

March 20, 2017

A Joint meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Monday, March 20, 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.

PLANNING COMMISSION.

PRESENT: Tom Mahaney, Eric Meister, Kendell Milton, Jon Kangas, Donna Mullen-Campbell, Judy White (Board representative).

ABSENT: Andy Smith.

STAFF PRESENT: Steve Lawry, Suzanne Sundell, Dale Throenle, Pat Beck.

MINUTES – REGULAR MEETING FEBRUARY 13, 2017 AND SPECIAL MEETING FEBRUARY 27, 2017.

White moved Rhein seconded to approve the minutes of the regular meeting of February 13, 2017 with a correction on page two, change the word under Treasurer Report from reimbursed to *reinvested* and on page 8 *that Trustee Maki feels that vacation rentals are not authorized in the WFR zone, which includes land north of Lakewood Lane* and to approve the February 27, 2017 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Engle moved Zyburt seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Jason Ayres, Real Estate Officer for Keweenaw Bay Indian Community- Would like to reserve time to speak to Item A. under New Business - The Rezoning Application.

Janet Amundson, 2029 M-28 East – Where is the water coming from that will fill the proposed water tank for the Casino project. Supervisor Bohjanen replied that the simple answer is from the wells. The US Geological Survey study did not come to the conclusion that this will dry up all the surrounding wells.

Jeff Glass- Would like to speak under item E. New Business – Brewer’s License for Jeffrey Glass.

Linda Rossberg, 1975 M-28 East – Asked why a 42 unit condominium project was unanimously denied 10 years ago on the opposite corner of Kawbawgam and M-28. Why there was not enough water for that project but there is for the Casino project.

ACCOUNTS PAYABLE.

Lynch moved Zybert seconded that bills totaling \$61,893.24 including checks numbered 21603-21633 and bills totaling \$13,801.35 including checks numbered 21634-21658 and bills totaling \$40,743.83 including checks numbered 21659-21692 are approved for payment.

MOTION CARRIED.

Trustee Maki asked about the bill for Range Bank Credit Card paying for Board of Review Training and Citizen Planner.

Trustee White asked about a credit card with First Merit Bank. Manager Lawry noted that the Township Treasurer Department has their own credit card for tax billing postage/envelope purchases.

Trustee Rhein had a question on the oil change bill.

Supervisor Bohjanen had a question on the City of Marquette Wastewater Treatment bill. Manager Lawry responded that the January bill included the rebalancing of our annual cost.

PAYROLL.

White moved Lynch seconded that the payroll for February 9, 2017 for \$31,828.87 including checks numbered 23719-23736 and 10437-10442 and ACH payments for Federal tax, State tax and MERS and February 23, 2017 for \$36,033.94 including checks numbered 23737-23771 and 10443-10448 and ACH payments for Federal tax, State tax and MERS and March 9, 2017 for \$31,086.81 including checks numbered 23772-23790 and 10449-10454 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- FEBRUARY 2017.

Zybert moved Engle seconded to approve the February 2017 financial reports.

MOTION CARRIED.

TREASURER'S REPORT.

Treasurer Zybert reported to the Board that for the month of March we had additional funds in the three main accounts of \$149,000. With that we purchased a 1.5% C/D maturing in April 2020.

Engle moved Rhein seconded to accept the Treasurer's report.

MOTION CARRIED.

FUND WITHDRAWAL AND DEPOSIT REPORT.

White moved Lynch seconded to accept the fund withdrawal report.

MOTION CARRIED.

IMPLEMENTATION OF DIGITAL TABLETS FOR AGENDA MATERIAL PACKETS.

Maki moved Zybert seconded to move on to the rezoning issue now since we have public in attendance for this issue and deal with the tablet presentation afterward.

MOTION CARRIED.

