

<p style="text-align: center;">YANKEE SPRINGS TOWNSHIP BOARD OF TRUSTEES Regular Meeting</p> <p style="text-align: center;">Thursday, September 13, 2012 Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333</p> <p style="text-align: center;">MINUTES</p>	<p>Circulated Sept.21, 2012 FINAL MINUTES Approved Oct.11, 2012 As presented</p>
<p>Meeting called to order at 6:59 PM by Supervisor Al McCrumb.</p> <p>Roll Call: Present: Jerkatis, J. Lippert, McCrumb, M. Cook, Schwennesen. All Present.</p> <p>PLEDGE OF ALLEGIANCE</p> <p>Staff Present: Alice Jansma, Frank Fiala, Zoning Administrator Robert Lippert, Constable Jim Orr.</p> <p>Visitors: 19 (not including staff present).</p>	<p>CALL TO ORDER</p> <p>ROLL CALL</p> <p>PLEDGE</p>
<p>ADDITIONS OR CORRECTIONS TO AGENDA: None.</p>	<p>ADDITIONS TO AGENDA</p>
<p>APPROVAL OF MINUTES:</p> <p>Motion by M. Cook with support from Schwennesen to approve minutes as presented of Special Assessment Meeting of August 9, 2012 for Manitou Lane, Hill Street, and Shaw Lake Drive at 6:30 p.m. All ayes. MOTION CARRIED.</p> <p>The last paragraph of page 4 in the minutes of the Regular Board Meeting of Trustees of August 9, 2012 reads "Shipment should take <u>please</u>..." The sentence should read, "Shipment should take <u>place</u>"</p> <p>Motion by J. Lippert with support of M. Cook to approve minutes of the Regular Board Meeting of Trustees on August 9, 2012 as amended. All Ayes. MOTION CARRIED.</p>	<p>Motion to approve minutes of Spec. Assessm't Meeting for Manitou Ln., Hill St., and Shaw Lake Dr. on August 9, 2012. Motion Carried.</p> <p>Motion to approve minutes of Reg. Board of Trustee meeting of August 9, 2012. Motion Carried.</p>
<p>ACKNOWLEDGMENT OF VISITORS:</p> <p>Jim Riehl of the Gun Lake Protective Association requested that the YS Township Board consider being the intermediary between the Gun Lake Protective Association and the Barry County Sheriff's Department. The GLPA would like to purchase additional marine patrol. The billing will come from the Barry County Sheriff's department. Sgt. Julie Jones commented that all funds are separate from the normal marine division grant program. The GLPA is requesting approximately 100 hours of additional marine patrol. Discussion took place regarding a fund balance established at the township for the payment of the billing. Also discussed was prior approval of the billing by the GLPA before YS Township pays Barry County. This additional marine patrol would be for the Summer of 2013.</p> <p>ACKNOWLEDGMENT OF VISITORS: cont'd</p>	<p>ACKNOWLEDGMENT OF VISITORS:</p> <p>Page 1 of 7 YST BdTrustees 9-13-12</p>

Motion by J. Lippert with support from M. Cook to accept the Agreement for Contracted Marine Patrol Hours on Gun Lake between Yankee Springs Township and the County of Barry and the GLPA with the review and approval from our township attorney. ROLL CALL: Jerkatis: yes, J. Lippert: yes, McCrumb: yes, M. Cook: yes, Schwennesen: yes. All yes. MOTION CARRIED.

J. Lippert will forward the above proposal to the township attorney.

TRES REPORT: No Report

BARRY COUNTY COMMISSIONER'S REPORT: No Report.

PUBLIC COMMENT:

Jim Brown, Supervisor of Hastings Charter Township was present to announce a study that GVSU has been contracted to do on what or what not is going on in Barry County regarding recycling. J. Brown read a letter from Kim Walton, the program coordinator from GVSU, who was present at the meeting but could not speak because of a sore throat. J. Brown said that YS Township would be contacted regarding this study and asked for data as to what YS Township does with recycling. When all of the data is put together and the study is completed, GVSU will try to offer some possible proposals for something that could be done county-wide. Discussion took place regarding concepts of recycling, current amount of pickups per week at Yankee Springs, YS Twp. currently spends approximately \$25,000 a year on its recycling program, misuse of the recycling center, YS contacts for Kim Walton, tonnage of waste picked up from YS Twp., costs per pickup, hazardous waste collection in Barry County (twice a year), and curbside pickups in Thornapple Township. J. Brown mentioned a survey on the Barry County website regarding recycling.

