

**YANKEE SPRINGS TOWNSHIP
BOARD OF TRUSTEES**
Regular Board Meeting
Thursday, November 10, 2016
7:00 p.m.
Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, Michigan 49333

FINAL MINUTES
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YST Bd Trustees
11.10.16

MINUTES

Meeting called to order at 7:29 PM by Supervisor Mark Englerth. (Previous meeting at 6:30 for Spec. Assessment Dist. #45 (NE England Point Rd.) carried over).

CALL TO ORDER

PLEDGE OF ALLEGIANCE: J. Lippert requested a Moment of Silence in Honor of Veteran's Day.

**PLEDGE
ROLL CALL**

Roll Call: Jerkatis, J. Lippert, Englerth, Rottschafer, Campbell. All Present.

Staff Present: Alice Jansma, Larry Knowles, Greg Purcell, Frank Fiala, Richard Beukema, Chuck Biggs.

Visitors: 2 (not including staff present).

ADDITIONS/CHANGES TO AGENDA:

**ADDITIONS/CHANGES
TO AGENDA**

Under Clerk Report: Add: Re-adopt the Sewer rate ordinance.

To Trustee Report: Add: Electric Rebate.

APPROVAL OF CONSENT AGENDA:

**APPROVAL OF
MINUTES**

Consent Agenda:

Approval of Consent Agenda as presented. MOTION CARRIED.

- **Regular Board Meeting Minutes: October 13, 2016**
- **Accounts Payable: Check #s 913789 - 913803**
- **October Payroll: Net Amount \$11,736.71**
- **Checks #5726-5744**
- **EFT Amount \$2,894.81**

➤ *Motion by J. Lippert with support from Campbell to approve the Consent agenda for tonight's meeting as presented. **ROLL CALL:** Jerkatis: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.*

TREASURER'S OCTOBER 2016 REPORT: John Jerkatis, Treasurer

**TREASURER'S
REPORT: John Jerkatis**

- *Motion by Rottschafer with support from Campbell to approve October 31st, 2016 Treasurer's Report as presented. All ayes. MOTION CARRIED.*

PUBLIC COMMENT: (Limit 3 minutes) NONE

PUBLIC COMMENT

ACKNOWLEDGEMENT OF VISITORS:

Bill Baughman, of Patterson Rd. noted that the Robinson Cemetery was to be on the agenda of tonight's meeting (according to the minutes of 10/13/16), but it is not. It was confirmed that the Robinson Cemetery is not on tonight's agenda.

Barry County Board of Commissioners - Report was given by Craig Stolsonburg.

ACKNOWLEDGEMENT OF VISITORS

Bill Baughman, Resident

Barry County Board of Commissioners - Report given by Craig Stolsonburg

CLERK'S REPORT: J. Lippert

Payables:

Motion by Jerkatis with support from Campbell to pay accounts payables, check #s 913805 -913822 at \$13,856.15. **ROLL CALL:** Jerkatis: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

GLASWA October 31, 2016 Report * See Supervisor Report #3.

Election Results - Precinct #1 = 73% turn out of voters
Precinct #2 = 78% turn out of voters.

Oath of Office- At this time: Alice Jansma (New Treasurer), Roger Rottschafer (Trustee), Mark Englerth (Supervisor), and Charles Biggs (Constable & Liquor Inspector) were sworn in to office by Clerk, J. Lippert. Clerk Lippert will be sworn in by the County Clerk, next week. Oath of Office was administered by Clerk Lippert this afternoon to new township Trustee, Shanon VandenBerg.

Citizen Planner Award; P/C Members and ZBA; Trustee Rottschafer (See Trustee Report).

Sewer Rate Increase:

Motion by Englerth with support by J. Lippert Adopt Ord. #11-10-2016. **ROLL CALL:** Jerkatis: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

Ordinance No. 11-10-2016
Adopted Sewer Rate Increase

Information Only - Worker's Compensation Municipal Group Dividend WorkSafe Year 2013-2014

TRUSTEE REPORT: Roger Rottschafer

Weed Collection Balance sheet report, prepared by A. Jansma, as of June 30, 2016 was noted.

Mutual Aid Agreement has been drawn up with TTES Fire Department and Wayland Fire Department.

Motion by M. Englerth with support from Rottschafer to move forward with **Resolution No. 11-10-2016-A** and to be reviewed in six months. **ROLL CALL:** Jerkatis: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

CLERK'S REPORT: J. Lippert

TRUSTEE REPORT: Roger Rottschafer

Resolution No. 11-10-2016-A
*Attach to Minutes
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Greg Purcell and Roger Rottschafer attended the Wayland Ambulance Board meeting last evening. Yankee Springs call numbers for August were 30 in ambulance calls. In September, calls were 24 and October- 20.

