

Banks Township Board Meeting Monday, April 29, 2024

1. The meeting was called to order at 6:00 P.M. by Supervisor Alex Busman. Present were Supervisor Busman, Clerk Donna Heeres, Treasurer Katy Postmus, Trustee David Rasmussen, and Trustee Julie Waterman. Also present: Daryl Richards, Tina Sundelius, Jarris Rubingh, Barry Cole, Bill Tarrant & Ryan (assistant), Judy Parliament, Marc & Kathy Lame, Vince & Mrs. Currier, Jon Smalley, and Nancy Hoffman. Bryan Graham arrived at 6:15 pm. Supervisor Alex Busman lead the Pledge of Allegiance and gave the Invocation.
2. **Public Comment:** Judy Parliament of Antrim County Commission on Aging, presented information about a modern technology program for seniors that is funded through a grant award. Also, bingo and an exercise/balance program are grant funded opportunities for seniors. This year marks 50 years of Meals on Wheels in Antrim County. Last year, more than 82,500 meals were delivered from the Bellaire site. On-site meals are provided in Central Lake, Bellaire, Mancelona, and Elk Rapids. Commission on Aging has nine full time and twelve part time employees and 114 volunteers. The home delivered meals program needs to add a fifth route if volunteers can be recruited. COA also offers a tax prep program, Medicare/Medicaid Counsellors, Legal Counsel for Estate Planning, a Resource Library, and a huge medical equipment/supplies loan closet. A small “unmet needs” fund is available to help seniors with paying for urgent medical or household expenses.
3. **Public Comment:** Vince Currier, resident of Norwood Township and property owner in Banks Township, addressed the Board regarding the need for a light on US 31 at Richardson Road. He stated that illegal activity takes place in the dark in this area. He stated the two large street signs that were placed by MDOT have not helped to identify the crossroad. He presented letters from Charlevoix County sheriff and Antrim County sheriff in support of a security light at the intersection. He proposed a cost sharing with Norwood Township and stated that “solar powered is not going to work.” No cost estimates were provided as the installation is being “redesigned.” Charlevoix County Road Commission is a possible added partner as well as grant funding.
4. **Public Comment:** Jon Smalley, resident of Lakeshore Drive, commented on the emailed survey that was sent to LSD property owners. He stated “far less expensive alternatives are available.” The road has “deteriorated beyond reasonable safety.” He stated the road was improperly built with a slant rather than a crown; there are “100’s of potholes per mile”; “not in favor of a private road; county needs to fix it.” Whether it is “done piecemeal or full repair: DO SOMETHING.”
5. **Public Comment:** Barry Cole, candidate for Probate Judge, (responsible for district court and probate) addressed the Board and the audience with his credentials for the position.
6. **Minutes:** The minutes of the March 18, 2024, regular meeting were presented for approval. **MOTION** by Waterman, seconded by Postmus, to approve the minutes as presented. **MOTION CARRIED.**
7. **Commissioner’s Report:** Jarris Rubingh reported the courts for Antrim County have been combined into one court to better serve Antrim County. It will not include a “drug court.” He shared the Equalization Report. Property values are up 10-15% throughout the county.
8. **Sheriff’s Report:** Clerk reported that Banks Township had 51 calls to 911 in March with 14 medical calls, 3 car-deer accidents and 7 traffic stops.
9. **Treasurer’s Report:** The Treasurer reported receipt of \$20,000 for the Fire Equipment grant that we were awarded. The Treasurer’s report of incomes and balances was presented. General Fund Balance: \$429,676.76; Fire Fund Balance: \$319,262.51; Liquor Fund: \$853.17; Roads Fund: \$16,891.76; Vehicle Fund: \$65,462.19. Grand Total: \$832,146.39. **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.**
10. **Zoning Administrator:** Kurtis Busman presented the ZA’s report. Eight new zoning permits have been issued: Pole Barn rebuild following fire, a silo, shipping container, new modular home with garage & porch, new home, and three sign permits. Five parcel division/lot line adjustment applications have been processed. The nuisance violation court hearing in March allowed 60 days for clean-up. Many calls were received about cell towers on private properties. The ZA stressed that private owners need to realize the benefits of the cell tower being on public property. Banks Township receives over \$100,000 in revenues from the tower in Atwood; the amount grows every year. Should a private citizen negotiate a contract for a cell tower on their

property, the likelihood of revenues of that amount is very slim. The revenues that are received from this source are used to finance local improvements including roads, cemeteries, parks, emergency medical services, etc. The annual revenues are equivalent to approximately one mil in taxes. Discussion on the need to define “safe zone” for cell towers in the ordinance.

