

<p style="text-align: center;"><b>YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</b></p> <p style="text-align: center;"><b>Regular Meeting</b></p> <p style="text-align: center;"><b><u>Thursday, July 11, 2013 – 7:00 PM</u></b></p> <p style="text-align: center;"><b>Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</b></p> <p style="text-align: center;"><b>MINUTES</b></p>	<p><b>FINAL MINUTES</b> Approved Aug 8, 2013 As presented</p>
<p>Meeting called to order at 7:07 PM by Supervisor Mark Englerth. Meeting was preceded by a Special Meeting at 5:30 p.m. regarding Cuddy Drain.</p> <p><u>Roll Call:</u> Jerkatis, J. Lippert, Englerth, M. Cook and Campbell. (All Present).</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Present:</u> John Lohrstorfer, YS Legal Counsel</p> <p><u>Staff Present:</u> Constable Jim Orr, Zoning Administrator Larry Knowles, Cathy Strickland, Frank Fiala, and Sandy Marcukaitis.</p> <p><u>Visitors:</u> 6 (not including staff present).</p>	<p><b>CALL TO ORDER</b></p> <p><b>ROLL CALL</b></p> <p><b>PLEDGE</b></p>
<p><b>ADDITIONS OR CORRECTIONS TO AGENDA:</b></p> <ul style="list-style-type: none"> <li>• Addition: Requested by John Jerkatis, Treasurer – Motion for a temporary halt on work site of the Veteran Memorial Site at Fire Station.</li> <li>• Jan Lippert, Clerk, included informational meeting minutes of Cuddy Drain meeting on June 28, 2013 in the board member’s information packets.</li> </ul>	<p><b>ADDITIONS TO AGENDA</b></p>
<p><b>APPROVAL OF MINUTES:</b></p> <p>Motion by M. Cook with support from Campbell to approve <u>June 13, 2013 Board of Trustee Regular Meeting</u> minutes as presented. All ayes. MOTION CARRIED.</p> <p>Motion by M. Cook with support from Campbell to approve minutes of <u>June 26, 2013 Special Meeting – Budget Adoption 2013-14 of the Board of Trustees</u> as presented. All Ayes. MOTION CARRIED.</p> <ul style="list-style-type: none"> <li>• Following additions/corrections are to be made to the meeting minutes of <b>June 18, 2013 (Pre-Budget Meeting):</b></li> </ul> <p><b>Add:</b> Cathy S. (to be included with names of Sandy M., Marge and Nancy in parentheses).</p> <p><b>Add:</b> 2 – 4 hr. days = Alice @ 18 hours per week.</p> <p>Motion by J. Lippert with support from M. Cook to approve <u>Pre-Budget Meeting minutes of June 18, 2013</u> as corrected. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. All Yes – 5. MOTION CARRIED.</p> <p><b><u>PUBLIC COMMENT:</u></b></p>	<p><b>APPROVAL OF MINUTES</b></p> <p>Motions to approve June 13, 2013 Board of Trustee Regular Meeting minutes, June 26, 2013 Special Mtg./Budget Adoption minutes as submitted</p> <p><b>June 18, 2013 Pre-Budget Meeting minutes as corrected. MOTIONS CARRIED.</b></p> <p>Page 1 of 8 YST Bd Trustees 7-11-13</p>

**PUBLIC COMMENT**

**Jackie Schmitz, YS Township resident**, thanked Mark Englerth and Mary Cook for attending the meeting about ordinances with presenter Liz Kirkwood. The meeting was in regards to fracking and township ordinance possibilities relating to fracking. J. Schmitz inquired to see if any action had been taken by the township since the meeting. M. Cook commented that she hasn't been able to pull up the information regarding the ordinances that was presented due to the township computer server being down. M. Cook also commented that they haven't been able to do anything until they have something to look at. J. Schmitz provided copies for M. Cook and M. Cook will make sure they will be distributed to other board members.

**Jackie Schmitz, YS Township**

**John Jerkatis, Treasurer**, commented that he doesn't want what he has to say to come across as derogatory to the Veteran Memorial Committee. He commented that most were innocent by-standers with maybe a small exception. Jerkatis mentioned that he was tardy at a previous meeting (5-22-13) in which the minutes were approved and he failed to pick up on what actions were to take place on June 29 & 30<sup>th</sup> regarding the work days of clearing land for the Veteran's Memorial. Jerkatis takes full responsibility for being late and missing the motion. Jerkatis mentioned that he happened to go by the work site at the Fire Station on June 29<sup>th</sup>. He noted that many trees had fallen and he didn't see one hard hat on anyone. Jerkatis also noted that he did not know if Miss Dig had been called as he felt the operation posed a very real liability. Jerkatis distributed a small packet of information to each board member. The packet included pictures of aerial views and some of timber. Jerkatis inquired as to where all of the wood had gone. It was confirmed that volunteers who helped with the project had taken the wood. Jerkatis mentioned that a full cord of wood goes for \$100 and he figures the area cleared contained \$9,800 worth of wood.

**John Jerkatis, Treasurer**

However, Jerkatis feels that safety issues were the primary concern. Jerkatis asked **YS Township Legal Counsel, John Lohrstorfer**, what the township government should do to rectify the errors of its ways and what should the township government do to prevent this from ever happening again. J. Lohrstorfer commented that he would look into it, and what has been done is done. Lohrstorfer mentioned that generally a township can't just get rid of assets of the township in regards to the wood.

**John Lohrstorfer, YS Township Legal Counsel**

Jerkatis made a motion to temporarily halt all activity on the Veteran Memorial site.

**Mark Englerth, YS Supervisor**, commented that he had contacted different logging companies regarding the wood. One of the contacts said the wood had no value except for firewood. Also, it was mentioned by an audience member that the quote of \$35 to \$40 per cord seemed to be more likely.

**Mark Englerth, YS Supervisor**

Englerth commented that he couldn't be more proud of the community. He commented that Larry Knowles and Shane VandenBerg are experienced equipment operators and donated their time and equipment. Englerth noted that no one acted inappropriately. Volunteers were divided into work teams which were properly supervised. No fiberoptics were hit.

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**PUBLIC COMMENT cont'd:**

Englerth continued comment that regarding the wood, they wouldn't have allowed \$10,000 worth to leave the township property. As for inmates working on the project, Burnham & Flowers Insurance Agency was contacted and the township was covered for incidental projects. Hours were put in by volunteers and the experienced individuals. The Zoning Administrator, Larry Knowles, supervises a 20 man crew, put in two – 16 hour days. Others in attendance who volunteered were impressed with the inmates who worked with them. **Jeff Garrett of Valley Drive and Pat Jansens of the ZBA**, both made positive comments regarding the inmates.

Jerkatis also commented that logging was the second most dangerous occupation in the U.S. **David Middleton, Fire Chief**, volunteered at the clearing and had his safety equipment on as well as his son, wife and grandson (having their safety equipment on). D. Middleton also commented that a standing cord of wood goes for \$20 a cord. Middleton noted that there was never a close call. They weren't falling trees. They were digging and pushing trees over. Referring to logging being the second most dangerous occupation, Middleton commented that according to National Standards, fire fighting and farming is #1 and #2. Middleton felt that the site needed to be cleared for the safety of the people in the park. He added that when the project is done the community is going to have a nice park and part of the community. "The place was left cleaner than it was found. They were in no danger at anytime." In my humble opinion, the job was done well and done right," stated Middleton.

Discussion continued regarding the disposal of stumps and debris. **Frank Fiala, PC Chairman and Road Commissioner** spoke to the DNR about the stumps and maybe they would be interested if the stumps were pulled out and lined up. The Road Commission just doesn't have money to do this work.

**Shane Vandenberg** commented that they did a terrific job and it is done. S. Vandenberg did not appreciate J. Jerkatis saying that the volunteers were unsafe.

**Randy Knowles** commented that hundreds of thousands of men and women down through the years have been killed, lost limbs, dealt with agent orange, etc. R. Knowles can't think of a better use for the property designated to the Veteran's Memorial.

**Larry Knowles, ZA**, commented that people were on site that day because they wanted to be there. L. Knowles mentioned that he had a riot working on June 29 & 30. Knowles noted that a fallen tree at the **Township Park** was taken care of as well. **M. Englerth** added that the trees on the east side of the park posed a greater threat than the work done on the Veterans Memorial site. Englerth reiterated how proud he was of the work that was done. He also commented that how people make a contribution to America is their choice. He encouraged residents to help out when they see a problem.

The motion made earlier by Jerkatis to temporarily halt activity on the Veteran's Memorial site failed due to lack of support.

**PUBLIC COMMENT cont'd**

**Jeff Garrett of Valley Drive  
Pat Jansens of the ZBA**

**David Middleton, Fire Chief**

**Frank Fiala, PC Chairman  
and Road Commissioner**

**Shane Vandenberg**

**Randy Knowles**

**Larry Knowles, ZA**

**TABLED FROM 6-26-13: Gun Lake Improvement Board Representative**

Mary Cook, Trustee, commented that she was aware that Mark Englerth would like the position of Yankee Springs Representative to the Gun Lake Improvement Board. She noted that J. Lippert should have been notified of M. Englerth's intention beforehand, and that M. Englerth already puts in 50 hours a week. M. Cook would like for M. Englerth to continue to use his talents on the Cuddy Drain and other major issues and have J. Lippert continue on as the YS Rep. to the GLIB. M. Cook felt that the GLIB works more with weed control for Gun Lake.

Englerth commented that he had nothing against J. Lippert. Englerth mentioned previous GLIB meeting absences of J. Lippert and added that he was looking for continuity. Englerth mentioned some items such as the catch basins involved with the drain costing \$10,000 a year for maintenance.

Payne Lake Creek being impeded as issues involved with the GLIB. \*

Jan Lippert commented that she was in constant communication with the Improvement Board. She also commented that the GLIB is a separate entity. The Board consists of the Allegan County Drain Commissioner; Barry County Drain Commissioner; one representative each from County (s) Board of Commissioners; representatives from each of the four Townships that "touch" the waters of Gun Lake; and the Gun Lake Property Owners Association.

Lippert announced that there will be a GLIB meeting (Public Hearing) on July 13 at the Gun Lake Chapel at 10:00 a.m. regarding the five year weed assessment renewal.

Motion by M. Cook with support from Jerkatis to allow J. Lippert to continue YS representation on the Gun Lake Improvement Board. Roll Call: Jerkatis; Cook; Campbell; Lippert YES. NO: Englerth. MOTION CARRIED.

#### **ACKNOWLEDGEMENT OF VISITORS:**

**Sue Roush, Cemetery Sexton** represented the Rousch family at tonight's meeting. The Roush's are the sextons for the five Yankee Springs' cemeteries. They have been doing this work since 1967 or 1968.

Motion by J. Lippert with support from Jerkatis to accept the contract with the Roush Family, Cemetery Sextons, for budget year 2013-2014 for the amount of \$14,970.00 for a total of 12 monthly payments of \$1,247.50 payments. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. All Yes - 5. MOTION CARRIED.

J. Lippert mentioned work on Robbin's Cemetery to be done. Discussion also took place on putting this work out for bid, in order to be transparent with taxpayer's money. Board members clearly stated that they had nothing against the Roush's work. J. Lippert confirmed the workmen's comp certificate was on file for the Roush's and that they have been the Township's Cemetery Sexton for 45 years. Dave Middleton made comment that the township could check with its auditors about competitive bidding.

He added that he believes the township has the right to go with the highest bid (or

**TABLED FROM 6-26-13:**

**Motion to allow J. Lippert to continue YS representation on the Gun Lake Improvement Board. (4 Yes; 1 No) MOTION CARRIED.**

#### **ACKNOWLEDGEMENT OF VISITORS**

**Sue Roush, Cemetery Sexton**

**Motion to accept the contract with the Roush Family, Cemetery Sextons, for budget year 2013-2014. MOTION CARRIED.**

lowest) if they are satisfied with the work.  
John Lohrstorfer commented that legally there isn't a requirement for competitive bidding.  
Englerth mentioned that he would like Sue Roush to talk to the Barry County surveyor regarding Robbins Cemetery.  
S. Roush mentioned that there is the on-going work of repairing the foundations on old headstones. Lippert added that the cemetery markers (for grave spacing) will be completed this fall. Robbins will be put on hold for those markers.

**BARRY COUNTY COMMISSIONER'S REPORT: No Report.**

**TTES REPORT: David Middleton –**

For May, TTES received 107 calls.

May for Yankee Springs: 7 Fire, 17 Med./Emergency

June for Yankee Springs: 1 Fire, 14 Med./Emergency

D. Middleton commented that they have been swamped with calls in July so far, going to Yankee Springs every day. Middleton commented that it has been a great asset to have the ambulance out in Yankee Springs. He added that the boat continues to be a great asset as well. There is no longer a need for tankers for these situations (Lake home fires) and the boat was used yesterday (Gun Lk. fire)

There were no calls on fireworks and no incidents with public display.