Brief discussion regarding new management/ownership roles at Yankee Springs Meadows Mobile Home Park.

Equipment Request: Windshield for Mule (\$600)

\$499 to add an LED light strip in second bay.

Motion by Campbell with support from Jerkatis to allow \$650 for windshield. ROLL CALL: Jerkatis: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

Motion by Campbell with support from Jerkatis up to \$500 for new light strip in 2nd bay (at Fire station). ROLL CALL: Jerkatis: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

\$2,266.20 electric rebate coming from Great Lakes Energy.

Four trees were planted today at the Fire Station.

Information from meetings in Kalamazoo for Citizen Planner's Conference :

Possible rotation of ZBA and Planning Commission members mentioned plus interviewing of applicants.

A resolution regarding supervisor's authorities and duties for the Township Supervisor was distributed by R. Rottschafer.

Motion by Rottschafer with support from Jerkatis to adopt Resolution (11-10-2016-B) for guidelines for Supervisor Duties. ROLL CALL: Jerkatis: yes, Lippert: yes, Englerth: no, Rottschafer: yes, Campbell: yes. Yes: 4, No: 1. MOTION CARRIED. (Jerkatis commented this should be put into the policy manual.)

G. Purcell noted Rules of Engagement from the MTA – and working as a team.

ZONING ADMINISTRATOR REPORT: Larry Knowles - October Site Plans and Complaints (Written report submitted.)

- **Motion by Campbell with support from Jerkatis to approve landsplit (D. & D. Quada Parcel #08-16-018-011-30) as presented. ROLL CALL: Jerkatis: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.**

Also, L. Knowles, thanked the board for sending him to the Citizen Planner Conference. A Zoning Administrator class is to be offered in February 2017. C. Kaufmann, Township Attorney, has recommended it for L. Knowles.

Motions to approve windshield and new light strip (for mule & 2nd bay in Fire station.)

Motion to adopt Resolution of Supervisor Authorities & Duties Res. No. 11-10-16-B *Attach to minutes

ZONING ADMINISTRATOR REPORT: Larry Knowles

MOTION to APPROVE LANDSPLIT (D. & D. Quada)

- **Motion by J. Lippert with support from Jerkatis to allow up to \$1,200 for L. Knowles to attend the Zoning Administrator conference. ROLL CALL:** Jerkatis: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED MOTION CARRIED.

MOTION to APPROVE up to \$1,200 for Zoning Administrator Conference.

SUPERVISOR REPORT- MARK ENGLERTH:

SUPERVISOR REPORT- MARK ENGLERTH

Water Advisory Board Committee: No action taken at this time. Information for future discussion only. Review enclosed in board members' packets.

Resolution Public Private Water Supply – Yankee Springs Meadows Mobile Home Park

- Motion by J. Lippert with support from Campbell to adopt Resolution 11-10-16-C.*
- **ROLL CALL:** Jerkatis: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

MOTION TO ADOPT Resolution 11-10-16-C Refuse to accept ownership of water supply to YS Meadows

*Attach to Minutes

Gun Lake Buoys scheduled to be removed in near future.

Snow Plowing Contract 2016-17 Year - D.K. Landscaping sent letter noting they will provide snow plowing at same rate as last year.

- **Motion by Jerkatis with support Campbell to approve DK Landscaping Snowplow bid dated 10-14-2016. ROLL CALL:** Jerkatis: yes, Lippert: yes, Englerth: yes, Rottschafer: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

MOTION TO APPROVE 2016-17 SNOW PLOWING CONTRACT

M-179 By-Ways: Rottschafer, Fiala, Englerth and Purcell have attended the meetings. The speed limit on M-179 was brought up on behalf of the township at this venue.

Recycling Update: Paper Gator is going well. Flattening boxes and bottles will help.

Cuddy Drain Update Report: There have been a few obstacles with a gas line and a large spring. Nov. 15th was supposed to be the deadline. New deadline is the end of November. Dredging will go into late November and early December.

Cuddy Drain Tax Collection Roll 2016 prepared by A. Jansma – reviewed.

Motion by J. Lippert with support from Englerth to allow Chuck Biggs, to perform his liquor inspector duties as soon as possible. All ayes. MOTION CARRIED.

MOTION TO ALLOW C. BIGGS TO PERFORM LIQUOR INSPECTOR DUTIES ASAP.