CONSIDERATION OF PLANNING COMMISSION RECOMMENDATION ON REZONING APPLICATION ZA 17-01 FROM THE KEWEENAW BAY INDIAN COMMUNITY FOR THE NORTH 660 FEET OF THE SOUTH 1,392 FEET OF

THE E ½ OF THE SE ¼, EXCEPT THE WEST 150 FEET THEREOF, SECTION 12, TOWNSHIP 47 NORTH, RANGE 24 WEST AT 200 ZHOONIYAA MIIKANA TRAIL. (A PORTION OF PARCEL #52-02-112-048-70).

Manager Lawry noted to the Board that we received a revised copy of the letter from Marquette County Planning Commission with a correction to the legal description. The corrected letter has been distributed to the Board. This property has been zoned residential for years even though it has been used for decades as a parking lot which is a commercial use.

Permitted uses for Commercial District:

1. Offices
2. Establishments selling goods and services at retail
3. Gas stations and service stations
4. Private clubs
5. Hotels
6. Nursing homes
7. Funeral homes
8. Bakeries
9. Restaurants
10. Indoor theaters and other places of amusement
11. Motor vehicle sales and rentals
12. Storage units

(F) Conditional Uses

1. Auto Repair Shops
2. Trails
3. Outdoor wood boilers
4. WECS including conditions of approval
5. Outdoor storage including semi-trailers
6. Hospitals
7. Contractors yards and shops
8. Other uses deemed by the Planning Commission to be of the same general character as those permitted and conditional uses

Engle moved Rhein seconded, to waive the second reading and approve the partial rezoning of the property described as the North 660 feet of the South 1,392 feet of the E ½ of the SE ¼, except the West 150 feet thereof, Section 12, Township 47 North, Range 24 West, Chocolay Township, Marquette County, Michigan from Single Family Residential (R-1) to Commercial (C), and to file the amendment with the Township Clerk to publish a notice in the local newspaper and on the Township website within 15 days of adoption, and record the amendment in the Township Zoning Ordinance book.

MOTION CARRIED. (Maki-No)

Trustee Maki has concerns that the Planning Commission did not hold a public hearing on this issue at the February meeting and there were several people in attendance that spoke in reference to the water issue. I would like to allow the public to speak tonight. The Planning Commission made a recommendation to rezone this property. Was any of that public comment sent to the Marquette County Planning Commission? Trustee Maki read the Marquette County Planning Commission report. Trustee Maki is concerned that the Chocolay Township Planning Commission and the Marquette County Planning

Commission did not consider the water issue when recommending the rezoning. Trustee Maki read portions of a letter from the Governor's office indicating concerns with water and wastewater on the Casino property. There are concerns for offsite drinking wells. What property is under trust and what is proposed to become trust property?

Supervisor Bohjanen reminded Trustee Maki that the issue tonight is only rezoning the parking lot. The water is not the issue tonight.

Jason Ayres, Real Estate Officer for Keweenaw Bay Indian Community- We are aware of concerns about the water and are working with MDEQ to address those concerns. We are working with MDEQ on availability of water and proper discharge of sewage.

Linda Rossberg, 1975 M-28 East – Water has been issue in this area since she moved there 28 years ago. She presented a picture of her water. If there was not enough water for a 42 unit condo development 10 years ago, why is there enough water for the Casino expansion now? She feels that this development is being pushed too fast. Why is the section of parking lot up for rezoning just being changed now?

Jeff Glass, M-28 – Feels that there is plenty of water and this project will not draw down the water table. The water table in this area is 13 feet.

Lee Blondeau, 30 N. Tracie - Would like to speak in favor of the project. It is positive for the Township.

Jan Amundson, 2029 M-28 – They are going on their 4<sup>th</sup> well since they have lived there. The last well they put in was 40 feet down. Once the parking lot is approved, the rest of the project will happen. The Township is more concerned about the dollar bills than the people.

Larry Denomie, CEO of Keweenaw Bay Indian Community- We do understand the water concerns of the people in the area and the KBIC is also very concerned about the water and are currently doing testing. Once the information is available to KBIC they will hold a town hall meeting and welcome all residents.

