

Banks Township Board Meeting

Monday, January 20, 2020

1. The meeting was called to order at 6:00 P.M. by Supervisor Thomas Mann. Present were Supervisor Mann, Clerk Donna Heeres, Treasurer Katy Postmus, Trustee David Rasmussen and Trustee Tom Cooper. Also present: Tina Sundelius, Julie Waterman, Rick & Wendy Sutherland, Cathy & Robert Russell, Heidi Cooper, Justin Erskine, Laura & Phil Edwards, Luke & Brandie Sowash, Erin Heeres, Julie Chellis, Steven Parafin, and Sheriff Daniel Bean. Dave Heeres arrived at 6:15 PM. Ruben Shell arrived at 6:45 PM. Peter Wendling arrived at 6:50 PM. Supervisor Mann led the Pledge of Allegiance and gave the Invocation.
2. **Public Comment:** Laura Edwards read a statement regarding Drumlin Hills MX LLC and her & husband Phil's opposition to the track. She outlined the reasons for their opposition to the proposed text amendment to the zoning ordinance and the proposed special events ordinance. She referenced the 73-page document from the "neighbors attorney Jeff Jox" as supporting evidence. She will send to the clerk for distribution to the Township Board members.
3. **Public Comment:** Erin Heeres quoted the minutes as having "30 opposed to the track" and stated there are more in favor. Additionally, she stated she has submitted petitions for 30 businesses in Atwood, Ellsworth and beyond that are supportive of the track.
4. **Public Comment:** Brandie Sowash referenced the terms "illegal & unlawful" in the letter/statement from Laura Edwards and stated that is "not true". "If the track is illegal, the officer who drove by the race would have stopped it."
5. **Public Comment:** Steve Parafin spoke on the draft Noise Ordinance stating it is "too much, no time frames, lots of gaps – can't cut the grass or run a saw or will be in violation."
6. **Public Comment:** Luke Sowash stated "don't understand why got this far. No sense of who or how to enforce the ordinance."
7. **Supervisor Comments:** A Police Power Ordinance, such as the Events Ordinance, is enacted by the Township Board. Zoning amendments, such as the application for text amendment submitted by the Heeres for Drumlin Hills MX, is first reviewed by the Planning Commission and a recommendation is made to the Township Board whether to adopt the changes or not. Drumlin Hills MX is in violation of the zoning ordinance as it is currently written.
8. **Public Comment:** Erin Heeres commented "based on decibel rating or what?" "Look at Rick's (Diebold) thoughts. We hope for quieter events for the track too."
9. **Public Comment:** Julie Chellis commented "decibels at 50 – is that enforced for all events in the township? The most events per year (for the MX track) would be 28 days. People are losing sight of a small community that needs to all get along."
10. **Public Comment** was closed at 6:25 PM.
11. **Minutes:** The minutes of the December 16, 2019, regular meeting were presented with correction in item #5 (DEQ changed from DDA). **MOTION** was made by Mann, seconded by Postmus, to approve the minutes with correction to item #5. **MOTION CARRIED.**
12. **Sheriff Report:** Sheriff Dan Bean gave a comparison of 2019 to 2018 calls from Banks Township to 911. In 2019, there were 878 calls, 2018 had 871. He stated the department has been down 4 on road patrol for the past 8 months. Two were out with work injuries, one

with an injury that happened at home. For first time ever, the department is paying to send a recruit to school; there is a five-year commitment contract with the officer. Dispatch is at full staff for first time in a while. Two officers will retire from the corrections division. Animal control division is fully staffed and will begin being open evenings for adoptions by people who can't get in until after normal work hours. Snowmobile patrol has 2 sleds, located mostly in Alba & Mancelona; he urged people who have complaints to call 911. He stated that farmlands do not have to be posted to be "no trespass"; violators are subject to a \$350 ticket, each individual. Treasurer Postmus asked about noise complaints. Sheriff stated to call 911 and have a patrol car respond. Barking Dog ordinance requires dogs to be quieted from 10 PM to 7 AM. He stated that wandering dogs should be reported to animal control. Supervisor Mann offered office space in Banks Township for an officer; Sheriff stated two officers are currently assigned to Torch Lake Township.