PLANNING COMMISSION OCTOBER REPORT: Frank Fiala, PC Chairman

PLANNING COMMISSION: Frank Fiala, Chairman

Fiala thanked the Board for sending many people to Citizen's Planner Program. A follow up is the Master Citizen's Planner program.

The Planning Commission is in the process of Annual Report for Joint Meeting.

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PC is making major progress on the Master Plan. Also, the PC has had excellent results on the

survey that went out. Greg Purcell has played a major role in putting this together.

PLANNING COMMISSION REPORT: continued

Fiala also mentioned the MTA has what is needed for better board communication and cooperation - "Rules of Engagement".

By Laws to be put on Planning Commission Agenda – in regards to teleconference/remote participation.

NEW/OLD BUSINESS: None.

NEW/OLD BUSINESS

PUBLIC COMMENT:

PUBLIC COMMENT

Bill Baughman, Patterson Rd., made comments regarding the delay of Cuddy Drain work in previous years. Baughman noted a mess has been made of his channel, and commented that he'd like to see the dredgers fix it.

~ RECOGNITION OF SERVICE ~

Of **John Jerkatis** serving the township since 1979. Township Treasurer for 2 plus terms.

Of **Bruce Campbell** serving the township as Trustee for a full term.

Plaques were presented by Clerk Lippert to both retiring Board members, Jerkatis and Campbell.

ADJOURNMENT

ADJOURNMENT:

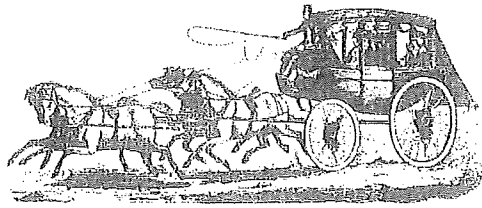
Motion by J. Lippert with support from Jerkatis to adjourn at 9:25 p.m. Approved by all.
Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 11.10.16

Approved: Dec. 8, 2016

Janice C. Lippert, Township Clerk

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Township of Yankee Springs

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

RESOLUTION NO. 11-10-2016 - A
YANKEE SPRINGS TOWNSHIP – BARRY COUNTY

Office of Clerk

WAYLAND FIRE DEPARTMENT

AUTOMATIC MUTUAL AID FROM TTES

This automatic mutual aid agreement is set-up with (TTES) fire department and Wayland Fire Department. This agreement is designed for response on **structure fires only**, in residential, commercial and industrial structures into Yankee Springs Township

Since this is a mutual aid agreement/response (TTES) fire department will be responsible for all the cost of their apparatus, manpower, insurance and injuries or any other cost that would occur during the call.

This agreement will remain effect unless either party provides a thirty (30) day written notice.

1st. Alarm Call (All Structure Fires)

TTES Fire Department is requested to respond with;

1. Pumper with two to five firefighters 1 water tender with two firefighters, All firefighters responding with above apparatus must have full turnout gear with **SCBA's**. Exception: Water tender operators do not need SCBA, but must have full turnout gear with them.
2. Barry County Central Dispatch will request automatic mutual aid from TTES fire department. For mutual aid area to be covered see attached map.
3. It is the responsibility of the assisting fire department to upgrade another fire department into their service area for coverage while assisting Wayland Fire Department into Yankee Springs.
4. Automatic aid units will operate under a joint incident command system.

