

**YANKEE SPRINGS TOWNSHIP
BOARD OF TRUSTEES Regular Meeting**

Thursday, October 13, 2022

6:00 pm

**Yankee Springs Township Hall
284 N. Briggs Rd., Middleville, Michigan 49333**

MINUTES

MINUTES
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YS Board of Trustees –
Regular Meeting
October 13, 2022

Meeting called to order at 6:00 PM by Supervisor Rob Heethuis

PLEDGE OF ALLEGIANCE

INVOCATION

Roll Call: Mike Cunningham, Deb Mousseau, Dave VanHouten, Rob Heethuis, Larry Knowles (All Present)

Staff Present: Sandy Marcukaitis, Greg Purcell, Frank Fiala

Visitors: 9

ADDITIONS/CHANGES TO AGENDA:

Motion by Heethuis with support from VanHouten to update the agenda adding a 3rd item to be given to the Planning Commission adding outbuildings. Roll Call Vote: Mousseau: yes; Heethuis: yes; VanHouten: yes; Knowles: yes; Cunningham: yes.

Yes: 5, No: 0. **MOTION CARRIED**

Motion by Cunningham with support from Heethuis to approve the agenda as amended. Roll Call Vote: Heethuis: yes; VanHouten: yes; Knowles: yes; Cunningham: yes; Mousseau: yes.

Yes: 5, No: 0. **MOTION CARRIED**

- Board minutes 9/8/2022 Regular BOT meeting and 9/13/2022, 9/29/2022, and 10/5/2022 Special Meetings.
- September 2022 Accounts Payable: Checks #917035 through Check #917076 total amount \$288,621.23.
- September 30, 2022, Payroll Checks #7368 through Check #7390 = \$13,898.46 net amount; September 2022 Fed P/R withholding \$3,756.94; 3rd quarter State withholding tax \$2,565.32.

Motion by Knowles with support from VanHouten to approve the consent agenda. Roll Call Vote: Mousseau: yes; Heethuis: yes; Knowles: yes; Cunningham: yes; VanHouten: yes.

Yes: 5, No: 0. **MOTION CARRIED**

ACKNOWLEDGEMENT OF VISITORS:

Greg Chandler (J-Ad Graphics)

**PLEDGE OF
ALLEGIANCE**

INVOCATION

ROLL CALL

**MOTION TO AMEND
AGENDA**

**MOTION TO APPROVE
AGENDA**

**MOTION TO APPROVE
CONSENT AGENDA**

**ACKNOWLEDGEMENT
OF VISITORS**

Mike Manning (Park Baseball Diamond volunteer)

- Presentation of Certificate of Appreciation to Mike Manning for his work creating the Baseball Diamond.
- A certificate of thanks was also prepared for Joe Devries (not present at the meeting) for doing all the excavating work and putting in 33 tons of stone dust.

PUBLIC COMMENT: (Limit 3 minutes)

None

PUBLIC COMMENT

COBB LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRIC 37B PUBLIC HEARING

COBB LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT 378 PUBLIC HEARING

Motion by Cunningham with support from Mousseau to open the public hearing. Roll Call

Vote: VanHouten: yes; Heethuis: yes; Cunningham: yes; Knowles: yes; Mousseau: yes.

Yes: 5, No: 0. **MOTION CARRIED**

Information Presentation:

- This will be at least the third special assessment for Cobb Lake. Taxing for the last assessment ended in 2018 and there was enough money left to carry through to 2022. There was not enough money left to finish paying for the weed control for 2022/2023 so it is necessary to create a new special assessment to cover years 2023 through 2030.
- Everyone who owns a parcel is being assessed just as has been done in the past. The lakefront lots will be assessed 1.0 share (\$62.31 per year) and the back lots will be assessed 0.8 share (\$49.84 per year). It is an 8-year assessment.
- Chemicals will be used to treat for Eurasian Milfoil, Curly-leaf Pondweed, and Starry Stonewort.
- The township costs to create this special assessment district are estimated at under \$3,500 for 8 years (\$437 per year).
- Paul Hausler is here from Progressive A&E if anyone has further questions.
- Two letters have been received from residents in opposition for environmental reasons.

