

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</p> <p style="text-align: center;"><u>Regular Board Meeting</u> <u>Thursday, October 8, 2020</u> 7:00 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 5 YS BOT – Regular Mtg. October 8, 2020</p>
<p>Meeting called to order at 7:01 p.m. by Supervisor Mark Englerth.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p>Roll Call: Present: Jansma, Knowles, Englerth, VandenBerg, Lippert.</p> <p>Staff Present: J. Frigmanski, K. Kennedy, D. VanHouten, F. Fiala, Brad Williams- Code Enforcement Officer.</p> <p>Visitors: 7 (not including staff present). Sun & News Reporter present.</p>	<p>CALL TO ORDER</p> <p>PLEDGE</p> <p>ROLL CALL</p>
<p><u>ADDITIONS/CHANGES TO AGENDA:</u></p> <p>ADD to End of meeting: The Yankee Springs Township Election Committee, consisting of J. Lippert, M. Englerth, and A. Jansma, will meeting immediately after tonight’s meeting regarding the November 3rd, 2020 election/slate of election inspectors.</p>	<p><u>ADDITIONS/ CHANGES TO AGENDA</u></p>
<p><u>ACKNOWLEDGEMENT OF VISITORS:</u></p> <p>Attorney Chris Meyer and Geoff Moffat were present to represent Shane VandenBerg of VandenBerg Construction regarding the Shalinda Subdivision Plat Extension Request.</p>	<p><u>ACKNOWLEDGE MENT OF VISITORS</u></p>
<p><u>APPROVAL OF CONSENT AGENDA:</u></p> <p>September 16, 2020 Board Minutes September Accounts Payable Checks #915920 through #915978 Total Amount: \$58,115.96 September Payroll Register: Checks #6798 through #6822 =Total \$13,694.15 Net Amount</p> <p><i>Motion by Knowles with support from Jansma to approve Consent Agenda as presented. Roll Call Vote: Knowles: Yes, Lippert: Yes, Englerth: Yes, Jansma: Yes, VandenBerg: Yes, Yes: 5, No: 0. MOTION CARRIED.</i></p>	<p>CONSENT AGENDA</p> <p>APPROVAL OF CONSENT AGENDA</p>
<p><u>PUBLIC COMMENT: -Limit 3 minutes</u> None.</p>	<p><u>PUBLIC COMMENT: None</u></p>
<p><u>TREASURER’S REPORT:</u> By Alice Jansma, Treasurer.</p> <ul style="list-style-type: none"> • September 2020: Financial Statement & Investment Report • GLASWA – September 2020 Report • Correspondence <p>Treasurer Jansma noted that the Oct. 1st & 2nd annual audit, by Siegfried Crandall, PC, went well.</p> <p>Transfers will be made to the Fire Equipment Purchase Fund AND the Veterans Memorial Fund due to charges to the General Fund for these funds.</p>	<p><u>TREASURER’S REPORT:</u> By Alice Jansma, Treasurer.</p>

*Casino Revenue and Audit Report to be attachments to tonight's meeting.

Motion by Lippert with support from VandenBerg to accept Treasurer's Report as presented. All Ayes. MOTION CARRIED.

BOARD ACTION ITEMS:

- **Shalinda Subdivision Plat Extension Request to January 16, 2022**

Motion by J. Lippert to go into Closed Session. NO SUPPORT MOTION FAILED.

Motion by Englerth with support from Jansma to make public- documents of two Client Attorney privileged emails dated Oct. 8, 2020 with YS Township Attorney C. Kaufman –one email at 3:19 p.m. and the other document at 6:01 pm on same date of Oct. 8, 2020. Roll Call Vote: Englerth: Yes, Jansma: Yes, Lippert: Yes, Knowles: Yes, VandenBerg: Abstained. Yes: 4, No: 0, Abstained: 1. MOTION CARRIED.

*Note: Documents noted above to be attachments to these minutes.
Trustee VandenBerg removed himself from the Board prior to motion above.

BRIEF RECESS TAKEN: 7:12 p.m. to 7:18 p.m.

Attorney Chris Meyer for VandenBerg Construction, for Shane VandenBerg, noted no changes were being asked to final preliminary plat. C. Meyers added that just in the “abundance of caution”, the request for a one-year extension, necessary due to COVID, to complete the remainder of project, has been requested.

Geoff Moffat, also representing Shane VandenBerg (VandenBerg Construction) – reiterated that these are extraordinary times, and if not for the pandemic, the project would be ready for completion. **C. Meyer** added, “If this were any other year, we would not be here.”

