

June 12, 2017

A Regular meeting of the Chocolay Township Board was held on Monday, June 12, 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, Suzanne Sundell, Dale Throenle, Scott Jennings, Brad Johnson.

MINUTES –SPECIAL MEETING MAY 15, 2017.

Rhein moved Zyburt second to approve the minutes of the regular meeting of May 15, 2017 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

White moved Lynch second to approve the agenda with the addition of XV. H. Deficit Elimination Resolution.

MOTION CARRIED.

Trustee Maki commented that he sent several letters out concerning Item XV. F. Zoning Enforcement Discussion and he did not see any of the letters in the Board agenda packet. Those letters with questions and Manager Lawry's answers were emailed to all the Board members.

PUBLIC COMMENT.

None.

ACCOUNTS PAYABLE.

Lynch moved Zyburt second that bills totaling \$67,156.67 including checks numbered 21751-21786 and bills totaling \$23,160.30 including checks numbered 21787-21812 and bills totaling \$28,051.01 including checks numbered 21813-21838 are approved for payment.

MOTION CARRIED.

Trustee White asked about a bill that paid for training for Don Bode before he retired. Manager Lawry explained that it was for a certification that was prescheduled and he needed it while he was still employed by Chocolay Township.

PAYROLL.

White moved Engle second that the special payroll for April 24, 2017 for \$1,732.93 including check numbered 23909 and ACH payments for Federal tax, State tax and MERS and for May 4, 2017 for \$32,850.40 including checks numbered 23910-23928 and 10473-10478 and ACH payments for Federal tax, State tax and MERS and for May 18, 2017 for \$34,022.42 including checks numbered 23929-23960 and 10479-10484 and ACH payments for Federal tax, State tax and MERS and special payroll for May 26, 2017 for \$4,778.70 including check numbered 23961 and ACH payments for Federal tax, State tax and MERS and for June 1, 2017 for \$31,680.48 including checks numbered 23962-23981 and 10485-10490 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- APRIL 2017.

Zyburt moved Rhein second to approve the April 2017 financial reports.

MOTION CARRIED.

TREASURER'S REPORT- FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported to the Board that we did not have any C/D activity in May.

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

MOTION CARRIED.

PRESENTATIONS.

Mike Armstrong from Anderson Tackman and Company PLC presented the FY2016 audit. He indicated that we received an unqualified opinion; which is the highest opinion given. The change in net position was \$470,000 and the total net position on the whole is 9.2 million. The Township exceeded budgeted revenues and kept expenses down below what was budgeted and that is a great plan to have. We did not find any material weaknesses or significant deficiencies with internal control. However according to auditing standards we did have to report to the State 2016-001 Assist in preparing financial statements and footnotes and 2016-002 Fund Balance deficit in the Fire Millage Fund.

Trustee Maki had questions on Fund Balance amounts. He also asked about the MERS defined pension plan liability and how do we know when we go from a net benefit to a deficit. Supervisor Bohjanen responded that MERS sends an annual actuarial report to the Township with that information.

SUPERVISOR'S REPORT.

The Supervisor reported that he will not be in the office next week because he will be in Belize on a Mission Project.

AUTHORIZATION TO EXECUTE MICHIGAN DEPARTMENT OF NATURAL RESOURCES PASSPORT GRANT AGREEMENT FOR SILVER CREEK RECREATION AREA.

Trustee Maki asked if there was an estimated cost and who was the engineer on the project. Manager Lawry responded that we have not yet sent out RFP for the engineer on this project.

White moved Lynch second to adopt the Resolution for the Michigan Recreation Passport Grant Program Development Project Agreement Number RP16-0124 as written.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO PURCHASE EMERGENCY RESPONSE GEAR FOR POLICE OFFICERS WITH CAPITAL IMPROVEMENT FUND DOLLARS.

Supervisor Bohjanen asked Chief Jennings what type of emergency response gear is being requested. Chief Jennings responded protective vests, first aid kits, radio holsters, magazine and a plate carrier. These kits are set up for a police officer that has to respond to an emergency directly from home. This will be for four full time officers in Chocolay. Most of the officers in Marquette County are doing the same.

Lynch moved Zyburt second to approve the purchase of Emergency Response Gear for off-duty Officers for no more than \$1,600. This will be paid from the Capital Improvement Fund Police Department Equipment 401.305.977.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT WITH CAPITAL IMPROVEMENT FUND DOLLARS.

Zyburt moved Engle second that Whereas, a budget was adopted by the Chocolay Township Board on October 5, 2016 to govern the anticipated Capital Improvement Fund for 2017, and

Whereas, as a result of changing equipment needs, it is suggested that the aforesaid budget be modified as follows to allow for purchase of tablets for Board and Commission use for packets using funds currently designated for election equipment, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
EXPENDITURE			
Technology 401.258.977	\$ 20,699.92	+\$ 7,800.00	\$ 28,499.92
EXPENDITURE			
Election Equipment 401.190.977	\$ 26,485.36	-\$ 7,800.00	\$ 18,685.36

and that the Board authorize the use of the transferred funds to purchase fifteen (15) tablets for Township meeting use.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Trustee White asked how much the current tablets cost. Clerk Engle responded \$2,400 total. We will look at repurposing the old tablets. The main problem with the current tablets is that they will not keep up with windows.

