

Banks Township Board Meeting

Monday, November 19, 2018

1. The meeting was called to order at 6:05 P.M. by Supervisor Thomas Mann. Present were Supervisor Mann, Clerk Donna Heeres, Trustee David Rasmussen, Treasurer Katy Postmus and Trustee Tom Cooper. Also present: Deputy Clerk Tina Sundelius, Mark Groenink, Judy Bradtke, Greg Kirby, Don Miles, Bob Slaski. Jerry Rasmussen arrived at 6:30 pm; Bryan Graham at 6:45 pm; Dave Muladore at 7:25 pm; Hugh Campbell at 7:37 pm. Supervisor Mann led the Pledge of Allegiance and gave the Invocation.
2. **Public Comment:** Bob Slaski from Timberlane Drive addressed the Board regarding “the other side of the short-term rental issue” which he stated was “abusive neighbors”. He shared an anonymous letter as well as his response which he mailed to all property owners in the subdivision. As a rental owner, Slaski hopes the board will be fair with new STR policies, the Township’s position will be stated in the ordinance, his wish that the Police Power Ordinance be called something else due to the harsh sound of the term.
3. **Minutes:** The minutes of the October 15, 2018, regular Board Meeting were presented. **MOTION** by Cooper, seconded by Postmus. **MOTION CARRIED.**
4. **Fire Department:** Chief Mark Groenink stated that the lettering for the new rescue vehicle will be completed soon. He added that both pumpers need their lettering refreshed and addition of lettering on the rear of the trucks. He stated it would be more cost effective to have all three vehicles done at the same time. The Fire Board met on November 16 and recommended approval of the expenditure at a cost of \$1787.50 for both including the removal of old vinyl, the new rescue will cost \$1760. **MOTION** by Postmus, seconded by Rasmussen to approve the lettering on the Rescue Vehicle at a cost of \$1760. **MOTION CARRIED.** **MOTION** by Postmus, seconded by Cooper to approve the lettering of the pumpers. **MOTION CARRIED.** Groenink reported that fire runs were up by 25 but rescue runs were down by 10 from last year for a total of 162 runs. The county is putting MDT computers in all fire department vehicles, these operate like cell phone data plans and will enable the departments to communicate with one another while in transit. The Township is expected to put insurance on the computers but the county is paying for everything else. He reports a contract will need to be signed with the county. Trustee Rasmussen brought up the problem with snow plowing at the Atwood fire station. Following discussion, it was decided that a 10-foot path of gravel on the side of the building would help the situation. It will be looked at in detail next spring. Rasmussen will communicate with Dylan Sommer regarding piling of snow at the fire hall and dry hydrant, so he is aware how the department wants it managed. The bill for services for South Arm Township has been mailed. There were 4 rescue runs to that area in the past 12 months.
5. **Township Hall:** Jerry Rasmussen reported that the hall has been busy and will be extremely busy this weekend. He suggested that the dumpster be dumped on a weekly rather than biweekly. With the change in trash removal companies, the hall is having some issues with getting an adequate dump schedule established. The board recognized how fantastic a service Preferred Waste II provided for the township. The cell phone for rentals has been helpful. Trustee Rasmussen reported that he had to call the lift company several times and go above the representative’s head to get satisfaction on the “floating” issue. He stated that the part should be replaced by the weekend.
6. **Treasurer’s Report:** Postmus reported that balances were: General Fund Balance: \$229,084.09 (Balance due from fire fund: \$90,000.); Roads Fund: \$44,923.20; Fire Fund: \$131,741.15; Vehicle Fund: \$64,968.52;

Liquor Fund: \$2290.40; Grand Total: \$473,007.36. Tax bills will be mailed next week. **Bills** represented by the attached list were reviewed for approval for payment. **MOTION** by Cooper, seconded by Rasmussen, to approve the bills as presented. **MOTION CARRIED.**

