

February 13, 2017

A Regular meeting of the Chocolay Township Board was held on Monday, February 13, 2017 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

STAFF PRESENT: Steve Lawry, Mary Sanders, Brad Johnson, Suzanne Sundell, Dale Throenle, Scott Jennings, Pat Beck.

MINUTES – REGULAR MEETING JANUARY 9, 2017.

White moved Zyburt seconded to approve the minutes of the regular meeting of January 9, 2017 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Bohjanen moved Lynch seconded to approve the agenda with the addition of State Disaster Contingency Fund Grant Resolution as item XV. K.

MOTION CARRIED.

PUBLIC COMMENT.

Rachael Guth – She is a district manager at the Marquette County Conservation District. Her Board is looking for a space to hold its monthly Board meetings that would be open to the public and free of cost. Supervisor Bohjanen asked Manager Lawry to respond. Manager Lawry stated that all other users pay a fee and deposit to use the meeting room. We generally allow governmental agencies to use the space free, if it is during our regular office hours and it is occasional use.

Jill Hendrickson, 2023 M-28 East - Is concerned about the water in her area with the proposed casino project. She also handed out a letter to the Board members.

Supervisor Bohjanen said that he and Jill had a conversation earlier today on this issue and he told her that it is too early in the project process for the Board to make comment at this point.

Mitch Koetje, Marquette Little League – Marquette Little League is currently working with Chocolay Township on a ball field development at Silver Creek field. He asked for a letter of

continued support for the project from the Township as he applies for grant funds for ball field development.

Lynch moved White seconded to write a letter of support for Marquette Little League for the Silver Creek ball field project.

MOTION CARRIED.

Dick Arnold, 312 County Road 545- Commented on two driving incidents involving turns on the highway that created traffic slow down or stop on the main highway. He feels that the highway department has let Chocolay Township down by not putting in enough passing lanes and decelerating lanes.

Jeff Koch, is representing Superior Watershed Partnership and will be available to answer any questions the Board might have when they discuss item XV. F. pass through request for KBIC 2% money.

ACCOUNTS PAYABLE.

Lynch moved Rhein seconded that bills totaling \$73,933.37 including checks numbered 21525-21550 and bills totaling \$84,737.49 including checks numbered 21551-21601 are approved for payment.

MOTION CARRIED.

Trustee Maki asked about the bill for Yelle Mechanical for \$2,800.00.

PAYROLL.

Zyburtt moved Engle seconded that the payroll for January 4, 2017 for \$12,230.76 including checks numbered 23646 and 10424 and ACH payments for Federal tax, State tax and MERS and January 12, 2017 for \$40,794.25 including checks numbered 23647-23690 and 10425-10430 and ACH payments for Federal tax, State tax and MERS and January 26, 2017 for \$35,981.51 including checks numbered 23691-23718 and 10431-10436 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- DECEMBER 2016 (PRE-AUDIT) AND JANUARY 2017.

White moved Zyburtt seconded to approve the December 2016 (Pre-audit) and January 2017 financial reports.

MOTION CARRIED.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburtt reported to the Board that we reinvested one C/D in January in the amount of \$100,000.00 from the general fund to Honor Credit Union at .30% and in February a \$250,000.00 C/D matured from M-Bank and went to UBS at .875%.

Engle moved Rhein seconded to accept the Treasurer's report and the Fund Withdrawal and Deposit report.

MOTION CARRIED.

SUPERVISOR'S REPORT.

- He attended a Marquette Chamber of Commerce informal session. They meet on the 2nd Wednesday of every month at 5:15 pm and the Chamber encourages all of our Board members to attend.

SECOND READING OF PROPOSED NEW ORDINANCE #62 ANIMAL CONTROL ORDINANCE.

White moved Rhein seconded that after reviewing the input from a public hearing, the recommendations of the Township Planning Commission and the second reading of proposed Ordinance # 62 Animal Control, that the Board adopt the language of the proposed ordinance as written with the ordinance to take effect March 13, 2017; that the Board repeals Ordinance # 41, Animal Control effective March 13, 2017; and that the Board file a motion with the Township Clerk to publish a notice of adoption in the local newspaper and on the Township website within fifteen days of adoption, and record the new ordinance in the Township Book of Ordinances within one week after publication.