Date: November 10th, 2016

Chair, TTES Committee _____

Chief, TTES Fire Department _____

Manager, City of Wayland _____

Chief, Wayland Fire Department _____

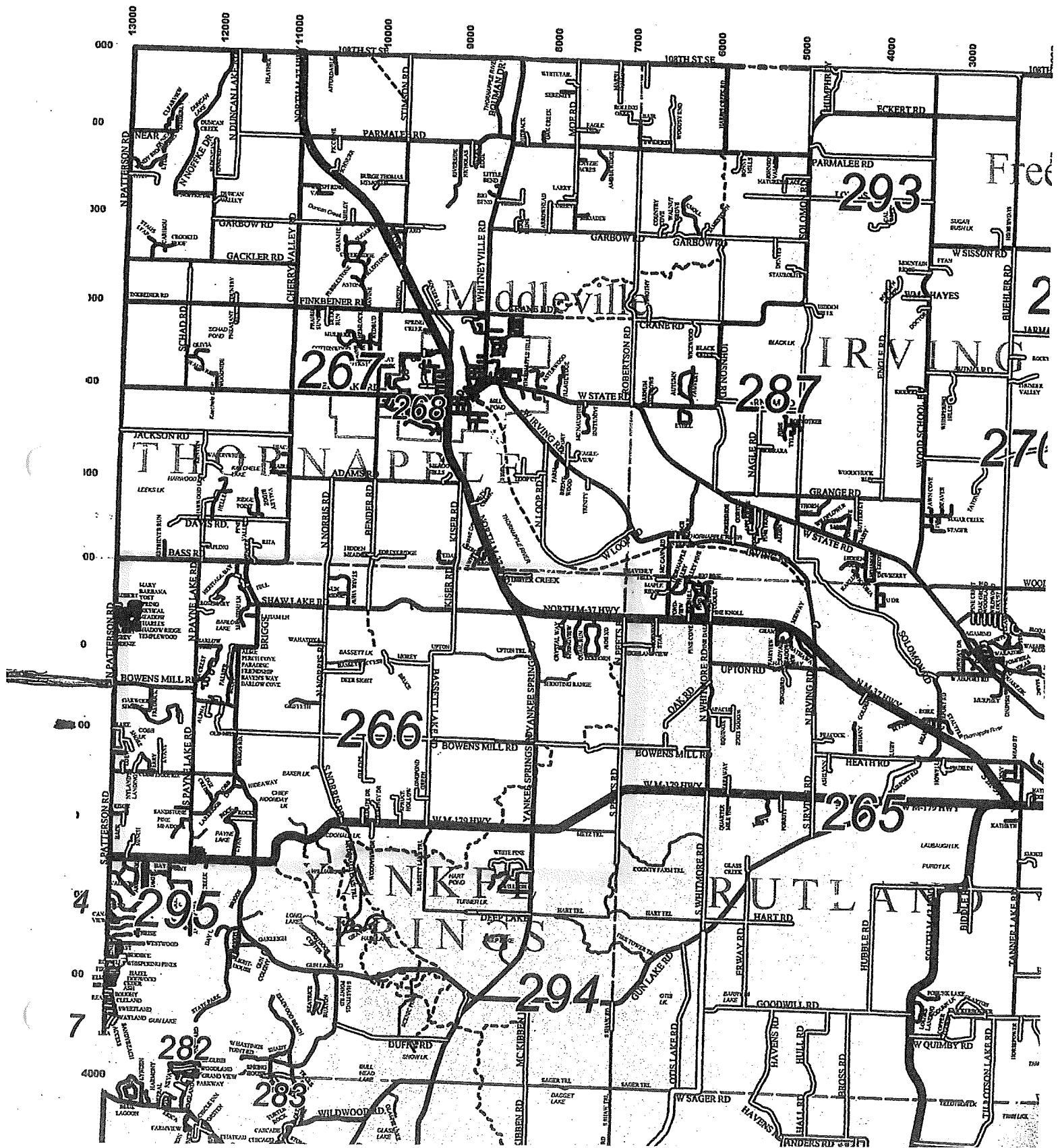
Supervisor, Yankee Springs Twp. _____

Barry County Central Dispatch _____

Mackenzie Glenn

*Motion:
Englerth
Support: Rattschauer -
ALL YES*

Resolution No. 1110.16
Wayland Fire Dept
attachment TIES AUTO MATIC
MUTUAL AID FROM TIES



YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN
Resolution No. 11-10-16 — B

RESOLUTION REGARDING SUPERVISOR'S AUTHORITIES AND DUTIES

WHEREAS, pursuant to statute, the Township Supervisor has the following statutory duties: moderates board meetings; serves as chief assessing officer (if appropriately certified); serves as secretary to the Board of Review; serves as Township's legal agent as authorized and provided for in MCL 41.2; maintains records of the Supervisor's office; develops the township budget and serves as a member of the elections commission; and

WHEREAS, the Township Supervisor has no other authorized duties unless otherwise assigned duties by vote of and approval by the Township Board; and

WHEREAS, the Township Supervisor is only one member of the Township Board; the Township Supervisor's vote is equal to that of all other Township Board members and the Township Supervisor has no more authority over Township functions or activities than any other Township Board member; and

WHEREAS, while the Township Supervisor may be the executive officer of the Township Board, this means that the Supervisor has a leadership role within the board, not an executive role within the Township; and

WHEREAS, on several occasions, the Township Supervisor has acted in ways that are outside the scope of his statutory authority and duties; and

WHEREAS, on several occasions, the Township Supervisor has used his elected position to represent his views and/or opinions on an issue of interest to the Township as being those of the Township Board, despite not being authorized to do so by the Township Board. By way of illustration, such issues include, but are not limited to the Cuddy Drain, Gun Lake Drain, Whispering Pines development, England Point Street repair, the Island Drive dredging project and communications with the DNR regarding trail access for jeeps; and

