

January 8, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, January 8, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Max Engle, Ben Zyburt, David Lynch, Don Rhein, Mark Maki, Judy White.

ABSENT: None.

STAFF PRESENT: Jon Kangas, Mary Sanders, Suzanne Sundell, Dale Throenle, Brad Johnson, Scott Jennings, Lisa Perry.

MINUTES – DECEMBER 11, 2017 REGULAR AND DECEMBER 18, 2017 SPECIAL MEETINGS.

Rhein moved Lynch seconded to approve the minutes of the Regular meeting of December 11, 2017 as presented.

MOTION CARRIED.

Zyburt moved Engle seconded to approve the minutes of the Special meeting of December 18, 2017 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

White moved Zyburt seconded to approve the agenda with the addition of a presentation to Steve Lawry, Retiring Township Manager.

MOTION CARRIED.

PUBLIC COMMENT.

Jude Catello, 119 Lakewood Lane – She has lived in Chocolay Township since 1978, she spoke on her dismay that we can't recycle glass any longer. She has done some research and presented information to the Board on a business in Wisconsin that will recycle glass for a fee. She asked that the Township look into Eagle River Waste and Recycling.

PRESENTATION.

Supervisor Bohjanen presented a plaque to Steve Lawry and read a letter from the Board, employees and citizens of the Township praising him for all the work accomplished during his tenure with Chocolay Township.

ACCOUNTS PAYABLE.

Engle moved Rhein seconded that bills totaling \$50,742.65 including checks numbered 22176-22211 are approved for payment.

MOTION CARRIED.

Trustee Maki had a question about Superior Watershed Partnership. The last time they attended a Chocolay Township Board meeting, Mark asked them for an update on work they had accomplished in the Township. We have not heard back from them. He thought that they were going more toward economic development by the grant request they had made.

PAYROLL.

Lynch moved Zybur seconded that payroll for December 6, 2017 for \$2,882.45 including checks numbered 24404-24413 and ACH payments for Federal tax, State tax and MERS and December 14, 2017 for \$32,467.42 including checks numbered 24414-24433 and 10581-10586 and ACH payments for Federal tax, State tax and MERS and December 28, 2017 for \$45,278.75 including checks numbered 24434-24470 and 10587-10594 and ACH payments for Federal tax, State tax and MERS and December 29, 2017 pay out for \$8,248.36 including ACH for Federal tax are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT –NOVEMBER 2017.

White moved Rhein seconded to accept the November Financial Report.

MOTION CARRIED.

TREASURER’S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zybur reported that we did not have any securities mature in the last month. We have had three Federal Reserve bumps in 2017 and we are expecting a couple more in 2018, which bodes well for the portfolio.

Lynch moved Rhein seconded to accept the Treasurer’s report.

MOTION CARRIED.

White moved Zybur seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

CANNABINOID PROCESSING PRESENTATION.

The presentation of Cannabinoid Processing is on hold because the company has decided to place their operation in Sands Township. We should still look at considering an Ordinance that deals with Cannabinoid.

ATV USE OF PUBLIC ROADS PRESENTATION.

Tony Harry is not here to present to the Board. Is there any interest in changing the stand that Chocolay Township has had that rescinds the County rules for ATV’s on County Roads in the Township? Trustee Engle commented that Tony Harry is the only one that he has heard from that wants the Township to Opt-in to the County’s Ordinance for ORV/ATV. The Board wants to send this to the Planning Commission and allow Tony Harry a chance to make his presentation there.

Chief Jennings stated that he feels that if they had ATV rules like we have snowmobile rules, it would be much easier to deal with ATV issues.

Lynch moved White seconded to send the request for use of public roads for ATV's to the Planning Commission and request Tony Harry to present to the Planning Commission.

MOTION CARRIED.

APPOINTMENT TO PETER WHITE PUBLIC LIBRARY TOWNSHIP ADVISORY COUNCIL.

Zyburd moved Rhein seconded to appoint Judy White to the Peter White Public Library Township Advisory Council for an indefinite term.

MOTION CARRIED.

NOMINATION OF TOWNSHIP MANAGER TO LAKE SUPERIOR COMMUNITY PARTNERSHIP BOARD OF DIRECTORS.

Maki moved Lynch seconded that the Board nominate Jon Kangas to the Lake Superior Community Partnership for a seat on its Board of Directors as a representative of Chocolay Township.

MOTION CARRIED.

SUPERVISOR'S REPORT.

- Introduced Jon Kangas to the Board and the public in the audience as our new Township Manager and commented that Mr. Kangas comes highly recommended.
- Planning Commission seat held by Jon Kangas should be discussed by the Board and Jon Kangas. Trustee Maki stated that the Michigan Zoning Enabling Act does not allow an employee to be on the Planning Commission. We will research the law.
- Supervisor Bohjanen and Suzanne Sundell met with KBIC on the water reservoir. They are working on a contract that will pay the Township through 2% money to contract with Gundlach Champion to build the water tower and once complete, we would deed it back to KBIC for ownership. The one issue that could come up is that Gundlach Champion has already done the engineering work and is prepared with a not to exceed price of \$675,000 for a 75,000 gallon tank. The plan is to not go back out for bids again, but this decision will come back to the Board for approval before moving forward.
- Flooding at the Chocolay River mouth brought together a lot of people and a lot of thinking on how to deal with it. As the river was rising, plans for how to prevent it from becoming a major disaster developed slowly. A contractor was brought out to see if an excavator could be brought out to the mouth to move the ice and the answer was no. Historically it was blasted, but that caused a lot of damage in 1985 or 1986. The reason the Township was involved in blasting the river mouth in the past, was due to a flooding risk to one of our pump stations. Since then we have taken measures to elevate that pump station so it does not represent a threat during a time of flooding. Primarily the flood threat is to the homeowners now. The DNR said that the DEQ is responsible for the permitting process and DEQ was not available on New Year's Day. Sara Cambensy has been up here to look the situation over and to speak with the Township and homeowners. Ultimately a long term solution has to be found.