Shannon J. Vandenberg, YS Resident, Democratic candidate for Trustee of Yankee Springs Township, commented that he wanted to speak about fairness and equality in terms of the elections. He commented that shortly after the primary election an article came out in The Sun & News and deemed Mary Cook and Bruce Campbell the election winners.

S. Vandenberg commented that he spoke with Al McCrumb, Mary Cook, Al Schwennesen and Bruce Campbell regarding the article. S. Vandenberg remarked that both M. Cook and B. Campbell had concerns regarding the article deeming them as winners of the election. S. Vandenberg said, "The leadership in the community has the responsibility to stand up, call the paper, possibly even put in an election notice of correction so the people of our community, the voters in our community, realize that there are three people running for office and not two. I don't think this is asking too much. In my own words, I'm just going to tell you, I got shafted. That's as simple as it gets. I'm standing up for myself because nobody else is standing up for me. All I'm asking for is just a little bit of fairness....and I do believe that you (the Board/leadership) will proceed and try to do the right thing. And I guess I have confidence in every one of you, that you will clean this whole situation up and make sure that the people in our

ACKNOWLEDGMENT OF VISITORS: cont'd

Motion to accept the Agreement for Contracted Marine Patrol Hours on Gun Lake between Yankee Springs Township and the County of Barry and the GLPA with the review and approval from our township attorney. Motion Carried.

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

PUBLIC COMMENT

Jim Brown, Supervisor of Hastings Charter Township and Kim Walton of GVSU.

Shannon J. Vandenberg, YS Resident running for Trustee of Yankee Springs Township

community know who's running for office. I wouldn't be standing up here, but three or four people in the last week have come up to me and said, "Sorry about the election". And I thought to myself, I've got a responsibility to myself to bring this to the attention of the elected officials who are in positions of authority, and see what they can do for me." S. Vandenberg feels it is a serious problem when the local news misrepresents a small town election.

Fran Faverman, Reporter for The Sun & News said, "First of all, I'm the one who made the mistake. It was a simple mistake and I know very well that I owe Mr. Vandenberg an apology. Quite frankly this is the first time that I had an opportunity and unfortunately he beat me to the podium. Otherwise, I should have asked Al (McCrumb) at the very beginning. I have regretted the mistake. We are aware of it. We also in that same issue made mistakes of a similar nature. Two other people did, two of my colleagues, also ended up with egg on their faces for exactly the same thing in two other townships." F. Faverman commented that Mr. Vandenberg has a right to be upset because the error gave the impression that the election is over, "...and it is not over," remarked F. Faverman. "...I certainly did not intend to anoint anyone as the victors in that election," stated F. Faverman.

Cathy Strickland, of the YS Planning Commission commented that she had contacted The Sun & News after the article was written. C. Strickland spoke with the editor and the editor promised that there would be a correction in the next paper. However, the correction was not in the same paper that the story was published in. It was published in the Hastings Banner. "So no one that gets The Sun & News has seen a correction," commented C. Strickland.

Pat Jansens, of the YS Zoning Board of Appeals, commented that he was going to make a similar comment to C. Strickland's. He feels the newspaper should make an obvious retraction, not just something commented to 30 or 40 people in the township hall.

TREASURER'S REPORT: J. Jerkatis

Motion by M. Cook, support by J. Lippert to accept the Treasurer's August Financial Report as submitted. Approved by all. MOTION CARRIED.

SUPERVISOR'S REPORT: Al McCrumb

GLASA- Information distributed to board members.

Capital Improvement Plan – 2012 – 2017 – came to the board last week. "It kind of outlines the general overview of the township, and where the township is headed, what we feel is going to be coming down the road as far as road improvements, improvements to the park, to the facilities, etc. This is something that is mandated by the State," commented A. McCrumb regarding the Capital Improvement Plan. Frank Fiala came to the podium to make a few brief comments on the CIP. F. Fiala commented that the Zoning Enabling Act requires that townships and municipalities- that have public sewer or public water-take a five year look out at their budget. Those on the CIP committee are: Cathy Strickland, Greg Purcell, Alice Jansma and F. Fiala. Some highlights F. Fiala

