

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES <u>Regular Meeting</u> <u>Thursday August 14, 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> Circulated 8/21/2014 FINAL MINUTES Approved as presented 9/11/2014 </p>
<p> Meeting called to order at 7:00 PM by Supervisor Mark Englerth. Roll Call: J. Lippert, Englerth, Jerkatis, Rottschafer, Campbell. <u>PLEDGE OF ALLEGIANCE</u> Staff Present: Constable Jim Orr, Alice Jansma. Visitors: 15 (not including staff present). </p>	<p> CALL TO ORDER ROLL CALL PLEDGE </p>
<p> <u>OATH OF OFFICE:</u> The Oath of Office was administered to Roger Rottschafer as Trustee by Jan Lippert, Clerk. R. Rottschafer was elected into office for one partial term (Republican) in the Aug. 5 Primary Election. </p>	<p> <u>OATH OF OFFICE:</u> Taken by R. Rottschafer, New Trustee. </p>
<p> <u>ADDITIONS/CHANGES TO AGENDA:</u> Add: Roofing Bid to Treasurer's Report Add: Letter from YS Golf Course/S. Marcukaitis to Clerk's Report for info. only Add: MTA Chapter Survey to Clerk's Report </p>	<p> <u>ADDITIONS/CHANGES TO AGENDA</u> </p>
<p> <u>TTES Report –David Middleton, Fire Chief</u> – Apologized that he hasn't been present at the past few meetings. He had classes, duty commitments and vacation. Rumor is that he was told not to come to the meetings. D. Middleton confirmed this not to be true. Middleton commented that it had been a slower year so far, with 565 calls at the end of July. Last year there had been over 700 at this time. It was mentioned that the first curve on M-179 east of Briggs Rd. has seen a lot of accidents. Safety on M-179 discussed. <u>BARRY COUNTY COMMISSIONER'S REPORT:</u> C. Stolsonburg – No report. C. Stolsonburg had other commitments this evening. </p>	<p> <u>ACKNOWLEDGEMENT OF VISITORS:</u> TTES REPORT: D. Middleton <u>BARRY COUNTY COMMISSIONER'S REPORT</u> No report. </p>
<p> <u>PUBLIC COMMENT:</u> 3 Minutes - None <u>TREASURER'S REPORT:</u> John Jerkatis, Treasurer Motion by Rottschafer with support from Campbell to accept the Financial Statement as presented. All ayes. MOTION CARRIED. </p>	<p> <u>PUBLIC COMMENT:</u> None <u>TREASURER'S REPORT:</u> John Jerkatis, Treasurer Treasurer's Report Approved </p>
<p> <u>Roofing Bids:</u> Jerkatis has actively sought more bids. Jerkatis would recommend LJ Trumble Builders to proceed on this project, by the end of this week. </p>	<p> Page 1 of 8 YST Bd Trustees 8-14-14 </p>

CLERK'S REPORT: by J. Lippert

Motion by Lippert with support from Jerkatis to approve payroll check #s 5167-5188 for amount of \$11,099.63. ROLL CALL: Jerkatis- yes, Lippert- yes, Englerth- yes, Rottschafer- yes, Campbell- yes. Yes- 5, No- 0. MOTION CARRIED.

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

Motion by Lippert with support from Campbell to approve Accounts payable check #s 912595-912607 (dated 7/29/14) for the total amount of \$5,177.61. ROLL CALL: Jerkatis- yes, Lippert- yes, Englerth- yes, Rottschafer- yes, Campbell- yes. Yes- 5, No- 0. MOTION CARRIED.

Motion by Jerkatis with support from Campbell to approve Accounts payable check #s 912608-657 for \$65,995.48. ROLL CALL: Jerkatis- yes, Lippert- yes, Englerth- yes, Rottschafer- yes, Campbell- yes. Yes- 5, No- 0. MOTION CARRIED.

Election Results: August Primary

Renewal of Millage for fire protection passed Yes: 699 No: 169

BREAK: 7:25 p.m.

RESUME: 7:32 p.m.

**Public Hearing for request of Middleton Enterprises, LLC
(Middleville Tool and Die)**

At 7:30 p.m. (as published in GR Press, July 29, 2014)

Opening of Public Meeting: (7:32 p.m.)