11. **Planning Commission:** Julie Waterman reported that Short Term Rentals legislation is being considered by the State Legislature. The RV Amendment has been reviewed by the County Planning Commission and legal counsel with extremely minor language revisions. The Master Plan survey is nearly ready to go. The sub-committee working on the sand & gravel ordinance amendments has been diligently working to complete the language for the amendments within the six-month moratorium.

12. **Fire/Rescue Department:** Daryl Richards reported the dive team equipment has arrived. The team will be in the water this weekend. A mutual aid fire assist to East Jordan was made last week. The medical rescue truck (ambulance vehicle) is back in service. The Heavy Rescue Vehicle repairs are progressing; expected to be back in service in 4-5 weeks. Two firefighters will take final exams @ Fire Academy on May 17. More personnel are utilizing the Vector Solutions online training. One of the garage door openers (high frequency one) is not working. Daryl has been trying to find a solution.

13. **DDA:** Tina Sundelius reported on the DDA meeting that occurred earlier today. The Concerts on the Square has been expanded to six concerts on Wednesday evenings at 7 pm, beginning end of June. Ribbon cuttings for the new kiosks/signs have been rescheduled due to rain this afternoon. The property owner removed the mural of the old train depot, and it has been in storage. The DDA plans to refurbish it and hopes to find a place to properly display this painting of an old landmark of Old Ellsworth.

14. **Ambulance Authority:** Bill Tarrant, acting director of the ambulance authority addressed the Board to report a decline in staff/volunteers. Two units are staffed at the paramedic level and the costs have gone up due to an elevated level of expertise. In 2018, a new ambulance cost \$196,000. In 2024, the same new ambulance costs \$350,000. The AA is investigating the costs of moving the “boxes” to a new chassis to contain costs. Funding of the ambulance authority comes from three sources: tax millage; bill for services, (with runs down 300 in 2023, this has reduced the revenues); medical transport between facilities. The AA is requesting a millage renewal and slight increase to fund the services. The current millage, including vehicle replacement, is 1.25 mils. The request will increase to a total of 1.75 mils on the August ballot. With fuel costs up 57% per run, and personnel costs soaring, it is no wonder additional funding is required. Bryan Graham, legal counsel for the AA and Banks Township, commented that the Emergency Services Act is the act that allowed for the creation of the Ambulance Authority, has now been revised to allow use of an installment plan to purchase new vehicles.

15. **Lakeshore Drive:** Legal Counsel **Bryan Graham** presented info to the Board and the audience regarding the legal status of LSD: as a local road, it is under the authority of the Antrim County Road Commission who sets the standards for any work that is done on the road. A special assessment is a mechanism to pay for improvements (in this case to the road) based on the property owners’ benefits received from the repairs. The township has no legal responsibility to do anything to any road. The township MAY use resources to pay for road repairs “up front” and have a special assessment repay the township coffers over time. The township MAY sell bonds to cover the costs of repairs and pay off the bonds over time as the special assessment funds become available. The ACRC standards for construction take precedence over ideas of others. **Supervisor Busman:** The GourdieFraser/Elmers proposal to rebuild and gravel the road would cost \$450K. Paving is pretty much out of the question as existing utility poles would need to be moved and more ditching would be required. **Bryan Graham:** The township runs the risk of investing in the assessment and planning and not being able to recoup the costs if the special assessment does not be put into place. He suggested property owners could donate money to an escrow fund to pay for preliminary costs. **Jon Smalley:** How many property owners have special assessments? **Answer:** All properties are assessed for fire protection. **Supervisor Busman:** We can improve local roads with millage funds; the county no longer invests in improvement of local roads due to lack of funds for primary road improvements. **Kathy Lame:** “It seems like we are trying to make a plan without one party at the table. (ACRC). This is a maintenance issue. If we had correct maintenance, we would have improved conditions. The S curve is the worst section of the road now. They

