

YANKEE SPRINGS TOWNSHIP
BOARD OF TRUSTEES Regular Meeting

Thursday, March 14, 2024

6:00 pm

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

MINUTES

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YS Board of Trustees –
Regular Meeting
March 14, 2024

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

PLEDGE OF ALLEGIANCE

INVOCATION

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

Staff Present: Joe Shea, Frank Fiala, Rich Beukema, Dennis Buist, Brad Williams

Visitors: 15

ADDITIONS/CHANGES TO AGENDA:

Motion by Heethuis with support from Cunningham to approve any and all items in red text to the agenda. Roll Call Vote: Cunningham: yes; Mousseau: yes; Heethuis: yes; Knowles: yes; VanHouten: yes.

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

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

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

- Board minutes 02/08/2024 Regular BOT meeting and 03/07/2024 Special meeting.
- February 2024 Accounts Payable: Checks #917851 through Check #917887 total amount \$35,223.73.
- February 29, 2024, Payroll Checks #7773 through Check #7802 = \$28,639.88 net amount: January 2024 Fed P/R withholding \$7,246.30.

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

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

ACKNOWLEDGEMENT OF VISITORS:

Greg Chandler (J-Ad Graphics)

Rich Beukema: Supervisor Heethuis recognized Mr. Beukema for his years of service to his

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

MOTION TO AMEND AGENDA

MOTION TO ACCEPT AGENDA

MOTION TO APPROVE CONSENT AGENDA

ACKNOWLEDGEMENT OF VISITORS

community, both as a Grand Rapids Police Officer for 29 years and in Yankee Springs since 1997. He still serves on the Fire Committee, the Water Board, and the Planning Commission. *27 years and counting in our township. 55 years total!!!! A round of applause for Mr. Rich Beukema.*

Catherine Getty (Barry County Commissioner): Updates from the county included that they have accepted the role as the county’s approval agency for materials management planning which is the first part of the shift from solid waste oversight committee. She shared that the County has a fraud alert program that everyone can register for to protect residents from filings against their property. There are vacancies that need to be filled on the Mental Health board if anyone is interested. Michael Brown (the county administrator) will be retiring, and they are starting the process of finding a replacement.

PUBLIC COMMENT: (Limit 3 minutes)

PUBLIC COMMENT

Robin Lansma (Payne Lake Road): She thanked Mike Cunningham for the training and working at the election. Elected officials swear to uphold the constitution and our Board does do so, but some do not. She shared some documents with the Board members about violations of the Second Amendment in the state of Michigan. Lawyers also swear to uphold the constitution and she feels the advice given to the township by their lawyer is telling them to uphold laws that are in direct violation of the second amendment.

Dave Lansma (Payne Lake Road): He appreciates that the 2nd Amendment resolution is on the agenda tonight. He read that revised resolution. It has been adopted by eight townships in the county. He is hopeful that Yankee Springs will adopt it as well and this is a strong encouragement to the county to pass a county wide resolution.

Betsy Frigmanski (Pine Meadows Drive): Shared that she was pleased to see that our township hall has an AED in place for emergencies. There was a recent incident in Wayland at their polling location and there was not one there.

James Hooker: He is excited to bring the revised 2nd Amendment resolution to the Board tonight. He is hopeful about how this will go tonight.

TREASURER’S REPORT: By Deb Mousseau, Treasurer

TREASURER’S REPORT

- Tax collection ended February 29th and after March 1st everything is turned over to the county.
- February Financial Statement and Investment reports were reviewed.
- Payroll checks were higher than normal due to the election workers’ pay.
- At this point the interest being made on CD investments is higher than the amount being paid on the IPA loan, so it makes sense to keep investing the money. Should the interest rates change the Township does have the funds available to pay off the loan in full.

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

**MOTION TO APPROVE
TREASURER’S REPORT**

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

CLERK’S REPORT: By Mike Cunningham, Clerk

CLERK’S REPORT

- March 2024 Current Invoice Journal as of 03/14/2024 is \$23,368.99.

Motion by Mousseau with support from Knowles to approve the March 2024 Current Invoice Journal as of 03/14/2024 totaling \$23,368.99. Roll Call Vote: Knowles: yes; Cunningham: yes; Heethuis: yes; VanHouten: yes; Mousseau: yes.