7. **Short Term Rental Licensing Ordinance:** Attorney Bryan Graham began the discussion by explaining the difference between a Police Power Ordinance (PPO) and a zoning ordinance because of a statement made during public comment about the negative connotation of the words "police power." It's a legal label that defines authority and procedures as well as non-conforming use enforcement. Graham and the Board went through the proposed ordinance point by point, Graham clarified points of question and decisions were made. Public comment was allowed. It was decided a joint public hearing with the Planning Commission would take place in January to present the ordinance. It was noted that an enforcement procedure policy still needed to be established. Public Comments: Bob Slaski stated his opinion that a noise/fireworks ordinance needs to be adopted to regulate those activities for all, not just the renters. Greg Kirby stated legal fees should be assessed to the violator. (Attorney Graham responded this is covered under statute.) Judy Bradtke asked who do complaints go to first? (Attorney Graham responded to call the local agent before the police/sheriff.) The ZA will investigate complaints of violations of licensing provisions, not disturbances.
8. **Recreational Marihuana:** Attorney Graham clarified that if the township wants to disallow recreational marihuana establishments in the township, an ordinance needs to be passed stating that. If we want to allow them, regulations need to be established. If the Township wishes to allow recreational marijuana facilities, we must wait for the State to establish the rules for the facilities. **MOTION** by Mann, seconded by Postmus: Based on voter preferences in the Nov. 6, 2018 election, the township will opt out of having any recreational marihuana establishments within the township. ROLL CALL: Rasmussen: Yes; Heeres: Yes; Mann: Yes; Cooper: Yes; Postmus: Yes. **MOTION CARRIED.** Graham will have a sample ordinance ready by the December Township Board meeting.
9. **BioTech Agronomics:** Notice of permits for nine new sites for biosolid application have been received. This is in addition to the one received in August. All properties are owned by Marvin Rubingh. Copies of all applications will be mailed to attorney for review. Permits are to inject biosolids into farmland from East Jordan's waste water treatment plant.
10. **Zoning Administrator's Report:** Dave Muladore stated that 1 new dwelling and 2 small additions have received permits. ZA has met with complainant regarding a small structure on Lake Michigan that may be too close to the water's edge now that the water level has risen. Discussion was held on the ZA job description; Heeres will rewrite and bring back to board.
11. **Planning Commission:** Trustee Cooper reported that the PC received some unexpected backlash from the Greenbelt brochures that were sent out last month. He noted that the community concern came from a misunderstanding that the policies in the brochure were something new and that residents were being told they had to plant a greenbelt. The Board members were asked to each complete the Action Plan to guide the PC in their work. There will probably be no PC meetings in February and March due to lack of quorum. The Master Plan completion may be pushed to April. The Zoning fees were last updated in 1995. Deputy Clerk will survey surrounding townships' fee schedules to develop a new fee schedule.
12. **Village:** Hugh Campbell announced that Phase I of the Community Square is now complete with the installation of the sprinkler system. Further expansion of the sprinkler system to include the entire front of the hall is possible but not with the crowd funding dollars. He distributed pictures of a pavilion that may

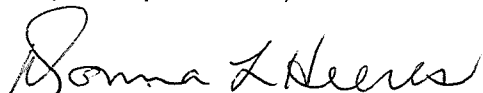
be included in Phase II. Discussion was held on ways to finance Phase II and the difference between a pavilion and a gazebo. The Village Holiday Festival will be December 12 at 6 PM. Discussion was held on funding options for the Bridge Street Bridge. The Feasibility study for the sanitary sewer system for the Village is complete and a three-phase plan for implementation was shared. The Village is eligible for up to 75% grant funding based on recent "low/mod" classification.

