

July 10, 2017

A Regular meeting of the Chocolay Township Board was held on Monday, July 10, 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 Zybert, David Lynch, Judy White, Don Rhein, Mark Maki.

ABSENT: None.

STAFF PRESENT: Steve Lawry, Suzanne Sundell, Gary Johnson, Lee Gould, Matt Perala.

MINUTES –JUNE 12, 2017.

White moved Lynch second to approve the minutes of the regular meeting of June 12, 2017 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Lynch moved Zybert second to approve the agenda with the addition of XV.G. Purchase of Wild Land Equipment with DNR Grant.

MOTION CARRIED.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane –She is confused on how the Township Board minutes are taken. She specifically said paint lines for Pickle Ball on the old tennis courts, she talked about the general fund having excess funds and reducing taxes or returning the money to residents and zoning enforcement and none of that was in the June minutes. There was no indication of the Board discussion on zoning. She questioned the purpose of the minutes if they do not accurately show what was stated. She commented on zoning enforcement issues; including 557 Lakewood Lane, the Lakenenland sign, construction equipment across from Bayou Grill on Main Street, and failure to enforce short term rental problem. She commented on the how the Planning Director report does not show real issues being dealt with, only percent of time utilized and his numbers do not add up. Historically, Kelly would report specific issues and how they were being addressed. The Township Board should support and encourage their employees to do their job. She is a big supporter of CUPPAD doing our zoning. She feels that the Board does not care what she or other residents have to say.

Tom Curry – Introduced himself as a candidate running for the Michigan House of Representatives for the 109th District. He was not born in the U P but has lived here for the past 30 years and is

Township Supervisor of Limestone Township in Alger County. Mr. Maki has been their Assessor for almost the entire time that he has been Supervisor.

Jeff Glass – Spoke about incorrect language on his Micro Brewery request. Supervisor Bohjanen stated that it can be corrected when the agenda item comes up tonight.

#### PUBLIC HEARING-ALGER DELTA FRANCHISE.

The public hearing was opened.

Tom Harrell, CEO from Alger Delta Electric spoke to the Board on the background of the request for the Alger Delta franchise. Alger Delta has been serving in Chocolay Township for many years and he was reviewing some documents recently and discovered that several franchise agreements had not been renewed in a timely manner. Chocolay Township's last franchise agreement was renewed in 1998. Alger Delta Electric's law firm requested some language changes in the franchise agreement. There was some concern that the language on getting attachments and some every day service hook up service would require permission from the Township. That language has been resolved in the updated franchise agreement. He is available for questions.

There was no other public comment and the public hearing was closed.

#### ACCOUNTS PAYABLE.

White moved Rhein second that bills totaling \$28,914.09 including checks numbered 21839-21862 and bills totaling \$12,096.41 including checks numbered 21863-21883 are approved for payment.

MOTION CARRIED.

#### PAYROLL.

Lynch moved Zyburt second that payroll for June 15, 2017 for \$31,741.61 including checks numbered 23982-24002 and 10491-10496 and ACH payments for Federal tax, State tax and MERS and for June 29, 2017 for \$36,491.88 including checks numbered 24003-24043 and 10479-10502 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

#### FINANCIAL REPORT- MAY 2017.

Zyburt moved Lynch second to approve the May 2017 financial reports.

MOTION CARRIED.

#### TREASURER'S REPORT- FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported to the Board that we had three C/D's mature; 100,000 CDARS, 150,000 MBank, and 150,000 Miners Bank. One was rolled over for 150,000 into First Bank for one year at .90% and three C/D's into MBank for a total of 250,000 for 18 month duration at 1.3%. The auditors asked for a separation on the brokerage C/D's because the market value fluctuates monthly on that type of investment.

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

#### PRESENTATIONS-FIRE DEPARTMENT SERVICES.

Matt Perala, a Chocolay Township Volunteer Fire Fighter presented information to the Board on running a Medical First Responder Service, (non-transporting) through the Fire Department. This would be medical assistance until the ambulance arrives. Calls would come from Central Dispatch and only the qualified emergency medical trained fire fighters would be paged. Through the years our Fire Department has gone from just firefighting to also being equipped and trained for extrication. The next trend for fire departments is to train and aid with medical services. Almost every fire department on this side of the County has first responders. Chocolay Firefighters are currently called to fires, car accidents, cardiac arrest and lift assist. The major costs of adding first responder to the CTVFD are licensing, equipment, uniforms, training and payroll. This would be a major asset to Chocolay Township.

