

BENTON TOWNSHIP

The 7th day of May, 2019 Benton Township Board Meeting was called to order at 7:00 pm and began with the Pledge of Allegiance to the flag.

ROLL CALL: Five board members were present: Supervisor Andrew Archambo, Treasurer Ann Couture, Clerk Jayne Passeno, Trustee Charles Beckwith and Trustee Mike Charboneau. In addition Commissioner Mike Newman, Constable Tim Fenlon and 17 electorates were present.

ADDITIONS TO AGENDA: Clerk Passeno added the introduction of Judge Aaron Gauthier after Board member reports and deleted Resolution allowing for payment of certain bills between Board Meetings under "D" Old Business. Supervisor Archambo added the scheduling of the second meeting for the Cordwood Trail special assessment under Old Business "E". Dale Nelson added the road and lighting on Duncan Bay Drive under "H" New Business. Dust control will be added to Old Business under "F".

MINUTES: Trustee Beckwith made a motion to accept the April 2, 2019 minutes and bills paid in April with support from Treasurer Couture. Motion carried.

CORRESPONDENCE: Charter Communications notice of transfer of franchise to Spectrum Mid-America, LLC, an indirect subsidiary of Charter Communications, Inc. on March 1, 2019.
Cheboygan County Road Commission copy of ACT 51 for the year ending 2018.
BKC renewal of Worker Compensation policy for 04/28/2019 to 04/28/2020 for Board review.

REPORTS: Trustee Beckwith reported that the Rails to Trails with the DNR are distributing Forest Road maps of Cheboygan County. Clerk Passeno thanked the Board for the opportunity to attend the MTA Conference in Grand Rapids. Printouts from the breakout sessions can be obtained on the MTA member website. The Board agreed to deny the community center security deposit return for the May 4, 2019 rental by Jenna Wheelock. The final of the three push button door locks for AFD Station #1 will be delivered tomorrow and then they can be rekeyed. The message center for the back door of the Hall has been ordered. Maps and Township information for the message center by the playground should be provided. Clerk Passeno presented a Cheboygan County Planning & Zoning Dept. variance application and meeting date of Wednesday, May 15, 2019 for Harold & Shayleen Polzin on Koral Bay Drive. The office personnel has received multiple request for an area for leaves, branches and yard clippings. This topic was discussed by the Board previous years and it was determined that the policing and prevention of household dumping will be more problematic than useful. The website will be updated with the policy on lease agreements for the Benton Township Community Center.

LIBRARY LIAISON: Mary Ellen Enos reported that the Library will have a booth at the Business Expo at the Ice Pavilion on Thursday, May 9th. The LED lights for the library was bid at \$24,000.00 with a 4,424.00 rebate. The Library is now distribution an electronic newsletter. Full circle is wrapping up the renovation in Room B. The bank balance is \$ 463,049.49.

FIRE DEPARTMENT: Pat LaCross reported that AFD is accomplishing quite a bit of training.

GROUNDSKEEPER: Doug Felmlee was unable to attend the meeting but e-mailed an update on progress of equipment maintenance and preparation for the summer season. Werners will open the restrooms on Friday. Blowing trash and debris continues to be a problem around the recycling areas. The Community Center custodian striped and sealed the floors in the kitchen area of the CC. Doug will install smoke and CO detectors and in the hall.

Judge Aaron Gauthier introduced himself and presented a brief history beginning with being born and raised in Cheboygan. He has been serving on the Michigan Supreme Court Commission in Lansing for the past 3 years. The Governor appointed Judge Gauthier to succeed Judge Pavalich as Circuit Judge after his retirement in December. Circuit court address' crime, lawsuits etc. over \$25,000.00. Some changes include streamlining the jury selection system, quarterly bench/bar meeting with attorneys, and hopefully an expansion in the drug/sobriety court to Presque Isle County.

OLD BUSINESS: A motion from Treasure Couture to accept the bid from Full Circle for new carpet in the hall at the cost of \$6,788.67. Trustee Beckwith seconded the motion. Motion carried.