13. **ACNA Appointment:** Our representative on the ACNA, Terry Grear, died unexpectedly in October. The Board expressed deep sorrow and shock at this news. The Supervisor will search for a new representative for ACNA.
14. **Correspondence:** Letter from Catherine Nance, property owner on Ellsworth Lake, in support of the Greenbelt and erosion control; commented on power boat wakes that are detrimental to the shoreline. Clerk met with property owner Debra Brandell regarding wish to name a road in Iron Horse. Upon investigation, the road is already named "Pegasus Pass". Clerk will contact her to advise of this. Letter from DNR regarding closure of certain roads to use by ORV's was received. No roads in Banks Township are affected by this decision. Letter from CNA Surety regarding surety bond for James Mollicone indicating the previous letter stating cancellation of the bond was incorrect and the bond is in full force and effect with no lapse in coverage. Sheriff's report of 922 calls in October listed 81 calls from Banks Township, 25 were traffic stops and 11 car/deer accidents.
15. **Software Maintenance Agreement:** Clerk discovered an error in the billing from Banyon Data software (financial and payroll software). We have overpaid the past two years. Following the \$1000 credit for overpayment, the remaining \$90 charge was waived, and we have no bill! The rate next year will be \$795 for Fund Accounting and \$495 for Payroll.
16. **Gutters for Hall:** Trustee Rasmussen called all bidders to clarify that the bids were based on the same work and material use but only one returned his call. He spoke in length to the owner of Great Lakes Seamless Gutters and was satisfied with the information given regarding materials and methods of installation. **MOTION** by Cooper, seconded by Rasmussen to accept Great Lakes Seamless Gutters' bid of \$2968 to install gutters on the township hall, including the front entryway. This reflects a 20% discount. **MOTION CARRIED.**
17. **Marion Center Road:** Work is complete, and the road is very nice from Atwood Road to the northern county line.
18. **Catholic Cemetery Rededication:** Heeres reported that the ceremony turned out perfect despite the chilly, rainy weather. There has still been no bill from Antrim County Transportation. The Gaylord Diocese is going working on the transfer of the property to the township and will cover all costs of the transfer.
19. **Sign for Hall:** Awaiting a revised proposal for smaller sign.
20. **Election Results:** Heeres reported that 951 voters who cast ballots, 229 absentee ballots were sent out with 224 of them returned for tabulation. There were a few glitches throughout the day, but overall, all went well. Our inspectors did a remarkable job in assuring votes were cast and counted properly.
21. **Resolution Opposing SB 396 (exemptions from seasonal weight restrictions/frost laws):** A resolution was offered by Rasmussen, seconded by Cooper, to oppose Senate Bill 396. Roll Call Vote: Heeres: Yes; Mann: Yes; Postmus: Yes; Rasmussen: Yes; Cooper: Yes. **Resolution was declared adopted.**
22. **Second Computer for Clerk's Office:** A second computer is needed in the clerk's office so both the clerk and deputy can work at the same time. It was suggested by our IT person to have a new computer loaded with financial software and use the current computer for word processing, election related work, etc.

MOTION by Mann, seconded by Cooper to purchase a new computer for up to \$800, CORE support for \$410, and a four-terabyte backup system (with support) to accommodate up to five computers for up to \$500. **MOTION CARRIED.**

23. **Township Park:** Trustee Rasmussen is meeting with local contractors to solicit bids to place a drain and repair the damage at the park.
24. **Roads:** The board reviewed estimates from Burt Thompson for Lore Rd \$89,000 and Church Rd, 63,500 to chip and seal. He is working on estimates for Doctor and Bennett Hill Road as well. He sent a letter addressing Lakeshore Drive with a summary of the work done to improve it since 1976.
25. **Public Comment:** There was no public comment.
26. Next meeting Monday, December 17 at 6 PM.
27. The meeting was adjourned at 10:20 P.M

Respectfully submitted,


Donna L. Heeres, Banks Township Clerk

**BANKS TOWNSHIP
RESOLUTION ON SENATE BILL 396
Resolution #2 of 2018
NOVEMBER 19, 2018**

WHEREAS, Roads are the backbone of the social, cultural and economic stability of Antrim County and our region, and particularly Banks Township which makes significant annual contributions to preservation, maintenance and other activities on the county local road system; and