Middleton mentioned that Yankee Springs Township seems to get a little busier every year. Reports will be submitted soon.

The Red Cross thanked the YS Fire Station for hosting the blood drive there. It seemed to be a successful drive.

**BREAK: 8:37 P.M.**

**RESUME: 8:53 P.M.**

**VETERAN'S MEMORIAL - Jim Orr, Constable**

Jim Orr was very appreciative of all the work that went into the clearing of the Memorial site. The following donated their equipment along with time & labor:

**Pennington Backhoe Service (out of Nashville, MI)**

**Shane VandenBerg**

**Larry Knowles**

**Mark Englerth** (The value of this donation is approx. \$16,000 to \$20,000)

**Donuts were donated by Sam's Gourmet.**

**Pizza was donated by Paradise Pizza.**

Jim Orr will send a letter of thanks and the letter can also be used as a tax deductible receipt.

**ACKNOWLEDGEMENT OF VISITORS cont'd**

**ACKNOWLEDGEMENT OF VISITORS cont'd**

**BARRY COUNTY COMMISSIONER'S REPORT**

**TTES REPORT: David Middleton**

**BREAK**

**VETERAN'S MEMORIAL - Jim Orr, Constable**

The next meeting date is yet to be determined. Most likely, there will be an August meeting.

**Alan Klein**, was present representing **State Representative, Mike Callton's office**. A. Klein reviewed some of the work that the representative has been doing in Lansing, such as work on foreclosure legislation, and Medicaid expansion plans. A townhall meeting was recently held in Hastings on Road Funding. Callton's office also has decided to have a townhall meeting on Fracking because they realized many people were not informed on the issue. This meeting is to be held, Monday, July 29, 2013 at the Barry County Commission on Aging from 7 to 9 p.m.

M. Englerth mentioned that the State Park was under an advisory. Discussion occurred on the importance of the Park to the township and M. Englerth remarked that the township and State Rep. have to be relentless regarding this issue. A. Klein commented that he will make sure movement is made on it quickly.

**TREASURER'S REPORT: John Jerkatis**

Motion by M. Cook with support by Campbell to accept the Treasurer's report as presented. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. All Yes – 5. MOTION CARRIED.

**CLERK'S REPORT: by J. Lippert**

Motion by M. Cook with support from Jerkatis to approve payroll check #s 4897-4921 (excluding check #4918 – put into Accounts payable instead- in J. Lippert's absence) for the total amount of \$11,621.57. ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes, Jerkatis: yes. Yes: 5. No: 0. MOTION CARRIED.

Clerk Lippert fielded any questions and explained any items relating to accounts payable checks presented.

Motion by M. Cook with support from J. Lippert to approve accounts payable checks #912080 - 912089 for the total amount of \$6,315.44. ROLL CALL: J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes, Jerkatis: yes. Yes: 5. No: 0. MOTION CARRIED.

Motion by Jerkatis with support from M. Cook to pay McKenna's June billing of \$1,062.50 pending approval by the Planning Commission. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. All Yes – 5. MOTION CARRIED.

It was noted that a copy of the McKenna bill will go to Frank Fiala.

Motion by M. Cook with support from Jerkatis to pay Bauckhman, Sparks for June billing of \$2,524.10. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. All Yes – 5. MOTION CARRIED.

**ACKNOWLEDGEMENT OF VISITORS cont'd**

**Alan Klein, State Representative, Mike Callton's office**

**TREASURER'S REPORT:**

**Treasurer's Report approved**

**CLERK'S REPORT: by J. Lippert**

**Payroll Approved**

**Accounts Payable Approved**

**Motion to pay McKenna's June billing of \$1,062.50 pending approval by the Planning Commission. MOTION CARRIED.**

**Motion to pay Bauckhman, Sparks for June billing of \$2,524.10. MOTION CARRIED**

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

J. Lippert will contact the Barry Amateur Radio Association and notify them that will be able to use the Township Hall facilities during the upcoming Tri Del Sol Triathlon from 7:00 a.m. to 12 noon.

The Township Hall computer server will be replaced on Tuesday, July 16, 2013, and all computers in the office will be "down". The office will be open for regular work.

