

## **Banks Township Board Meeting Monday, August 19, 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 Julie Waterman and Trustee Dave Rasmussen. Also present: Kurtis Busman, Jarris Rubingh, Don Miles, Ken Lane, Dennis Penfold, Bethany Cooper, Tom Richards, Carlin Smith, Hugh Campbell, Marvin Rubingh, Bill Austin, Jim Hersha, Tom Cooper, Richard Friske. Supervisor Alex Busman lead the Pledge of Allegiance and gave the Invocation.

2. **Public Comment:** Marvin Rubingh addressed the Board and stated that in 2017 he applied for a gravel removal permit and was turned down because he couldn't answer the questions asked by the Planning Commission. In 2020, he hired a boring company and partnered with professionals to find the answers to the questions. In 2024, he again applied and the Board "illegally placed a moratorium on the ordinance". "Why stop extraction of natural resources? Why so prohibitive?" "The proposed ordinance now refers to a minority opinion of the supreme court." "The 26-page document is full of legalese that the average citizen can't understand and makes it illegal to move a shovel full of dirt on your own property." "Regulations are covered by State agencies." "Existing ordinance is effective." "The proposed ordinance is bad for the community; I am asking that you turn it down."

3. **Public Comment:** Richard Friske stated that he tried to read the ordinance, and it is way too restrictive. As chairman of the Antrim County Planning Commission, "this is the first that the PC has returned an unfavorable opinion" on a proposed ordinance, and the PC was in unanimous agreement that it is "over the top" against the property owners."

4. **Public Comment:** Bill Austin stated the proposed ordinance is "way more detailed than it needs to be; overstated, overdone." "The property owners will lose their rights. We need to have gravel available in the township."

5. **Public Comment:** Jim Hersha stated that he agrees with the others; "don't want to lose my rights."

6. **Public Comment:** Tom Cooper stated that a person he works with reviewed the proposed ordinance and it is "way over the hill with regulations. This amendment is too much."

7. **Public Comment:** Dennis Penfold stated that "zoning has become more of an encumbrance to personal property use." He stated that when Drenth Brothers did mining, they reclaimed the property, and it looks good. It is "a poor choice to adopt this proposed ordinance."

8. **Minutes:** The minutes of the July 15, 2024, regular meeting were presented for approval.

**MOTION** by Rasmussen seconded by Waterman, to approve the minutes as presented.

**MOTION CARRIED.**

9. **Commissioner's Report:** Jarris Rubingh reported that the county prosecutor report showed 80 DUIL, 72 Driver License, 31 no insurance, 22 fish/game violations in the past year. The prosecutor is retiring November 1 even though he is on the November 5 ballot. The medical examiner annual report listed Fentanyl, Methamphetamine and alcohol are the top three causes of death in cases that he investigated.

10. **Village Report:** Hugh Campbell, Village President, reported the DDA sponsored Concerts on the Square are finished for the summer and were highly successful. The master plan and recreation plan updates for the village are in the process of review. The Ellsworth Farmers' Exchange and Village are working to repair sidewalks in front of the old fire hall. Consumers Power Company will have a virtual meeting with the Village on September 9 regarding poles

and electrical service within the Village. The Hydrology report is scheduled to be reviewed on September 26. Sarah Essenberg has resigned as Village Recreation Director, and he introduced Bethany Cooper as the new director. She spoke of her plans for open communication with the township, complete inventory of equipment, budgets, and fund-raising activities to rebuild the program.

11. **Treasurer's Report:** The Treasurer's report of incomes (\$65,462.19) and balances was presented. General Fund Balance: \$341,954.55; Fire Fund Balance: \$311,994.18; Liquor Fund: \$1637.90; Roads Fund: \$22,596.75; Vehicle Fund: \$65,462.19. Grand Total: \$743,645.57. **Bills** represented by the attached list were reviewed for approval for payment (\$27,826.57). **MOTION** by Rasmussen, seconded by Waterman, to pay the bills as presented. **MOTION CARRIED.**

12. **Zoning Administrator:** Kurtis Busman presented his report with 5 new permits issued. (pole barn addition, breezeway, new home, pole barn and 2 sheds). He is working with the Building Department to resolve engineering issues on a remodel project.

