

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES <u>Regular Meeting</u> <u>Thursday, April 10, 2014</u> 7:00 p.m. Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 </p> <p style="text-align: center;">MINUTES</p>	<p> FINAL MINUTES Approved May 8, 2014 As presented </p>
<p> <u>Meeting called to order at 7:03 PM by Supervisor Mark Englerth.</u> <u>Roll Call: J. Lippert, Englerth, Jerkatis, Campbell.</u> <u>PLEDGE OF ALLEGIANCE</u> <u>Staff Present: Constable Jim Orr, Alice Jansma, Cathy Strickland, Frank Fiala, Larry Knowles, ZA, Sandy Marcukaitis. PC Members present: Purcell, Beukema, Cunningham. ZBA members present: Jansens, Heystek.</u> <u>Visitors: 16 (not including staff present).</u> </p>	<p> CALL TO ORDER ROLL CALL PLEDGE </p>
<p> <u>ADDITIONS/CHANGES TO AGENDA: (Approved by all)</u> <u>Add: Under Treasurer's Report:</u> <ul style="list-style-type: none"> • Training for Township Officials with the General Ledger and G/L software. • <u>Change</u> order of Agenda slightly to accommodate applicants for vacancy on Board of Trustees by Mary Cook's resignation. Acknowledgement of Visitors will precede New Business. </p>	<p> <u>ADDITIONS/CHANGES TO AGENDA</u> </p>
<p>APPROVAL OF MINUTES AFTER TRUSTEE NOMINATION</p>	<p>APPROVAL OF MINUTES AFTER TRUSTEE NOMINATION</p>
<p> <u>ACKNOWLEDGEMENT OF VISITORS:</u> <u>TTES Report –David Middleton, Fire Chief –</u> <ul style="list-style-type: none"> • Reports for February and March have been distributed. • Below normal pace of calls in past month. • 80 calls in March, 59 in February. </p>	<p> <u>ACKNOWLEDGEMENT OF VISITORS:</u> <u>TTES REPORT: D. Middleton</u> </p>
<p> <u>BARRY COUNTY COMMISSIONER'S REPORT: Craig Stolsonburg</u> C. Stolsonburg yielded the floor to <u>Jim DeYoung, Barry County Commissioner.</u> <ul style="list-style-type: none"> • Scholarship Dinner Fundraiser mentioned • County-wide dog census is coming – census takers will be going door to door checking on dog licensing beginning May 1st, 2014 • Barry County Transit has a new director • Barry County Transit will be up for ballot renewal this year. A ¼ mill-slightly less than last year. • Commission On Aging and 911 will also be on the ballot. </p>	<p> <u>BARRY COUNTY COMMISSIONER'S REPORT</u> Page 1 of 8 YST Bd Trustees 4-10-14 </p>
<p> <u>PUBLIC COMMENT:</u> <u>Vivian Conner</u> announced that she will be running for a Commissioner seat. </p>	<p> <u>PUBLIC COMMENT</u> </p>

Ruth Hubbard, of Barlow Lake, commented on the improvements Mike Cunningham has made in regards to the Barlow Lake Association. Hubbard highly recommended Cunningham for the Trustee position.

Cathy Strickland, Secretary of the Planning Commission, Zoning Assistant, spoke on behalf of Shane Vandenberg to fulfill the remainder of Mary Cook's term as Trustee.

Dave Middleton, Fire Chief, supported Shane Vandenberg as well.

NEW BUSINESS: Candidate Interviews

NEW BUSINESS:
Candidate Interviews

Mike Cunningham visited the area all of his life. In 2009, he built year round on Barlow Lake and retired in 2010. Yankee Springs and Barlow Lake are in his blood. He has an executive MBA from Purdue. He has been a project manager, department manager and plant manager (of two plants) as well as a technical manager in his job. Cunningham has learned to make decisions on fact and not emotions. His reason for wanting the position is to get more involved in the community. Cunningham is currently involved with the Planning Commission, Veteran's Memorial, election inspecting and Barlow Lake Association.

Shane Vandenberg thanked everyone for their support. Commented that he is in the building industry and has worked for hundreds of people in the community. He doesn't have to go back to jobs because he gets it right the first time. He feels he can bring this same work to the Board. Vandenberg has run for office twice, he is not a quitter and will keep trying. He said that trying is what it is about, not winning. He will congratulate the winner of the Board seat if he doesn't win the appointment. He doesn't like bragging about himself or pat himself on the back.

