

June 1, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, June 1, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None

STAFF PRESENT: Steve Lawry, Mary Sanders, Dale Throenle, Suzanne Sundell.

MINUTES – MAY 4, 2016 REGULAR MEETING.

White moved Bohjanen seconded to approve the minutes of the regular meeting of May 4, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Lynch moved Engle seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

None.

PUBLIC HEARINGS- PROPOSED FIREARMS ORDINANCE #61.

The public hearing was opened at 5:32. There was no public comment. The public hearing was closed at 5:33.

ACCOUNTS PAYABLE.

Zyburt moved White seconded that bills totaling \$79,963.41 including checks numbered 21040-21094 are approved for payment.

MOTION CARRIED.

PAYROLL.

Engle moved Zyburt seconded that the payroll for May 5, 2016 for \$30,100.29 including checks numbered 23080-23099 and 10316-10321 and ACH payments for Federal tax, State tax and MERS, and May 19, 2016 for \$39,083.74 including checks numbered 23100-23146 and 10322-10327 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- APRIL 2016.

White moved Lynch seconded to approve the April 2016 financial report.

MOTION CARRIED.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported one CD in the amount of \$100,000 matured on May 19<sup>th</sup> from Northern Michigan Bank and has been reinvested in 1st Bank for 6 months with a 65 basis point maturity which is about 30 basis points higher than the market is yielding right now. May 31<sup>st</sup> there was a \$331,000 pay down on the fire millage fund.

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

MOTION CARRIED.

SUPERVISOR'S REPORT –

- We received an invitation from the Marquette Board of Light and Power on a ground breaking ceremony. David Lynch will represent the Township.

SECOND READING OF REPEAL OF ORDINANCE #35 AND ADOPTION OF PROPOSED ORDINANCE #61, FIREARMS ORDINANCE.

Maki moved Zyburt seconded that after review of the proposed modifications of the Township Firearms Ordinance, the input from a public hearing, and the recommendations of the Township Planning Commission and the Township Attorney, that the Board adopt the proposed language of Ordinance #61, file the 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 amendment in the Township Ordinance Book within one week after publication, with Ordinance #61 to become effective thirty days after adoption and Ordinance #35 to be repealed concurrently.

Trustee Bohjanen feels that the proposed language eliminates the possibility of duck hunting on portions of Lake Superior shoreline and most of Lake Kawbawgam. We are basically taking away a privilege that people have had.

Trustee Lynch also feels that the duck hunting should continue to be allowed in those areas.

Supervisor Walker stated that the initial purpose of updating the ordinance was to include our Waterfront Zoning District, which was not a zoning district when the original ordinance was written. At the last Board meeting he was advocating prohibiting the use of all firearms rather than exempting shotguns. After discussing this with the Manager and Planning Director; that given the situation on Lake Kawbawgam, he is not so sure that is a sound choice.

Trustee Maki asked if we are really changing the current ordinance. Answer - We are, because the current allows shot guns and certain types of ammunition.

Trustee Bohjanen feels that we should add to the ordinance a prohibition on shooting across property lines.

Roll CALL.

AYES: Maki.

Nays: Bohjanen, White, Lynch, Zyburt, Engle, Walker.

MOTION FAILED.

The Board discussed bringing the proposed Ordinance #61 (Attorney version 1) with an addition of Section 4. (c) No firing across property boundaries without the owner's permission.

Bohjanen moved Lynch seconded to change Ordinance #61 to attorney version one with the addition of Section 4. (c) No firing across property boundaries without the owner's permission. This will be published as a public hearing and second reading for the July 6, 2016 Township Board Meeting.

MOTION CARRIED.

FIRST READING OF ZONING ORDINANCE TEXT AMENDMENT 34-16-02 TO ADD CAMPGROUND AS A CONDITIONAL USE IN THE AGRICULTURE/FORESTRY DISTRICT.

Maki moved Engle seconded the Township Board approves Zoning Ordinance Text Amendment Application #34-16-02 as written and advance to a second reading.