Jennifer Misegan, Vice President KBIC Council- We are simply here tonight on the rezoning process. We do not want take anyone's water from them. The governor's office stopped KBIC from building in Negaunee and the December letter is another way to try to stop further growth. KBIC is working with the MDEQ on the water issue.

Jill Hendrickson, M-28 – Is concerned about the water on M-28. She spoke with someone from the DEQ and they said they will never allow this project.

Linda Rossberg, 1975 M-28 East- Has talked with the Governor's office several times and they have told her that they are still open to having the Casino in Negaunee.

Dale Throenle, Township Planner - The Planning Commission addressed the zoning of the parking lot property, not a final plan. There is a record card in the file that has confusion as to whether this was tribal property prior to the parking lot being put in. This property has been a parking lot since 1997. The entire packet from the Chocolay Township Planning Commission was sent to Marquette County Planning Commission. The water issue is not a part of the commercial rezoning of the parking lot.

Supervisor Bohjanen reminded Trustee Maki that his earlier concerns were that we do not have control if the property becomes Trust Land. It is currently under our local zoning control.

DISCUSSION OF 2017 PRIORITIES. SUGGESTED TOPICS INCLUDE: SHORT-TERM RENTAL REGULATION, ASSET MANAGEMENT PLANNING, AND REWRITE OF ZONING ORDINANCE.

Dale Throenle, Planning Director explained that we have some real discrepancies in our current zoning ordinance, definition issues, 62% of our agricultural district is non-conforming and commercial district wording needs work. We have since modified the sign portion. The ordinance was written in 2008 and many current issues are not covered in the ordinance.

Manager Lawry indicated that we have funds in the 2017 budget to begin performing an asset management plan for the wastewater collection system. In order to apply for outside financial assistance, we must have an asset management plan set in place. We also have funds to look at the road system. The County does not have the funding to replace/maintain the roads, so it falls on us if it is to happen. The last road millage in Chocoyay expired in 2012. We again have to have an asset management plan in place before we request millage. The ongoing vehicle fleet will continue to have needs. For many units of government a water system is also a part of the asset management system.

Trustee Maki asked if there is a time frame for the Planning Commission on short term rentals.

Dale Throenle replied in the next few months.

Supervisor Bohjanen stated that a public water system is on his high priority list as a long term plan.

### **Planning Commission Priorities.**

#### **Priority 1**

- Asset Management Plan for Township roadways
- Begin planning for implementation of high priority Master Plan projects
- Finish incomplete proposed zoning ordinance amendments
- Monthly land use explorations in preparation for amending of the Zoning Ordinance to implement the Zoning Plan of the Master Plan, Zoning Classification, Accessory Homesteading Activities, etc.
- Necessary updates to the Lot Split and Land Division ordinances
- Plan for four-season transit facility

#### **Priority 2**

- Consider need to amend the Animal Control Ordinance for consistency with agricultural regulations (done)
- Consider need to amend the Nuisance Control Ordinance in relation to permitted agricultural activities
- Further amend the Zoning Ordinance to address changes in State Legislation
- Further amend the Zoning Ordinance to implement the Zoning Plan of the Master Plan
- Reconsider approach to private road regulation
- Reconsider the *Accessory Homesteading Activities* regulations after evaluating public input

#### **Priority 3**

- None

#### **Priority 4**

- Consider Firewise zoning regulations

Tom Mahaney reminded Dale to add to the list - Mixed Use corridor from the Welcome Center down to M-28 just past Nagelkirks. We are close on the short term rentals, and we are still working on asset management and the zoning ordinance. Does the Board want the Planning Commission to continue with this priority list?

Don Rhein feels the mixed corridor should be on the #1 priority list.

Trustee Maki feels it would be helpful to bring a list to the Board of the issues with the current zoning ordinance. That would be a good place to start with the zoning ordinance.