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

- Election Update:
 - Mr. Cunningham provided a detailed breakdown of the results from the Primary election held last month.
 - Thanked all the election inspectors. There were quite a few new workers this time and it is very much appreciated that they take the time to do this job.
 - The next election is 05/07/2024 for Thornapple Kellogg and Wayland School millage elections. No in-person early voting is mandated for this election. The Absent Voter Counting Board will be located in the Conference Room.
 - 28% of registered voters turned out for the primary.
 - 2.3% of registered voters used the early voting period and the cost to run each voting site is at least \$5,000 per site for labor. Statewide that comes to at least \$7,610,000. In Yankee Springs this cost comes out to more than \$50 per early voting voter.

**MOTION TO APPROVE
INVOICE REGISTER**

ELECTION UPDATE

COMMITTEE REPORTS:

Recycling Committee:

- Meeting 03/04/2024.
- The recycling committee plans to conduct a survey at the recycling system on the Saturday of the township 2024 cleanup day.
- The committee has two openings.
- Next meeting will be 05/06/2024.

**RECYCLING
COMMITTEE REPORT**

Park Committee:

- Activity update:
 - The baseball/softball field (*schedule*) has been filled for the spring.
 - Pickleball/Basketball grant project update: It is on schedule to go to bid on April 1st.
 - The walking path needs repair.
 - It may be most cost effective to do that work at the same time as the equipment is there for the pickleball courts.
 - The Park Committee is applying for a Barry County grant and if received the money would be used for the walking path.
 - Per Joe Jandernoa, the DNR says if we go ahead with the trail it would come from the State Park to the Sassafras Trail across from the Sand Bar and they would produce a 75/25 grant. The approximate cost is projected to be \$3.1 million so that leaves a total of \$750,000. Before any further action is taken, they (*the State Park*) will need to have contact with MDOT and EGLE.

**PARK COMMITTEE
REPORT**

Zoning Board of Appeals:

- No meetings since July 2023.
- Next meeting will be 04/09/2024 if needed.

ZBA REPORT

Planning Commission:

- PCI February 2024 report in packet.
- February 2024 Complaint log in packet.

PC REPORT

- February 6, 2024, STR special meeting was reviewed at the last Board meeting.
- February 15, 2024 regular meeting:
 - Tabled a request for a PUD and rezoning for Bay Meadows Condominium.
 - Discussed the irregular property at Shaw Lake and M37.
- February 28, 2024, Special Meeting (Master Plan): They have decided to form two sub-committees and they are starting to work on their duties.
- Mr. Cunningham brought up that the PC may need to take a look at the gravel mining ordinance for some better definitions as the property at Payne Lake Rd/Bowens Mill Rd is definitely being worked as a gravel mining operation and not just sand removal.
 - Joe Shea had a conference call with Attorney Catherine Kaufman which included Rob and Brad and there is a problem with the definition of what a commercial gravel mining process is.
 - The owner is also applying for a rezoning to allow selling off part of the property as 5 or 6 rural residential lots. He will be coming to the April PC meeting and that will give the PC the opportunity to ask him questions about that and the plans for the gravel operation.
- Next meeting is 03/21/2024.

Fire/EMS Report:

- February 2024 Fire/Emergency Medical response in packet
- Meeting 03/06/2024
 - A couple more people are needed on the Fire Committee.
 - A large fire occurred on 02/28/2024 at 3:22 AM and our fire department along with others responding did a great job of getting it under our control and preventing it from spreading.
 - There's a need for more fire fighters and emergency medical responders (EMR), particularly during the daytime hours.
- Next meeting 04/17/2024.
- The (*Wayland*) EMS meeting was held last night, and they mentioned that they like to get two EMRs per call and that they don't always get them in Yankee Springs so there is a definite need.

Water Advisory Committee:

- No meeting.
- GLASWA meeting 03/07/2024.
 - Getting ready to do a rate study that will take place through mid-year.
 - The Board has been in touch with the Barry County Commerce Group and was encouraged to apply for a grant. It has been submitted and we will get an answer in the late summer. This would be intended for doubling our arsenic fund, a new deep well, and finishing the loop. This is an 80/20 split grant so if it cost \$600,000 their portion would be \$120,000.