13. **Fire Department:** Supervisor reported for Chief Groenink. Still looking for a new grass fire truck. Clerk reported she and the Chief are looking for a new gear washer for the fire hall and will submit a grant application to the Par Plan to help with funding.
14. **Treasurer's Report:** Report of incomes and balances was presented by the Treasurer. General Fund Balance: \$304,839.78, with loan repayment from the Fire Fund. Fire Fund Balance: \$97,292.62. Liquor Fund: \$1748.26. Roads Fund: \$103,669.90. Vehicle Fund: \$106,745.70. Grand Total: \$614,296.26. American Tower payments have been settled. **Bills** represented by the attached list were reviewed for approval for payment. **MOTION** by Postmus, seconded by Rasmussen, to pay the bills as presented. **MOTION CARRIED.**
15. **Zoning Administrator:** Trustee Tom Cooper reported for ZA Muladore included no application was filed to install a test solar panel on Farrell Road, but one has appeared. ZA is following up with the company. He is also investigating an inquiry to install a bathroom in an existing garage.
16. **Planning Commission Update:** Trustee Cooper reported 80 people were present at the last PC meeting. The PC approved the STR language and it has been sent to the Antrim County Planning Commission for review. The recreational text amendment was tabled following public hearing. The PC recommends the investigation of a Police Power Ordinance for Special Events by the Township Board. The Board has been sent an email outlining the PC's rationale for this change of direction. The PC will not meet in February as unable to have a quorum.
17. **Special Events PPO:** Legal counsel Peter Wendling & planning consultant Ruben Shell joined the Board for discussion on special events ordinance. It was explained that a text amendment would allow the uses in any agricultural or conservation/recreation zone. A special events ordinance would apply to all zoning districts, not land use, and could limit the number of uses per year and if event is poorly run, the license may not be reissued. Benefits are more flexibility to hold events that are not ordinarily allowed in a particular zoning district; it curbs commercial uses; it allows exceptions for family events; as a non-zoning ordinance, it allows Board discretion on a case by case basis; it requires certain guidelines to be met such as noise, disturbances, hours of operations. As a PPO, it provides for flexible uses and protection of property owners.
18. **Public Comment on proposed Special Events Ordinance:** a) Erin Heeres stated the Board had been invited to attend the events at Drumlin Hills MX but "no one came". "we have nothing to hide." "The ZA did attend." "Can our family still use the property?" b) Attorney Peter Wendling stated private use of private property is allowed. If a violation is

reported, an investigation will take place. This is a change of use from farmland to a motocross track. An Events Ordinance can include noise regulations. c) Erin Heeres: "What are we talking? Text versus special events? What do I follow?" d) Supervisor Mann stated the proposed text amendment affects all Ag & C/R zones. The Events Ordinance affects all properties. The Events Ordinance is "middle ground". e) Steve Parafin stated "the purpose of zoning is a fair shake for all. One owner shouldn't change zoning for all. A special events ordinance is a great answer. I am in favor of it moving forward." f) Luke Sowash asked about number of events allowed per year, if need a license for every event or can license cover one year. g) Heidi Cooper asked for clarification. She has held music festivals for 12 years, obtained temporary campground permits, health department permits, permissions. Not opposed to a special events ordinance. "We follow the laws to the best of our ability." h) Wendy Sutherland stated "when family has had events, sanitation has been adhered to, the DEQ couldn't find a drainage problem." i) Erin Heeres stated "land ownership – if we can't put crops in, do we get fined if we don't put crops in?" j) Treasurer Postmus stated that is an assessor question. Events barns are now a wave; the events ordinance is good way to go. k) Trustee Cooper asked about practice sessions between events. l) Attorney Wendling responded "whatever is allowed but not for 200 people." m) Cathy Russell urged the Board to review the video on the Facebook page and listen to the "plans for the future" of the racetrack. Also, urged the Board to review the submitted videos of the races. n) Clerk Heeres asked about the status of the violations. o) Attorney Wendling stated the violations will be addressed in district court on February 5.