PUBLIC COMMENT:
cont'd

**Fran Faverman, Reporter
for The Sun & News**

**Cathy Strickland, of the YS
Planning Commission**

**Pat Jansens, of the YS
Zoning Board of Appeals**

**TREASURER'S AUGUST
FINANCIAL REPORT
APPROVED**

SUPERVISOR'S REPORT

mentioned were: the possibility of a water advisory board being formed, the YS Park plan, the road projects, a subdivision road plan, and projects of information technology, the township hall facilities, the water system and sewer systems. At the end of the report is financial information regarding expenditures of future projects as well as revenue/income expected over a five year period. Mike Cunningham, of the Planning Commission, asked about the possibility of a water oversight board and if funds were significant enough that they would make a change in the bills. F. Fiala commented that he wasn't an expert on the water system. McCrumb commented that an oversight board for the water system could be easily put together. The current water system has the capacity to serve a lot more people. That would bring down the cost to each individual on the system now. Discussion took place about future hook ups by subdivisions to the water system, coverage areas in Section 19 and Section 20, due to possible contamination from the Misak land fill. There are grants available for public improvements and by special assessments for water hook-ups into the system. Clerk Lippert mentioned the Gun Lake Condominiums at Park Dr. and Patterson Rd. is where the water connection stops. The water system is supporting itself by the number of users hooked into the water system; income received from the cell tower on the water tower (\$1500. Per month) and fire hydrant rental from the Township (\$13,500 per year). J. Lippert mentioned the mandate for the CIP of the Michigan Planning and Enabling act took place in 2008. M. Cook commented the CIP is a guideline plan. The Township is not locked into it. It can be changed when the needs require change. M. Cook thanked all those that have been putting a lot of work into it. S. VandenBerg commented that the only way to see significant change is for the township to have an ordinance. McCrumb commented that long-range, down the road, he could envision everybody that is offered sewer now will be offered water as well. McCrumb thanked Alice Jansma for being very instrumental in the Capital Improvement Plan.

Motion by M. Cook with support from Jerkatis to adopt the Capital Improvement Plan 2012-2017 as presented. All ayes. MOTION CARRIED.

ZONING ADMINISTRATOR'S REPORT: R. Lippert

August SPR's: (6): 1- New house, 2 – enclosed decks, 1 – fence, 1 – accessory building, 1- retaining wall.

Planning Commission:

Main items discussed were setbacks and accessory building size. Also discussed was rezoning for a parcel owned by Mr. Herbert Welz for the bakery at the site of the former Sea Shanty. Finding of fact was involved in this rezoning item for consideration by Cathy Strickland. R. Lippert commended C. Strickland on a job very well done. The PC had voted unanimously to rezone the property contingent upon receiving a zoning variance from the ZBA and that zoning variance was a deviation from the standard of 150' of road frontage to 123'. Mr. Welz was present at the meeting and spoke of his current business, Euro Lighting in Middleville, which sells international and is growing. He has lived in Europe for 20 years and had wanted to bring a bakery here. He is appreciative of the help he has received from Yankee Springs Township officials and Barry County. He plans on starting the bakery/bistro with three or four employees and see where that takes him.

Motion to adopt the Capital Improvement Plan 2012-2017. Motion Carried.

ZONING ADMINISTRATOR'S REPORT: R. Lippert

R. Lippert recommends to the Board approval of the 27' variance approved by the ZBA for Parcel #08-16-020-023-00 and Re-Zoning of Parcel #08-16-020-023-00 from **C2 to C3** which will permit the use of a drive-thru window.
Address location: 11332 W.M-179 Hwy., Middleville, MI.

Motion by J. Lippert with support from M. Cook to accept the rezoning classification request for Parcel #08-16- 020-023-00 rezoned from C2 to C3 and making this Ordinance #09-03-12. ROLL CALL: Jerkatis: yes, J. Lippert: yes, McCrumb: yes, M. Cook: yes, Schwennesen: yes. All yes. MOTION CARRIED.

Jerkatis asked for information on the decision of the ZBA for the variance.
M. Cook directed attention to the diagram on the north wall of the township hall and explained the uses of the property (businesses) surrounding the bakery, the fact that it abutted to C3, and the fact that it met the practical difficulty test allowed the ZBA to give Mr. Welz the variance.

Further Planning Commission meeting items were:

- 1) An amendment to permit sale of fireworks as a SEU (Special Exception Use).
- 2) An amendment- delegated by the Barry County Road Commission- request to prior to considering any land divisions, that a valid driveway permit or evidence of compliance be obtained. This would alter the procedure for applying for land splits.

Motion by M. Cook with support from Schwennesen to allow the amendment to Article IV Ordinance #09-01-12 for the sale of fireworks. All ayes. MOTION CARRIED.