Motion by Rottschafer with support by Lippert to conduct and open the public hearing for Middleville Tool and Die. All Ayes. MOTION CARRIED.

Valerie Byrnes, of BCEDA, commented on the purpose of the hearing for the request of Middleville Tool & Die for the formation of an Industrial Development District to be established. A separate application for tax abatement will come later. Tonight's hearing is for step one, to allow Middleville T & D to apply for the abatement in the future.

For the record, J. Lippert, Clerk, read the published notice of the public hearing. The notice was published in the **Grand Rapids Press** on July 29, 2014.

Public Comment was asked for:

CLERK'S REPORT:

Jan Lippert

**Payroll and
Accounts Payable approved**

**Public Hearing for for
request of Middleton
Enterprises, LLC
(Middleville Tool and Die)
At 7:30 p.m.**

Opening of Public Meeting:
(7:32 p.m.)

**Public Hearing of
Middleville T & D, cont'd**

An unidentified gentleman asked how large of an area was being discussed. G. Gary Middleton commented that it would be 13 acres more than what they currently were using for the facility.

J. Lippert inquired as to how many employees would be added with the expansion. G. Middleton commented up to approximately 185 employees (total) would be working in the next three years.

Jerkatis asked for clarification on the zoning which is Industrial, not Light Industrial.

V. Byrnes clarified that they were looking first for a motion in the hearing to approve of the Industrial Development District by the Board of Trustees.

Jerkatis pointed out the wording of the Resolution (08-14-2014) to establish an Industrial Development District.

Motion by Jerkatis with support from Campbell to establish the Industrial Development District for Middleville Tool & Die Corporation, (request submitted by Middleton Enterprises, LLC). ROLL CALL: Jerkatis- yes, Lippert- yes, Englerth- yes, Rottschafer- yes, Campbell- yes. Yes- 5, No- 0. MOTION CARRIED.

Motion to establish the Industrial Development District for Middleville Tool & Die Corporation. Motion Carried.

Close of Public hearing: 7:40 p.m.

Motion to close public hearing by Lippert with support from Campbell. All ayes. MOTION CARRIED.

M. Englerth read the Resolution (No. 08-14-2014) to Establish an Industrial Development District.

Motion by Jerkatis with support from Campbell **to adopt Resolution #08-14-2014.** ROLL CALL: Jerkatis- yes, Lippert- yes, Englerth- yes, Rottschafer- yes, Campbell- yes. Yes- 5, No- 0. MOTION CARRIED.

Motion to adopt Resolution #08-14-2014. MOTION CARRIED.

APPROVAL OF MINUTES:

Motion by Lippert with support from Rottschafer to accept minutes by of June 17, 2014 (Public Hearing to Amend the 2013-14 Budget) as corrected. All ayes. MOTION CARRIED.

APPROVAL OF MINUTES

Motion to approve minutes of: June 17, 2014 (Pub. Hrg. To Amend 2013-14 Budget), June 25, 2014 (Pub. Hrg. For Proposed Budget Adoption) w/ attachments A & B, and Regular Board Meeting of 7/10/14. Motions Carried.

Motion by Lippert with support from Rottschafer to accept minutes of June 25, 2014 (Public Hearing) Proposed Budget Adoption as corrected (with the attachments of Resolution #06-25-14 (attachment A) and attachment B which is Mr. Jerkatis' statement regarding the rescinding of the 1% property tax Admin fee and 3% penalty paid on ?taxes paid. All Ayes. MOTION CARRIED.

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Motion by J. Lippert with support from Rottschafer to accept minutes of July 10, 2014 (Regular Meeting) as presented. All Ayes. MOTION CARRIED.

APPROVAL OF MINUTES: continued

Motion by Englerth with support by Rottschafer to accept minutes of July 15, 2014 with Dr. Lynn Harvey (Regarding the Renewal of Contract with TTES) (Special Informational meeting). All ayes. MOTION CARRIED.

J. Lippert commented on pg. 4 on the motion to send communication to Thornapple Township regarding cost share in Dr. Harvey's proposal. It was confirmed that the letter should be sent.