(the ACRC) have some responsibility for this. If they agree to grade every month, crown the road, and apply dust control, would that be possible for one year and then see if the condition is better?" **Bryan Graham:** "The commissioners could ask for a county wide road millage. Let the voters decide." "Also, a statute was passed that allows Road Commissions to loan money to townships." **Treasurer Katy Postmus:** "My road is never fixed with road tax dollars, but I still am in favor of the millage." (Lives on US 31) **Brian Graham:** Engineers, legal fees, bonding fees, construction costs can all be included in special assessments. An equitable division of the costs to property owners is required, per foot or per parcel. First way, a petition by more than 50% of the property owners, then a public hearing, establish the costs of engineering, construction, etc. Then to the Township Board for resolution. Second way, the Board passes a resolution to create a Special Assessment District. Another public hearing and creation of an assessment roll. A bond attorney is involved. Can have an interfund loan. If the township passes a resolution to form a Special Assessment district, another petition from 20% of the property owners can stop it. Must obtain a detailed, reasonably accurate, estimate of costs. **Supervisor Busman:** I would like to try to get improved maintenance to LSD. **Trustee David Rasmussen:** The road is too narrow to crown as that would cause "country curbs." The poor drainage is the problem. **Supervisor Busman:** Presentation of the survey results. Only 11 of 30 property owners who were emailed the survey responded. Primary concerns are road surface and cliff stability. Regarding the expense of \$55K for a more thorough evaluation and bid, nine said yes, two said no. No one was interested in abandoning the road. Only two were in favor of additional personal expenses to repair the road. **Treasurer Postmus:** Is it possible to have a special assessment to enhance maintenance? **Supervisor Busman:** Will try to get cost estimates for ACRC providing increased maintenance vs private contractors. May consider the SA option for increased road maintenance or evaluate if the road millage could cover it.

16. Short Recess: 8:15-8:25 pm.

17. **Correspondence:** Letters in response to LSD survey from Dwain Abramowski and Becky Richards. Letter from US Dept of Homeland Security regarding acceptance of the Antrim County Natural Hazard Mitigation Plan. It will expire April 1, 2029. Letter from Julie Waterman of regarding continued "repairs" to burned out trailer across from her property. The continued expansion of the blight of that property was recorded with six photos provided. Letter from ACLU regarding residency-based Pre-Election Day challenges to registered voters and proper procedures to use when managing these challenges. The new Uniform Budget Manual for Local Units of Government was received. These new rules take effect the fiscal year following July 1, 2024 (April 1, 2025, for Banks Township). Signed contract with Ellsworth Community School for summer tax collection was received. Letter from ACRC with the 2024 township allocations at a total amount of \$250,000; our portion was set at \$19,206, down significantly from prior years.

18. **Landscaping at Township Hall: MOTION** by Busman, seconded by Waterman, to leave it the way it is for now. **MOTION CARRIED.**

19. **Cemeteries:** Proposal from Sommer Solutions for installing gravel over 800' of driveway, 10 ft wide and topsoil and seed over two interior lanes was presented for \$16,825. Discussion. **MOTION** by Busman, seconded by Postmus to not do the gravel but to apply topsoil and hydroseed to the two interior lanes at a cost not to exceed \$3500. Work to be completed after Memorial Day. **MOTION CARRIED.** The clerk reported a call from a resident about the burial of cremains of an animal on a grave with one of the owners. She was directed to contact legal counsel for an interpretation.

20. **Township Hall Kitchen Renovations:** Trustee Rasmussen will order the stoves, tables, faucet. When arrive, will schedule the remainder of the work to be done.