Paul Heystek commented that Mary Cook will really be missed, and asked that Mary and her husband be kept in our prayers. Heystek has been involved in FEMA and Gun Lake for the last four or five years. He has saved people money through his efforts. Heystek assisted Bob Lippert and gave credit to Bob Lippert for working to take over 400 parcels out of the flood plain. Heystek worked for AT & T for 30 years. He also served as Executive Vice President and President of Local 4039 and was one of two Republicans there. Heystek is now retired. Yankee Springs has been in his family since 1967 when his parents bought a place on Robbin's Bay. He and his wife built year round in 1997. As ZBA Chair, Heystek and the ZBA have had to tackle some major subjects. Heystek has also been involved with the fire pit issue.

Roger Rottschafer, was unable to attend tonight's meeting. Jan Lippert read a letter from Rottschafer dated April 4, 2014. In the letter, the following items were mentioned: Rottschafer has been in business management since 1979, he has brought his trucking company from a few employees to over 250 employees and over \$50,000,000 in sales in 2013, valuable managerial background, took charge of the Lynn Drive Improvement Project, acquainted with local business owners and township employees, also involved with the committee for Payne Lake Water Quality, Rottschafer and his wife are full-time residents of Yankee Springs, and his children and grandchildren are full-time residents of Yankee Springs. At the conclusion of Rottschafer's letter, he strongly urged the Board to consider him for the position as he is ready and willing to serve.

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At this point in the meeting, candidates were all asked the same question:

Questions for Candidates

Question #1: What unique talent can you bring to township government?

Mike Cunningham: Cunningham commented that he felt he was a jack of all trades, but master of none. He brings no particular issue that he wants to address. He wants to make sure the township is doing what it is supposed to be doing, and doing it well. Cunningham would like to focus on the gaps and wants to concentrate on “getting our house in order”. Cunningham, in regards to talents, feels he has a pretty broad base with his education, training and career.

(At this point, Supervisor Englerth clarified that Matt Spencer was not interviewing for the Trustee position. Clerk Lippert confirmed that Spencer had not applied for the position by the published deadline that appeared in the Sun & News. The deadline for petitions for circulation of the position of Trustee and for an Affidavit of Identity is April 22, 2014.

Shane VandenBerg: VandenBerg commented that he felt he brought courage to be different than many people. He pushes the envelope, and asks the hard questions. He added that he has gotten “beat up” for it. VandenBerg commented that he can’t help it, that’s the way he is put together. He is a “Yankee Springer” and he is going to have an opinion and when he comes to a meeting he basically demands that his opinion be heard. He encouraged others to come to meetings and voice their opinions. His opinion may not always be right but he should have a right to express and get a little input from the people in positions of leadership.

Paul Heystek: Heystek commented that one of the Trustee’s responsibilities is to research topic and get all the facts to make a fair and equitable decision, and not just “wing it”. Heystek feels he has a proven track record for getting that for the board in the past. Heystek commented that he has always been a” team player” and that continuity needs to be on the board to get things done.

J. Lippert asked Shane VandenBerg regarding the signature on his application (was not his). VandenBerg had a work deadline to meet and his signature was written on the application for him by another person.

Englerth commented that he had consulted the township attorney and it was permissible to have questions from the audience that would be asked of all of the candidates.

Questions from the Audience

Greg Purcell, member of the Planning Commission, asked the candidates what their perspective was on maintaining the Planning and Zoning function at the township level versus giving this responsibility over to the county.

Paul Heystek believes in local zoning. “Every time you remove a step, there’s less of a personal contact,” noted Heystek. Heystek mentioned that with all of the lakes in the township, it is a unique situation with different needs than other communities within the county. If local zoning is removed, the township would fall under a bigger umbrella that would not suit Yankee Springs’ needs. Heystek is definitely for local zoning. He felt that the Planning Commission is on the right track with the work it is doing now.

Mike Cunningham agrees with Heystek. Cunningham also mentioned the uniqueness of the township with its amount of lakes, water and state land/parks.

Questions for Candidates
continued

Cunningham commented on the messiness of some situations at times, and it takes work and some “messiness” to get to the right answer. To Cunningham, it seems a world of difference to stay with township zoning (a smaller venue and neighbors) rather than go to Hastings to have to deal with things and have a rule changed. Cunningham is wholeheartedly in favor of township zoning rather than county zoning.

Shane Vandenberg recalled the Planning and Zoning board and township board had previously looked into the possibility of township vs. county zoning. Vandenberg’s perspective, it was worth the investigation. He would like to see “term limits”. He has felt a sense of fairness being adopted by the board in the last five years. Vandenberg mentioned having to sue the township regarding zoning. The township decided to settle before going to trial. Vandenberg commented on the growth of his and his father’s business. Growth is needed to sustain our children. He commented that at this point of time, he has had a change of heart because he has watched the Planning Commission as a participant and feels that they are doing a good job. Complimented Mike Cunningham that he has done a good job.

Nominations from the Board:

Supervisor Englerth commented on the future possibility of increasing the number of trustees on the board from two to four, and mentioned the reasons for this suggestion.

All candidates commented that they intended to run for the elected office if nominated.

Motion by Lippert to nominate Mike Cunningham for Trustee.
Motion is lost due to lack of support.

Procedure to nominate a candidate on motion, if no support, the motion is lost.
(Dies for lack of a second) Clerk continued..

Motion by J. Lippert to nominate Roger Rottschafer for Trustee. Motion is lost due to lack of support.

Motion by Jerkatis to nominate Paul Heystek for Trustee. Motion is lost due to lack of support.

Motion by Campbell with support from M. Englerth to nominate Shane Vandenberg.
Roll Call: Campbell: yes, Englerth: yes, Lippert: no, Jerkatis: no.

Motion by Englerth to again nominate Roger Rottschafer. Supported by Campbell. Roll Call: Campbell: yes, Jerkatis: no, Englerth: yes, J. Lippert: yes.

J. Lippert announced that Roger Rottschafer has been appointed

Englerth thanked all of the candidates.

Matt Spencer asked about the process of getting the increased number of trustees on the ballot for the next election. Englerth commented that he needs to check into this information in order to accurately inform the public.

Motions to nominate candidates for Trustee position vacated by Mary Cook.

Nomination of Roger Rottschafer.

BREAK
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BREAK: 8:17 p.m.

RESUME: 8:37 p.m.

APPROVAL OF MINUTES

Correction to be made to the March 13, 2014 Regular Board of Trustee minutes, page 4, "Culvert Discussion": Strike "Patterson Rd." and change to "Island Drive". Also, in the following motion, strike "Patterson near Island Drive" and change to "Island Drive east of Patterson Road".

Motion by Jerkatis with support from J. Lippert to approve minutes of March 13, 2014 Regular Meeting of Board of Trustees (7:00 p.m.) meeting as corrected. All ayes. MOTION CARRIED.

Discussion occurred on the not to exceed figure of \$85,000 for Lynn Drive.

Motion by J. Lippert with support from Campbell to approve minutes of March 13, 2014 Lynn Drive Road Repair Public Hearing (6:30 p.m.). All ayes. MOTION CARRIED.

Motion by J. Lippert with support from Campbell to approve Work Session Minutes of Board of Trustees of March 26, 2014. All ayes. MOTION CARRIED.

TREASURER'S REPORT: John Jerkatis, Treasurer

Motion by J. Lippert with support from Campbell to accept the Financial Statement with date corrections. All ayes. MOTION CARRIED.

Jerkatis informed the board of classes, Fund Accounting I and II, as well as a software class, that are being offered. The classes will be offered May 6, 7 & 9th.

Motion by Jerkatis with support from Campbell to allow three people to attend General Ledger and software classes for three days in Bath, Michigan, not to exceed \$2,000. ROLL CALL: Campbell: yes, Jerkatis: yes, Lippert: yes, Englerth: yes. YES: 4, NO: 0. MOTION CARRIED.

Motions to amend 2013-2014 Road Maintenance Budget:

Motion by Jerkatis with support from J. Lippert to amend the fiscal 2013-2014 Road Maintenance Budget and authorize the following actions of

Resolution #4-1-2014: 1) Increase the previously approved crack sealing on Valley Drive, Oakwood Drive, and Park Drive to upgrade to slag sealing. (\$31,500 - \$6,125= \$25,375) 2) Delete Lynn Drive Slag Seal (see 2014-15 road budget) 3) Slag Seal Cobb Lake Road \$12,518 -4) Dust Control on Gravel Roads (\$7,570) for a total amount of \$37,960. ROLL CALL: Campbell: yes, Jerkatis: yes, Lippert: yes, Englerth: yes. YES: 4, NO: 0. MOTION CARRIED.

Motion by Jerkatis with support from Campbell to authorize the following actions in the fiscal 2014-2015 Road Maintenance Budget, **Resolution #4-2-2014**, for 3 ½" Mill and asphalt fill on Lynn Drive: Township Contribution (\$7,495) Lynn Drive Special Assessment District (\$77,505) (Over 5 Years) for the total of amount of

APPROVAL OF MINUTES

Motions to approve minutes of Reg. Bd. Mtg. of March 13, 2014 as corrected, Lynn Drive Road Repair Special Meeting of March 13, 2014, and Board Work Session of March 26, 2014. MOTIONS CARRIED.

TREASURER'S REPORT:
John Jerkatis, Treasurer

Treasurer's Report Approved

BS&A G/L Classes approved

Motions for Road Maintenance Budget 2013- 2014

\$85,000. ROLL CALL: Campbell: yes, Jerkatis: yes, Lippert: yes, Englerth: yes. YES: 4, NO: 0. MOTION CARRIED.

Motions for Road Maintenance Budget 2013-2015 cont'd

Motion by Jerkatis with support from J. Lippert to amend the fiscal 2013-2014 Capital Improvement Budget, **Resolution #4-3-2014**, and authorize the following actions: 1) Fire Station Parking Lot, Slag Seal \$5,957 2) Parker Drive Park, Parking Lot, Slag Seal \$2,415 3) YS Twp. Hall Parking Lot, Slag Seal \$8,855 4) Fog Seal of three parking lots \$1,500 for the total amount of \$18,727. ROLL CALL: Campbell: yes, Jerkatis: yes, Lippert: yes, Englerth: yes. YES: 4, NO: 0. MOTION CARRIED.

Englerth commented on the work for the Fire Station and Twp. Hall parking lots. The work will improve the surface to help eliminate slip and falls.

*All Township Facilities work to be done by Barry County Road Commission.

CLERK'S REPORT: by J. Lippert

CLERK'S REPORT:

Motion by Jerkatis with support from Campbell to approve payroll check #s 5094 – 5114 for amount of \$11,263.43 (this does not include EFT). ROLL CALL: J. Lippert: yes, Campbell: yes, Englerth: yes. Jerkatis: yes. YES: 4, NO: 0.

Jan Lippert

Motion by Lippert with support from Jerkatis to approve EFT payment of \$2,943.26 to IRS. ROLL CALL: J. Lippert: yes, Campbell: yes, Englerth: yes. Jerkatis: yes. YES: 4, NO: 0.

- Clerk Lippert explained items and answered any questions on the accounts payable register.

Motion by Lippert with support from Jerkatis to approve **Accounts payable** check #s 912422-912429 for the total amount of \$3,172.26. ROLL CALL: J. Lippert: yes, Campbell: yes, Englerth: yes, Jerkatis: yes. YES: 4, NO: 0. MOTION CARRIED.

Payroll and Accounts Payable approved

Motion by Jerkatis with support from Lippert to approve Accounts payable check #s 912430-912459 for \$44,631.63. ROLL CALL: J. Lippert: yes, Campbell: yes, Englerth: yes, Jerkatis: yes. YES: 4, NO: 0. MOTION CARRIED.

- Clerk Lippert mentioned that a budget meeting is needed. Lippert asked that Board members give her a note or email with their best date to meet.
- The partial term for Trustee by April 22, 2014.
- DEQ Permit was received for a seawall at Cobb Lake – K. Middlebush.
- Fire Millage renewal (Headley Rollback) to be discussed with county for August ballot.
- Gravel Road Tour- will be given by the BC Road Commission to anyone one in the township that is interested. These dates are available: April 22, 23, 24, 28, 29, and 30. J. Lippert will contact Roger Rottschafer with this

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information.

- Jim McManus, Planning Director of Barry County announced that two streets have been renamed within the township. Due to duplicated same road names that are in Allegan County.

First (1st) Street is now Cork Street
Second (2nd) Street is now Abby Road

ZONING ADMINISTRATOR'S REPORT: Larry Knowles, ZA

- Middleville Tool & Die's variance request was granted by the ZBA. Width of a landscaped area along Bass Rd. was reduced.
- Middleville T & D's business plan was approved by the Planning Commission.
- **SPR's for March 2014:**
 - Addition to Garage on Sandy Beach – no living quarters.
 - Replacing of home taken by fire on Shaw Lake.

Planning Commission: Fiala commented that the PC is near completion with the Sign Ordinance. Also, Article XII is in the final process to bring it to Public Hearing. Fiala also commented that a Professional Planner is needed to bring the PC's work to the point of codification. Rebecca Harvey has been highly recommended as a Professional Planner. Prairieville Township has been happy with Harvey's work. General consensus from the board was approval with the direction the PC was going. J. Lippert commented that she'd like to see a letter of introduction to the board to approve her. J. Lippert also commented that she'd like everyone of the PC and ZBA to have the book Township Planning and Zoning and Decision Making by Steve Langworthy.

