

August 14, 2017

A Regular meeting of the Chocolay Township Board was held on Monday, August 14, 2017 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Clerk Engle called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: Richard Bohjanen.

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

ELECTION OF PRESIDENT PROTEM.

Zyburt moved Rhein second to appoint Trustee Lynch as President Pro Tem.

MOTION CARRIED.

MINUTES –JULY 10, 2017.

Zyburt moved Rhein second to approve the minutes of the regular meeting of July 10, 2017 with the following changes - Zoning Enforcement Discussion by Trustee Maki – change line 8 to *The short term rental situation is confusing to some people.* Board Input on 2018 budget – clarify the motion to state *Rhein moved White second that the employee portion of payment toward health insurance be increased from 15% to 17.5%.*

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Engle moved White second to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – The July 10th minutes do not accurately reflect what Trustee White said about her. The minutes say nothing about Trustee Whites comments of her harassing. In fact the document states me being harassing. This needs to be clarified. Trustee White has made comments about how she does not believe someone can tell her how to utilize her property. How can the Board allow her to sit on the Planning Commission with that mind set? I love Lakenenland Park and send people there all the time. My concern is with the trailer that is there and zoning ramifications. How do you think people living in AF districts will like trailers with signs on them? I want to talk about FOIA tonight. This Township Board and staff need training with FOIA. Everything is FOIAble. I have made many FOIA requests including zoning information that has not been properly handled. Everything is FOIAble. The Township is withholding assessing records from residents. Years ago, the Township had a public computer that had

assessment records on it. The Township is required by law to allow those records to be inspected and copied. The Township is failing to provide assessing records according to the General Tax Act and FOIA. I don't know how to get through to you unless I file a law suit, and I don't want to do that. The assessor's license will be on the line when my complaint is made.

George Meister, 394 County Road 480- Commented that GEI Consultants feels their price and qualifications are the best offered to the Township and it would keep people on the project who are homeowners in the Township.

Dick Arnold, 312 County Road 545- The Township Board minutes said the Board is allowing the Zoning Administrator to negotiate solutions to ordinances of the Township. The Zoning Ordinance duties state that the Zoning Administrator shall have no power to vary or waive Ordinance requirements. He has been trying to clean up his neighborhood and has had no response from the Zoning Administrator.

Earl Schuster, 244 S. Shag Lake Drive, Gwinn – Is a representative of the USA Pickle Ball Association in Marquette and Superior land Pickle Ball and we heard that Chocolay Township may have some recreation money to do some renovations in Chocolay. We are hoping that Pickle Ball will be included. Marquette City, Sands Township and Marquette Township all have Pickle Ball Courts.

John Sutton, 138 Aspen Drive- Pickle Ball is now the sport for the aging population that used to play tennis and racquetball.

Brenda Crothers, 196 Riverside Road – Is there any truth to the grant money possibly being sent back? Manager Lawry stated that we do not have all the funds for our portion of the grant. We must find the funds or return the grant. She is very interested in a Pickle Ball Court in Chocolay.

Marlene Fisher, 277 Lakewood - In 2010 her husband tried to get Pickle Ball going in Marquette. They started with one court in the summer in Marquette and one in Sands Township. The Pickle Ball Players are willing to do work on the courts.

ACCOUNTS PAYABLE.

White moved Zyburt second that bills totaling \$17,980.00 including checks numbered 21884-21904 and bills totaling \$13,910.40 including checks numbered 21905-21915 and bills totaling \$17,622.25 including checks numbered 21916-21939 and bills totaling \$38,488.53 including checks numbered 21940-21971 are approved for payment.

MOTION CARRIED.

PAYROLL.

Maki moved Engle second that payroll for July 13, 2017 for \$41,504.49 including checks numbered 24044-24087 and 10508-10513 and ACH payments for Federal tax, State tax and MERS and for July 27, 2017 for \$35,983.84 including checks numbered 24088-24123 and 10514-10519 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

TREASURER'S REPORT-

Treasurer Zybert reported to the Board that we had a \$250,000 C/D mature from 1st of St. Ignace and it was reinvested with Northern Michigan Bank out of Petoskey for a rate of 1.74% maturing in May of 2020.

