

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

Thursday, January 10, 2013
Yankee Springs Township Hall
284 North Briggs Road, Middleville, Michigan 49333

Circulated: Jan 18, 2013
FINAL MINUTES
Approved Feb 14, 2013
As presented

MINUTES

Meeting called to order at 7:00 PM by Supervisor Mark Englerth.

CALL TO ORDER

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

ROLL CALL

PLEDGE OF ALLEGIANCE

Staff Present: Constable Jim Orr, Zoning Administrator Robert Lippert, Alice Jansma, and Frank Fiala.

PLEDGE

Visitors: 12 (not including staff present).

ADDITIONS OR CORRECTIONS TO AGENDA:

ADDITIONS TO AGENDA

- Under Clerk's Report, Under DEQ: Add Violation Notice.
- Under Old Business: Add Pest Control.
- Under Clerk's Report: Add 2013 Township Meeting Schedule.
- Under Clerk's Report: Add regarding: YS Meadows Mobile Home Park.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES

Motion by M. Cook with support from Campbell to accept the Meeting Minutes of the Board of Trustees of December 13, 2012 as submitted. All ayes. MOTION CARRIED.

Motion to accept minutes of the Regular Board of Trustees Meeting of Dec. 13, 2012. MOTION CARRIED.

Motion by M. Cook with support from Englerth to specifically grant John Jerkatis permission to auction off Hovercraft trailer and cement parking lot ties. All ayes. MOTION CARRIED.

Motion to grant specific permission to Jerkatis to auction off Hovercraft trailer and cement parking ties. MOTION CARRIED.

Motion by M. Cook with support from Campbell to approve minutes of Special Meeting with the Planning Commission and Board of Trustees on Dec. 20, 2012. All ayes. MOTION CARRIED. Discussion on whether goals were attached to minutes. It was confirmed that goals were attached.

Motion to accept minutes of the Special Meeting Minutes of Board of Trustees Meeting with the Planning Commission on Dec. 20, 2012. MOTION CARRIED.

ACKNOWLEDGEMENT OF VISITORS:

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TTES REPORT: David Middleton

Yankee Springs:	Runs for Dec. 2012	Year to Date
Fire	1	40
Medical	12	179
Fire and EMS	1	23

ACKNOWLEDGEMENT OF VISITORS: Cont'd

TTES REPORT: David Middleton cont'd

The ice rescue sled is polished up and ready to go.

D. Middleton said that he has seen things in 2012 that he has never seen before in 29 years on the job.

Middleton thanked the Board and community for their support in 2012. J. Lippert and M. Englerth reciprocated by thanking D. Middleton for his service.

J. Lippert asked Middleton how many volunteers were in the township. Middleton replied "9".

BARRY COUNTY COMMISSIONER'S REPORT: Craig Stolsonburg

C. Stolsonburg was elected Chairman again.

A strategic planning meeting is scheduled for Jan. 22nd right after the regular meeting.

This past Tuesday a contract was signed with the United Way to oversee the Veteran's Division of Barry County. This will save taxpayer's money. It will also increase service to Veterans. These are huge benefits. A concern of veterans was about having a place to go to. Barry County Veteran Affairs will be available to them and will be located in the old Presbyterian Church in Hastings.

PUBLIC COMMENT: (Limit to 3 minutes)

BARRY/EATON HEALTH DEPARTMENT: Shelli Smith

S. Smith represents the Health Department and announced that January was Radon Awareness Month. Radon is an odorless, tasteless gas. It is the second leading cause of cancer. Free tests are available. Literature on this will be sent to J. Lippert to have available in the township office for the public.

Randy & Dawn Sharp/Owners of Paradise Pizza, 11446 M-179, were informed that the flags that they have in front of their business were in violation of the township's ordinance. Sharp's have been the fourth pizza place in the building and they commented that they would like people to know that they are there and open for lunch. They would like to know what they can do to resolve this, and asked for clarification of the sign ordinance. M. Englerth received a letter from the Sharp's asking for clarification of the signage. Campbell, Trustee, asked if the Sharp's noticed a change in business since the flags were down. Dawn Sharp said that when flags were up, their lunch business almost doubled. Randy Sharp commented that the customers liked seeing the flags and he hasn't had one complaint. He remarked that the flags are not trashy (looking). R. Lippert, Zoning Administrator, commented that the Sharp's were very courteous when asked to take the flags down and he was surprised that the flags were up again.