13. **Planning Commission:** Julie Waterman reported that the PC reviewed the comments from the Antrim County Planning Commission on the proposed Transitory Extraction Planned Unit Development and Soil Removal Ordinance. The PC does not agree with the County PC and the existing language was retained. The survey is set to end on August 31. All responses received to that date will be tabulated. The PC reviewed section 6.09 of the ordinance and agreed that the section is sufficient.

14. **Zoning Board of Appeals:** Application for variance from Brett Fox was approved to allow 5 splits on a parcel greater than 60 acres on Rex Beach Road. The variance was also granted for the parcel division ordinance.

15. **Fire/Rescue Department:** Clerk Heeres gave Captain Daryl Richards' report that the new rescue raft was launched, and the divers tested the new diving equipment. They are very happy with all the new equipment. Allied is providing a new loaner trailer as the heavy equipment truck is still in the paint shop. The items will be transferred from the trailer currently in use tomorrow night. The rescue rig is scheduled to go to Gaylord to repair a leak in an air tank.

16. **Ambulance Authority:** Julie Waterman reported that the Authority Board has not met since her last report. However, a special meeting was called to address the renewal of the Eveline Township contract and to shut down the substation as the lease was up.

17. **Election Results:** A total of 707 Banks Township voters participated in the Primary Election. This is 48% of the 1444 registered voters. 99 voters from Banks & Torch Lake Township participated in Early Voting. 363 absentee ballots were mailed to Banks Township voters. Our proposal for road millage was approved. The early voting days were extremely slow, election day was steadily busy.

18. **Correspondence:** Sheriff's report of 911 calls for July was 74 with 11 medical calls and 28 traffic stops; Letter from County Admin Office with Notice of Intent to replace the Solid Waste Management Plan with Materials Management Plan to focus on sustainable materials management approaches such as recycling and composting; letter from Elevator Safety Division with a low severity non-compliance issue on our lift; notice of public hearing by Chestonia Township Board for August 22 at 7 PM on a proposed ORV ordinance to open Jordan Valley Roads with the township to ORV use; letter from FEMA regarding a virtual meeting on July 29 regarding the new preliminary flood insurance rate map; notice of scheduled tours of the Antrim County Jail to allow voters to see the jail; letter from MTA with info on available services; letter from County Admin Office with notice of adoption of the 2024 Antrim County Master Plan;

MTA Fall Regional meetings schedule was received; letter from Michigan Aggregates Association regarding concern about impacts of proposed mineral extraction ordinance on the mining industry; letter from Marvin Rubingh opposing the proposed ordinance; letter of support from Richard Diebold for the proposed ordinance; notice from Brian Darrah of “gall mites” infesting some maple trees at the Atwood Cemetery & crab apple trees that are “hurting”. He will address both issues.

19. **Lakeshore Drive:** Supervisor Busman attended the meeting with the ACRC on July 16 and reached agreement to allow maintenance work to be done on Lakeshore Drive. He has been working with Elmers and Lakeshore Drive property owners to develop the plan.

20. **Consumers Energy Franchise:** Carlin Smith, community affairs manager for Consumers Energy, addressed the Board to answer questions on the upcoming franchise renewal process. He announced he will be working with the Village of Ellsworth to improve service and reliability within the Village.

21. **Soil Extraction Zoning Amendment:** Discussion was held on the need for an extension of the moratorium. Ken Lane, Planning Consultant, advised that the current ordinance does not comply with the state laws. He stated an ordinance can’t prohibit mining of natural resources unless it would result in “very serious consequences”. The proposed ordinance reconciles that and answers some of the ambiguous requirements. The applicant must prove that the property is a viable location and request an “overlay district” be created for the use. The police power ordinance goes along with the zoning ordinance and allows a soil removal permit for two years, renewable if conditions continue to be met. The zoning PUD is granted for typically 40 to 50 years. Supervisor Busman commented that the moratorium that the Board enacted was placed AFTER Marvin Rubingh rescinded his (incomplete) application and was refunded the deposit of fees paid. It was not illegally placed as alleged by Marvin Rubingh in the above public comments. Supervisor Busman stated that all businesses have start-up costs and it is in the community’s best interest to balance community interests with property ownership interests. Treasurer Postmus stated she has reviewed the letters and listened to the comments and hears “too complicated” and “too broad” and “too complex”, but no one gives specific examples of their concerns nor offers solutions. “These comments are not helpful.” Questions and comments regarding policing, balance between public interest and private interest, need for local gravel, need to improve roads and bridge at Ellsworth River were shared. The Board set Monday, September 30 at 6 pm for a public hearing on both proposed ordinances. Legal counsel and planning consultant will be asked to attend. **MOTION** by Rasmussen, seconded by Waterman, to extend the moratorium on sand and gravel extraction another 90 days to November 29, 2024. Roll Call Vote: Postmus: Yes; Waterman: Yes; Rasmussen: Yes; Heeres: Yes; Busman: Yes.