Clerk Engle is concerned that if we change things piecemeal, it will cause problems in other areas of the zoning ordinance.

Supervisor Bohjanen has concerns with the statement in each segment of the zoning ordinance *If any part of this ordinance is in conflict with other ordinances, they are then repealed.* I would suggest meeting once a month to look at one or two of the ordinances, and come to the conclusion as to whether it needs a change.

The Board agreed to all of the above Planning Commission priorities.

**2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #1 TO REFLECT INSURANCE SETTLEMENT FOR 2016 POLICE VEHICLE.**

White moved Zybert seconded that Whereas, a budget was adopted by the Chocoley Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on October 5<sup>th</sup>, 2016 for fiscal year 2017, and Whereas, as a result of receipt of unanticipated revenue from an insurance settlement for a damaged police vehicle 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
<b>REVENUE</b>			
Miscellaneous			
401.698.000	\$ 0.00	+\$ 19,750.00	\$ 19,750.00
<b>EXPENDITURE</b>			
Police Vehicles			
401.305.981	\$ 88,009.27	+\$ 19,750.00	\$107,759.27

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

**CONSIDERATION OF REQUEST FOR REDUCTION OF SEWER USE FEE.**

Maki moved Lynch seconded that the equivalent user fee for 2288 U S 41 South remains at 1 equivalent user unless the owner digs up the lateral and has it capped off and inspected by D.P.W. staff.

MOTION CARRIED.

CONSIDERATION OF RESOLUTION OF SUPPORT FOR BREWER'S LICENSE FOR JEFFREY GLASS.

Jeff Glass explained that his purpose for the license request is to offer his campers something more at the Gitchee Gumee R V Park and Resort. He needs an approval from the Board to make an application to the State of Michigan. This is different than a liquor license, it is for a small location beer brewing only.

Zyburt moved Lynch seconded that the application from Jeffrey Morris Glass for the following license(s): Brewer license to be located at: 2048 M-28 East, Marquette MI 49855 at Gitchee Gumee RV Park.

It is the consensus of this body that it recommends this application be considered for approval by the Michigan Liquor Control Commission.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUND DOLLARS FOR POLICE TRAINING.

White moved Rhein seconded to expend \$495 for the Medicolegal Investigation of Death training. This would come from the Capital Improvement Police Training Fund, 401.306.957.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUND DOLLARS FOR HOLSTERS AND WEAPON LIGHTS.

Lynch moved Zyburt seconded to approve the purchase of Holsters, Weapon Lights and Gun Cases for no more than \$2,880. This will be paid from the Capital Improvement Fund - Electronics, Account #401.305.977.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

REQUEST FOR LETTER OF SUPPORT FOR CITY OF MARQUETTE TRUST FUND GRANT APPLICATION FOR WILLIAMS PARK IMPROVEMENTS.

Maki moved White seconded to support the Trust Fund Grant application filed by the City of Marquette for accessibility improvements, and tennis and basketball court upgrades to Williams Park. The proposed improvements are in accord with the City's Recreation Master Plan which identified playground accessibility improvements as a priority.

MOTION CARRIED.

PUBLIC COMMENT.

Jan Amundson, 2029 M-28 – Does brewing beer use a lot of water? When can I get a copy of the geological study? It is on the Township website and Supervisor Bohjanen has a copy available for the public to read.

Lee Blondeau, 30 N. Tracie – Does the Township have a road construction plan for this summer. Supervisor Bohjanen replied that currently we have no road construction plan because we are working on the asset management plan and do not have a current road millage.

The Tablet training will be deferred to the April meeting because there is a Planning Commission Public Hearing scheduled at 7:15 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of January 16, 2017.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of January 19, 2017.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of February 15, 2017, Draft.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of January 10, 2017.

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

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Max Engle, Clerk

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Richard Bohjanen, Supervisor