**(C) CONDITIONAL USES**

1. WECS
2. Resorts
3. Bed & Breakfast
4. Trails
5. Recreational uses/structures, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact
6. Race tracks
7. Hunting and shooting preserves on lots of 40 acres or more
8. Accessory Housing Units
9. Rural Cluster Development Subdivisions (see Section 6.12)
10. Contractor yards and shops
11. Parks **(#34-09-02)**
12. Kennels on lots 20 acres or more **(#34-09-03)**
13. Schools and Churches **(#34-10-04)**
14. Campgrounds on parcels 20 acres or more **(#34-16-02)**

MOTION CARRIED.

COMMUNICATION TO THE DEPARTMENT OF TREASURY REGARDING 2015 AUDIT.

White moved Lynch seconded to authorize Chocolay Township Supervisor Gary Walker to sign and file the attached letter to the State of Michigan in response to the audit deficiency letter dated May 9, 2016.

MOTION CARRIED.

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #4 TO REFLECT RECEIPT MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS TRAINING FUNDS.

Maki moved White seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township on November 4, 2015 for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues and/or revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Training Capital Outlay 401.306.957	\$1,198.89	\$503.15	\$1,702.04

REVENUE	PREVIOUS	CHANGE	AMENDED
State of MI 401.543	\$0.00	\$ 503.15	\$503.15

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #5 TO ESTABLISH A TENNIS COURT IMPROVEMENT PROJECT ACCOUNT AND REFLECT RECEIPT OF A MARQUETTE COMMUNITY FOUNDATION GRANT.

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 November 4<sup>th</sup>, 2015 for the fiscal year 2016, and Whereas, as a result of unanticipated revenue from a grant awarded by the Marquette Community Foundation it is necessary to modify the aforesaid budget, Now Therefore, Be It Resolved, that the aforesaid budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
<b>REVENUE</b>			
Other Grants 401.540.000	\$ 0.00	+\$1,000.00	\$1,000.00
<b>EXPENDITURE</b>			
Recreation & Properties - Land Improvement 401.756.972	\$ 53,203.55	-\$17,500.00	\$35,703.55

Recreation & Grants -

Silver Creek Tennis Court Project  
401.708.003.972                   \$           0.00           +\$18,500.00           \$18,500.00

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

REQUEST FROM U. P. DISC GOLF ASSOCIATION RELATED TO SILVER CREEK RECREATION AREA.

Engle moved Zybert seconded to authorize the U.P. Disc Golf Association to install and maintain concrete tee pads and hold sponsor recognition signing at those portions of the Silver Creek Recreation Area Disc Golf Course on Township property. Further, that the 2016 Fee Schedule be amended by the addition of a new fee of \$50 per day for the reservation and use of the Silver Creek Disc Golf Course for organized tournament play with rental to be in accordance with the terms of the Township's Recreation Facility Use Agreement with said fee to become effective for rentals after July 1, 2016. Finally, it is further moved that the attached Letter of Agreement be adopted to amend the current Land Use Agreement with the U. P. Disc Golf Association dated May 20, 2013, and that the Township Supervisor be authorized to execute the Agreement on Behalf of Chocolay Township.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, April 18<sup>th</sup>, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of April 21<sup>st</sup>, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of May 18<sup>th</sup>, 2016, Draft.
- D. Minutes – Marquette County Township Association, Regular Meeting of March 23, 2016 and Regular Meeting of April 27, 2016.
- E. Minutes – US 41 Corridor Advisory Group, Regular Meeting of April 12<sup>th</sup>, 2016.
- F. Minutes – Northern Michigan Public Service Academy, Annual Meeting of May 19<sup>th</sup>, 2016, draft
- G. Correspondence – Marquette County Road Commission – Roadway Funding

Supervisor Walker adjourned the meeting at 6:05 p.m.

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Max Engle, Clerk

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Gary Walker, Supervisor