WHEREAS, the Standards of Conduct for Public Officers and Employees, PC 196 of 1973, as amended, provides that a public officer shall not represent his/her personal opinion as that of an agency; and

NOW THEREFORE BE IT HEREBY RESOLVED THAT the Township Board specifically directs the Supervisor that, from this point forward, he shall not represent his personal views and/or opinions on issues of interest to the Township to the public, county agencies, other governmental agencies or to the media as those of the Township Board, unless the Supervisor is specifically authorized to do so by a vote of the Township Board;

IT IS FURTHER RESOLVED THAT the Township Board specifically directs the Supervisor that, from this point forward, he shall not use his elected position to any personal benefit and/or in

any other manner that is not in accordance with the Township Board's approved position on an issue or matter;

IT IS FURTHER RESOLVED THAT the Township Board specifically directs the Supervisor that, from this point forward, he shall not represent Yankee Springs Township at County Drain Commission meetings, County Commission meetings, meetings with the DNR, meetings with the County Road Commission, meetings with neighborhood groups, meetings with surrounding municipalities unless directly authorized to do so by vote of the Township Board;

IT IS FURTHER RESOLVED THAT the duties of personnel director shall be assigned to the Township Clerk and that the Township Board has determined that no additional compensation shall be awarded for the performance of these duties.

IT IS FURTHER RESOVLED THAT the supervision and interaction with the Township's fire department (including any contracted fire services) shall be assigned to the Township Board's Fire Committee.

IT IS FURTHER RESOLVED THAT the Township Board considers the Supervisor's continued actions outside the scope of his statutory duties or other duties approved by an affirmative vote of the Township Board to be *ultra vires* actions and clearly outside the scope of the Supervisor's authority;

IT IS FURTHER RESOLVED THAT should any charge be brought against the Supervisor or the Township as a result of any of the Supervisor's unauthorized, *ultra vires* acts, the Township Board hereby states that it does not intend to indemnify or defend the Supervisor against any claim. If civil or criminal penalties arise out of such activity, the Township Board will not indemnify the Supervisor.

IT IS FURTHER RESOLVED THAT the Supervisor should be aware that governmental immunity does not protect the highest level executive of a governmental entity if that official acts outside scope of his/her authority.

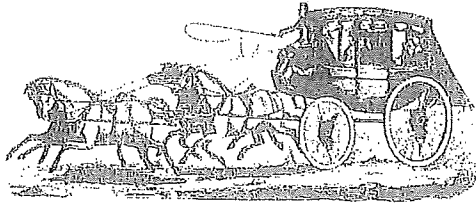
IT IS FURTHER RESOLVED THAT all resolutions or parts of resolutions in conflict herewith are hereby repealed.

Motion by member Rattschauer, supported by member Jerkatis.

Those in favor Lippert, Rattschauer, Campbell
Jerkatis

Those opposed: Englerth

A copy of the foregoing resolution was provided to Supervisor Englerth on 11-10-2016



Township of Yankee Springs

284 N. BRIGGS ROAD – MIDDLEVILLE, MICHIGAN 49333
269-795-9091 / FAX 269-795-2388

Resolution No. 11-10-2016 - *C*

Office of Clerk

WHEREAS, Meritus Communities LLC, owns and operated a drinking water System serving YANKEE SPRINGS MEADOWS located at 1330 N. Patterson Road; Section 6, Town 3N, Range 10W.

WHEREAS, Meritus Communities possesses the ability and willingness to Continue effective operation and maintenance of said system; and

WHEREAS, Yankee Springs Township recognizes the need for effective And continued operation and maintenance of said system to protect the public Health;

WHEREAS, Yankee Springs Township deems it impractical for the Township To own, operate, and administer this particular drinking water supply;

NOW, THEREFORE, BE IT RESOLVED that Yankee Springs Township refuses to accept ownership of or operation, maintenance, and administrative for said particular drinking water supply. Yankee Springs Township endorses the application of Meritus Communities to continue these responsibilities under State permit.

Moved by: *Lippert*

Supported by: *Campbell*

Ayes: *Jrkatia, Lippert, Englerth, Catterhofer, Campbell*

Nays: *0*

Motion Passed

COPY

CERTIFICATION

I hereby certify that this is a true copy of a resolution adopted by the Yankee Springs Township Board of Trustees at its meeting held on November 10th, 2016.

Janice C. Lippert Janice C. Lippert Township Clerk
Dated November 10, 2016