**MOTION CARRIED.**

22. **Township Hall Kitchen Renovations:** Trustee Rasmussen reported two new stoves have been purchased and will be delivered on Friday. He will make an application for a building permit for the renovations and will develop a scope of work to allow us to advertise for bids.

23. **Parcel Division Ordinance Revision:** Review of parcel division ordinance was tabled until next meeting.

24. **Assessor Contract:** Draft contract was reviewed. The contract will be sent for legal review prior to signing.

25. **Harris Street Property:** Jerry Rasmussen and Village of Ellsworth personnel have been doing yard maintenance, but large equipment is needed to make it easier to maintain. Proposal from Sommer Solutions was received for \$4000 to clear and remove all brush and small trees and \$3500 to place topsoil and hydroseed the lot. An additional \$3000 for removal of the large tree in the center of the lot. **MOTION** by Busman, seconded by Rasmussen to hire Sommer Solutions to clear the lot, place topsoil and hydroseed but leave the tree for total of \$7500. **MOTION CARRIED.**
26. **Election Inspector Wages:** **MOTION** by Heeres, seconded by Postmus, to increase the wages for election workers to \$23.50 for the chair and \$18 for inspectors effective July 1, 2024. This will match the rate of pay for Torch Lake Township inspectors who worked the early voting with us. **MOTION CARRIED.**
27. **Copier in Clerk's Office:** Estimate for repairs was \$310 but learned the parts alone would be over \$600. The clerk recommends that the copier be replaced with a black only, multifunction copier from Van's Business Machines for \$750. No maintenance contract. **MOTION** by Heeres, seconded by Waterman, to purchase the Ricoh refurbished copier from Van's Business Machines for \$750 and trade in the old Savin for whatever amount they will give us. **MOTION CARRIED.**
28. **ACNA Commission:** Susan Holcombe has resigned from the ACNA due to family commitments. She has been a valuable member of the commission, and the Board appreciates her service. Supervisor will make an appointment for this vacancy as soon as possible.
29. **Planning Commission, ZBA & Board of Review:** Richard Diebold has served on the mentioned boards and has recently resigned as he has moved from the community. He has been a great asset on all of these boards and will be greatly missed. Supervisor will make appointments for these vacancies as soon as possible.
30. **Premore Road:** Clerk was contacted by property owners on Premore Road with inquiry as to the status of the requested repairs. Proposal from ACRC for shaping the existing grade and adding 285 tons of 23A gravel to 1690 feet east of Pleasant Hill Road at an estimated cost of \$6000 was reviewed. **MOTION** by Busman, seconded by Postmus, to approve the proposal if the property owners are willing to cost share (50/50). **MOTION CARRIED.**
31. **Board Comment:** Treasurer Postmus commented that DTE, BLE, Consumers Energy and other utilities pay tens of \$1000's of dollars of personal property taxes each year. Private property owners have contacted her to inquire about placement of communication towers on private property.
32. **Public Comment:** Marvin Rubingh commented that 2000 yards is an important limit to our property owners.
33. **Public Comment:** Jarris Rubingh commented that Networks Northwest has been hired to complete the revision of the Solid Waste Management Plan to the new Materials Managements Plan at an estimated cost of \$180,000.
34. **Public Comment:** Hugh Campbell spoke in support of retaining the American Tower in Atwood.
35. The meeting was adjourned at 8:45 pm by the call of the Supervisor.

Respectfully submitted,

Donna L. Heeres, Banks Township Clerk