**ZONING ADMINISTRATOR'S REPORT: by Larry Knowles**

SPR's: (5)

**ZBA:**

Meeting held July 9, 2013. A setback variance for a sign on M-179 was granted for Coburn Properties.

**Planning Commission:**

- McCloskey accessory building on Beatrice- SEU request granted.
- Perrin Excavating requested a SEU for a C-3 zoning area – request tabled until further notice.

**Cathy Strickland** of the Planning Commission, presented a seven page recommendation resulting from the Public Hearing held by the Planning Commission on June 20, 2013.

The Planning Commission recommends approval and adoption of the following amendments and additions to the Zoning Ordinance:

- Article III, Section 3.16.6 (a) (deletion) Sign Height
- Article IV, Section 4.5, T (new) Fireworks
- Article V, Section 5.6.2 (2) (8) (new) Erosion Permit/SPR
- Article XII, Section 12.4.3. b (1) (a) (b) (correction) Roadside Setback – GLR
- Article XVII, Section 17.3.2, Section 17.4.10 and 11 (new) Festoon Signs/Strings of Lights
- Article II, Definitions 7.1 and 7.21 (new) Adding Banner & Sandwich signs

After all of the recommendations were reviewed and discussed, the following motions were made: In regard to Article IV, Section 4.5, (T) (New) Fireworks- Motion by M. Englerth with support from Campbell to make application fee \$80.00 (In regards to Art. IV, Sect. 4.5 (T) Fireworks). ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: no, Campbell: yes. Yes – 4, NO - 1. MOTION CARRIED.

It was noted that the State must be consulted regarding the distance restrictions for the use of hazardous products near a portable structure. (Article IV, Sec. 4.5, T)

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

**ZONING ADMINISTRATOR'S REPORT: by Larry Knowles**

**Cathy Strickland:**

**Motion to make application fee \$80.00 (Art. IV, Sect. 4.5 (T) Fireworks). MOTION CARRIED.**

Motion by M. Cook with support from Campbell to approve **Ordinance No.# 07-01-13** -recommendations for approval and adoption of amendments and additions to the Zoning Ordinance with the exception of the 200 foot portable structure/hazardous product distance restriction. ROLL CALL: Jerkatis: yes, J. Lippert: yes, Englerth: yes, M. Cook: yes, Campbell: yes. All Yes – 5. MOTION CARRIED.

Discussion took place regarding the enforcement of the ordinance. Jerkatis commented that the work of the Planning Commission was moving things in the right direction and the recommendations were not as prohibitive and restrictive Clerk will contact Twp. Attorney and Planner for wording of ordinances for publication notices and Codifier.

**SUPERVISOR’S REPORT: Mark Englerth**

The Cuddy Drain Special Meeting had taken place prior to this meeting at 5:30 p.m.

M. Englerth had defective copper tubing/pipe on display in the township hall. It was from the subdivision behind BP. This is the third time it had been replaced. The copper is part of the Yankee Springs water system. Due the expense, and continuous replacement, it is urgent that the cause of the defect be found and remedied.

The advisory at the State Park was discussed earlier in the meeting with Alan Klein from State Representative Mike Callton’s office.

Fire Station pest control was also discussed. Al Schwennesen has recommended someone to give a price for this. Clerk will contact previous vendor and the current vendor for quotes.

The Fire Station parking lot was recently crack sealed “repaired” by the Barry County Road Commission crew.

**OTHER BUSINESS:**

Motion by J. Lippert with support from M. Cook to have a **Special Meeting on Tuesday, July 16, 2013 at 7 p.m. for the Resolution of Cuddy Drain and Accounts Payable** approval. All ayes. MOTION CARRIED.

**ADJOURNMENT:**

Motion by Englerth with support from ALL to adjourn at 10:07 p.m.

Respectfully submitted:  
Deb Mousseau  
Recording Secretary 7-11-13

Date: \_\_\_\_\_

Approved : \_\_\_\_\_  
Janice C. Lippert, Township Clerk

Final Approval of Minutes: Aug 8, 2013

Motion to approve #Ord. 07-01-13 -recommendations for approval and adoption of amendments and additions to the Zoning Ordinance with the exception of the 200’ port. Structure/hazardous prod. restriction. MOTION CARRIED.

**SUPERVISOR’S REPORT: Mark Englerth**

**ADJOURNMENT**