WHEREAS, Senate Bill (SB) 396 (S-5) passed and reported out of the Senate Transportation Committee on September 6, 2018, allows exemptions from seasonal weight restrictions (also known as "frost laws") to the forest product industry during the spring thaw when roads are the most vulnerable to damage from heavy loads; and

WHEREAS, It is a fact in Banks Township and throughout all Northern States that all roads become soft in the spring as frost melts, and applying unrestricted 164,000-pound truck loading and traffic on soft roads, whether paved or unpaved, is poor public policy that defies common sense when it comes to road preservation, and will lead to significant damage to the county road system, economic damage in Banks Township and increased risk to drivers in our region; and

WHEREAS, SB-396 also grants exemptions to the forest industry that will allow the hauling of forest products and transport of equipment on the county road system without obtaining proper permits from road authorities at all times of the year; and

WHEREAS, the provisions of SB 396 *will result in costly damage to the county road system which is the opposite of what the Michigan Legislature and the people of Michigan called for in the 2015 Michigan Transportation Package*; and

WHEREAS, the provisions of SB 396 *will negatively impact the traveling public* accessing the county road system, burdening road authorities with expensive reactive maintenance repairs and significantly increased taxpayer costs, as well as increased county and township contributions to maintain the public road system; and

WHEREAS, the provisions in SB 396 and subsequent impacts to the county local road system will negatively impact the health, safety and welfare of Banks Township residents and the traveling public; and

WHEREAS, Banks Township works closely with the Antrim County Road Commission to maintain our vital local road network and to accommodate the logging industry wherever possible to also maintain the economic vitality of our region;

THEREFORE, BE IT RESOLVED, that Banks Township hereby **strongly opposes** SB 396.

ROLL CALL VOTE:

Yeas: Heeres, Mann, Postmus, Rasmussen, Cooper.

Nays: None.

Absent: None.

Supervisor Mann declared the Resolution Adopted.

I HEREBY CERTIFY that the above is a true and correct copy of the Resolution that was adopted by the Banks Township Board on Monday, November 19, 2018, at the regular monthly meeting which began at 6:00 pm in Ellsworth, Michigan, with a quorum present.