Public Comment:

- Greg Purcell (12703 Valley Dr): Lives on Gun Lake and serves on the Gun Lake Protective Association. They have some concerns about copper sulfate being used as the weed control agent in Gun Lake. The Gun Lake Protective Association has agreed to contribute \$400 of the \$800 cost to test to see if there is copper sulfate and if that is a real concern. The analysis will be done by an independent lab and the results will be shared with the Yankee Springs Township Board. It is their hope to have this done this fall (2022). It will be primarily done in the canals and channels rather than the lake proper.
- Patti Koval (10225 Oakwood Shores): Asked Paul Hausler about how the spraying is done and he gave a brief explanation. Also inquired about the time frame, why did they choose an 8-year assessment? Mr. Cunningham said that eight years was the suggested time frame in order for the expenses and income to balance out. There was some discussion about whether the plan can be changed once adopted. Mr. Cunningham also explained the process for the residents to petition to oppose the assessment. He was not sure of a process to change it after adoption, but he can find out. He also discussed the costs to the township for administering the assessment. He will look into the time frame for the petitions to oppose the assessment. If an individual feels their parcel shouldn't be part of the assessment, they have to protest in writing between now and the next meeting

on November 10 to have standing to go to the Michigan tax tribunal. The mapping for the parcels came from Barry County GIS.

- The board has received two letters in opposition to the treatment with chemicals. One was from Sherry Snyder (12585 Oakwood Shores). Mr. Cunningham has the letters if anyone wants to see a copy.
- Kim Lozano (12235 Oakwood Shores): The assessment cannot be changed for 8 years, but if another invasive species were found in that time frame, would the protection be added? Paul Hausler confirmed that typically the scope of work would be broadened if needed. If it greatly increased the scope, there could be another hearing considering the cost. That has not historically been needed.
- Patti Koval: If a new species is found, how is the notice given to the lake residents? Mr. Hausler says they have contact people from the lake and they would be responsible for communicating it to everyone else.
- Fred Grasman (12725 Oakwood Shores): Inquired about if the assessment includes where the undesirable plants come from. According to Mr. Cunningham, this covers treating what is in the lake. Mr. Grasman and Mr. Hausler discussed the risk factors, etc., since this is a private lake. Mr. Grasman shared his concern that there is no unification and no transferring of information between the different lake groups. Mr. Hausler said there are groups out there whose focus is information dissemination. Mr. Grasman said he is not able to get a newspaper but did receive the letter in the mail. He also questioned if ARPA funds were available for these kinds of costs. The township has already allocated the funds and chose to use it for things that would benefit the entire township rather than certain groups or areas.

Motion by Heethuis with support from Mousseau to close the public hearing. Roll Call Vote:

Mousseau: yes; Heethuis: yes; Knowles: yes; Cunningham: yes; VanHouten: yes.

Yes: 5, No: 0. **MOTION CARRIED**

Motion by Cunningham with support from VanHouten to adopt Resolution 10-13-22 1 accepting the plans, and the estimated cost, and creating the Cobb Lake Aquatic Plant Control Special Assessment District No. 37B, and setting the date for the second public hearing for 11/10/22 at 6 PM (part of the regular board meeting). Discussion: Dorothy and Norman Seger (12605 Oakwood Shores) were the residents who wrote the additional letter opposing the weed control. **Roll Call Vote:** *Mousseau: yes; Heethuis: yes; Knowles: yes; Cunningham: yes; VanHouten: yes.*

Yes: 5, No: 0. **MOTION CARRIED**

TREASURER'S REPORT: By Deb Mousseau, Treasurer

- September 2022 Financial Statement and Investment reports were reviewed.
- A meeting (annual audit) is upcoming with the auditors and the “restricted funds” will be discussed with them so that may look a little bit different going forward.
- Recommends a discussion in the near future about the investment policy with regard to interest rates going up.