ROLL CALL:

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

NAYS: Maki

MOTION CARRIED.

Trustee Maki asked if the Zoning Ordinance needed to be amended because this ordinance is in conflict with the Zoning Ordinance. Supervisor Bohjanen stated that the discussion by the Planning Commission was that we do not have to include it the Zoning Ordinance because this is not a new use being allotted. Planning Director Throenle stated that this is not an agricultural activity; it is more on the line of a family garden in a residential area. Trustee Maki feels that it will be confusing to our residents if this is not spelled out in the Zoning Ordinance.

Trustee Maki asked what a chicken license is. Answer – It is a permit to raise chickens. This permit will be a standardized form that everyone will have to fill out to have chickens in non-agricultural areas.

INVESTIGATION OF POSSIBLE KAWBAWGAM ROAD AREA WATER UTILITY.

GEI engineering firm halted the water study based on the preliminary estimates for construction and operation of the water system. The estimates would place the average monthly customer bill between \$150 and \$200. The cost makes this project seem no longer feasible. Manager Lawry feels that we should communicate the reason for stopping the investigation of a water supply with the residents of the 80 households in the area.

Zyburt moved Engle seconded to terminate the present contract with GEI Consultants of Michigan, P. C. at its present level of completion, pay for work performed to date, and notify

Kawbawgam Road area residents of the Board’s decision not to pursue a public water system for the area because estimated construction and operation costs appear to be unaffordable.
MOTION CARRIED.

MANAGER PERFORMANCE EVALUATION.

Supervisor Bohjanen noted that the memo from Manager Lawry presents questions from Trustee Maki with replies from Manager Lawry. The questions were answered thoroughly by Mr. Lawry. Supervisor Bohjanen stated that we have another item on the agenda to discuss questions from Mr. Maki, so no action is needed at this time other than to read and acknowledge the memo.

SCHEDULING ANNUAL JOINT MEETING WITH TOWNSHIP PLANNING COMMISSION.

We are going to roll out new information system on Tablets and we will need a tutorial on the usage. It would be effective to have the tutorial and joint meeting with the Planning Commission on the same day.

Engle moved Lynch seconded to schedule a joint Planning Commission/Township Board meeting on Monday March 20, 2017 at 5:15 pm. This will take the place of the Regular March 13, 2017 Board meeting. We will have the Tablet presentation for both boards and the joint meeting starting at 5:30 pm and the Planning Commission will continue on with their Regular Planning Commission meeting at 7:00 pm.
MOTION CARRIED.

RESCHEDULING THE APRIL BOARD OF TRUSTEES MEETING.

The Supervisor and Clerk both plan on attending the Michigan Township Association Education Conference April 10-13th which conflicts with the Regular April Board meeting.

Rhein moved Lynch seconded to move the date for the Regular April Board meeting to April 3, 2017 at 5:30 pm.
MOTION CARRIED.

FIRE STATION CONSTRUCTION DEFICIT ELIMINATION PLAN FOR 2017.

White moved Lynch seconded that;

WHEREAS, the Charter Township of Chocolay Fire Millage Fund has a \$(260,903.00) deficit fund balance on December 31, 2016; and

WHEREAS, Act 275 of the Public Acts of 1980 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury:

NOW THEREFORE, IT IS RESOLVED that the Charter Township of Chocolay Fire Millage Fund Deficit Elimination Plan:

	2017
Fund Balance - Restricted	\$29,097
Fund Balance - Unrestricted	\$(290,000)

Fund Balance – Total	\$(260,903)
Revenue – Property Tax	\$323,825
Expenditure – Interest	\$(1,450)
Net Income	\$322,375
Fund Balance – Restricted	\$61,472
Fund Balance – Unrestricted	-
Fund Balance – Total	\$61,472
Payments on Advances–General Fund	\$145,000
Payments on Advances-Wastewater Fund	\$145,000

BE IT FURTHER RESOLVED that the Charter Township of Chocolay Supervisor, Richard A. Bohjanen submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

ROLL CALL:

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

NAYS: None.