Veterans Memorial Committee:

- No meeting this month.
- A meeting will be held March 21. This will be a kick-off for planning the Memorial Day celebration which has become a tradition in our community.
- The committee could really use a couple of new members with some new ideas.

Board Action Items:

- Website update:
 - Went live Friday, March 8. We are collecting comments and passing them on to Ocean Inc. as needed.
 - Navigating the new website is different than the old website.

FIRE/EMS REPORT

**WATER ADVISORY
COMMITTEE REPORT**

**VETERANS MEMORIAL
COMMITTEE REPORT**

WEBSITE UPDATE

- Kitchen project update:
 - Project was supposed to be underway now, but there was a fire at the cabinet maker’s facility last week.
 - At the special meeting last week, it was decided to delay the start of the project until our contractor selects a new cabinet supplier, and the cabinets are built.
- Zoning issues update:
 - Covered with the Planning Commission report.
- Additional election laptop purchase:
 - The Board approved up to \$8,100 to purchase a new tabulator and election laptop computer for early voting at the 10/12/2023 board meeting.
 - The state (through a grant to the county) subsequently provided this equipment.
 - The laptop computer had already been purchased. The tabulator purchase had been held up by the state, so we saved \$7,103 and got two laptops for the price of one.
 - The new state provided laptop was used for early voting. The laptop the Township purchased was used for precinct 1 when the old laptop failed days before the election.
 - It is proposed to purchase another new laptop computer for election use to replace the existing precinct 2 laptop that is the same age as the one that failed and then use the old laptop for other uses such as meeting presentations.

**KITCHEN PROJECT
UPDATE**

ZONING ISSUES UPDATE

Motion by Cunningham with support from Mousseau to purchase a new Lenovo Thinkbook 16” notebook laptop computer for election use. Roll Call Vote: Cunningham: yes; VanHouten: yes; Mousseau: yes; Heethuis: yes; Knowles: yes.

**MOTION TO PURCHASE
ADDITIONAL LAPTOP**

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

- Short-Term Rental ordinance text amendments.
 - Our attorney Catherine Kaufman is considered an expert in this area, and she has said that our ordinance is strong and well defined. Her one caution is in making exceptions such as the ownership of a property next door to the rental property.
 - She suggested that we pass this ordinance and when it’s reviewed next year a decision can be made to adjust if needed.
 - Mr. VanHouten discussed that banning short term rentals would be a loss of revenue to all the local businesses and he wonders if there would be a way to allow the rentals and improve the enforcement of the noise and parking problems. He didn’t agree with grandfathering in certain properties, but they should all be allowed or not allowed at all.
 - The reason that the PC recommended allowing the 32 properties to be “grandfathered in” as short term rentals is that those 32 properties registered last year and followed the rules set forth by the township.
 - “Traditional” rentals over 28 days are still allowed.
 - This ordinance seeks only to eliminate short term under 28-day rentals.

Motion by Cunningham with support from Knowles to adopt Ordinance 3-14-2024 to amend Article X, Short Term Rentals, of the Township of Yankee Springs Zoning Ordinance to provide an effective date; and to repeal all ordinances or parts of ordinances in conflict herewith. Roll Call Vote: Cunningham: yes; Mousseau: yes; VanHouten: no; Heethuis: yes; Knowles: yes.