A. Jansma commented “Are you aware the escrow is overdrawn?” Moffit, and VandenBerg commented that they were not aware of this. S. VandenBerg commented that he’d clean it up tomorrow.

G. Moffit also commented that there are no changes to the final preliminary plat.

Englerth asked C. Meyer regarding Trustee Knowles’ voting on the extension request of the Shalinda Final Preliminary Plat Approval. Meyer commented that he preferred L. Knowles did not vote, however, YS Attorney C. Kaufman commented that L. Knowles could indeed vote.

Discussion occurred (with VandenBerg abstaining) resulting in the following motion:

Motion by Knowles with support from Jansma to postpone for a month (until November’s Regular Board meeting) to speak with C. Kaufman (Township Attorney) and have a completion schedule for the Shalinda Final Preliminary Plat. ROLL CALL VOTE: Englerth: No, Jansma: Yes, Lippert: Yes, Knowles: Yes, VandenBerg: Abstained. Yes: 3, No: 1, Abstained: 1, MOTION CARRIED.

*Knowles will try to set up a meeting with the attorney prior to the November Regular Board meeting.

(S. VandenBerg returned to the Board table after motion was voted on.)

FINAL MINUTES
Page 2 of 5 Reg. Mtg.
October 8, 2020 BOT

BOARD ACTION ITEMS

Motion to make Client Attorney privileged documents public.

RECESS

MOTION regarding Extension Request for Shalinda Final Prelim. Plat Approval.

BOARD ACTION
ITEMS continued

This Page:
Motions on:
Snowblower for Fire station
Amendment to Sewage Disposal System
Snowplowing for Hall, Fire station and Twp. Park
Robbins Cemetery rebid.
Lynn Dr. Drain Petition

- **Quotes Received for Snow Blower – Yankee Springs Fire Station**

Motion by Englerth support by Jansma to allocate up to \$1,400 for a snowblower for the fire station with the people that operate and manage the machinery making the purchase. Roll Call Vote: Knowles: No, Lippert: Yes, Englerth: Yes, Jansma: Yes, VandenBerg: Yes, Yes: 4, No: 1. MOTION CARRIED.

- **GLASWA: Ordinance No. 10-01-2020 / Amendment to Sewage Disposal System (Four (4) Townships).**

Motion by Jansma with support from Lippert to accept Ordinance No. 10-01-2020 / Amendment to Sewage Disposal System. Roll Call Vote: Knowles: Yes, Lippert: Yes, Englerth: Yes, Jansma: Yes, VandenBerg: Yes, Yes: 5, No: 0. MOTION CARRIED.

**ATTACHMENT TO MINUTES - ordinance becomes effective 30 days after publication.
Requested by J. Lippert, Clerk.

- **Award Snowplowing Proposal 2020/2021 – Gun Lake Lawn Care/Ray Eister For Township Hall, Fire Station and Twp. Park. (only bidder).**

Motion by Jansma with support from Knowles to accept bid from Gun Lake Lawn Care for Snowplowing 2020-21. Roll Call Vote: Englerth: Yes, Jansma: Yes, Lippert: Yes, Knowles: Yes, VandenBerg: Yes. Yes: 5, No: 0. MOTION CARRIED.

- **Continued Discussion Robbins Cemetery Driveway Bid**

Motion by Knowles with support from Jansma to leave for next board to rebid (Robbins Cemetery Driveway Work) in Spring of 2021. Roll Call Vote: Englerth: Yes, Jansma: Yes, Lippert: Yes, Knowles: Yes, VandenBerg: Yes. Yes: 5, No: 0. MOTION CARRIED.

Discussion occurred regarding the Cemetery Driveway Bid and RFP needed for rebid in Spring. Also noted: The subdivision to the south of the cemetery would like to be involved in the discussion.

SUPERVISOR REPORT: by Mark Englerth

- **Barry County Drain – Petition to Repair Lynn Drive & M-179 Drain (Refer to Minutes of 9/16/2020).**

Englerth commented that he told the Drain Commissioner that he'd bring it before the board one more time.

Englerth commented that this is saying that we are (the board) supporting /looking at it (project). The neighbors, MDOT and Road Commission are all supportive to have the experts come in and take a look at it per Englerth.

MOTION by Englerth with support from VandenBerg to have board support looking at the project and having the experts come in and take a look at it. ROLL CALL VOTE: Englerth: Yes, VandenBerg: Yes, Jansma: No, Lippert: No, Knowles: No. Yes: 2, No: 3. MOTION FAILED. (DISCUSSION Prior to Roll Call vote.)

SUPERVISOR
REPORT: by Mark Englerth

Motion regarding removal of bench on multi-court area, and also installing memorial benches (2).

- **Remove Benches from the Multi-Court Area (at Township Park)**

*Motion by Englerth with support from J. Lippert to move forward with intention to remove bench(es) (posing hazard inside the pickleball court), and install two (2) new memorial benches -one for George London (outside of pickleball court) and one for Al McCrumb (near playground). **ROLL CALL VOTE: Englerth: Yes, VandenBerg: Yes, Lippert: Yes, Jansma: Yes, Knowles: No. Yes: 4, No: 1. MOTION CARRIED.***

Discussion occurred prior to motion above. Englerth clarified that at last meeting, it was voted that the township board agreed to allow \$100 for concrete for both memorial benches. (Englerth would donate the labor to install the benches.) It was noted by Lippert, that a bench has already been donated in memory of Mr. McCrumb. A donation request will be circulated around township for a bench for Mr. London.

- **Memorial Benches at Park (see above motion).**
- **Buoy removal and storing (Gun Lake),** will occur hopefully tomorrow a.m. (10/9/2020) per M. Englerth who noted this announcement was for informational purposes only.

CLERK’S REPORT by Clerk Jan Lippert

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- **PCI September Report**
- **YS Twp. Emergency Medical Responses/Fire Department September Report**
- **Current Invoice Register Approval (September)**

*Motion by Jansma with support from Englerth to approve to current invoice register for \$16,533.08. **ROLL CALL VOTE: Englerth: Yes, Lippert: Yes, Knowles: Yes, VandenBerg: Yes, Jansma: Yes. Yes: 5, No: 0. MOTION CARRIED.***

- **September Complaint Log (Year-to-Date)**
- **MTA Online Learning Options- unlimited online learning access available to everyone. (To be an agenda item for next month.)**
- **Correspondence Wayland Area EMS 2020-2021 Formula**

OLD BUSINESS (None).

OLD BUSINESS

PUBLIC COMMENT: Limit 3 minutes

PUBLIC COMMENT

Dave VanHouten of 870 Rock Drive, noted he was trying to understand the drain on Lynn Dr. and it seemed to him that residents paid for it once and it wasn’t done correct. “So I don’t know why they would potentially have to pay for it again. And if we see that construction was done and they didn’t do their ditch or drains properly, rather than using a sledge hammer and doing all this investigation, couldn’t we just make the people take that pipe out you’re talking about, open up the culvert or gully...and see if that corrects the problem?”

BOARD COMMENT:

J. Lippert inquired about the drain, and it was confirmed on Lynn Drive. J. Lippert commented that she has lived here for 25 years, "That creek (Payne Lake) always overflows towards first house East on (M-179)."

Full audio recording of this meeting has been downloaded to the township office computer system on 10/8/2020 immediately following meeting.

ADJOURNMENT:

Motion by Englerth with support from Jansma to adjourn at 8:20 p.m. Approved by all. Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 10/8/2020

Date: Approved by Bd Trustees Nov. 18, 2020

Approved : _____
Janice C. Lippert, Township Clerk

FINAL MINUTES
Page 5 of 5
YS BOT – Regular Mtg.
October 8, 2020

ADJOURNMENT

Janice Lippert

From: Janice Lippert
Sent: Thursday, October 8, 2020 6:01 PM
To: Catherine Kaufman
Cc: Mark Englerth; Janice Lippert; Alice Jansma; Larry Knowles; Larry Knowles
Subject: RE: Plat of Shalinda / Yankee Springs Township

**Thank You Catherine; I have copied this email from you.
And will distribute this at tonight's Board meeting.**

From: Catherine Kaufman [mailto:kaufman@michigantownshiplaw.com]
Sent: Thursday, October 8, 2020 5:03 PM
To: Alice Jansma <AliceJansma@yankeespringstwp.org>; Mark Englerth <MarkEnglerth@yankeespringstwp.org>; Janice Lippert <JaniceLippert@yankeespringstwp.org>; Larry Knowles <LarryKnowles@yankeespringstwp.org>
Cc: Larry Knowles <larry@knowlco.com>
Subject: RE: Plat of Shalinda / Yankee Springs Township

ATTORNEY CLIENT PRIVILEGE CONFIDENTIAL

Board members: in response to the email below, Clerk Lippert called me and asked me to review the information submitted requesting an extension of the preliminary subdivision plat for Shalinda. I have now done so.

Geoff Moffatt is requesting an extension for final preliminary plat approval until 1/16/2022. In his letter, Mr. Moffatt explains the following:

1. Final preliminary plat approval granted on 1/17/2018 for 2 years. ✓
2. On 10/10/2019, the Board allowed the extension of final preliminary plat approval to 1/16/2021
3. Because of COVID 19 mandatory delays, only part of the utilities and improvements have been installed:
 - a. **INSTALLED:** sanitary sewer, water main, hydrants, site clearing for future surface water drainage.
 - b. **STILL TO BE COMPLETED:** supplemental storm sewer pipe for extraordinary storm events, contouring for storm water basins, grading and compacting for road base, top coat
4. Geoff Moffatt is requesting an extension of preliminary plat approval for another year, to 1/16/2022. His letter provides details on the reasons for delay.

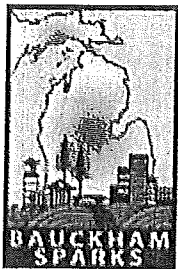
Final preliminary plat approval allows a period of time for the developer to install the utilities and required public improvements. Here, the developer has installed many of the required public improvements already, including sanitary sewer and water lines. There is not much more to do. Arguably, delays resulting from COVID 19 were unexpected.

Last – Attorney Meyer asked me if Larry Knowles could vote on this issue. My answer is that Larry can vote on this issue. A board member has a duty to vote. They cannot abstain unless there is a conflict. There is no conflict here for Trustee Knowles. There is a conflict for Trustee Vandenberg. Please see pages 154 to 155 in the new Red Book for further information.

I will be working at another meeting tonight. Please email me with any questions.

Catherine P. Kaufman
Bauckham, Sparks, Thall, Seeber & Kaufman PC
470 W. Centre Ave. Suite A
Portage MI 49024
269-382-4500 x 103

kaufman@michigantownshiplaw.com



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From: Catherine Kaufman
Sent: Thursday, October 08, 2020 3:19 PM
To: Alice Jansma <AliceJansma@yankeespringstwp.org>; markenglerth@yankeespringstwp.org;
janicelippert@yankeespringstwp.org; larryknowles@yankeespringstwp.org
Subject: RE: Plat of Shalinda / Yankee Springs Township

**ATTORNEY CLIENT
CONFIDENTIAL**

All: I understand that some board members are asking why I haven't responded to Trustee Vandenberg's attorney regarding the agenda item on tonight's Board meeting – extension of preliminary plat approval. As you recall, I have been instructed not to do work for any private person or resident without getting approval from the Board and/or a Board member to do so. Accordingly, I sent the email below to all of you (except for Trustee Vandenberg) on Monday. No one has replied to me and directed me to review the information from Trustee Vandenberg's Attorney. So I have not done the work.

I have replied 2x to Attorney Chris Meyer that I was waiting for direction from the Township Board in order to review the information he sent. As of now, I have not been directed to do so.

If the Board wants me to review this, someone on the Board has to authorize me to do so.

Catherine P. Kaufman
Bauckham, Sparks, Thall, Seeber & Kaufman PC
470 W. Centre Ave. Suite A
Portage MI 49024
269-382-4500 x 103

Janice Lippert

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Sent: Thursday, October 8, 2020 3:19 PM
To: Alice Jansma; Mark Englerth; Janice Lippert; Larry Knowles
Subject: RE: Plat of Shalinda / Yankee Springs Township

ATTORNEY CLIENT CONFIDENTIAL

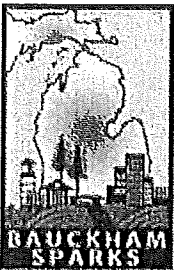
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From: Catherine Kaufman
Sent: Monday, October 05, 2020 1:47 PM
To: Alice Jansma <AliceJansma@yankeespringstwp.org>; markenglerth@yankeespringstwp.org;
janicelippert@yankeespringstwp.org; larryknowles@yankeespringstwp.org
Subject: FW: Plat of Shalinda / Yankee Springs Township

ATTORNEY CLIENT PRIVILEGE

TO: YANKEE SPRINGS TOWNSHIP BOARD
FROM: Alice Jansma
DATE 10-5-2020
RE: AUDIT

The Audit went well

JUST A NOTE TO INFORM YOU THAT AFTER THE AUDIT A TRANSFER NEEDS TO BE MADE.

THE FIRE EQUIPMENT FUND TOTAL WILL BE REDUCED BY \$170,506.96 - AND TRANSFERRED TO THE GENERAL FUND - THIS COVERS PURCHASES THAT WERE CHARGED TO THE GENERAL FUND. THIS COVERS MORE THAN ONE YEAR.

THE VETERANS MEMORIAL FUND WILL BE REDUCED BY \$4,770.76 -- AND TRANSFERRED TO THE GENERAL FUND -- THIS COVERS PURCHASES THAT WERE CHARGED TO THE GENERAL FUND.

See Attached.

Alice Jansma

From: Joel Frederickson <jfrederickson@scpro.net>
Sent: Monday, October 5, 2020 11:00 AM
To: Alice Jansma
Subject: RE: transfer Fire Equipment Fund and Veterans Memorial

Nope this adjustment won't affect the Journal Entries we send you later.

Thanks,

Joel Frederickson, CPA

Associate

Siegfried Crandall, P.C.

Phone (800)876-0979

Fax (269)349-1344

jfrederickson@scpro.net

From: Alice Jansma <AliceJansma@yankeespringstwp.org>
Sent: Monday, October 05, 2020 10:50 AM
To: Joel Frederickson <jfrederickson@scpro.net>
Subject: transfer Fire Equipment Fund and Veterans Memorial

Hi Joel I will transfer the \$ in October will this affect the Journal Entries that you send to us after you finish the audit? Just wanted to make sure that I am on the same page as you are. Fire Equip is \$ 170,506.96 Veterans Mem \$4,770.76 both going to general fund.

Thanks Alice

IMPORTANT -- THIS MESSAGE IS INTENDED SOLELY TO BE USED BY THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, CONFIDENTIAL AND OTHERWISE EXEMPT BY LAW FROM DISCLOSURE. IF THE RECEIVER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO ITS INTENDED RECIPIENT, YOU ARE HEREWITH NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY AND RETURN THIS COMMUNICATION TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

To: Yankee Springs Township Board
 From: Alice Jansma
 Date: October 5, 2020
 Re: Casino Revenue
 Here is an update for your information.

Fiscal Year	Date of Check	Amount
2011-12	7/12/11	3,552.44
	12/23/11	12,920.15
2012-13	7/21/12	12,316.00
	12/21/12	13,616.00
2013-14	7/19/13	13,591.00
	12/28/13	13,742.00
2014-15	7/22/14	12,881.00
	12/18/14	13,688.00
2015-16	7/16/15	13,661.00
	12/18/15	14,625.00
2016-17	7/21/16	14,998.00
	12/15/16	14,917.00
2017-18	7/20/17	15,260.00
	12/22/17	17,741.00
2018-19	7/18/2018	17,334.00
	12/20/2018	18,762.00
2019-20	7/18/2019	18,979.00
	12/19/2019	19,827.00
2020-21	7/3/2020	18,306.00
Total received as of July 3, 2020		280,716.59

2012	13,824	Paid	(11,664.00) *
2013	15,120	Paid	(15,120.00) *
2016	3,375	Paid	(3,375.00) **
2019	9,000	Transfer	<u>(9,000.00) ***</u>
Total			39,159 .00

Balance
241,557.59

*Summer Ambulance See
 attached Minutes

**Weather Alert Siren Allocation

*** If Transfer is made to Vet Memorial see attached minutes dated 8/9/2018 Aj
 10/5/2020

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	12/18/14	13,688.00
2015-16	7/16/15	13,661.00
	12/18/15	14,625.00
2016-17	7/21/16	14,998.00
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*Summer Ambulance See
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**Weather Alert Siren Allocation

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 10/5/2020

TOWNSHIP OF YANKEE SPRINGS

ORDINANCE NO. _____

ADOPTED: _____, 2020

**EFFECTIVE: 30 DAYS AFTER PUBLICATION
AFTER ADOPTION**

An Ordinance amending the Yankee Springs Township Sewage Disposal System Ordinance pertaining to payment of connection fees for new construction; to provide for severability; to provide an effective date; and to repeal all ordinances or parts of ordinances in conflict herewith.

**TOWNSHIP OF YANKEE SPRINGS
BARRY COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
AMENDMENT OF SEWAGE SYSTEM DISPOSAL
ORDINANCE ARTICLE V. SECTION G. PARAGRAPH 2. REGARDING NEW
CONSTRUCTION CONNECTION FEES**

Article V. Section G. Paragraph 2. of the Yankee Springs Township Sewage Disposal System Ordinance is hereby amended to read as follows:

“2. For new construction, the connection fees as set forth herein shall be paid in full upon application for connection to the System.”

**SECTION II
SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event, such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

SECTION III
EFFECTIVE DATE/REPEAL

This Ordinance shall take effect thirty (30) days after publication after adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Janice Lippert, Clerk
Township of Yankee Springs