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

MOTION CARRIED.

FUND WITHDRAWAL AND DEPOSIT REPORT.

Rhein moved White second to accept the fund withdrawal and deposit report.

FINANCIAL REPORT- JUNE 2017.

Zybert moved Maki second to approve the June 2017 financial reports.

MOTION CARRIED.

SUPERVISOR'S REPORT.

None.

APPROVAL OF NOVEMBER BALLOT LANGUAGE FOR ROAD MILLAGE.

Trustee White suggested that we request only 1.5 mills for the road millage. Clerk Engle stated that we are requesting up to 1.75 mills, and can change that amount to a lower millage if the engineering numbers come in lower. Trustee Maki prefers not to go above what we collected for the fire millage which is 1.7 mills.

Maki moved, White second that

WHEREAS, the Charter Township of Chocolay Board acknowledges the need to repair, improve and maintain local roads within Chocolay Township; and

WHEREAS, the Charter Township of Chocolay Board has approved the development of a study and detailed plan to repair, improve and maintain local roads within Chocolay Township; and

WHEREAS, a previous road improvement millage commencing in 2008 expired in 2012; and

WHEREAS, townships may provide for construction, improvement and maintenance of public roads and other public facilities pursuant to MCL 41.722(1), MCL 42.31, and other laws of the State of Michigan; and

WHEREAS, at a regularly scheduled meeting held on August 14, 2017, the Township Board entertained the motion to place on the November 7, 2017 ballot the question of whether to levy 1.70 mills for the purpose of providing revenue for the maintenance, rehabilitation, repair,

reconstruction and improvement of public roads within the Township in compliance with an asset management plan to be developed for the Township roads, for a period of fifteen (15) years from 2017 to 2031, both inclusive; and

WHEREAS, the Township Board has determined that placing the millage on the ballot at the November 7, 2017 election is in the best interests of the health, safety and welfare of the Township residents.

THEREFORE, the Township Board of the Charter Township of Chocolay, Marquette County, Michigan, resolves as follows:

The Township Board resolves to present to the electors of the Charter Township of Chocolay at the November 7, 2017 election a proposed increase of the amount of ad valorem taxes pursuant to the following ballot language:

Shall the Charter Township of Chocolay levy a new millage of up to 1.70 mills on real and personal property in the Township for up to fifteen (15) years from 2017 to 2031, both inclusive, to provide revenue for the maintenance, rehabilitation, repair, reconstruction and improvement of public roads within the Township in compliance with an asset management plan developed for said roads, which said 1.70 mills will raise an estimated \$352,000 in the first year it is levied?

YES or NO

The Township Clerk is authorized and directed to promptly submit this Resolution along with the above ballot language to the County Clerk so that the millage proposal may be included on the November 7, 2017 election ballot.

Any resolution inconsistent with this resolution is hereby rescinded.

ROLL CALL.

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

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #6 TO REFLECT RECEIPT OF REBATE FROM FOX MOTORS ON REMOVAL OF EQUIPMENT FROM DAMAGED PATROL CAR.

White moved Zybert 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 5th, 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
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REVENUE

Miscellaneous			
401.000.698	\$ 22,233.00	+\$ 924.91	\$ 23,157.91

EXPENDITURE

Police Dept. Vehicles			
401.305.981.000	\$125,242.27	+\$ 924.91	\$126,167.18

ROLL CALL.

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

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUND DOLLARS TO PURCHASE AND OUTFIT A NEW POLICE PATROL VEHICLE.

Zyburt moved Engle second to approve the purchase of a 2018 patrol car for the Police Department. Cost of the vehicle will not exceed \$30,765. Cost for transfer of equipment, graphics and pick-up costs for the new vehicle will not exceed \$13,000 for a total amount not to exceed \$43,765. This will be paid from the 2017 Capital Improvement Fund, Account #401-305-981 vehicles.