A motion to order numbered, \$10.00 transfer station ticket with the addition line of a \$2.50 for tires, (with rims removed) was made by Supervisor Archambo and supported by Clerk Passeno. Motion carried

A motion to order the free Transfer Station Permits, with numbers, to be included in the summer bill with an expiration date of June 30, 2020 was made by Supervisor Archambo and supported by Trustee Charboneau. Motion carried.

A motion to approve the Benton Township Investment Policy and Depository Resolution was made by Trustee Beckwith, support was made by Supervisor Archambo. Individual resolutions will be made for each financial institution with what Benton Township conducts business. Motion carried.

BENTON TOWNSHIP INVESTMENT POLICY AND DEPOSITORY RESOLUTION

WHEREAS, the Board of Trustees of the Township of Benton, Cheboygan County, Michigan in exercising its fiduciary responsibilities desires to safeguard the funds of the Township that may be invested from time to time, and

WHEREAS, Public Act 77 of 1989, MCL 41.77 requires that the Township Board designate the banks or depositories for the money belonging to the Township, including the time for which the deposits shall be made and all details for carrying into effect the authority given in this act, and

WHEREAS, Public Act 196 of 1997, MCL 129.91, *et seq.*, requires township boards, in consultation with the Township Treasurer, to adopt an investment policy, now

NOW THEREFORE BE IT RESOLVED that this policy is applicable to all public funds belonging to the Township of Benton and in the custody of the Benton Township Treasurer.

BE IT FURTHER RESOLVED that the Benton Township Treasurer is authorized to manage funds belonging to the township, including depositing funds in approved financial institutions and administration of investments in conformance with MCL 41.77 and policies as set forth in this resolution.

BE IT FURTHER RESOLVED that the Benton Township Board of Trustees approves the following financial institutions as depositories of township funds: (See Attached)

BE IT FURTHER RESOLVED that the Benton Township Treasurer shall recommend financial institutions for approval for the safekeeping of Township funds based on an evaluation of the performance and solvency of the institution, as well as past performance in exercising due care and prudence in managing the custody of Township funds held in trust, if applicable. The Treasurer shall periodically evaluate approved and potential financial depositories and shall make recommendations as to appropriate changes in approved depository when warranted.

In determining safekeeping and custody qualifications, financial institutions document a minimum capital requirement of at least \$10,000,000 and at least five years of operation. All financial institutions and brokers/dealers shall be pre-qualified by supplying the following:

Audited financial statements

- . Proof of NASD certification or FDIC insurance
- . Proof of state registration
- . Certification of having read, understood and agreement to comply with the Benton Township investment policy.

The Benton Township Treasurer shall annually examine the financial condition and registrations of qualified financial institutions and brokers/dealers by obtaining annual updates of the information listed above.

BE IT FURTHER RESOLVED that when the Benton Township Treasurer's analysis of the Township's cash flow requirements reveal that surplus funds will not be required to meet current expenditures for a specific length of

time, the Treasurer is authorized to make prudent investments for a length of time that will provide a reasonable return on investment yet ensure that such funds will be available when needed and will not be exposed to undue risk. The Treasurer is authorized to invest township funds in the following instruments:

(a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.

(b) Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, but only if the financial institution is eligible to be a depository of funds belonging to the state under a law or rule of this state or the United States.

BE IT FURTHER RESOLVED that the Benton Township Board of Trustees may, at its discretion and upon the recommendation of the Benton Township Treasurer, authorize the Township Treasurer to invest in the following investment instruments, provided that the Benton Township Treasurer is required to obtain approval from the Township Board prior to acquiring or increasing the amount of Township funds in the following investment instruments:

(a) Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase.

(b) Repurchase agreements consisting of Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.

(c) Bankers' acceptances of United States banks.

(d) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.

(e) Mutual funds registered under the investment company act of 1940, title I of chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:

(ii) The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.