Minutes/Notes of Informational Meeting for Trails on July 17, 2014:

Englerth commented that the information (Notes of 7/17/14) was just for research and to keep others informed. No approval of these notes/minutes was needed. Englerth commented that the Trails Meetings need to be published because three or more board members may be present at these meetings. Brief discussion occurred.

ZONING ADMINISTRATOR'S REPORT: Larry Knowles, ZA

- A report was submitted by L. Knowles and distributed to all board members in advance of tonight's board meeting. Report included recent ZBA activity and current site plan reviews as well as activity of the Planning Commission.
- Also, Board members received a complaint log/report.

Planning Commission: Frank Fiala is traveling to the township from an out-of-town meeting. Possibly F. Fiala will be present to give a report by the end of tonight's meeting.

SUPERVISOR'S REPORT: Mark Englerth

Water Report - Ordinance Adoption Amending Yankee Springs Township Sewage Disposal System to Increase User Fees (No. 08-01-2014). Englerth commented on the financial situation of the facility and that there was no opposition at all to the rate increase. The last raise in rates occurred in approximately 2005.

July Water & Sewer Report included in Board Members' packets

J. Lippert, Clerk, read the **Notice of Ordinance Adoption #08-01-2014**

Motion by Rottschafer with support from Campbell to adopt Ordinance #08-01-2014 amending the Yankee Springs Township Sewage Disposal System Ordinance to increase user fees (to \$78.00 per quarter, to \$26 per month). ROLL CALL: Jerkatis- yes, Lippert- yes, Englerth- yes, Rottschafer- yes, Campbell- yes. Yes- 5, No- 0. MOTION CARRIED.

It was noted that this increase will be effective on Oct. 1, 2014. There will be a joint publication of the four townships' adoption of the ordinance when all of the townships involved have had their board meetings.

APPROVAL OF MINUTES: continued

Motion to approve minutes of July 15, 2014 (Mtg. with Dr. Lynn Harvey (TTES Contract Renewal)). Motion Carried.

ZONING ADMINISTRATOR'S REPORT: Larry Knowles, ZA

SUPERVISOR'S REPORT: Mark Englerth

Motion to adopt Ordinance #08-01-2014 amending the Yankee Springs Township Sewage Disposal System Ordinance to increase user fees. MOTION CARRIED.

Updates:

Cuddy Drain- Work is continuing on this project.

Gun Lake – Julie Jones of the Barry County Sheriff’s Department, came to the last PC meeting. Jones spoke of constantly struggling with loud drag boats on Gun Lake, for years. M. Englerth noted difficulty regarding recording this with a decibel meter and making it effective in the court of law. Englerth also mentioned Spearing/Fishing issues at night. An ordinance appears to be needed to successfully deal with these type of issues. A lengthy discussion occurred regarding this. Englerth also mentioned the complaint and enforcement procedures being implemented at the township, and those involved in it.

Facilities- Roof proposal - Jerkatis feels that the one proposal he has received is a good price and Jerkatis suggests going forward with this company with the roof work. Jerkatis did actively work on obtaining other bids, but with no success.

Englerth commented on work needed to improve the office(s) of the township hall. Discussion occurred regarding timing, and definition or proposal of a construction plan and associated costs involved. Discussion also occurred on getting a committee/workshop together to get a plan for the office construction. A date for a special workshop was mentioned as something needed. J. Lippert mentioned involving the office staff in an evening meeting to discuss future office remodeling/construction.

Motion by Campbell with support from Rottschafer to proceed with roofing work. ROLL CALL: Jerkatis- yes, Lippert- no, Englerth- no, Rottschafer- yes, Campbell- yes. Yes- 3, No- 2. MOTION CARRIED.

Discussion took place on the color of the future roof. Consensus of the Board was the color “Tudor Brown”.

PUBLIC COMMENT:

Alice Jansma – referred to the sewer ordinance, “REU’S”, with a question regarding the inclusion of just “single-family residences – only?” It was noted that an attorney wrote the verbiage.

Rich Beukema- Regarding the Nuisance ordinance, asked board to please go to surrounding communities and see what they have done with their nuisance ordinances.

An unidentified audience member asked, “Does Whispering Pines have an association?” He added, “It is going to be hard to straighten someone up like that if they are always fighting.”