Donna L. Heeres, Banks Township Clerk

Dated: November 19, 2018

BANKS TOWNSHIP

11/19/18 11:56 AM

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*Check Summary Register©

November 18-19

Name	Check Date	Check Amt	
10100 CASH			
Paid Chk# 000130E EFTPS	11/19/2018	\$1,368.47	941 for Nov
Paid Chk# 009574 Heeres, Donna	11/19/2018	\$1,707.05	
Paid Chk# 009575 Mann, Thomas	11/19/2018	\$1,140.12	
Paid Chk# 009576 Muladore, David	11/19/2018	\$356.26	
Paid Chk# 009577 Postmus, Katherine	11/19/2018	\$1,576.90	
Paid Chk# 009578 Rasmussen, Janet	11/19/2018	\$176.20	
Paid Chk# 009579 Rasmussen, Jerald	11/19/2018	\$352.40	
Paid Chk# 009580 Sundelius, Tina M	11/19/2018	\$470.13	
Paid Chk# 009581 A D ASSESSING, INC	11/19/2018	\$1,616.66	Assessor Contract November
Paid Chk# 009582 AIRGAS USA, LLC	11/19/2018	\$27.98	FD Breathable Air
Paid Chk# 009583 AMERICAN WASTE	11/19/2018	\$80.00	Extra pickup Nov 9
Paid Chk# 009584 ANTRIM COUNTY ROAD COMMI	11/19/2018	\$17,440.03	Toad Lake Gravel 90% less depo
Paid Chk# 009585 ANTRIM COUNTY TREAS. OFFIC	11/19/2018	\$75.26	Computer Services
Paid Chk# 009586 ARLENE VEENSTRA	11/19/2018	\$114.25	Election Inspector 7.25 x 13
Paid Chk# 009587 BANKS TOWNSHIP FIRE DEPT	11/19/2018	\$21,643.75	FD Mtgs
Paid Chk# 009588 BECKETT & RAEDER	11/19/2018	\$862.88	Planning Consultant Services
Paid Chk# 009589 BRENDA POWERS	11/19/2018	\$108.75	Election Chair 7.25 x 15
Paid Chk# 009590 CHARLEVOIX STATE BANK	11/19/2018	\$1,965.55	Election Meals: Gold Nugget
Paid Chk# 009591 CHARTER COMMUNICATIONS	11/19/2018	\$199.41	Twp Hall Internet
Paid Chk# 009592 CONSUMERS ENERGY	11/19/2018	\$326.85	Twp Hall
Paid Chk# 009593 DAVID L HEERES	11/19/2018	\$100.00	BTHS Winterization
Paid Chk# 009594 DON MILES	11/19/2018	\$144.50	PC Workshop
Paid Chk# 009595 DONNA HEERES	11/19/2018	\$293.92	Election Tape Rolls
Paid Chk# 009596 DONNA HOLT	11/19/2018	\$150.00	Election Co-Chair 10 x 15
Paid Chk# 009597 DOUGLAS SAFETY SYSTEMS	11/19/2018	\$1,548.00	FD Annual maint & repairs, cab
Paid Chk# 009598 DUNN'S BUSINESS SOLUTIONS	11/19/2018	\$36.78	Copier Maint Agreement
Paid Chk# 009599 ELLSWORTH FARMERS EXCHAN	11/19/2018	\$37.83	FD Fuel
Paid Chk# 009600 GOVERNMENTAL BUSINESS SY	11/19/2018	\$55.58	Election Rolls, Ballot Instruc
Paid Chk# 009601 GREAT LAKES ENERGY	11/19/2018	\$167.88	FD Atwood
Paid Chk# 009602 JEFF COOK	11/19/2018	\$114.25	Election Inspector 7.25 x 13
Paid Chk# 009603 JIM BARBER	11/19/2018	\$94.25	Election Inspector 7.25 x 13
Paid Chk# 009604 JORDAN VALLEY SEPTIC PUMPI	11/19/2018	\$100.00	Twp Park Toilet Pumped
Paid Chk# 009605 JUDITH SMITH	11/19/2018	\$117.00	Election Inspector 9 x 13
Paid Chk# 009606 JUDY BRADTKE	11/19/2018	\$146.81	Election Inspector 9 x 13
Paid Chk# 009607 KCI	11/19/2018	\$755.62	Winter Tax Bills Postage
Paid Chk# 009608 LAURA REID EDWARDS	11/19/2018	\$117.00	Election Inspector 9 x 13
Paid Chk# 009609 MARILYN FERWEDA	11/19/2018	\$94.25	Election Inspector 7.25 x 13
Paid Chk# 009610 N. IRENE SHOOKS	11/19/2018	\$283.93	Election Mileage 36 x .545
Paid Chk# 009611 SHARON ALOFS	11/19/2018	\$117.00	Election Inspector 9 X 13
Paid Chk# 009612 THELMA CHELLIS	11/19/2018	\$94.25	Election Inspector 7.25 x 13
Paid Chk# 009613 THOMAS MANN	11/19/2018	\$19.62	Mileage: Mtg with Attny: 36@.5
Paid Chk# 009614 TINA SUNDELIUS	11/19/2018	\$246.71	Election Inspector 7.25 x 15
Paid Chk# 009615 WEST SHORE PUBLICATIONS LL	11/19/2018	\$523.80	Greenbelt Brochures & cover le
Paid Chk# 009616 YOUNG GRAHAM & WENDLING P	11/19/2018	\$304.00	Legal Fees STR
Total Checks		\$57,271.88	