Motion by M. Cook with support from J. Lippert to accept Ordinance #09-02-12 for the requirement that a driveway or written authorization be in place before a land split. All ayes. MOTION CARRIED.

Complaints: (5)

1. Trailer on residential lot with use of rented port-a-john. Attorney advised contacting Health Department. The Health Department has no recollections of this. Trailer has been moved, but port-a-john still remains. STILL ACTIVE.
2. Funneling- Two PWC's on vacant waterfront lot. It was brought to the township's attention that some riparian rights can be transferred to rented property. A letter was sent. STILL ACTIVE.
3. Pontoon boat moored at State Park – accessed by YS resident with his golf cart. The boat has been removed. STILL ACTIVE.
4. Plywood barrier near a property line was set up and was being used as “a screen”. Letter was sent. Barriers were taken down. Complainant was happy with the results.
5. Barking dogs. Owner said the lease will be terminated with the renter if dogs weren't removed. This situation has been taken care of. CASE CLOSED.

McKenna Billing-

ZONING
ADMINISTRATOR'S
REPORT: by Robert
Lippert -continued

Motion to accept the rezoning classification request for Parcel #08-16-020-023-00 from C2 to C3 – Ordinance #09-03-12.

Motion to allow the amendment to Article IV Ordinance #09-01-12 for the sale of fireworks. Motion Carried.

Motion to accept Ordinance #09-02-12 for the requirement that a driveway or written authorization be in place before a land split. Motion Carried.

Motion by J. Lippert with support from M. Cook to approve the August billing of \$1,240.00 and to be forwarded onto the Planning Commission. ROLL CALL: Jerkatis: no, J. Lippert: yes, McCrumb: yes, M. Cook: yes, Schwennesen: yes. Yes: 4, No: 1. MOTION CARRIED.

FEMA - The current total of Letter of Map Amendments is:

274 LOMA's of 465. (Just under 60% Margin of Error)

CLERK'S REPORT: J. Lippert

- Motion by M. Cook to approve Payroll ck.#s 4672-4691, of August 22, 2012 including EFT for \$2,675.77 for a total of \$14,235.93. Supported by J. Lippert. Approved by all. MOTION CARRIED.
- Motion by M. Cook with support from Jerkatis to approve Payable ck.#s 911708-911738 for a total of \$36,117.87. All ayes. MOTION CARRIED. (Checks #911704, 911705, 911706 were voided.) Check #911707 went out to Thornapple Township for the TTES contract. J. Lippert also noted that \$3,024 of casino funds were used for additional EMS coverage during holidays for safety in the community.
- DEQ Permits were issued to owner Whistler and G. Smith of Manitou Lane, and T. Cunningham of Heritage Bay Dr. (all on Barlow Lake) for sea walls.
- PCI Report: August construction added \$439,260 to the total construction value in Yankee Springs.
- A bill for FEMA maps of portions of Gun Lake was paid in the amount of \$2,010.00 to Fishbeck, Thompson, Carr & Huber, Inc.
- Ballots should be arriving at the YS Twp. office 9/22/12.

OTHER PUBLIC COMMENT

Al McCrumb commented that he felt that he lost control at the last special meeting. He remarked that he has not been put in that kind of position in many years by some very good attorneys. "...I let down my guard, and I got caught. I apologize for it and it will not happen again," commented McCrumb.

OLD / NEW BUSINESS:

Construction will occur on the township parking lot this coming Monday through Wednesday. The recycler, which will have a sign, is going to be moved to the southwest corner of the parking lot temporarily. Eventually, it may be located at the fire station for a short period of time.

**ZONING
ADMINISTRATOR'S
REPORT: by Robert
Lippert -continued**

Motion to approve August Billing of McKenna. Motion Carried.

CLERK'S REPORT

Payroll Approved

Accounts Payable Approved

OTHER PUBLIC COMMENT

McCrumbs mentioned that there will be some cutting of trees near the parking lot. If you happen to drive by, and see some wood down, stop and ask permission from the contractor to have wood.

OLD/NEW BUSINESS

ADJOURNMENT:

Motion by M. Cook, support by J. Lippert to adjourn at 8:22 PM. Approved by all.

Respectfully submitted:

Approved Draft 9-20-12:

D. Mousseau
Recording Secretary
9-15-12

By: Janice C. Lippert, Clerk
Final Approval of Minutes: Oct. 11, 2012

ADJOURNMENT

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YST Bd Trustees
9-13-12