

Banks Township Board Meeting

Monday, September 21, 2020

This meeting was conducted via Zoom per Governor Whitmer's executive orders during the COVID-19 (Coronavirus) Pandemic.

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 Tom Cooper, and Trustee David Rasmussen. Also present: Erin Heeres, Candace Hoeksema, Andrea Hoeksema, Julie Waterman, Alex Busman, Travis Chellis, Julie Chellis, Judy Smith, and Tina Sundelius. Supervisor Mann led the Pledge of Allegiance and gave the Invocation.
2. **Presentation:** Ryan Deery, director of Charlevoix Public Library, introduced himself, gave his background info and the annual report for the library. He stated the contract renewal with Banks Township will be next year. He announced available "hot spots" for internet access that have been installed by the Library using CARES grant funding at Hayes and Norwood Townships. He offered to have one installed at Banks Township Hall as well. There is a 3-year warranty on the unit. Operational costs would be borne by the Township. **MOTION** by Heeres, seconded by Mann, to accept the offer and work with Charlevoix Public Library to provide this internet access for our public. **MOTION CARRIED.**
3. **Minutes:** The minutes of the August 17, 2020, regular Board Meeting were presented. **MOTION** was made by Mann, seconded by Cooper, to approve the minutes as presented. **MOTION CARRIED.**
4. **Public Comment:** Travis Chellis reported he and his brother were riding motocross at the Drumlin Hills track on Saturday and someone "maliciously reported" that a race was being held. "The accuser placed an ad on the internet." He stated no laws were broken with this private use of the track. **Board response:** Trustee Rasmussen clarified that an ad was not placed, rather it was a link to the 2018 event post and a second posting regarding a neighbor's auction this next week. There may have been a false post that included "the Traverse Ticker" headline with details for a race but that is not discoverable at this time. Rasmussen stated the activities were part of a "private end of summer party" hosted by the property owners.
5. **Treasurer's Report:** The Treasurer presented Report of incomes and balances. Interest rates and hall rental revenue are way down. We were reimbursed for the Presidential Primary election by the State. Tax collection is at a higher rate than last year. Property sales are higher than normal. General Fund Balance: \$388,978.39; Fire Fund Balance: \$148,275.60; Liquor Fund: \$1884.84; Roads Fund: \$115,584.92; Vehicle Fund: \$107,170.94. Grand Total: \$761,894.69. Bills represented by the attached list were reviewed for approval for payment. **MOTION** by Rasmussen, seconded by Postmus, to pay the bills as presented. **MOTION CARRIED.**
6. **Planning Commission:** Trustee Cooper reported on the PC meeting held September 8 via Zoom. The PC is working together to develop a mission statement. Also, working on an amendment to the greenbelt regulations.
7. **Zoning Administrator:** Dave Muladore gave his report via telephone. He has issued several permits, working with applicants on several more. He has worked with property owners to understand how the new Ag Tourism/Assembly Ordinance fits into the existing ordinance.
8. **Fire Department:** Chief Mark Groenink gave his report via telephone. The Ellsworth Pumper (6620) was in for repairs that became extensive with several small items requiring replacement. The water pump was tested at the same time and failed. Cost of repairs and retest

to the pump is estimated at \$10-12,000. Chief reported he has been negotiating on a 2021 Grass Fire Truck to replace our outdated truck. It is estimated at approximately \$80,000. A firm bid will be presented at our October meeting. Delivery is expected to take 100-150 days for delivery after it is ordered.

9. **Correspondence:** Library reports from Central Lake District Library and Charlevoix Public Library were presented to the Board. Letter from Beckett&Raeder regarding Master Plan update being done for Norwood Township was shared. Sheriff's report of 911 calls in August was reviewed. 91 calls, 16 were medical. Letter of introduction from commercial account representative at Great Lakes Energy was shared. Letter from JVEMSA notifying us of end of term for Julie Waterman is end of this year. NLEA Newsletter was shared. Letter from Antrim Planning Department requesting an update of public access points in our township. Notice of Michigan Water School presentations on four dates in October and November was shared.

10. **Township Hall:** Governor's Executive Orders allow indoor gatherings up to 250 people or 25% capacity, whichever is less, in our region and requires masks in all public buildings. **MOTION** by Mann, seconded by Heeres, to keep the hall closed for rentals for another month due to the Governor's Executive Orders and the uncertainty of the COVID-19 situation.

MOTION CARRIED.

11. **Events Ordinance:** Board members report they do not have the draft ordinance. The discussion was tabled until the next Board Meeting. The draft Events Ordinance will be posted on the website and emailed to all Board members for review prior to next Board Meeting.

12. **Nuisance Ordinance:** Discussion on amendments to this draft ordinance was held and action tabled until October 19.

13. **Tree Grant:** Clerk reported receipt of \$4000 grant for trees at the Ellsworth Cemetery. Plans were reviewed. **MOTION** by Heeres, seconded by Mann, to approve the proposal for 26 trees at estimated cost of \$9200 installed with water bag on each with grant reimbursement of \$4000.

MOTION CARRIED. Clerk noted that a Zero Tolerance Policy is a requirement of the grant.

A policy with related documents was presented. **MOTION** by Heeres, seconded by Mann, to adopt the Zero Tolerance Policy for Banks Township employees. **MOTION CARRIED.**

14. **Township Hall Office Repairs:** Clerk reports the carpet has been installed and only a couple additional repairs need to be done.

15. **Parcel Divisions:** Paperwork needs to be filed to create new parcels. The application is reviewed by the assessor, the zoning administrator, and the treasurer. Currently, the application fee is \$75 for the first division and \$25 for each subsequent division. Combinations are \$75.

Amy has agreed to continue to oversee the parcel divisions until the new supervisor can be trained. **MOTION** by Postmus, seconded by Rasmussen, to increase the application fee for parcel divisions or combinations to \$100 for first parcel plus \$25 for each subsequent parcel formed. **MOTION CARRIED.**

16. **Snow Removal Bids:** Discussion was held regarding contacting local providers to obtain proposals. Will ask for proposals to be submitted for consideration at the October Board Meeting.

17. **Watershed Event Resolution:** The township's attorney was asked to develop a resolution regarding enforcement of setbacks for small structures such as propane tanks, generators, and similar structures. **MOTION** was offered by Heeres, seconded by Postmus, to adopt the Resolution #3 of 2020 to be more diligent on enforcement philosophy with respect to setbacks applicable to propane

tanks, generators, and similar structures. (Complete resolution attached to minutes.) **Roll Call Vote:** Postmus: Yes; Mann: Yes; Cooper: Yes; Rasmussen: Yes; Heeres: Yes. **Resolution declared adopted.**

18. **FEMA update:** Clerk reported that a meeting was held September 9. A power point presentation will be forwarded to the Board for review.

19. **ZBA:** The ZBA will meet September 22 on a request for a setback variance for a parcel on Lakeshore Drive owned by Gary Miller. A potential buyer is requesting approval for a 25 ft setback from lakeshore drive rather than the 50 ft setback that is required. Extenuating circumstances exist with wetlands and limit the potential building site on the property.

20. **PA 116 Application:** Recent application for PA 116 was submitted by Marvin Rubingh. The application has been sent to the reviewing agencies and will be presented to the Board at the October 19 meeting.

21. **Fireworks Ordinance:** A draft fireworks ordinance has been developed by a group of township supervisors and Sheriff Dan Bean. It was received this afternoon. The Board will review it and make comments at our next meeting.

22. **Designated Assessor:** The County Board of Commissioners is considering a policy that would establish provisions for an assessor to take over the duties of assessing in a township whose assessor is not performing the mandated duties. More information to come.

23. **Payroll Tax Deferments:** The IRS is allowing deferment of employee withholding of Social Security taxes beginning September 1. Repayment would begin about April 1. This is optional for employees if the employer sets it up. It is also optional for the employer. **MOTION** by Heeres, seconded by Rasmussen to opt out of this Social Security tax deferment plan as it is not seen to be helpful for our employees. **MOTION CARRIED.**

24. **BOARD COMMENT:** Trustee Rasmussen asked on behalf of a resident about the adoption process that was in effect in 1978 when the first zoning ordinance was adopted. Clerk reported her investigation has found minimal references to the adoption process in the old minutes. The "Zoning Board" minutes from that time frame are not available. The adoption of the ordinance was guided by the MSU-E office and most likely followed the rules of the day for the adoption of the ordinance. Subsequent ordinances have been adopted and are in effect, superseding the 1978 ordinance.

25. **PUBLIC COMMENT:** Judy Smith stated she appreciates the follow-up of the Board on the LP tank situation with the approval of the resolution. She also commented she is happy that True Stream fiber optic network is being installed in the Township.

28. The meeting was adjourned by the call of the Supervisor at 9:15 PM.

Respectfully submitted,

Donna L. Heeres