19. **Ambulance Authority:** Julie Waterman reported on the January 15 meeting. Since 2015, runs are up 46%. The AA is planning for the future. Boyne Valley Township is still deliberating on membership vs contract with the AA. The Rogers Road property purchase is proceeding. Working on budget for next year. Director's salary was increased by \$7,000 to \$70,000 after a comparison study was completed. The Echo unit sustained damage during an accident. AA millage will be on the ballot either in May or August. Med Control with Munson Charlevoix is being switched to McLaren Northern Michigan. Communication deficits with Banks Township Fire & Rescue is being addressed. Of the total 1493 runs in 2019, 110 (7.4%) were to Banks Township. Additionally, 478 (32%) were interfacility transports.
20. **Correspondence:** Letter from Laura & Phil Edwards objecting to motocross track (mentioned above). Letter from Tom & Kay Wynsma requesting assessment of North Church Road for addition of gravel. Letter from Joe Stanley of Boyne City in support of the Drumlin Hills MX facility. The ParPlan News was distributed. Invitation to Chamber of Commerce Annual Meeting & Dinner was shared. Letter announcing Fireworks on July 3 and request for funding was read.
21. **Website Update:** Deputy Clerk Sundelius updated the Board on progress of the website revisions. Suggestions for modifications were solicited.
22. **Roads:** Due to increase in projected funding from the State, the road projects for 2020 were reviewed. Church Road from Essex to Atwood Road chip seal: \$87,000; Church Road/Atwood Road intersection north apron paving: \$2500; Scott Road: addition of gravel \$55,000; have been approved. **MOTION** by Mann, to add Lore Road pavement for \$98,000 died for lack of support. Request from Marvin Rubingh to pave Rubingh Road as the milk trucks come in daily and having difficulty getting up the hill from time to time. He is willing to

cost share with the Township. Supervisor will contact the ACRC to obtain an estimate for this work.

23. **Conference Phone:** The PC has suggested purchase of a conference phone to use at meetings when a member or another can't be present. Supervisor to get more information.
24. **Election Inspectors: MOTION** by Mann, seconded by Postmus, to approve the list of election inspectors for the March 10 Presidential Primary Election. **MOTION CARRIED.**
25. **Township Park:** The area surrounding the drain has washed out with all the water coming across the grass from the east side ditch. Looking for direction on next steps to remedy.
26. **Cemetery/Park Maintenance Contract:** Revised contract with Brian Darrah was presented. Revisions include addition of the Ellsworth Fire Hall and an increase in compensation of \$500 to \$22,300. **MOTION** by Postmus, seconded by Cooper, to approve the contract and authorize the supervisor to sign it. **MOTION CARRIED.**
27. **Snowplowing Bid:** Proposal received from Sommer Solutions for plowing at the township hall, 2 fire halls and the hydrant on Old Dixie Highway. The cemetery vault building is not currently being used in the winter. Prices same as last year. **MOTION** by Heeres, seconded by Postmus, to approve the contract and ask that plowing be done when there is 3-4" of accumulation. **MOTION CARRIED.**
28. **Clean Up Day:** Set for May 9. American Waste Contract will be sent in March and is expected to be \$57/yard, an increase of \$2/yard over last year. C&M Rubber has a tire trailer reserved for us. Supervisor is still trying to find funding for tire disposal this year.
29. **Township Hall rentals:** Trustee Rasmussen brought up pricing for rentals of the hall. He suggested consideration of increased fees and lower the expectations for cleanup by the renters. The janitors can clean it and inspect for damages more extensively while cleaning. Will discuss next meeting.
30. **Budgets Public Hearings:** Fire Budget hearing will be held during the regular meeting on February 17. Salary resolutions will also be made at that meeting. The General, Liquor, Vehicle and Roads Funds Budget Hearings will be a part of the March 16 regular meetings with adoption of budgets to follow.
31. **Cemetery Ordinance:** Further review was postponed until next meeting.
32. **Public Comment:** There was none.
33. **Next Meeting:** Monday February 17, 2020, at 6 PM.
34. The meeting was adjourned at 9:11 PM.

Respectfully submitted,

Donna L. Heeres, Banks Township Clerk