Trustee Maki asked about state licensing for the Volunteer Fire Department as a first step toward being a Medical First Responder.

Manager Lawry indicated that the Board should give guidance to him as he prepares the FY2018 budget.

#### SUPERVISOR'S REPORT.

The Supervisor will not be in town for the August meeting and the Clerk will open the meeting and the Board will then elect a chair for the meeting.

#### SECOND READING OF ORDINANCE #64, ALGER DELTA ELECTRIC COOPERATIVE FRANCHISE.

White moved Lynch seconded, that after reviewing the input from a public hearing and conducting two readings of proposed language that the Board adopt the attached draft of Alger Delta Electric Cooperative Franchise Ordinance #64 containing the provision for coordination of Township and Utility construction projects within shared rights-of-way and expiring in 2040 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: Maki, Rhein, White, Lynch, Zyburt, Engle, Bohjanen.

NAYS: None.

MOTION CARRIED

#### MICRO BREWER LICENSE REQUEST – JEFF GLASS

Lynch moved White second that the application from Jeffrey Morris Glass for the following license(s): Micro Brewer license to be located at: 2048 M-28 East, Marquette MI 49855 at Gitche Gumees RV Park be approved to make beer and sell on premises.

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.

ZONING ENFORCEMENT DISCUSSION REQUESTED BY TRUSTEE MAKI.

Trustee Maki commented that this goes back much longer than with hiring Dale. We have had trouble hiring a zoning administrator with any experience; probably with the last two or three people. There is no license for Planning and Zoning. Recently the Planning Commission and Zoning Board of Appeals have had problems. The Planning Commission has had agenda problems because a site plan was not done on time and they had to have a special meeting. They have not had the site plans reviewed to make sure they comply with the zoning before the meeting, which has caused a lot of discussion and concern. The Zoning administration has become political. The short term rental situation is confusing to some people. Someone on Lakewood Lane had a contractor sign that was 18” by 12” and they received a letter from the Township about the sign, yet we have a billboard on the highway the Township is not doing anything about.

Supervisor Bohjanen said that the progress is slow but the Planning Commission is looking at our Ordinances, finding out which ones need work. There is a budget concept item on the agenda tonight looking at having an outside organization look at the ordinances that need changes and the Sign Ordinance is definitely one that needs modification.

AUTHORIZATION TO EXECUTE CHARTER COMMUNICATIONS FRANCHISE AGREEMENT.

Lynch moved Rhein second to authorize the Township Supervisor to execute the attached new ten-year franchise agreement with CC VIII Operating, a Delaware Limited Liability Corporation doing business as Charter Communications and continuing a 5% franchise fee and a 0% PEG fee.

MOTION CARRIED. (1 Nay-White)

2017 GENERAL FUND BUDGET AMENDMENT #2 TO REFLECT RECEIPT OF RAP GRANT FROM MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY.

Zyburt moved Lynch seconded that Whereas, a budget was adopted by the Chocloy Township Board to govern the expenditures of anticipated general 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 Outlay 101.305.715	\$8,400.00	+\$746.25	\$9,146.25

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 101.698	\$25,200.00	+\$746.25	\$25,946.25

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

**2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #4 TO REFLECT RECEIPT OF MCOLES TRAINING FUNDS.**

Engle moved Zyburt second 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 October 5, 2016 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	\$802.04	\$422.75	\$1,224.79

REVENUE	PREVIOUS	CHANGE	AMENDED
State of MI 401.543	\$0	\$422.75	\$422.75

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

**2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #5 TO REFLECT RECEIPT OF KEWEENAW BAY INDIAN COMMUNITY 2% GAMING FUNDS.**

Engle moved Lynch second that Whereas, a budget was adopted by the Chocolay 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 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	\$ 0.00	+\$ 70,000.00	\$ 70,000.00

EXPENDITURE

Fire Department

Land Improvements

Ojibwa Water Reservoir

401.340.002.972	\$ 0.00	+\$ 25,000.00	\$ 25,000.00
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Fire Dept. Vehicles