SUPERVISOR'S REPORT: Mark Englerth

- Englerth commented briefly on the road changes. This was a county mandate. The fire chief and 911 Central Dispatch were involved in the situation as well.
- Landscaping – no action necessary (to bid out). Renewal at same rate. Board consensus was to allow DK Landscaping to begin Spring clean ups. Dave Kok was also given the go ahead to clean up the downed trees on the northeast corner of the township hall property (at approx. \$30 per worker with 15-20 total hours expected).
- Fire Service Contract - the contract has not been signed yet. M. Englerth has recently met with M. Bremer and A. Jansma. Items still need clarification and need to be addressed. If contract is not signed, the township still has service at the same rate.
- Public Safety: Englerth mentioned several concerns that need to be addressed. The recent ice storm was a wake up call. The township could be better prepared. The township needs to know what resources are available. Englerth mentioned preparation for ice storms, tornadoes, etc. Sirens are

CLERK'S REPORT: by J. Lippert - cont'd

ZONING ADMINISTRATOR'S REPORT: Larry Knowles, ZA

SUPERVISOR'S REPORT: Mark Englerth

needed along with designated warming and cooling areas. Englerth also noted the need for a committee on public safety.

SUPERVISOR'S REPORT: Mark Englerth cont'd:

- Generator/Fire Station- Motion by M. Englerth with support from Campbell to purchase a generator for the fire station from Erb Electric for an amount not to exceed \$11,000 (this amount will include wiring and cement pad). ROLL CALL: J. Lippert: yes, Campbell: yes, Englerth: yes, Jerkatis: yes. YES: 4, NO: 0. MOTION CARRIED.

Motion by J. Lippert support by Englerth to close regular session and enter closed session. ROLL CALL: J. Lippert: yes, Campbell: yes, Englerth: yes, Jerkatis: yes. YES: 4, NO: 0. MOTION CARRIED. All four board member present went into closed session at 9:55 p.m.

All four board members returned from the closed session at 10:12 p.m.

Motion by Jerkatis with support from Englerth to authorize the supervisor (Cuddy Drain Project representative) to purchase an option to enter into a land purchase or lease agreement as "first right of refusal" with the maximum amount of \$3,000. ROLL CALL: J. Lippert: yes, Campbell: yes, Englerth: yes, Jerkatis: yes. YES: 4, NO: 0. MOTION CARRIED.

OLD BUSINESS: Opening of Carport bids:

Robert Allen	\$400	Sandy Marcukaitis	\$356	Jeff Rogers	\$350
John Jerkatis	\$205	Tammy Benjamin	\$171	Dan Haeck	\$326
Scott Havens	\$250	Carol	\$410	Tony Marcukaitis	\$326
Sandy VandenBerg	\$626	Mike Huyck	\$206	Michael Keyes	\$350
Rick Burley	\$1050	Buff Rogers	\$268.17		

Motion by Jerkatis with support from Campbell to accept bid of Rick Burley for the amount of \$1050.00 for the carport. ROLL CALL: J. Lippert: yes, Campbell: yes, Englerth: yes, Jerkatis: yes. YES: 4, NO: 0. MOTION CARRIED.

PUBLIC COMMENT:

Public comment was made from a person in the audience inquired as to whether or not the absence of Roger Rottschafer would be an ongoing problem at future Board of Trustee meetings. Brief discussion took place.

Informational Gathering on April 22- F. Fiala commented that an informational gathering for sub-division residents will be held on Tuesday, April 22, 2014. It is an informational/town hall type meeting. It is not a meeting of the Road Commission or a meeting of the Board or Township. Letters of invitation have gone out to all sub-division residents involved.

ADJOURNMENT: Motion by Lippert with support from Jerkatis to adjourn at 10:33 p.m. Approved by all.

Respectively Submitted by:
Deb Mousseau
Recording Secretary 4/15/14

Date: Draft 4-18-14
Janice C. Lippert, Clerk Township Clerk
Final Minutes Approved: May 8, 2014
Janice C. Lippert, Township Clerk

SUPERVISOR'S REPORT:
Mark Englerth cont'd:

Motion to purchase generator for fire station. MOTION CARRIED.

Motion to go into closed session. MOTION CARRIED.

Return from closed session.

Motion to authorize supervisor to purchase an option to enter into a land purchase or lease agreement as "first right of refusal" with the max. amt.(not to exceed) of \$3,000. Motion Carried.

OLD BUSINESS

Opening of Carport bids

Acceptance of Carport bid

PUBLIC COMMENT

ADJOURNMENT