(iii) The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes. Investments in mutual funds shall include securities whose net asset value per share may fluctuate on a periodic basis.

(f) The purchase of securities on a when-issued or delayed delivery basis.

(g) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Cooperation Act of 1967, Public Act 7 of 1967, (*Ex Sess*), MCL 124.501, *et seq.*

(h) Investment pools organized under the Surplus Funds Investment Pool Act, Public Act 367 of 1982, MCL 129.111, *et seq.*

(i) The investment pools organized under the Local Government Investment Pool Act, Public Act 121 of 1985, MCL 129.141, *et seq.*

BE IT FURTHER RESOLVED that the objectives of this policy are to:

Maintain safety of principal of township funds;

- Maintain a diversified investment portfolio;
- Maintain adequate liquidity; and
- Achieve a market rate of return on relatively safe investment instruments.

To accomplish these objectives, decisions and actions involving the Township's investment portfolio shall meet the following criteria:

Safety: Safety of principal is the foremost objective of Benton Township's investment practices. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall investment

portfolio. The Treasurer shall minimize credit risk by investing only in the safer types of securities, pre-qualifying financial institutions, brokers/dealers, intermediaries, and advisers with whom the township will do business; and diversifying the investment portfolio so that the impact on the investment portfolio resulting from losses on individual securities will be minimized.

Diversification: The investments shall be diversified by avoiding over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities). Investments shall have varying maturities. Investment instrument selection shall avoid high credit risks and shall include use of readily available funds such as local government investment pools or mutual funds to maintain sufficient liquidity.

Liquidity: The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Securities shall have maturity dates concurrent with cash flow needs. Securities with active secondary or resale markets, as well as money market mutual funds offering same-day liquidity for short-term funds shall also be used to ensure liquidity. The Treasurer shall minimize interest rate risk by avoiding the need to sell securities prior to maturity and investing operating funds primarily in short term-securities, money market mutual funds or similar public investment pools. Securities shall not normally be sold prior to maturity except to minimize loss of principal; to improve the quality, yield or target duration in the portfolio; or to meet liquidity needs.

Return on Investment: The investment portfolio shall be designed to attain a market average rate of return during budgetary and economic cycles while taking into account investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to safety and liquidity objectives. The core of investments is limited to relatively low risk securities, and a fair rate of return relative to risk is assumed.

BE IT FURTHER RESOLVED that the Benton Township Treasurer shall make such investments and only such investments as a prudent person would make in dealing with the property of another, having in view the preservation of the principal and the amount and regularity of the income to be derived. The standard of prudence to be used shall be the "fiduciary" standard and shall be applied in context of managing an overall portfolio.

BE IT FURTHER RESOLVED that the Benton Township Treasurer may elect to have certificates and other evidence of investments held by a financial institution, provided that the financial institution presents to the Township Treasurer sufficient documentation and acknowledgment of the investment instruments held on behalf of the Township.

BE IT FURTHER RESOLVED that the Benton Township Treasurer shall refrain from personal business activity that could conflict with the proper execution and management of township investments, or that could impair the Treasurer's ability to make impartial investment decisions.

BE IT FURTHER RESOLVED that the Benton Township Treasurer shall provide on a quarterly basis a written report to the Township Board concerning the investment of Township funds.

BE IT FURTHER RESOLVED that Benton Township shall comply with all applicable statutory standards for investment of public funds as they now exist or as they may be subsequently amended. Any provision of this resolution that conflicts with applicable statutory requirements and standards is void.

BE IT FURTHER RESOLVED that this Benton Township Investment Policy and Depository Resolution shall become effective as of May 7, 2019 and shall supercede, revoke and render null and void any prior Benton Township Investment Policies and Depository Resolutions.

Roll Call Vote:

Aye: Charles Beckwith, Andrew Archambo, Jayne Passeno, Ann Couture

Nay: None

Absent: Mike Charboneau

Cordwood Trail would like to move forward with a special assessment. Supervisor Archambo will contact CRCC to bid the project. The Cordwood Trail Paving Committee has determined the cost to individuals will be by the lineal foot. Supervisor Archambo will contact Clayton McGovern for the measurement.