Motion by Cunningham with support from Knowles to approve the Treasurer's Report. Roll Call Vote: *Knowles: yes; Cunningham: yes; VanHouten: yes; Heethuis: yes; Mousseau: yes.*

Yes: 5, No: 0. **MOTION CARRIED**

MOTION TO ADOPT
RESOLUTION 10-13-22
REGARDING COBB
LAKE WEED
CONTROL SPECIAL
ASSESSMENT

TREASURER'S
REPORT

MOTION TO ACCEPT
TREASURER'S
REPORT

Motion by Mousseau with support from Cunningham to adopt Resolution No. 10-13-22 2 to not impose the 3% penalty fee for any 2022 Winter tax bill taxes paid on/after February 15, 2023 through February 28, 2023. Roll Call Vote: Cunningham: yes; VanHouten: yes; Knowles: no; Heethuis: yes; Mousseau: yes.

Yes: 4, No: 1. **MOTION CARRIED**

Motion by Mousseau with support from Cunningham to approve Resolution No. 10-13-2022 3 to not impose the 1% interest fee for any 2022 Winter tax bill taxes paid on/after February 15, 2023 through February 28, 2023. Roll Call Vote: VanHouten: yes; Mousseau: yes; Knowles: no; Heethuis: yes; Cunningham: yes.

Yes: 5, No: 0. **MOTION CARRIED**

CLERK'S REPORT: By Mike Cunningham, Clerk

- October 2022 Current Invoice Register as of 10/13/2022 \$149,922.73.

Motion by Heethuis with support from VanHouten to pay the bills. Discussion: Mr. Knowles inquired about an expense for LED stop sign which Mr. Cunningham explained was the signs that are used for road construction or to regulate people around an accident. **Roll Call Vote:** Cunningham: yes; VanHouten: yes; Knowles: yes; Heethuis: yes; Mousseau: yes.

Yes: 5, No: 0. **MOTION CARRIED**

- November 8, 2022, General Election update:
 - Absentee ballots are available and are being sent out.
 - YST Election Commission met 10/13/2022 @ 11AM and appointed election inspectors.
 - High turnout expected.
 - Residents are encouraged to take care of election related business early to avoid problems (registering to vote, getting your absentee ballot, returning the absentee ballot, etc.).
 - Public accuracy test scheduled for Tuesday, 10/18/2022 at 1PM.

COMMITTEE REPORTS:

Recycling Committee:

- 10/10/2022 meeting.
 - The committee is reviewing the committee structure document prior to requesting board approval.
 - The committee is reviewing and revising the township website recycling information page.

Park Committee:

- The Gun Lake Women's Club would like to do the Treasures of the Trunks again on July 29 in partnership with the township.
- Work is continuing on the five-year plan; beginning to prioritize the items on the list.
- Looking at the feasibility of a trail from McDonalds to the State Park. The DNR said they would pay for the cost of the part of the trail that goes to the State Park which would be a cost saving to the township. Prein & Newhof is going to provide an estimate for the remainder of the path.

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**MOTION TO ADOPT
RESOLUTION 10-13-22-
2 REGARDING
WINTER LATE TAX
PENALTY**

**MOTION TO ADOPT
RESOLUTION 10-13-22-
3 REGARDING
WINTER TAX
INTEREST FEE**

CLERK'S REPORT

**MOTION TO APPROVE
INVOICE REGISTER**

ELECTIONS UPDATE

**RECYCLING
COMMITTEE REPORT**

**PARK COMMITTEE
REPORT**

- Next meeting is Tuesday, October 18.
- Parking lot expansion project update:
 - 10/5/2022 Bid opening meeting was held and four bids were received.
 - B&R Excavating's bid for \$106,534.50 was accepted.
 - Pre-construction meeting was held 10/13/2022 8:30 AM and the contract was signed. Equipment on site 10/14/2022 and work starts Monday 10/17/2022.
 - The parking lot will be closed for the 2nd half of October at a minimum.
 - There is a provision in the contract that the base coat will be done now and if necessary, the top coat will be completed in the spring.