ACKNOWLEDGEMENT OF VISITORS: Cont'd

TTES REPORT: David Middleton

BARRY COUNTY COMMISSIONER'S REPORT: Craig Stolsonburg

PUBLIC COMMENT: (Limit to 3 minutes)

BARRY/EATON HEALTH DEPARTMENT: Shelli Smith

Randy & Dawn Sharp/Owners of Paradise Pizza, 11446 M-179

The Sharp's mentioned earlier that they were told that may have been selectively targeted. R. Lippert asked the Sharp's if they had been told to ignore the ordinance. Jerkatis inquired as to why the flags were not approved in the ordinance. R. Lippert commented that there is a proper way to seek approval for the use of flags, and that is to go before the ZBA and ask for an interpretation. They can go to the Planning Commission to ask it to consider amending the ordinance. J. Lippert, Clerk, requested that the letter from Sharp's (addressed to Mark Englerth) be attached to tonight's meeting minutes.

Discussion occurred regarding:

- *Possibility of temporary permission to use the flags.
- * The waiving of the \$200 application fee required to go before the ZBA.
- *Withholding of enforcement of violation until the ZBA/PC makes a decision on the situation.

Motion by Cook with support from J. Lippert to obtain clarification from the attorney (first) and allow Sharp's to proceed with no fee with the ZBA. Roll Call: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

David Middleton thanked the Board for supporting the Sharp's with this motion. Middleton commented that he had Sharp's pizza because he noticed the flags. Shane VandenBerg asked if the Board had authority to direct the ZBA to make this a priority. VandenBerg commented that it should be a priority at the Planning and Zoning level to change this ordinance. S. VandenBerg told the Sharp's, "You've got a lot of good people pulling for you."

VETERAN'S MEMORIAL - Jim Orr, Constable commented that they are in the process of forming a committee to try to get a Veteran's Memorial for Yankee Springs Township. J. Orr commented that it would take time and a site for the memorial is needed. The first meeting will take place at the Sand Bar and Grill on Saturday, February 9th at 10 a.m. If there are questions, please contact Steve Orr (son of J. Orr) at ys.vetmemorial@gmail.com or Jim Orr at 269-795-7189.

SUPERVISOR'S REPORT: Mark Englerth

Alice Jansma, Administrative Assistant presented the beginning of the Supervisor's report.

Water Tower Inspection: There is mold on the outside of the water tower because of the epoxy paint used. The City of Hastings was contacted. They (Hastings) use a company out of Lake Odessa to inspect (Dickson). Hastings suggested that it is not good to use a fire engine to clean the outside of the tower. Jerkatis asked if there was a regulatory frequency for inspections. It was determined that there isn't a certain time schedule for inspections. When inspected it is for structural soundness.

Community Parks/Recreation Plan: C. Strickland and Alice Jansma will probably have something to report on the YS Park at the next meeting.

PUBLIC COMMENT:
cont'd (1-10-13)

Motion to obtain clarification from the attorney (first) and allow Sharp's to proceed with no fee with the ZBA. MOTION CARRIED.

VETERAN'S MEMORIAL -
Jim Orr, Constable

SUPERVISOR'S REPORT:
Mark Englerth

SUPERVISOR'S REPORT: Mark Englerth cont'd

Employee Handbook/Policies & Procedures: Alice Jansma has been working on this.

GLASWA: M. Englerth commented that GLASWA just added a \$250,000 aerator.

Fire Station: It was reported that the letter "I" is missing in the signage on the Fire Station.

BREAK: 8:22 p.m. RESUME: 8:40 p.m.

WALKABLE COMMUNITY: Mick Barney, of Orangeville was present at the meeting to talk about a project he has been working on for a year now. He is a committee of one. He would like to have a walkway around Gun Lake. M. Barney commented that a grant is available from the Michigan Dept. of Transportation to fund roughly 60% of the cost of the proposed 15 mile walkway. Barney mentioned that Weick's and Baypointe are "in" with the project. M. Barney is looking for a letter of support, not financial support.

OPEN MEETINGS ACT: M. Englerth distributed the Incident/Investigation Report. Discussion occurred including board members named in the report. The incident reported involved three board members checking out the completion of the recent renovation/parking lot project. M. Cook commented that the intent was not there to do anything wrong. She stated that she didn't like feeling this way, and added her apologies to Mark Englerth's. In review to prevent further issues, an 18 hour notice will be given prior to a meeting and all board members will be contacted. It was noted that every time three elected officials are in the office, the appearance can be given of a violation of the Open Meetings Act. Referring to the incident report, M. Englerth commented that a board decision was not made, but he wanted to be honest and transparent with those in attendance of tonight's meeting. Fiala added that if four members of the PC go to a conference, they cannot ponder an issue and cannot make a decision. At a recent MTA workshop, M. Cunningham (PC) commented that they were advised to keep conversations to "grandkids and the weather" when with a majority of PC members. M. Englerth concluded the discussion with the comment, "We do take it seriously and will do so more in the future."

