

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES</p> <p style="text-align: center;"><u>Regular Board Meeting</u></p> <p style="text-align: center;"><u>Thursday, January 10, 2019</u> 7:00 p.m.</p> <p style="text-align: center;">Yankee Springs Township Hall 284 N. Briggs Rd., Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>FINAL MINUTES Page <u>1</u> of 6 YS BOT – Regular Mtg. 1/10/19 Draft jcl Circulated 1-16-19 Approved 2/14/19</p>
<p>Meeting called to order at 7:02 p.m. by Supervisor Mark Englerth.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Roll Call:</u> All Present: Jansma, J. Lippert, L. Knowles, Englerth, VandenBerg.</p> <p><u>Staff Present:</u> Chuck Biggs- Constable, Rich Beukema, Cathy Strickland, Frank Fiala, Ron Heilman, Shana Bush</p> <p><u>Visitors:</u> 7 (not including staff present). J-Ad Reporter present.</p>	<p>CALL TO ORDER</p> <p>PLEDGE</p> <p>ROLL CALL</p>
<p><u>ADDITIONS/CHANGES TO AGENDA:</u></p> <p><u>Additions to the agenda from Alice Jansma, Treasurer:</u></p> <ul style="list-style-type: none"> • Notes from Jan. 2, 2019 meeting (to set agenda) • Correspondence from Prosecuting Attorney • Board Action Review of Marijuana Ordinance of 1/1/2019 prior to January 2020. <p><u>Add to Consent Agenda (From J. Lippert) Add:</u> EFT \$3,003.20 and EFT from Sprint</p> <p><u>Add to (Supervisor’s Report):</u> Set Date with Fire Chief Set Date for Veterans Memorial Dedication</p> <p><u>Add to Clerk’s Report: To be Formally put into Resolution:</u> <u>Water Increase adopted at 10/25/18 Special Meeting.</u></p> <p>Also: <u>Motion</u> by J. Lippert with support from Jansma <u>to add to discussion</u> an action regarding a replacement of the elected official representing Yankee Springs Township on the GLASWA Board from Supervisor to another elected official. Discussion took place. Roll Call Vote: Englerth: No, VandenBerg: No, Lippert: Yes, Knowles: Yes, Jansma: Yes. YES: 3, No: 2. MOTION CARRIED.</p> <p><u>Trustee Knowles</u> noted he’d like to alter the <u>procedure for contacting the attorney for the board members</u>. Englerth commented that the board members can contact the attorney. Knowles commented that he’d like it if the board as a whole can make that call. Englerth commented that the board can do that now. Englerth noted that he (Englerth) would be the gatekeeper. (No motion was made to add this to the agenda for discussion.)</p>	<p><u>ADDITIONS/ CHANGES TO AGENDA</u></p> <p>Motion to add to discussion – GLASWA Board Replacement</p>

Add to Agenda (under OLD BUSINESS) :

Motion by Knowles, support by Lippert, **to add to discussion** an action regarding Trustee VandenBerg's request to take board action regarding legal opinions obtained by GLASWA. Discussion took place. Roll Call Vote: Englerth: No, Lippert: Yes, Knowles: Yes, Jansma: Yes, VandenBerg: No. Yes: 3, No: 2. MOTION CARRIED.

ADD to End of Meeting: *Swearing in of Shana Bush to Planning Commission* by Clerk Lippert.

CONSENT AGENDA:

Approval of Consent Agenda Minutes:

Special Board Meeting: 12-11-18; 12-12-18 Joint Meeting of the Boards – Master Plan –at 6 p.m.

Special Informational Meeting with Brian Reynolds/Saturday 10 AM on 12-29-18

Regular Board Meeting – December 13, 2018

(See Additions/Changes to the Consent agenda above): EFT \$3,003.20 and EFT from Sprint

****Correction:** 2018 date on page 3 of December 13, 2018 Regular Meeting minutes should be January 10, 2019 not Jan. 10, 2018.**

December 2018 Check Disbursement Register: Check #914991 – Check #915048 = \$41,287.83

December 31, 2018 Pay Register: Check #6405 - #6424 Net Amount : \$10,654.71

APPROVAL OF CONSENT AGENDA:

Motion by Knowles with support from Jansma to approve the Consent agenda for tonight's meeting as amended. Roll Call: Jansma: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes, Knowles: Yes. Yes: 5, No: 0. MOTION CARRIED.

PUBLIC COMMENT: began at 7:31 p.m. Comments were received from two persons. Ended at 7:35 p.m.

Bill Medendorp, of Vista Point **Mr. Medendorp will also comment during the Public Comment at the end of the meeting, as well.*

Ron Heilman, ZBA member.

*(*Public Comment can be heard on the meeting audio at the 31 minute mark). MTA (Michigan Township Association) advises the minutes of a public meeting should provide a factual, concise record of the actions taken by the public body, **not a verbatim report of comments made.***

Full audio recording of this meeting has been downloaded to the township office computer system on 1/10/19.