Zoning Board of Appeals:

- At the regular meetings 9/13/2022 there were (5) variance requests. First one was for setback relief to rebuild a garage to replace one that blew down in a storm and was approved. The second one for side yard setback relief of 1'4" was approved. A request to build a building larger than the 1600 square foot maximum allowed on a lot zoned Residential Lake Front was denied. We had a request for a variance on the lakeside setback due to the curvature of the lot to replace a deck and that was approved. The last one was a request for a roadside setback relief from 10' to 8'2" which was approved.
- At the 9/21 special meeting a request was made for side yard setback relief of 8" and that was approved because the builder was given a permit and the house was already built. We had a request from PCI for an informal interpretation of Section 12.4.2.c "Side Yard Setbacks". While there is some language that could be ambiguous, the ZBA applied great weight to how the ordinance had historically been interpreted. The ZBA felt that the language should be clarified to reflect what the Township has been experiencing and requested that the PC do a review to clarify.
- At 10/4 special meeting there was a request for an outbuilding in residential zoning greater than the 1600 foot allowed and that was denied.
- At the 10/11/2022 regular meeting there was a request for relief on roadside setback in residential lakefront to build a home to replace one that was destroyed by fire and that was approved. There was a request for relief from roadside setbacks in Gun Lake Residential to add a second story above an existing garage and that was approved.
- There will be a date change for the November meeting since the usual date falls on Election Day.

ZBA REPORT

Planning Commission:

- PCI September 2022 report in packet.
- September 2022 Complaint log in packet.
- 9/15/2022 Regular Meeting was held.
 - Public hearing was held and the PC is recommending approval rezoning of property on M179 from rural ag to C3.
 - On 11/17 there will be public hearings on Chief Noonday Corridor setbacks and private road standards.
 - Started doing some research on outbuildings and PCI has gathered some local townships ordinances with regard to that and shared with the PC members in preparation for the upcoming meeting.
- Next meeting 10/20/2022.

PC REPORT

Fire/EMS Report:

- September 2022 Fire/Emergency Medical responses in packet.
- New fire truck update: Bids have come in and are being reviewed.
 - Also contacting Wayland Fire Department to see if an agreement could be worked out to obtain a discount by ordering two trucks at the same time.

FIRE/EMS REPORT

- Will need to have discussion about how to pay for it (cash, installment, etc.). There are quite a few options.
- Equipment will be removed from the old truck to be used on the new truck and at that time the old truck will be put out for bid.
- The work on the new fire hydrant will be started after election day, probably the end of November to the first of December.

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Water Advisory Committee:

**WATER ADVISORY
COMMITTEE REPORT**

- 10/4/2022 meeting minutes in packet if available.
- GLASWA 10/6/2022 meeting minutes in packet if available.
- Reviewed financial reports.
- Discussed the sediment removal of the water tower.
- The Advisory Board has signed up for an online course and have completed the first segment and will do one segment at every meeting until finished.
- Committee will be setting up a tour of the pumping station well house and the water tower and Board members will also be invited to attend.

Veterans Memorial Committee:

**VETERANS
MEMORIAL
COMMITTEE**

- Met on October 11 and there will be a Veteran’s Day Celebration on Friday, November 11 at 11:00 AM so please spread the word.
 - Vietnam Veteran Dave Gurtowsky will be speaking.
 - More information will be coming. Yard signs will be put up and the committee is talking to area churches to spread the word.
 - The ceremony will be approximately 30 minutes with coffee and cookies after. We would like to have people go over to the park at 12:00 Noon to start an “Annual Veterans’ Day Walk” with one lap around the path.

Board Action Items:

Office/Hall Renovation Project update:

**OFFICE RENOVATION
PROJECT UPDATE**

- Project progress meetings were held 9/13/2022, 9/27/2022 & 10/11/2022.
- The project is on schedule at this point. Moving into the new office is planned for the end of December. The hall and old office renovations are scheduled for completion by April or May.
- A new/larger capacity generator and switch will not be installed as part of this project. We will wait to see what the existing generator can handle.
- We will continue to have overhead rather than underground incoming power service. Underground service would have cost \$5,000 to \$6,000 compared to \$2,500 to upgrade the overhead equipment for the additional power.
- Painting the hall entry for not to exceed \$4,000 was added to the project.
- The installation of an 18” curb along the parking lot edge north of the new building to direct water runoff away from the building was approved at a cost not to exceed \$5,000.
- Removal of existing bushes and hydro seeding was added for not to exceed \$1,000.
- Two of the five security cameras and the recording equipment have been installed.
- 15 project additions totaling \$48,062 have been approved since construction began. 10 of these additions totaling \$26,199 (2.7%) are true project related additions to Mugen’s contract. Three of the 15 project additions totaling \$8,053 were township projects and two of the 15 additions totaling \$13,810 are the security systems.
- By the end of October, sidewalks, metal roof, windows and doors, electrical and insulation should be complete. Friday, November 11, 2022 is scheduled for the electrical switchover. The office will be closed on this day.

- Paint colors have been chosen.

Motion by Cunningham with support from Knowles to approve the use of meeting room space in the Gun Lake Community Church (GLCC) for BOT, PC & ZBA meetings in the first half of 2023 and to compensate GLCC for the use of the meeting space at the rate of \$100/meeting.

Discussion: The church did not give us an amount but asked for a donation. At \$100 each meeting it will be somewhere around \$2,000 to \$3,000. **Roll Call Vote:** *Heethuis: yes; Mousseau: yes; VanHouten: yes; Cunningham: yes; Knowles: yes.*

Yes: 5, No: 0. **MOTION CARRIED**

- Additional cemetery space purchase request: A township resident can buy up to four spaces but if they wish to purchase more, they need to provide a reason and the purchase has to be approved by the Board. This is done to discourage residents from buying spaces that are not used since it is a limited resource.

Motion by Cunningham with support from Mousseau to approve the sale of spaces 243, 244, 245 & 246, in row 7 in Coman cemetery to township resident Jeff Lawson. Roll Call Vote: *VanHouten: yes; Mousseau: yes; Heethuis: yes; Cunningham: yes; Knowles: yes.*

Yes: 5, No: 0. **MOTION CARRIED**

- Discussion about an increase in the township resident cemetery space price from \$25 to \$50. \$50 is still a low amount compared to nearby areas.
- The reason for the increase is to ration the limited number of spaces available in the township.

Motion by Cunningham with support from Knowles to raise the price for cemetery spaces sold to current township residents to \$50 per space as of 1/1/2023. Roll Call Vote: *Cunningham: yes; Mousseau: yes; Knowles: yes; VanHouten: yes; Heethuis: yes.*

Yes: 5, No: 0. **MOTION CARRIED**

- Planning & Zoning Administrator search committee update
 - Job description has been developed for the new Zoning Administrator position.
 - Included information regarding hours, pay, etc.
 - Larry Knowles will be paid to serve as a mentor to the new person until not needed.
 - Job description has also been developed for the Code Enforcement position currently held by Brad Williams.
 - Job description has also been developed for the Zoning Administrative Assistant currently held by Sandy Marcukaitis.

Motion by Heethuis with support from VanHouten to authorize the Planning & Zoning Administrator search committee to begin the process of searching for qualified candidates for the position of Planning & Zoning Administrator based on the position responsibilities and qualifications presented. The township board shall be made aware of all candidates applying for the position as well as the candidate(s) submitted for possible selection. Discussion: This allows them to advertise, etc. as needed without further approvals. **Roll Call Vote:** *VanHouten: yes; Heethuis: yes; Knowles: yes; Cunningham: yes; Mousseau: yes.*

Yes: 5, No: 0. **MOTION CARRIED**

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**MOTION TO APPROVE
TOWNSHIP MEETING
LOCATION FOR FIRST
HALF OF 2023**

**MOTION TO APPROVE
THE SALE OF
CEMETERY SPACES**

**MOTION TO RAISE
THE PRICE FOR
CEMETERY SPACES**

**MOTION TO
AUTHORIZE
COMMITTEE TO
BEGIN SEARCH FOR
CANDIDATES FOR THE
POSITION OF
PLANNING & ZONING
ADMINISTRATOR**

- Discussion regarding the PC review of the side yard setbacks and outbuildings zoning ordinances.
- Both the ZBA and the PC are looking for direction from the Board to address these things. The Board will provide that direction and stress the importance to prioritize them.
- Our attorney provided a draft ordinance to amend Article XX, Section 20.8 to clarify how the decisions of the ZBA are made. She feels strongly that these items should be included in the ordinance.