21. **Road Millage Ballot Proposal: MOTION** by Postmus, seconded by Rasmussen, to place a proposal on the August 6, 2024, Primary Ballot to levy up to two mills for four (4) years for the purpose of providing funds for road construction and maintenance. Legal counsel has prepared the ballot language for this proposal and the Board will submit it to Antrim County Clerk for inclusion on the ballot. **Roll call vote: Rasmussen: Yes; Waterman: Yes; Heeres: Yes; Postmus: Yes; Busman: Yes. MOTION CARRIED.**

22. **Summer Recreation League: MOTION** by Rasmussen, seconded by Waterman, to approve cost sharing of \$3500 with the Village of Ellsworth and encourage more participation township wide with better advertising and promotion. **MOTION CARRIED.**

23. **Pig Roast:** **MOTION** by Waterman, seconded by Postmus, to sponsor Pig Roast activities with contribution of \$2500. **MOTION CARRIED.** **MOTION** by Postmus, seconded by Heeres, to appoint Pig Roast Committee Members (Tina Sundelius, Nan Karavas, Gail Denny, Patty Drenth, Diane Jolliffe, Darrell Futo, Gordon Denny, and Mary Drenth) to organize and oversee the event's activities. **MOTION CARRIED.**
24. **Fireworks:** **MOTION** by Rasmussen, seconded by Waterman, to sponsor Fireworks with the EllClair Committee and provide \$2500 to help with the cost of the show. **MOTION CARRIED.**
25. **Election Inspectors:** **MOTION** by Busman, seconded by Rasmussen, to approve the list of election inspectors for the May 7, 2024, Ellsworth School, and Char Em ISD election. **MOTION CARRIED.** The clerk reported a signed agreement with Torch Lake Township to conduct a joint Early Voting precinct for two townships (Banks & Torch Lake) at the Banks Township Hall for the August & November elections and any state/federal elections in 2025. Regular Election Day voting will continue at the normal locations. **MOTION** by Postmus, seconded by Waterman, to approve this agreement. **MOTION CARRIED.** Clerk reported two republican candidates have filed for supervisor (Alex Busman and Joe Cooper); one republican candidate has filed for clerk (Julie Chellis); two republican candidates have filed for trustees (Richard Friske and Marvin Rubingh). Petitions for independent candidates for township office must be filed by July 18. Petitions for non-partisan village offices and school board offices must be filed by July 23. Candidates are encouraged to file early and make an appointment to file with the Clerk.
26. **Clean Up Day:** Set for Saturday, May 11, 2024, from 8 am to 11 am. Proposal for clean-up day collection from GFL was presented: \$66/yard plus a 25% fuel surcharge. **MOTION** by Busman, seconded by Waterman, to approve the contract. **MOTION CARRIED.** The grant for tire collection (\$3000) will help offset those costs. Padnos will provide collection receptacles for steel.
27. **Special Edition of Newsletter:** Discussion was held regarding publishing a second newsletter this year. Costs were reviewed. **MOTION** by Busman, seconded by Waterman, to prepare another newsletter for mailing by mid-June. **MOTION CARRIED.**
28. **RV Storage Amendment:** **MOTION** by Busman, seconded by Waterman, to adopt the RV Storage Amendment to the Zoning Ordinance as developed and recommended by the Planning Commission and reviewed by the Antrim County Planning Commission. Discussion was held. **Roll Call Vote:** Waterman: Yes; Rasmussen: Yes; Postmus: Yes; Heeres: Yes; Busman: Yes. **MOTION CARRIED.**
29. **Auditors:** Clerk reported the auditors will be here May 22 & 23 to audit fiscal year 2023-24. UHY is the new name for the firm.
30. **Public Comment:** Jarris Rubingh reported that agricultural acreage in Antrim County exceeds 300,507 acres and has a value of nearly \$4.5 million.
31. **Public Comment:** Daryl Richards stated there is interest among the dive team in taking the dive class in September related to criminal investigations. It is a 6-day course at a cost of \$1250 per person.
32. **Board Comment:** Trustee Rasmussen commented that of all the candidates running for office (so far), only one has attended a township board meeting in the past four years. "Where is the interest in learning the roles before running for an office? They are going in blind."
33. **Board Comment:** Trustee Waterman commented on a good article in the Township Focus Magazine that stated a succession plan is needed for a smooth transition of officers.
34. The meeting was adjourned at 10:07 pm by the call of the Supervisor.

Respectfully submitted,

Donna L. Heeres, Banks Township Clerk