John Lohrstorfer in August 2015, I became the Township Attorney in September 2015. At that time, Mr. Vandenberg was not on the Township Board. Through representatives, Mr. Vandenberg had submitted a tentative preliminary subdivision plat for review. It is my understanding that the tentative preliminary subdivision plat moved through the Planning Commission and the Township Board for preliminary subdivision approval.

At some point during this process, Mr. Vandenberg was elected to the Township Board. Thereafter, and to the best of my understanding, Trustee Vandenberg made an effort to be uninvolved in the review process, relying instead on his representatives to handle the review of the subdivision plat. At some point, the applicant requested an extension of the tentative preliminary plat approval, which, to my knowledge is a fairly typical request. It is my understanding that the Planning Commission and Township Board approved that extension.

Trustee Vandenberg's representatives later (2017) applied for final preliminary plat approval. As part of the Township's review of the final preliminary plat, the Township engineer reviewed and made comments. Additionally, GLASWA reviewed and made comments. The Planning Commission incorporated some of these comments into its

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recommendation on the final preliminary plat review. Included in these comments was the request for a looped water system to serve the Shalinda subdivision plat (and potentially other properties).

After extensive review and comment of the final preliminary plat by the Planning Commission, the Township Water Committee, the Township Engineer and GLASWA, the Township was able to work with Trustee Vandenberg's representatives to reach agreement on the extension of the water loop serving Shalinda subdivision (and other properties) and to allocate the cost of the extension. The negotiations between the Township and the subdivision applicant were lengthy and thorough. At the end, the applicant (Trustee Vandenberg, through his representatives) agreed to participate in the water loop system and pay part of the cost of that looping, although he did not have to do so. The subdivision applicant (Trustee Vandenberg, through his representatives) ultimately agreed to do more than he was required to do under the Township's ordinances and regulations.

If you have questions, please let me know.