MOTION CARRIED.

AWARD OF BIDS FOR MEETING ROOM FLOOR.

White moved Rhein seconded that the Chocolay Township Board award the flooring contract to Carpet Specialist’s in the amount of \$6,880.00. This is to be paid from the Township Hall and Grounds capital improvement fund 401.265.976.

ROLL CALL.

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

NAYS: Maki.

MOTION CARRIED.

Trustee Maki asked why we can’t just stain the floor. DPW Foreman answered that it cannot be sanded down any further to stain it. This is the original floor.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FROM THE POLICE TRAINING ACCOUNT FOR TACTICAL ENCOUNTERS TRAINING.

Lynch moved Engle seconded to expend \$195 For Tactical Encounters for patrol officers training. This is to be paid from the Capital Improvements Fund Police Training account 401.306.957.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED

REQUEST FROM SUPERIOR WATERSHED PARTNERSHIP FOR TOWNSHIP TO ACT AS PASS THROUGH AGENCY FOR 2% GAMING FUNDS.

KBIC has sent other organizations our way to make a request for 2% money and utilize Chocolay Township as a pass through agency. We will be making our request to the tribe this spring and could include this in our request.

Jeff Koch from Superior Watershed Partnership indicated those potential projects that this money would fund are:

- Coastal Erosion Control
- Stream Restoration/Riparian Restoration
- Wildlife Habitat Restoration
- Trail and Footbridge Construction
- Tree Planting/Native Plant Restoration
- Dune Restoration
- Native Pollinator Habitat Restoration
- Invasive Plant Removal
- Environmental monitoring
- Public Access Improvement/Handicap Access
- Community Projects/Clean- Ups/Etc.

Board members asked if there were any major projects planned this year and what projects will be done in Chocolay? They have worked on wind erosion areas in Chocolay with beach grass and shrubs. Trustee Maki asked that Superior Watershed Partnership report to our Board when they do stream restoration projects in Chocolay Township.

Zybert moved Maki seconded to authorize a request from the Superior Watershed Partnership for \$10,000 in funding for the Great Lakes Conservation Corps projects within Chocolay Township to be submitted as a part of the next Township request for 2% gaming funds from the Keweenaw Bay Indian Community, with the Township to act as a pass through agency for funds received from this source, and to ask the SWP to report back to the Township on the projects accomplished with this funding.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED

CONSIDERATION OF REVISED RECYCLING AGREEMENT WITH MARQUETTE COUNTY SOLID WASTE AUTHORITY.

The landfill needs to expand their recycling program. To accomplish this they wish to amend the recycling contract and change the way we are paid for recycling to keep it viable. We will continue to not pay a tonnage fee for recycling, but the amount paid to the Township for recycling will go down. This is still in the best interest of the Township because the saving on the tonnage fee is significant.

White moved Lynch seconded to authorize the Township Supervisor to execute the attached contract agreement with the Marquette County Solid Waste Management Authority for acceptance and marketing of recyclable materials from the Township.

MOTION CARRIED.

CONSIDERATION OF LEASE AMENDMENT PROPOSALS FROM AMERICAN TOWER CORPORATION.

American Tower has offered two options: one- to extend the lease and two- a lump sum buy out. Manager Lawry indicated that the Company is trying to standardize contracts.

Engle moved White seconded to leave our lease with American Tower basically as it now stands.

MOTION CARRIED.

DISCUSSION OF QUESTIONS POSED BY CORRESPONDENCE FROM TRUSTEE MAKI.

Trustee Maki sent a memo to the Chocolay Township Board dealing with the following topics and Supervisor Bohjanen responded to each:

- 1. Recently the Board dealt with the address ordinance and proposed changes dealing with the provision of addressing multiple dwellings on one site.**

There is new language in Ordinance #61 that added structure to the terms dwelling and places of business, so yes this rewrite was needed. The language was sent to the fire and police departments prior to the second reading of the ordinance, but not the first reading. The Board did pay attention to what the fire and police department had to say. On the question as to why the Board did not agree to get comments first – there was different input and the outcome was the same.