Motion by Heethuis with support from Cunningham to forward the draft Zoning ordinance text amendment to Article XX, Section 20.8 to the Planning Commission for consideration and public hearing. The PC can work with the attorney if they feel there should be any changes.

Roll Call Vote: *Cunningham: yes; VanHouten: yes; Mousseau: yes; Heethuis: yes; Knowles: yes.*

Yes: 5, No: 0. **MOTION CARRIED**

- Direction to the Planning Commission to review the side yard setback rules: Eric Thompson of PCI has interpreted the side yard setback rules as not applying to items such as generators, air conditioning units and have historically been allowed in the setback.

Motion by Heethuis with support from VanHouten to request that the Planning Commission review the side yard setback ordinance for possible clarification of what is considered a structure based on the 9/21/2022 ZBA interpretation and past practice. Discussion: When a recommendation is made to the PC does it mean that it will be top of the priority list for them to work on? Both the ZBA members and the attorney have expressed that it is of high importance and the Board feels that is should be a top priority. Public hearings will be required so that does take some time. The ZBA minutes from the 9/21 meeting will be distributed to all PC members before the next meeting. **Roll Call Vote:** *Knowles: yes; Mousseau: yes; Cunningham: yes; VanHouten: yes; Heethuis: yes.*

Roll Call Vote: *Knowles: yes; Mousseau: yes; Cunningham: yes; VanHouten: yes; Heethuis: yes.*

Yes: 5, No: 0. **MOTION CARRIED**

Motion by Heethuis with support from Knowles to request that the Planning Commission review the outbuilding ordinance for possible revision of the maximum permitted square footage based on lot size. **Roll Call Vote:** *Cunningham: yes; Mousseau: yes; Heethuis: yes; Knowles: yes; VanHouten: yes.*

Roll Call Vote: *Cunningham: yes; Mousseau: yes; Heethuis: yes; Knowles: yes; VanHouten: yes.*

Yes: 5, No: 0. **MOTION CARRIED**

- Blood Drive will be held November 2, 2022 2pm-6pm at the Fire Station.

PUBLIC COMMENT:

Patti Koval: Confirmed that she is expecting someone will get to back to her with the additional information she requested regarding the Cobb Lake Weed assessment.

BOARD COMMENT:

Mousseau: Talking about investment policy should possibly be on the next agenda since interest rates are changing. There has been talk about adding credit unions in our investment policy so that is something to think about as well.

MOTION TO FORWARD DRAFT ZONING ORDINANCE TEXT AMENDMENT TO THE PLANNING COMMISSION

MOTION TO REQUEST PLANNING COMMISSION REVIEW OF SIDE YARD SETBACK ORDINANCE

MOTION TO REQUEST PLANNING COMMISSION REVIEW OF OUTBUILDING ORDINANCE FOR POSSIBLE REVISION

PUBLIC COMMENT

BOARD COMMENT

VanHouten: The work that the committee did on writing up the Zoning Administrator job description is very encouraging.

Knowles: Happy that the Board recognized the people who did the work at the park. It was greatly appreciated.

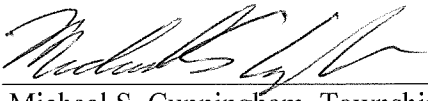
Heethuis: When we were walking as candidates one of the main things we heard about was zoning and I'm glad we're making progress on that campaign promise.

Cunningham: We do hear a lot about zoning and those of us in the office have to answer a lot of questions. We can't get the attention from PCI that we could from having in-house zoning and I'm looking forward to having a good person to do that. That along with the three things that were sent to the Planning Commission will help.

ADJOURNMENT:

Motion by Mousseau with support from Cunningham to adjourn the meeting at 7:43 PM.
Approved by all. Motion Carried.

ADJOURNMENT

Approved by:  Date: 11/17/2022
Michael S. Cunningham, Township Clerk

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
October 18, 2022