ACKNOWLEDGEMENT OF VISITORS

Barry County Commissioner -

Vivian Conner – Barry County Commissioner gave the monthly report. A written report was submitted as well.

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Motion to add to discussion- Bd.
Action re: Legal Opinions obtained by GLASWA

CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

PUBLIC COMMENT:

ACKNOWLEDGEMENT OF VISITORS:

Vivian Conner,
Barry County
Commissioner

TREASURER'S REPORT: presented by Alice Jansma, Treasurer

- Financial Statement
- December Investments
- Receipt Register
- Check Register: (Please note: Check #914012 – 915080 should be 915012-915027).

Motion by Lippert with support from Knowles to accept the Treasurer's Financial Report for December 2018. All ayes. MOTION CARRIED.

BOARD ACTION ITEMS:

- **Prohibition of Recreational Marijuana Establishments**
Englerth commented on other townships/municipalities having informational meetings or open seminars regarding this topic.

Motion Knowles with support from Jansma to opt out of recreational marijuana facilities and adopt prepared Ordinance No. 01-01-2019 prohibiting marijuana establishments within the boundaries of Yankee Springs Township. Roll Call Vote: Englerth: Yes, Lippert: Yes, Knowles: Yes, Jansma: Yes, VandenBerg: No. YES: 4, NO: 1. MOTION CARRIED.

(Ordinance #01-01-2019 is adopted and will be in effect 30 days after publication in the Sun & News. J. Lippert will try to have it published tomorrow).

Motion by Jansma with support from VandenBerg to review Ordinance #01-01-2019 (just adopted) before Jan. 1, 2020. Roll Call: Knowles: No, Lippert: No, Jansma: Yes, Englerth: Yes, VandenBerg: Yes. Yes: 3, No: 2. Motion Carried.

Jan Lippert read the ordinance that follows:

- Ordinance No. 01-01-2019 (adopted in above motion).

-
- Board Representative Appointments / Approval

Motion by Jansma with support from Knowles to vote on Board Reps (for ZBA- Zoning Board of Appeals/PC- Planning Commission) tonight. 4 Ayes. 1 Nay (VandenBerg). (To take place at end of meeting under New Business). Motion Carried.

Note: Board will be setting special meeting for interviews of new PC/ZBA members (non-Board Reps).

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- **Copy of BC Prosecuting Attorney Correspondence**– M. Englerth commented on this document being part of a current trial. Correspondence is a “Victim of a Crime statement” to be completed. Brief discussion.

**A. Jansma and M. Englerth will respond asking for outcome information and dates and times of court dates in a letter “format”.*

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TREASURER'S REPORT: Alice Jansma, Treasurer

BOARD ACTION ITEMS

MOTION: to opt out of marijuana facilities.

MOTION: to review Ordinance (to opt out) before 1/1/2020.

MOTION: to vote on Board Reps to the ZBA and PC.

SUPERVISOR'S REPORT: Mark Englerth

- **Gun Lake Area & Sewer Report-** December 2018
- **Tentative dates:** Referring to Funnelling, Supervisor noted that **Monday, February 4, J. McManus of Barry County, has volunteered to come in at 6 p.m.** to talk about Zoning and how we can do a better job as a community. Brief discussion took place. M. Englerth will make contacts.
- **Grand Opening of the Veteran's Memorial:** at 5 p.m. on Sunday, May 26, 2019.

RECESS: 8:22 p.m. *to see pavers for Veteran's Memorial* **RESUME:** 8:31 p.m.

- **More Dates:** May 4, 2019 or if rain: May 5, 2019 for **YS Cleaning Up Day.** Consensus was given by the Board. Consensus of the Board to provide 1 Dumpster
- **Meeting with Fire Chief and Ambulance Director** and the Board tentatively set for **Wednesday, February 6th 2019** at 6 p.m. which is the next (C.O.W.- Committee-As-A-Whole) meeting to set the agenda.

Discussion took place regarding **future "C.O.W." meetings. (To be discussed later).*

- **Amending Articles of Incorporation of GLASWA**

CLERK'S REPORT: Jan Lippert, Clerk

- **December PCI Report Ledger**
- **December Complaint Report – No Report submitted – Mark Englerth reviewing.**
- **December YSTFD Incidents – Email Attached**
- **Current Invoice Register to Date for Approval:**

Motion by Jansma with support from Englerth to approve current invoice register (1/10/19) for the amount of \$16,339.42. Roll Call: Jansma: Yes, Knowles: Yes, Lippert: Yes, Englerth: Yes, VandenBerg: Yes. Yes: 5, No: 0 MOTION CARRIED.

Alice Jansma noted stamp price increase of 5 cents on Jan. 17th, and the township would like to purchase stamped envelopes before the price increase.

Reminder: Barry County Road Meeting- Jan. 15 at 9 a.m.

Resolution #10.01.18 to be put in formal resolution form- \$2.00 increase per year for three year for users on water system- to be reviewed every year. (Approved 10/25/18).