Trustee Rhein asked about moving the money from the elections fund to technology. What happens to the election needs? Clerk Engle responded that the State is providing the new election equipment for each of our precincts at no charge, so the Election Department does not need all of the money set aside.

RECOMMENDATION FROM PERSONNEL COMMITTEE ON RATE OF PAY FOR PUBLIC WORKS MAINTENANCE WORKER.

Trustee Maki asked if the job was posted properly and are we required to advertise. Manager Lawry indicated that according to our Personnel Policy we can post from within if we have a qualified employee interested in the position.

White moved Rhein second that Joe Neumann's pay be adjusted to Step two of Pay Grade one with a difference in annual salary to be increased from \$32,541 to \$33,970 retroactive to May 15, 2017.

MOTION CARRIED.

NOMINATION FOR AARP ANDRUS VOLUNTEER AWARD.

Maki moved Engle second to nominate Bob Mercure for the AARP Andrus Award.

MOTION CARRIED.

ZONING ENFORCEMENT DISCUSSION REQUESTED BY TRUSTEE MAKI.

Trustee Maki asked if all the Board members have his June 5, 2017 memo. All Board members received it via email. Trustee Maki has concerns about a zoning violation that he reported to Planner Throenle. It has been 100 days since he reported the violation and the ordinance has not been enforced.

A lengthy Board discussion followed about enforcing the Zoning and Sign Ordinance to the letter of the law or work with residents to find a solution that works for the Township and the resident. There was no Board decision made to change the current direction the Planning Director is taking

with the zoning issue. The Planning Director will start making monthly reports to the Board on all zoning issues that he is working on and what the status is.

DEFICIT ELIMINATION PLAN RESOLUTION.

White moved, Lynch second that;

WHEREAS, the Charter Township of Chocolay Fire Millage Fund has a \$(262,000.) 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	\$12,230
Fund Balance - Unrestricted	\$(262,000)
Fund Balance – Total	\$(249,770)
Revenue – Property Tax-Prior Year Deferred	\$252,979
Expenditure – Interest	\$(1,450)
Net Income	\$251,529
Fund Balance – Restricted	\$1,759
Fund Balance – Unrestricted	-
Fund Balance – Total	\$1,759
Payments on Advances–General Fund	\$262,000

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

NAYS: None.

MOTION CARRIED.

PUBLIC COMMENT.

Deborah Mulcahey 633 Lakewood - Cautioned the Board to be wary of what can happen to the Chocolay Pension plan. The General Fund Balance has gone up substantially, the Board should be mindful that when they spend money it belongs to the taxpayers and consider lowering taxes. The Board should consider painting lines on the tennis courts. She has written letters to Mr. Throenle and received no response. The Zoning Ordinance should be enforced.

Mark Maki 370 Karen Road- His letters were sent to the Board and he wanted them in the agenda packet not via email. He complained that his letters were not readable and all the letters from the Township were legible.

EMPLOYEE REQUEST FOR CLOSED SESSION HEARING TO DISCUSS DISCIPLINARY ACTION.

Rhein moved Lynch second that the Board meet in closed session under Section 8 (a) of the Open Meetings Act to discuss an employee’s request for hearing on a disciplinary action.

ROLL CALL.

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

NAYS: Maki.

MOTION CARRIED.

Engle moved, Lynch second to go out of closed session.

ROLL CALL.

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

NAYS: Maki.
MOTION CARRIED.

Maki moved Zyburt second to support the Managers position on the written reprimand.
ROLL CALL.

AYES: Rhein, Maki.
NAYS: White, Lynch, Zyburt, Engle, Bohjanen.
MOTION FAILED.

Trustee Maki would like to hear the Manager's comments.

Trustee Lynch does not condone raising your voice with a customer but according to Township policy the first reprimand should be an oral one not a written one.

Supervisor Bohjanen feels that the behavior has been modified through this process and he feels that an oral reprimand is appropriate now. A letter of reprimand in the personnel file may have an affect the employee later in life.

Engle moved, Lynch second to change the written reprimand to an oral reprimand.
ROLL CALL.

AYES: Rhein, White, Lynch, Zyburt, Engle, Bohjanen.
NAYS: Maki.
MOTION CARRIED.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocoday Township Planning Commission, Meeting of April 17th, 2017.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of April 20th, 2017.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of April 19th, 2017, Annual Stockholders Meeting of April 19th, 2017, and Regular Meeting of May 17th, 2017, Drafts.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meetings of February 14th and March 14th, 2017.
- E. Minutes – Northern Michigan Public Service Academy Board Regular Meeting of May 18th, 2017.
- F. Communication – Ms. Linda Rossberg Re: Kawbawgam Road Area Water Situation.
- G. Communications – Charter Communications Channel Lineup Changes.
- H. Communication – Michigan Public Service Commission Cable Television Complaint Procedure.

Supervisor Bohjanen adjourned the meeting at 7:45 p.m.

Max Engle, Clerk

Richard Bohjanen, Supervisor