ROLL CALL.

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

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #7 AND AUTHORIZATION TO PURCHASE MATERIALS FOR HOCKEY RINK DASHER BOARDS.

Engle moved Maki seconded Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on October 5th, 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
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EXPENDITURE

Capital Improvements Fund			
Recreation and Properties			
Land Improvements			
401.756.972	\$60,703.55	-\$ 8,300.00	\$52,403.55

Capital Improvements Fund
Recreation and Properties

Equipment			
401.756.977	\$19,127.57	+\$ 8,300.00	\$27,427.57

And that the Chocolay Township Board approves the expenditure of no more than \$8,300 for the fiberglass reinforced panel (FRP) from Athletica Sports Systems and the screws needed to attach the panels. This will be purchased using funds from the Recreation and Properties Capital Improvement Fund 401.756.977.

ROLL CALL.

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

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

AWARD A CONTRACT FOR ENGINEERING SERVICES TO DEVELOP AN ASSET MANAGEMENT SYSTEM FOR SECONDARY ROADS WITHIN THE TOWNSHIP.

Trustee Maki asked if all the Engineering firms meet all of our requirements. Manager Lawry responded that basically all did meet the requirements. The difference is the number of hours that would be put into the project. One proposed 27 hours and one proposed 46 hours. GEI mentioned that they would incorporate their results into the GIS system which is the system that we use at the Township. The add on hours will be billed up to \$1,500 and Trustee Maki questioned how we keep this on the low side. Manager Lawry indicated that the additional is for meeting time and it will be on the lower side if we keep the meetings shorter.

Zyburt moved Rhein second to retain the firm of GEI Municipal Engineering Services to prepare an asset management plan of public roads in Chocolay Township in accordance with the firm's proposal dated August 1, 2017 and for a total cost not to exceed \$5,500, to authorize the Township Clerk to sign a professional services agreement, as approved by the Township Attorney, for the work, and to authorize the expenditure of up to \$5,500 from the Capital Improvement Fund to pay for such services.

ROLL CALL.

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

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

AWARD A CONTRACT FOR ENGINEERING SERVICES TO DEVELOP AN ASSET MANAGEMENT SYSTEM FOR THE TOWNSHIP SEWER COLLECTION SYSTEM.

Trustee White asked how much is in our fund to cover this portion of the plan? Could the \$29,000 be better utilized by putting it toward the current pump stations? Manager Lawry replied that we have \$80,000 set aside in this year's budget. Whatever we do not use this year can be rolled over into next year's budget and we have to have an analysis before we can move forward with funding decisions. Trustee White also asked if a special assessment district was planned for this work. Manager Lawry replied that would be a board decision once we have the information whether to look for outside assistance or go in house.

Trustee Maki asked if GEI had done similar projects in the area. George Meister, GEI responded that yes they have 7 different SAW Grants in the Upper Peninsula. Trustee Maki asked if we have ever done anything like this with the sewer system. Manager Lawry responded that unfortunately nothing has been done like this in the past and the system is forty+ years old. Trustee Rhein commented that the timing is especially pertinent now with the possibility of the KBIC project utilizing our sewer system. Manager Lawry also said that recently our flow has gone up dramatically and we are in the process of investigating what is happening to cause that.

Engle moved Zyburt second to retain the firm of GEI Municipal Engineering Services to prepare an asset management plan for the Chocolay Township sanitary sewer collection system in accordance with the firm's proposal dated August 1, 2017 for a total lump sum cost of \$29,632, including \$2,000 for infrared and vibration analysis, to authorize the Township Clerk to sign a professional services agreement, as approved by the Township Attorney, for the work, and to pay for such services from the Wastewater Treatment Fund operating budget.

ROLL CALL.

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

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

AWARD A CONTRACT FOR ENGINEERING SERVICES TO DESIGN A MULTI-USE PATH ON ORTMAN ROAD.

Manager Lawry indicated that we are utilizing grant money for the engineering. We will need additional funds to complete the project.

Trustee White questioned the price to design such a small path. Manager Lawry responded that even though it is a small path there are surveys, legal documents and drainage ditch issues that make this problematic. There are soil and safety issue also.

Trustee Maki asked if we have contacted the school about this project. Manager Lawry responded that we have, but since that time our Planner has changed and the school principal has changed at Cherry Creek.

White moved Zyburt second to retain Payne & Dolan Incorporated to design a multi-use path connecting Cherry Creek Road to the entrance of Cherry Creek School, to assist the Township in identifying and applying for construction grant funds for the path in accordance with their proposal dated August 1, 2017 for a lump sum price of \$5,636 plus hourly compensation at rates specified in the proposal for required attendance at public meetings, to authorize the Township Clerk to sign a professional services agreement, as approved by the Township Attorney, for the work, and to authorize the expenditure of these funds from the Healthy Community – Cherry Creek Bike Project Account within the Township Capital Improvements Fund.

ROLL CALL.

AYES: Maki, Lynch, Zyburt, Engle.

NAYS: Rhein, White.
ABSENT: Bohjanen.
MOTION CARRIED.

AWARD A CONTRACT FOR ENGINEERING SERVICES TO DESIGN TENNIS COURT AREA IMPROVEMENTS AT SILVER CREEK RECREATION AREA.

Manager Lawry indicated that we have received two grants toward this project and \$1,000. in private funds, but the Township still does not have enough funds to complete our portion. We cannot utilize State grant funds unless we follow the agreement exactly as laid out. We are hoping that the paving company will explore many options and find one that we can afford.

Maki moved White second to retain Payne & Dolan Incorporated to provide engineering services for the redesign of the tennis court area at Silver Creek Recreation Area and for construction administration services on a project to implement the new design in accordance with their proposal dated August 1, 2017 all for a lump sum price of \$6,852, to authorize the Township Clerk to sign a professional services agreement, as approved by the Township Attorney, for the work, and to authorize the expenditure of these funds from the Silver Creek Tennis Court Project Account of the Capital Improvements Fund.

ROLL CALL.

AYES: Maki, Rhein, White, Lynch, Zyburt, Engle.
NAYS: None.
ABSENT: Bohjanen.
MOTION CARRIED.

REQUEST TO WAIVE USER FEE FOR FUNDRAISER AT BEAVER GROVE SOFTBALL FIELD.

White moved Zyburt second to waive the \$50.00 user fee for the evening of August 4, 2018.

ROLL CALL.

AYES: Maki, Rhein, White, Lynch, Zyburt, Engle.
NAYS: None.
ABSENT: Bohjanen.
MOTION CARRIED.

PUBLIC COMMENT.

John Sutton, 138 Aspen Drive- Thanked the Board for approving the grant and supporting the citizens of the Township.

George Meister, 394 County Road 480- Thanked the Board for their support and also commented that there are surfaces available that will allow the Board to afford the Tennis Court project.

Trustee Lynch asked Manager Lawry to continue to copy the Board on responses to Trustee Maki's questions.

Trustee Maki commented on the Planning Commission minutes needing a correction on pages 9-10. That Tom Mahaney did not correct Mr. Maki, the correction was on the agenda.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of June 19th, 2017.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of June 29th, 2017.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of June 21st, 2017.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meetings of June 13th, 2017 and July 11, 2017.
- E. Communication – Charter Communications Changes in Rates and Fees.
- F. Communication – Eastwood Nursing Center RE: Marquette County Medical Care Facility.
- G. Communications – Mark Maki RE: Records Access and Zoning Questions.

Zyburdt moved Engle second to adjourn the meeting at 6:35 pm.
MOTION CARRIED.

Max Engle, Clerk

Richard Bohjanen, Supervisor