**MOTION TO ADOPT
SHORT TERM RENTAL
ORDINANCE**

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

- 2024 Clean-up Day is set for 04/27/2024.
- New office north wall cracking:
 - Drywall cracking and exterior wall brick cracking on the north wall of the new zoning office was noticed in late February. Mugen Construction and Fleis and Vandenbrink Engineering were contacted, and both inspected the damage. The damage appeared to be impact damage, but we had no knowledge of anything hitting the wall.
 - January 1, 2024, security camera video shows a car stopping about 50' from the north wall of the new office after using the recycling system and the driver getting out of the car. The car was apparently left running and was not in park. The car moved under power toward the building with the driver in pursuit and hit the building with enough force to cause drywall cracking inside and brick and mortar cracking in a 15' wide section of the exterior wall.
 - The individual was identified. There was no damage to her vehicle, and she was unaware of the damage to the building.
 - Mugen Construction says they have enough brick from the project to repair the brick damage. The repair could take two days labor.
 - The wall framing will be inspected when the wall is opened for drywall repair, possibly next week. We don't know yet if there is any significant framing damage.
 - The accident has been reported to the sheriff's office and a claim has been made to our insurance company. The claim estimate was \$5,000 to \$10,000 but we do not have an estimate yet other than a rough guess that was below this range.
 - The good news is that this was not an issue of poor design or poor construction.
- Revised 2nd amendment discussion:
 - The township Board was presented with two resolutions at our 11/09/2023 board meeting.
 - The Board indicated that members have sworn an oath to uphold the Constitution and that includes the support of the 2nd amendment but voted not to adopt the two resolutions.
 - The group that drafted the resolutions has provided the Board with a revised resolution and that is the one under discussion today.
 - Mr. Cunningham presented his thoughts that this was written by a political group and while the individual members of the Board can support the resolution it is his feeling that the Board should not pass it. The Board passes resolutions for the benefit of the township residents and not for political purposes. Passing a resolution presented by an outside group could set a precedent for other groups that come forward.
 - Other board members expressed their agreement with the idea that this is not for the Township Board.
 - No motion was made.

PUBLIC COMMENT:

John Cremer (Jenison, MI): He owns and operates three short term rentals here in Gun Lake. He thinks a lot of the opinions that people have of short-term rentals is outdated. He enjoys having people from Chicago and other cities come here and enjoy the lake area. He did not have any negative comments from neighbors until they received the letter about short term rentals from the Township.

MINUTES

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YS Board of Trustees –
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March 14, 2024

CLEAN UP DAY

**NORTH WALL CRACK
DISCUSSION**

**REVISED SECOND
AMENDMENT
DISCUSSION**

PUBLIC COMMENT

Robin Lansma (Payne Lake Rd): Thanked Mike for the excellent breakdown on the election. She appreciates that the Board is looking into the gravel mining because they have lived through it before on Payne Lake Road in the 90's.

Dave Lansma (Payne Lake Rd): Disappointed that they couldn't get the 2nd Amendment resolution passed. With regard to gravel mining, he thinks the owner will have the work done before any decisions are made at the rate things are going. He feels it should be monitored more closely. On the STRs he thinks that if the homes weren't rented, they would have owners living there and still be bringing the revenue to the area.

Jim Hooker: Would love to take any of the board out shooting if they would like to. It's a great sport and all about the 2nd Amendment. He disagreed with Mike's comment that it was brought by an outsider as there were four local residents that worked on it. It's not a political movement, it's a show of support. The Barry County Sheriff feels this is not supporting the constitution and the law. Also, he owns a home next to John (*Mr. Cremer*)'s short-term rental and hasn't had any problems with it all.

Chuck Lintz: Thanked the township for moving forward with the STR ordinance and approving it.

BOARD COMMENT

BOARD COMMENT:

Heethuis: One more time everyone should acknowledge Mr. Rich Beukema for all he has done.

Mousseau: Thanked Mike for all his hard work on the election. He's always here early more than just the nine days. We have no clue about how hard he has worked and at budget time his salary should be at least the same as mine.

VanHouten: Worked at the election and there's way more to it than you think. Marge and Mike worked so hard on election day it was hard to keep up with them.

Knowles: Again, the election was not such a big part of the job when Mike started and thanked him for sticking with it.

Cunningham: Early voting was a total and utter waste of time and money. With that said, if there's a silver lining, we did hire some new election inspectors and because it was new I worked every day with them and had conversations and it was priceless to get to know them even better than before.

ADJOURNMENT

ADJOURNMENT:

Motion by Cunningham with support from Mousseau to adjourn the meeting at 7:41 PM.

Approved by all. Motion Carried.

Approved by:  Date: 4/18/2024
Michael S. Cunningham, Township Clerk

Respectfully submitted by:
Betsy Frigmanski, Recording Secretary
March 16, 2024