- 2. Regarding the Treasurer appointment and the fact that his application was a day late and the Board did not notify him ahead of time.**

Treasurer appointment – there was a published deadline and Mark’s application arrived one day late. It was unfortunate that Mr. Maki came to the meeting expecting to be interviewed and was surprised to find out that he was not being interviewed. Applicants should follow the procedure set out by the Board and file by the deadline.

- 3. What is the Board’s email policy?**

Township e-mail policy- Manager Lawry responded that following the State email retention policy, we keep the email two years and after that it is destroyed. Dale Throenle responded that Randy Yelle did not have any email when Dale arrived, but Jennifer Thum, Kelly Woodward and Tina Fuller all had emails on file and were kept for two years.

4. What is done with Township Board emails?

Board emails – This will be the norm for our Board to communicate by e-mail once we switch over to the tablets for our Board packets.

5. Zoning Ordinance issues –enforcement policy and practice, recent sign provisions, vacation rentals.

Zoning enforcement – The sign Ordinance and vacation rentals have been looked at recently, but none of them have been completed. The sign Ordinance has to be looked at because of changes in State laws. The Planning Commission has had a work session on vacation rentals and surrounding communities are also discussing how to handle them. Trustee Maki feels vacation rentals are not authorized in the WFR zone, which includes land north of Lakewood Lane. Supervisor Bohjanen feels that there is no clear answer yet. Clerk Engle said that there have been vacation rentals in the Township since the original Zoning Ordinance.

6. Planning Commission Appointments.

Planning Commission appointments- Supervisor Bohjanen read the procedure for appointing Planning Commissions and chose the appointees and brought them before the Board for approval. Trustee Maki asked if the candidates submitted applications for Planning Commission. They did file applications for Planning Commission. Trustee White was selected as Board liaison on the Planning Commission and an application is not necessary as Board liaison to the Planning Commission. The candidates knew of the meeting that the appointments would be made and one candidate was not available. Supervisor Bohjanen does not know why the recent Planning Commissioners left.

OPPORTUNITY TO COMMENT ON LAKE SUPERIOR COMMUNITY PARTNERSHIP APPLICATION FOR U.S. ECONOMIC DEVELOPMENT ADMINISTRATION FUNDS TO MITIGATE EFFECTS OF BUSINESS CLOSURES.

Lynch moved Zyburt seconded to support the Lake Superior Community Partnership application for U.S. economic development administration funds to mitigate effects of business closures.
MOTION CARRIED.

STATE DISASTER CONTINGENCY FUND GRANT RESOLUTION.

White moved Rhein seconded to submit the State Disaster Contingency Fund Grant Resolution for the flooding incident that occurred on October 18, 2016.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

PUBLIC COMMENT.

Mark Maki, 370 Karen Road – Commented on an article in the Mining Journal that was written about the Casino expansion quoting our Manager that the project was in compliance with all local regulations. Why do we not say something to the Mining Journal when they print an article with inaccurate information? Manager Lawry did not speak to the Mining Journal, the article was written with information from our Board packet only. Mark also commented that the Board should get a copy of the bills.

Jill Hendrickson, 2023 M-28 East- Was shocked to learn about the casino expansion. She lives near the casino and read about the expansion in the newspaper. She has three neighbors that wrote letters to the editor on water issues with an expansion of the casino and none of the letters were put in the paper.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of December 19th, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of December 15th, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of January 18th, 2017 Draft.
- D. Minutes – Minutes – US 41 Corridor Advisory Group, Regular Meeting of December 13th, 2016.
- E. Notice – Application for SDM License from Department of Licensing and Regulatory Affairs by Ironwood Oil Co. dba Holiday Station stores.
- F. Communication – Charter Communications Rate Adjustment Notice.

Supervisor Bohjanen adjourned the meeting at 7:15 p.m.

Max Engle, Clerk

Richard Bohjanen, Supervisor