AWARD OF BID FOR SALE OF SURPLUS POLICE PATROL CAR.

White moved Lynch seconded to declare the 2013 Dodge Charger be sold to the highest bidder.

MOTION CARRIED.

2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #11 TO REFLECT PROCEEDS FROM SALE OF POLICE CAR.

Zybur moved Lynch seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvement fund receipts within the township on October 5, 2016 for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
Police Department Capital Improvement Vehicle			
401.305.981	\$129,256.11	+\$3,470.00	\$132,726.11
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
401.698	\$27,664.23	+\$3,470.00	\$ 31,134.23

ROLL CALL.

AYES: Maki, Rhein, White, Lynch, Zybur, Engle, Bohjanen.

NAYS: None.

MOTION CARRIED.

2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #12 TO REFLECT RECEIPT OF KEWEENAW BAY INDIAN COMMUNITY 2% GAMING FUNDS.

White moved Lynch seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on October 5th, 2016 for fiscal year 2017, and Whereas, as a result of receipt of unanticipated revenue it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
KBIC 2% Gaming Money			
401.000.582	\$ 70,000.00	+\$ 70,000.00	\$140,000.00

EXPENDITURE

Fire Department

Land Improvements

Ojibwa Water Reservoir 401.340.002.972	\$ 25,000.00	+\$ 25,000.00	\$ 50,000.00
Fire Dept. Vehicles 401.340.981.000	\$125,758.14	+\$ 20,000.00	\$145,758.14
Police Dept. Equipment 401.305.977.000	\$ 36,827.29	+\$ 9,000.00	\$ 45,827.29
Water/Wastewater Equipment 401.591.977.000	\$ 0.00	+\$ 9,000.00	\$ 9,000.00
Recreation & Properties Equipment 401.756.977	\$ 27,427.57	+\$ 7,000.00	\$ 34,427.57

ROLL CALL.

AYES: Maki, Rhein, White, Lynch, Zyburt, Engle, Bohjanen.

NAYS: None.

MOTION CARRIED.

2017 GENERAL FUND BUDGET AMENDMENT #5 TO ACCOUNT FOR END OF YEAR ADJUSTMENTS.

Maki moved White seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated General Fund expenditures of the Township on October 5th, 2016 for fiscal year 2017, and Whereas, as a result of unanticipated expenditures it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

ACCOUNT EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Township Board Salaries 101.103.702	\$46,520.00	+\$14,350.00	\$60,870.00
Election Per Meeting Compensation 101.190.710	\$3,650.00	+\$ 4,100.00	\$ 7,750.00
Election Office Supplies 101.190.727	\$ 1,775.00	+\$ 1,400.00	\$ 3,175.00
Election Postage 101.190.729	\$ 900.00	+\$ 600.00	\$ 1,500.00

Election Miscellaneous 101.190.956	\$100.00	+\$ 425.00	\$ 525.00
Treasurer Salaries 101.253.702	\$44,947.00	+\$2,166.00	\$47,113.00
Sanitary Landfill Contractual Services 101.526.800	\$151,600.00	+\$3,500.00	\$155,100.00
Zoning Salary 101.800.702	\$76,560.00	+\$5,545.00	\$82,105.00
Clerk Salary 101.215.702	\$97,425.00	-\$7,711.00	\$89,714.00
Other General Government Contingency 101.285.951	\$20,000.00	-\$10,025.00	\$ 9,975.00
Other General Government Salary/Benefit Contingency 101.285.952	\$27,150.00	-\$14,350.00	\$12,800.00

ROLL CALL.

AYES: Maki, Rhein, White, Lynch, Zyburt, Engle, Bohjanen.

NAYS: None.

MOTION CARRIED.

MANAGEMENT LETTER FROM AUDITOR.

The Board received and read the audit management letter from Anderson Tackman & Company.

Lynch moved Zyburt second that the Board agrees to the attached letter from Anderson and Tackman and that the Township Supervisor sign the attached letter.

MOTION CARRIED.

REQUEST FOR CLOSED SESSION PURSUANT TO MCL 15.268(A).

Engle moved Lynch second to go into closed session.

MOTION CARRIED.

The public attending asked if they could make their public comment before the Board went into closed session. The Board agreed to that.

PUBLIC COMMENT.

Scott Emerson, 119 Lakewood Lane – Spoke on the adverse effects of environmental noise. He presented information to the Board on this subject. He would like the Board to consider this information as they look at the Fireworks and Noise Ordinance. Exposure to environmental noise causes sleep disturbance, hearing loss, blood pressure increase, heart disease, strokes, learning impairment in children, mental health issue, PTSD and health problems with pregnant women. Low frequency or impulse noise has the greatest ability to cause adverse effects from noise. Anything over 50 decibels should be enforced.

The Board went into closed session at 6:25 pm.

OPEN SESSION.

The Board went back into open session at 7:07 PM.

Lynch moved Rhein seconded to find a proper channel for repeated questions/requests to (Chocolay Township employees); that they come to the Board and go through the Supervisor and Manager first.

MOTION CARRIED.

White moved Lynch seconded to adjourn the meeting at 7:10 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of November 27th, 2017.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of November 9th, 2017.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meetings of December 13th, 2017, Draft.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of November 14th, 2017.
- E. Minutes – Northern Michigan Public Service Academy, Regular Meeting of November 16th, 2017.
- F. Communication – Iron Ore Heritage Trail Authority Annual Report.

Max Engle, Clerk

Richard Bohjanen, Supervisor