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SUPERVISOR'S REPORT: Mark Englerth

BREAK

CLERK'S REPORT: Jan Lippert, Clerk

Approval of Current Register.

J. Lippert mentioned request of Custodian of the Township hall and Fire station:

Motion by VandenBerg with support from Jansma to increase pay rate of current custodial person to \$20.00 an hour and \$5.00 for use of personal vacuum at the Fire Station.

Discussion occurred. Roll Call: Jansma: Yes, Knowles: Yes, Lippert: Yes, Englerth: No, VandenBerg: Yes. Yes: 4, No: 1. MOTION CARRIED.

NEW/OLD BUSINESS/ BOARD COMMENT:

Jansma asked to **set a policy for the Committee as a Whole** meeting which is to set the agenda for the next Regular Board meeting. J. Lippert commented that she would help A. Jansma with it as the C.O.W. function needed clarification.)

Englerth asked for other items to be discussed from Agenda changes/additions earlier in meeting.

Motion by Lippert with support by Knowles to replace the current GLASWA representative by another elected official. Discussion took place (starting at 1 hr. 52 minutes on audio). Roll Call: Englerth: No, Lippert: Yes, Jansma Yes, Knowles: Yes, VandenBerg: No. Yes: 3, No: 2. MOTION CARRIED.

Prior to Roll call vote: Englerth commented, "I'm going to make this very clear, that our attorney was very clear that anything that had to do with Gun Lake Sewer or Water you (L. Knowles) had to recuse yourself of." L. Knowles commented that he did not agree.

Trustee VandenBerg asked to go on record with the following comment: "Larry (Knowles) cannot vote or participate in this conversation. He is the Director of GLASWA. He cannot be an elected official and be a director for a money-making institution. He's actually working obviously with other supervisors from other townships collaborating with them to your (Englerth's) demise. That's how I see it. This is the first I've heard of this, tonight. I walk in and now I'm being ambushed again."

Motion by Lippert with support from Knowles, to replace current YS Twp. GLASWA Representative-Supervisor Englerth, with Treasurer Jansma, on the GLASWA Board.

Discussion. Roll Call: Englerth: No, Jansma: Yes, Lippert: Yes, Knowles: Yes, VandenBerg: No. Yes: 3, No: 2. MOTION CARRIED.

Prior to the vote, Englerth asked if there was any further discussion.

VandenBerg commented: "I'll go right back to Larry can't participate in this. He's the Director. Now he's going to vote who is going to be his boss? Listen to what I'm saying Board. Larry's going to vote. He's going to pick the boss that he wants."

**After the vote on the motion above, Former Trustee, Mike Boysen, made comment (of disagreement with the vote and addressed L. Knowles) and immediately left the meeting at 9:13 p.m. (2 hr. 5 min. on audio).*

Motion by Knowles and Lippert to accept the opinion that the GLASWA Director position and the Yankee Springs Township Trustee's position are compatible and stop spending township money on this issue. Discussion took place. (Starting at 2 hrs. 10 minutes on Audio). Roll Call: Jansma: Yes, VandenBerg: No, Englerth: No, Lippert: Yes, Knowles: Yes. YES: 3, NO: 2. MOTION CARRIED.

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MOTION: for
Custodial pay increase

**NEW/OLD
BUSINESS/
BOARD
COMMENT**

MOTION: to replace
current GLASWA
Board Representative
of YS.

MOTION: to replace
current GLASWA
Board Rep of YS with
A. Jansma.

MOTION: to accept
opinion of
compatibility of
offices...

After the Roll Call Vote (above), **VandenBerg** requested to go on record stating, "The director (Knowles) cannot pick his boss; cannot vote for the person to be his boss. That is a true conflict."

Board of Review- upcoming training (MTA): J. Lippert inquired if M. Englerth was attending. J. Lippert noted that training payment was due in February, and that the Assessor had emailed Englerth regarding this.

PUBLIC COMMENT: Two (2) additional public comments were heard by the Board from 9:28 p.m. to 9:31 p.m.

(Starting at 2 hrs. and 20 minutes on the audio – a 9-minute was taken earlier in the evening).

Robert Nelson of Westwood Lane

Bill Medendorp of Vista Point (2nd Comment of evening).

OATH OF OFFICE was administered to **Shana Bush, to the Planning Commission**, by Clerk Lippert at the end of tonight's meeting.

** No action was taken regarding motion to elect Board Reps to ZBA or PC at tonight's meeting.*

Full audio recording of this meeting has been downloaded to the township office computer system on 1/10/19 immediately following meeting. Please contact the office to request a copy of the audio.

ADJOURNMENT:

Motion by Englerth with support from VandenBerg to adjourn at 9:32 p.m. Approved by all.
Motion Carried.

Respectfully submitted:
Deb Mousseau
Recording Secretary 1/10/19

Date: Feb. 10, 2019 by Board of Trustees
(Approved : draft jcl Circulated 1-16-19
Janice C. Lippert, Township Clerk)

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PUBLIC COMMENT

**OATH OF OFFICE:
Shana Bush to PC**

ADJOURNMENT