ROAD CONDITION REPORT 2013: A two hour meeting was held on 1/9/13 with the Barry County Road Commission. M. Englerth hopes to meet a little earlier than usual this year, possibly in March (with BCRC).

SECTION 19 WATER TESTING: Testing of existing wells over the next year are in the planning stage.

Motion by M. Cook with support from Campbell to allow up to \$1200 to test various wells in Section 19. Roll Call: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

SUPERVISOR'S REPORT: Mark Englerth cont'd

BREAK

WALKABLE COMMUNITY: Mick Barney, of Orangeville

OPEN MEETINGS ACT

ROAD CONDITION REPORT 2013

Motion to allow up to \$1200 to test various wells in Section 19. MOTION CARRIED.

SUPERVISOR'S REPORT: Mark Englerth cont'd

**SET DATE WITH AUDITOR FOR PRESENTATION OF YEAR END 6-30-2012
AUDIT:**

Motion by Jerkatis with support from Cook to have meeting (presentation) at next Board meeting (February 14) with the availability of auditor. All ayes. MOTION CARRIED.

STATE PARK UPDATE DECEMBER 19, 2012/BARRY-EATON DIST. HEALTH DEPARTMENT:

Letter from Eric Pessel was pretty much in agreement with previous letter presented a last month's meeting.

LETTER REGARDING TREASURER AND DEPUTY TREASURER SALARIES DATED 12/20/2012:

M. Englerth would like to make this letter public regarding the adjustment of salaries but still keeping at the same budget/cost. Englerth explained that John Jerkatis, Treasurer will be putting in more hours so he will be taking more of the salary that he had previously adjusted and passed on to his assistant's salary.

Motion by Jerkatis with support from M. Cook to make letter (from Twp. Attorney) of December 20, 2012, questioning legality of pay information available to the public. All ayes. MOTION CARRIED.

Motion by J. Lippert with support from Cook to approve attorney December bill of Bauckham, Sparks, Lohrstorfer, Thall & Seeber, PC of \$915.00. Roll Call: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

Motion by J. Lippert with support from Cook to give letters to PC regarding a pending situation that the Planning Commission needs to be aware of. (The Attorney letter to remain confidential). Roll Call: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

Motion by Campbell with support from Cook to send letter to Allegan County Road Commission to address the chatter bumps (public safety issue) just north of the Chief Noonday/Patterson Rd. intersection. All ayes. MOTION CARRIED.

ZONING ADMINISTRATOR'S REPORT: by Robert Lippert

December SPR's: (2): 1- new house, 1- retaining wall

PCI Report: December: Added value: \$50,000. (House addition – Archwood Dr.)

**SUPERVISOR'S REPORT:
Mark Englerth cont'd**

Motion to have meeting (presentation) at next Board meeting (February 14) with the availability of auditor. MOTION CARRIED

STATE PARK UPDATE DECEMBER 19, 2012/BARRY-EATON DIST. HEALTH DEPARTMENT

Motion to make letter (from Twp. Attorney) of December 20, 2012, questioning legality of pay information available to the public. MOTION CARRIED.

Motion to approve attorney bill of Bauckham, Sparks, Lohrstorfer, Thall & Seeber, PC of \$915.00. MOTION CARRIED.

Motion to give letters to PC regarding a pending situation that the Planning Commission needs to be aware of. MOTION CARRIED.

Motion to send letter to Allegan County Road Commission to address the chatter bumps (public safety issue) just north of the Chief Noonday/Patterson Rd. intersection. MOTION CARRIED.

Planning Commission: The PC met with the Board of Trustees in a Special Meeting on December 20, 2013.

ZBA: No meeting was scheduled this month.

Complaints: (1)

1. Gun Lake Rd. – Commercial activity has taken place in neighbor’s garage. A CNC mill was delivered to this residence. Noise level in process of being checked. GLASWA will also monitor sewer system for related discharge of fluids into sewer system.

B. Campbell, Trustee, asked R. Lippert if he could get a copy of the written complaint on this. R. Lippert asked that Campbell to see him in the office (R. Lippert) especially if something is pending.

McKenna Billing- No billing this month, a regular PC meeting was not held in December.

FEMA - The current total of Letter of Map Amendments is: (After additions for December)

278 LOMA’s of 465.

Application for a general amendment has been received by FEMA and has gone through a review.

TREASURER’S REPORT: by John Jerkatis

Motion by M. Cook, with support by Campbell to accept the December financial report as presented. Roll Call: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

CLERK’S REPORT: by J. Lippert

DEQ: Violation notice dated 12/19/12 for a resident on Barlow Lake (Mr. Potgetter)

Marina Application Permit: Whispering Pines – applying for 24 dock slips instead of 21. Discussion occurred regarding movement of this issue to the PC. The DEQ has changed process on this situation and YS Twp.should have something on books regulating dockage (number of boat slips) to avoid funneling. That way it could be forwarded to the DEQ for their consideration. It was noted that this matter should be addressed by the PC and put on its schedule.