Mark Englerth gave history of previous “due diligence” done on this situation (WP). Englerth commented that Whispering Pines (WP) is in a preliminary PUD but not in its final approval yet. In the meantime, Englerth commented that the township continues to work the equation. Englerth noted that the township was doing its best, and he realized that it was not good enough, “But we’ll continue to try. That’s our commitment,” added Englerth.

Motion to proceed with roofing work. MOTION CARRIED.

PUBLIC COMMENT

PUBLIC COMMENT: continued

Phil King, Oak Grove, mentioned that he has been to many of these board meetings with the same issues. King asked that the Board read the minutes from the last PC meeting to advise them as to where he was coming from. King commented for eight years they (Oak Grove) had trusted that the township was overseeing things. King commented that they had made a mistake and should have gotten involved a lot sooner, and that they have now. P. King has put a lot of man hours in this (WP situation) as well. King lives in Richland and has been traveling back and forth multiple times because of this issue. P. King commented that he understands that the township has a lot of time and money in on this and he (King) has put a lot of time and money in his investment at Oak Grove and so have his neighbors. King commented that this is an issue that there has been extremely limited enforcement of the PUD put in place before the township concerning WP. They (WP) are operating under a preliminary PUD which is a set of rules listed 1 to 12. "We didn't like them, but we accepted them. But they're not being enforced. They are willy nilly going along doing what they want. And you say you don't want to write tickets. That's great, but we wish you would get their (WP) attention because it is like WP is saying, "We'd like to change some of these issues. So in the meantime, we're just going to act like they are already changed instead of operating under the ones that are currently in place." That makes it extremely difficult to get along with your neighbors when they are operating like that," added King. P. King mentioned 15 or 20 firepits, and there are supposed to be only three fire pits at WP and the three are supposed to be centrally located. King commented that Oak Grove has been told to call the Fire Chief and the police. King stated "I'm sorry, but that seems like a waste of resources to be calling these people out for, yes, what is kind of a problem between neighbors. But they have no regard for us when it comes to those fire pits. And the other issue is, we've got one fire pit on the beach. If the smoke is blowing the wrong way, then we (Oak Grove) won't use it. We douse it out when we're done with it. We all enforce each other; we make sure this happens. WP does not do that and they are located behind us. So even in the best of conditions, that smoke is always going to be blowing over our places." King commented that G. Purcell of the Planning Commission encouraged Oak Grove getting with their neighbors (WP) and working on this. King commented that it was difficult with this level of deceit and disregard for the preliminary PUD drafted? by the township, the neighbors and Whispering Pines themselves." King commented that there seems to be more renters at WP with boats than WP owners with boats. King is not sure what is going on as the information doesn't seem to get to the proper people at the township. King mentioned that he understands that the Zoning Administrator or that Mark Englerth has the authority to write citations to these offenses. Right now, Oak Grove is operating as the management of WP. Oak Grove has to use the WP system that is in place and call the phone number on the sign. Then Oak Grove residents have to sit and wait for someone to respond to their complaint after calling. King commented that sometimes they (WP) respond, and sometimes they don't. King also mentioned that there is no on-site manager there. King commented that they didn't have a problem in the past, until this new development came in with density issues. Mr. Cote (the former owner) was on site. King commented that "I think the ball's really been dropped when the density is not decreased by the township. I know you're

PUBLIC COMMENT:
continued

going to say you want to move forward ASAP. That's great. But that's creating a lot of this problem and I don't see the light at the end of the tunnel. The seasonal use provision #10 of the PUD is written in a fashion that makes it completely unmonitorable and impossible to enforce." King spoke of people exceeding the seasonal use provision. Shady Shores goes from one date to this date which makes it easy to see if someone is over the limit. He commented that someone could move out for a few days and then move back in and then they haven't been there for 180 consecutive days. King appreciates the work done by the township, but doesn't feel that it is going to work, some major tweaking has to be done. King feels that this is a localized crowd. "I don't think new rules have to be written for the whole township of Yankee Springs because you have all these complaints coming from Oak Grove and other neighbors about WP. King commented that they do want to get along with their neighbors, but when you see them disregarding the PUD, that we all compromised greatly on, that it is hard to get along. Oak Grove compromised because there were 21 boat slips, but it was established that no renters could use them. But renters are using them, and there are a lot of inexperienced people running boats. King feels it's a matter of time before someone gets hurt or runs into one of Oak Groves' boats. P. King commented on "the Woodstock situation" that Lohrstorfer (YS Twp. Attorney) commented on previously. P. King feels it (Woodstock) is occurring at WP.

Jerry Artz- GLPA – commented that he felt everyone at the meeting knew the stance of the GLPA regarding WP. Tonight, J. Artz wanted to talk about Julie Jones regarding the ordinance (not the ordinance dealing with WP). Artz commented Julie Jones wants some teeth to control the noise of power boats. There hasn't been success with supervising this or writing a ticket according to Artz. Loud generators and lights at night with spear fishermen are another issue that Julie Jones would like addressed with an ordinance that gives her some "teeth" to work with and enforce to get people to calm down, according to Jerry Artz. Artz mentioned an issue where a late evening water skier was kept off the lake by noting previous tickets written in violation of the law regarding the skiing activity one hour after sunset.

Richard Priebe – of Oak Grove. R. Priebe had a question regarding the comment of Frank Fiala made in the minutes of the Planning Commission of 8/7/14, pg 2. He referred to a comment that F. Fiala made regarding any changes to the site plan drawing will need to get prior approval. Regarding the parking lot, anything below 18" tall is not a structure; our ordinance does not typically handle those. "Typically is a very vague word," commented R. Priebe. "The piece was granted to Whispering Pines. How can you grant WP something on August 7th, when on July 10th, the parking lot was already in? Completed. So how can you grant something that is already in which is completely against PUD, your site plan, everything? So I'm trying to figure out what's going on," commented R. Priebe. Englerth commented that the board would be happy to answer R. Priebe's question after the meeting. The Board doesn't have discussion time during public comment.

Diane Priebe- of Oak Grove. Diane Priebe commented she has never once fought with the neighbors next door. "We come to you, because we were here last September, October, November, December just making sure that what goes in there

PUBLIC COMMENT:
continued

can be comparable for both neighbors. And when that parking lot went up I called, frantic, "What's going on? This isn't on the PUD." It is very noisy. It is very trafficky. Constant in and out. They pull boats up there. They load. They unload. They back up. They double park. They triple park. And it's constant noise. And that road ends on that curve. There's that piece that goes in front of Art's. That is dirt. It is dust. And 30 mph some of them are driving. I know that some of you guys are thinking I'm just a complainer, but all of us are listening to doors slamming, doors opening, cars honking, beepers going off. You took a back lot, you moved all the traffic up down by the beach. Who does that? Who parks there? One parking spot is all you showed on that PUD. And we left in December saying, "Okay, we can accept this." We came back and you didn't follow it. I don't know who's responsibility it is to see that they have it done. I'm asking you as the trustees, the elected officials, "Who's responsibility is this?"

Englerth asked for Board comments:

Jerkatis had a general comment. Jerkatis called the Road Commission this week on the slag seal work on the parking lots. Weather permitting, their goal was to start by the last week of this month and end in the first week of October.

J. Lippert commented that she hasn't seen minutes of Aug. 7, 2014 of the Planning Commission and is unaware of the PUD change.

Englerth congratulated Roger Rottschafer on winning the election for Trustee.

J. Lippert commented on a survey of the MTA/ Barry County Chapter Survey that needs to be completed. The Barry County Chapter requires a trustee or other board member to attend their four meetings that occur per year. J. Lippert commented that they (those surveying) were asking, "Should the organization continue to exist for the townships?" Mary Cook had attended the Barry County Chapter meetings in the past. Response is required by Sept. 9th.

Letter of S. Marcukaitis' letter regarding the upcoming Outdoor concert of YS Golf Course was distributed.

ADJOURNMENT: Motion by Lippert with support by Rottschafer to adjourn at 9:11 p.m. Approved by all.

Respectfully submitted:
Deb Mousseau
Recording Secretary 8/14/14

Date: _____
Approved: _____

Janice C. Lippert, Township Clerk

PUBLIC COMMENT:

continued

OTHER BUSINESS

ADJOURNMENT

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