A motion to contract with American Waste, Inc. for brine was made by Supervisor Archambo and supported by Clerk Passeno.

NEW BUSINESS: Barb Darnell inquired about the procedure to have Beebe Road paved/reconstructed and ditching done to prevent water from washing over the road.

A motion to contract with Nieland & Kosanke, P.C. for the 2018/2019 audit was made by Trustee Beckwith and supported by Treasurer Couture. Motion carried.

Clerk Passeno presented the 10 parcels that have been foreclosed on by the Cheboygan County Treasurer for purchase by Benton Township. A motion was made by Treasurer Couture to refuse purchase and sign the First Right of Refusal Waiver. Supported by Trustee Beckwith and motion carried.

Clerk Passeno presented the 2019/2020 Alverno Fire Department Budget. A motion to accept the budget as presented was made by Supervisor Archambo and supported by Trustee Beckwith. Motion carried.

A motion by Supervisor Archambo to adopt Ordinance No. 19-01 prohibiting recreational marihuana establishments in Benton Township was supported by Trustee Beckwith. Roll call vote: Trustee Beckwith - aye, Trustee Charboneau - aye, Supervisor Archambo - aye, Clerk Passeno - Aye, Treasurer Couture - Nay. Motion carried.

**TOWNSHIP OF BENTON
COUNTY OF CHEBOYGAN
STATE OF MICHIGAN
ORDINANCE NO. 19-01
ADOPTED: May 7, 2019**

EFFECTIVE: Thirty (30) days from publication

PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS ORDINANCE

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of Benton Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

THE TOWNSHIP OF BENTON, CHEBOYGAN COUNTY, MICHIGAN ORDAINS:

SECTION I

TITLE

This ordinance shall be known as and may be cited as the Benton Township Prohibition of Marihuana Establishments Ordinance.

**SECTION II
DEFINITIONS**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

**SECTION III
NO MARIHUANA ESTABLISHMENTS**

Benton Township hereby prohibits all marihuana establishments within the municipal boundaries of Benton Township pursuant to Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as may be amended.

**SECTION IV
VIOLATIONS AND PENALTIES**

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
3. Each day during which any violation continues shall be deemed a separate offense.
4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

**SECTION V
SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION VI
REPEAL**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION VII
EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days from the date of publication.

Those voting aye: **ANDREW ARCHAMBO, JAYNE PASSENO, CHARLES BECKWITH and MICHAEL CHARBONEAU**

Those voting nay: **ANN COUTURE**

Those absent: None

The Supervisor declared the Ordinance adopted.

Clerk Passeno presented the 2019 Millage Reduction Fraction Computation & 2019 Personal Property Value Change from equalization for review.

A motion to accept the property split for James & Kathy Nihls on 8901 Swans Pointe was made by Supervisor Archambo and supported by Trustee Beckwith. Motion carried.

Dale and Linda Nelson presented their concerns regarding the water flow and ditching by their residence at 3427 Duncan Bay Drive. The Board suggested contacting the drain commissioner, Cameron Cavitt and the Duncan-Grass Bays Watershed Plan Committee, Grenetta Thomassey. Nelson's also requested the feasibility of a security light at the end of the cul-de-sac. Supervisor Archambo will contact the CRCC and Consumers Power.

PUBLIC COMMENT: Commissioner Newman reported that the interest in solar power is degressing.

MTA will be hosted by Waverly Township Hall on June 27, 2019 at 7:00 pm.

BILLS: Clerk Passeno presented a list of bills for the Boards approval. A motion by Supervisor Archambo and supported by Treasurer Couture. Motion was approved by all.

ADJOURNMENT: There was a motion by Treasurer Couture and supported by Trustee Beckwith to adjourn the Benton Township May monthly meeting at 9:20 pm. Motion carried.