Motion by M. Cook with support from J. Lippert to approve **payroll checks** #4767-4790 for the amount of \$11,698.37. Roll Call: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

Discussion occurred regarding the previous night’s meeting. The Board of Trustees, PC and ZBA members were invited to this meeting – unpaid. All of the above were invited to avoid violating the Open Meetings Act.

ZONING ADMINISTRATOR’S REPORT: by Robert Lippert

TREASURER’S REPORT

Treasurer’s Report approved **December**

CLERK’S REPORT: by J. Lippert

Accounts Payroll approved

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

Motion Jerkatis with support (for sake of discussion) by M. Cook to pay PC members who were present at the previous night's meeting. Roll Call: Jerkatis: yes, J. Lippert: no, Englerth: no, M. Cook: no, Campbell: no. Yes: 1, No: 4. MOTION FAILED.

Further discussion took place on payment for meetings attended. C. Strickland commented that this discussion is good information for the Policies & Procedures Manual (in progress).

Clerk Lippert fielded any questions and explained any items relating to **accounts payable** checks presented. The current ledger format gives details for every check.

Motion by M. Cook with support from Jerkatis to approve **accounts payable** checks #911873- 911906 dated 1/10/13 for the total amount of \$18,315.57. Roll Call: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. Yes: 5, No: 0. MOTION CARRIED.

B. Campbell mentioned information he received regarding **payment for recycling bins**. Some companies are paid by recycling pick-up/haulers for their recyclables. F. Fiala commented that Tom Rook of Orangeville renegotiated to just get trash picked up twice and month and it was financially advantageous.

Annual Meeting Schedule for 2013:

Board of Trustees meets the **2nd Thursday** of the month.

Planning Commission meets the **3rd Thursday** of the month.

Planning Commission will use **1st Thursday** of the month for a **workshop**.

Board of Trustees will use **4th Wednesday** as needed, with **Planning Commission**.

Motion by Englerth with support from Campbell to accept 2013 Township Meeting Schedule for publication. All ayes. MOTION CARRIED.

Yankee Meadows Mobile Home Park:

YS Township is being taken to Michigan Tribunal Court by the Yankee Meadows Mobile Home Park. Upon recommendation of legal counsel, an evaluation/appraisal has been obtained by the township. Treasurer John Jerkatis recommended that three estimates be received. Township assessor received 2 proposals, Soper & Associates was the lowest. Recently, The Park was sold. The evaluation/appraisal had to be done for property tax purposes. Discussion occurred on the history of this situation, the involvement of the county and schools on this matter, and the legal costs involved. Motion by Englerth with support from Jerkatis to approve \$5,400 for appraisal from Soper & Assoc.of the Yankee Meadows Mobile Home Park.

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

Motion to pay PC members present at previous night's meeting. MOTION FAILED.

Accounts Payable approved.

Annual Meeting Schedule for 2013

Motion to accept 2013 Township Meeting Schedule for publication. MOTION CARRIED.

Motion to approve \$5,400 for appraisal from Soper & Assoc. Company on Yankee Meadows Mobile Home Park. MOTION CARRIED.

Roll Call: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes.
Yes: 5, No: 0. MOTION CARRIED.

Discussion followed motion. J. Lippert mentioned that if there were any questions, the Township Assessor would be more than willing to explain the situation. Englerth requested a background letter from the Assessor, Dan Scheuerman.

OLD BUSINESS/NEW BUSINESS:

Discussion occurred on pest control, specifically termite control. At last month's meeting a motion was made and carried to table a decision on paying Orkin Pest Control, in advance, for a year's (2013) service.

Addendum: Addition is to be made to the January Township calendar. Wednesday, January 30, 2013, 7 p.m. will be the official, annual Joint meeting of the Board of Trustees, Planning Commission, and ZBA with the township attorney.
The planner will not be in attendance. Campbell will not be available.

OTHER PUBLIC COMMENT:

Englerth mentioned that he came across a 2001 Panyrek letter regarding signs. This letter involved former Supervisor Al McCrumb, the Panyrek's and the Zoning Administrator at that time.

ADJOURNMENT:

Motion by M. Cook with support from Englerth to adjourn at 11:00 PM. Approved by all.

Respectfully submitted:
D. Mousseau
Recording Secretary 1-10-13

Draft copy minutes approved January 18, 2013 jcl

Final Approval of Minutes: Feb 14, 2013

OLD BUSINESS/NEW BUSINESS

OTHER PUBLIC COMMENT

ADJOURNMENT