401.340.981	\$105,758.14	+\$ 20,000.00	\$125,758.14
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Police Dept. Vehicles

401.305.981.000	\$110,242.27	+\$ 15,000.00	\$125,242.27
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Streets

Land Improvements

401.440.972	\$ 27,707.04	+\$ 7,000.00	\$ 34,707.04
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Township Hall & Grounds

Building Improvements

401.265.976	\$ 13,500.55	+\$ 3,000.00	\$ 16,500.55
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A letter will be sent to the Superior Watershed Partnership informing them that the requested funds were not received.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO REQUEST ROAD MILLAGE ON NOVEMBER 2017 BALLOT.

Manager Lawry informed the Board that we have not yet obtained an engineering firm or developed an asset management plan on our roads and we are coming up on the deadline for ballot language for the November election. If the Board wishes to seek approval on road millage this year, they will have to work with some preliminary estimates that he has put together. The County Road Commission are almost at the end of their limit on issuing bonds, but we may be able to bond elsewhere. If we worked yearly off the millage as collected, we would not be able to address the real road issues. We need to bond to do the road work all at once, and also do preventive maintenance. We would need at minimum 1.5 mills, but realistically 1.7 or 1.75 is needed.

Lynch moved Zyburt second to submit ballot language to County and State election authorities seeking to place a question on the November 2017 ballot in Chocolay Township in which voters

will be asked to approve a new property tax levy of up to 1.75 mills for up to 15 years to be used for the repair and maintenance of public roads within the Township.

MOTION CARRIED. (1 Nay-Rhein)

BOARD INPUT ON 2018 BUDGET PREPARATION.

Manager Lawry indicated that budget wish lists from the Fire Department included Medical First Response, the Police Department is looking at training and accreditation and an upgrade for their administrative assistant, Recreation Department would include adding to grant money, Manager Position going full time, Planning Commission is looking at Zoning Ordinance rewrite. He would like to hear from the Board what their priorities are.

Trustee Lynch said that staffing seems to be an important issue to be looked at.

Trustee Rhein feels that EMS for the Fire Department is an important item to look at for the budget.

Clerk Engle indicated that making the administrative assistant position in the front office part time is not working well right now.

Supervisor Bohjanen feels that two budget items to look at are what type of benefit are we deriving from our membership in Community organizations and also technology implementation.

Zyburt moved Rhein second to increase the fire department services to include Medical First Responders.

MOTION CARRIED.

White moved Rhein second to include a full time manager in the 2018 budget.

MOTION CARRIED. (Nay-1 Maki).

Rhein moved White second that the employee portion of payment toward health insurance in 2018 be increased from 15% to 17.5%.

MOTION CARRIED. (Nay-1 Maki).

PURCHASE OF WILD LAND EQUIPMENT WITH DNR GRANT.

Maki moved Rhein seconded authorizes the Fire Department to purchase wild land PPE from Pomasl Fire Equipment in the amount of \$4,957 using capital improvements funds and Michigan DNR grant funds.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood – Accusations are not acceptable, Law suits Lakenenland, know your facts please. Rumors are going around in the Township that Lakenenland does not pay taxes. She was accused by a Board member at this meeting that she is going after Lakenenland. She sat through 3 years of discussion on the sign ordinance by the Planning Commission. People don't want zoning enforcement when it pertains to them. The Board should commit to only spending Road millage money on Roads not like the Fire Hall Millage. She asked the Board to think before they spend money on redoing the sign or zoning ordinance; do you want enforcement, do you want zoning?

Mark Maki, 370 Karen Road- Two Board members have accused him of harassment, who have I been harassing? Judy says I'm harassing Lakenenland. Over the last 15 years, he has never heard a Board member or Planning Commission member say what about the zoning ordinance on this issue?

#### INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Meeting of May 15<sup>th</sup>, 2017.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of May 18<sup>th</sup>, 2017.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of May 17<sup>th</sup>, 2017 and Work Session of June 1<sup>st</sup>, 2017, Drafts.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meetings of May 9<sup>th</sup>, 2017.
- E. Communication – Charter Communications Changes in Channel Line-up.

Supervisor Bohjanen adjourned the meeting at 8:09 p.m.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor