

October 5, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, October 5, 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, Judy White, David Lynch, Richard Bohjanen, Mark Maki (arrived 5:35pm).

ABSENT: None.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Dale Throenle, Pat Beck, Chris Lucas and Lee Gould.

MINUTES – REGULAR MEETING SEPTEMBER 7, 2016.

Lynch moved Zyburt seconded to approve the minutes of the regular meeting of September 7, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

No change.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane-Commented on budget, requesting that the Board do incremental sewer rate increases over large increases at one time, fee schedule for garbage and recycling education for the public, supportive of road assessment, public access on township property resolution, supportive of library millage, concerns on the Planning Commission allowing chickens basically anywhere in Chocolay, why are we looking at hiring another person to deal with zoning issues.

PUBLIC HEARING ON AND CONSIDERATION OF PROPOSED 2017 SEWER RATES AND CHARGES.

The public hearing opened and there was no public comment. The public hearing was closed.

After conducting a public hearing on the proposed rates, Bohjanen moved, Lynch seconded to adopt the following rate resolution as specified by the Township Sewer Ordinance:

Whereas, the revenues and expenditures for the wastewater collection and treatment system have been reviewed, and

Whereas, the current equivalent user fee of \$31.00 per month is not adequate for the projected 2017 system replacement cost of the system, and

Whereas, the proposed equivalent user fee of \$33.00 per month will be sufficient to offset the Township share of \$13.46 per equivalent user per month, to pay the O. M. & R. cost for the wastewater treatment plant.

Now, therefore be it resolved the Chocolay Township Board establishes the equivalent user fee of \$33.00 per month and a new user connection fee of \$350.00 beginning January 1, 2017 through December 31, 2017, or until amended by resolution.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Trustee Maki asked how our sewer rates compare to municipal units around us. Manager Lawry responded that our rates are half of the City of Marquette and Marquette Township.

Trustee White asked why we don't put the \$80,000 designated for engineering services for the sewer system in a sinking fund. Manager Lawry replied that the engineering work is the first step in the replacement process. The technology has changed so much since the stations were built in the 1970's. We also need this information to apply for grants and low interest Federal programs. We are looking at millions to replace the system; \$80,000 is a small portion of that. We need to grow the customer base of our system to make this upgrade feasible.

#### PUBLIC HEARING ON AND CONSIDERATION OF PROPOSED 2017 FEE SCHEDULE.

The public hearing opened.

Deborah Mulcahey, 633 Lakewood Lane – Charging violators of the zoning ordinance \$50 and court and attorney cost is very appropriate and the Township should incorporate that type of language when making further changes to the zoning ordinance.

The public hearing was closed.

Zyburt moved Engle seconded to adopt the 2017 Fee Schedule as presented with the new fee for garbage bag tags to become effective December 1, 2016 and all other changes to become effective January 1, 2017.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Trustee Maki asked if the land division fee changed. Manager Lawry indicated that the fee remains the same; we are adding language to cover combining two or more parcels as well as dividing parcels.

How much revenue does the .10 increase in garbage tags bring to the Township. Manager Lawry – approximately \$8,800 per year.

The recovery surcharge under zoning fee has not changed; we are adding attorney and court costs to the \$50 fee.

#### PUBLIC HEARING ON PROPOSED 2016 MILLAGE RATES AND GENERAL APPROPRIATIONS ACT FOR 2017.

The public hearing opened.

Deborah Mulcahey, 633 Lakewood Lane- Commented that we should utilize CUPPAD instead of refilling the Community Development Coordinator position and planning and zoning.

The public hearing was closed.

#### ACCOUNTS PAYABLE.

White moved Bohjanen seconded that bills totaling \$20,321.39 including checks numbered 21281-21309 and bills totaling \$12,834.15 including checks numbered 21310-21324 are approved for payment.

MOTION CARRIED.

#### PAYROLL.

Lynch moved Bohjanen seconded that the payroll for September 8, 2016 for \$34,418.66 including checks numbered 23377-23395 and 10370-10375 and ACH payments for Federal tax, State tax and MERS, and September 22, 2016 for \$36,068.80 including checks numbered 23396-23425 and 10376-10381 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

#### FINANCIAL REPORT- AUGUST 2016.

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

MOTION CARRIED.

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

Treasurer Zyburt reported that we had two securities that matured in the month of September. One was Flagstar \$250,000 at 50 basis points we rolled it over for 95 basis points. We had CEDARS \$475,000 at 35 basis points and reinvested \$248,000 in Mercantile Bank of Michigan at 1.55% and \$225,000 at Federal Home Loan Agency Bond at 1.05%. This will result in \$5,676. in additional interest annually.

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

MOTION CARRIED.

#### SUPERVISOR'S REPORT.

The Fire department had a 50<sup>th</sup> anniversary open house and 250-300 people attended.

The police chief search committee met to discuss the job description (one change in minimum qualifications added *or equivalent work experience of 5 years as a full time officer with progressively responsible position and experience in personnel and budget management.*)

The ad will be placed in the Mining Journal with an application Deadline of October 31<sup>st</sup>. The committee will review the applications and the Township Manager will make a recommendation that is subject to the advice and consent of the Board.

CONSIDERATION OF COMPENSATION FOR PLANNING COMMISSION, BOARD OF ZONING APPEALS, AND BOARD OF REVIEW APPOINTEES.

There is no change in the per diem for the Boards and Commissions.

CONSIDERATION OF EMPLOYEE WAGES, EMPLOYEE HEALTH CARE CONTRIBUTION RATES, AND ADOPTION OF REVISIONS TO APPENDIX L OF THE PERSONNEL POLICY MANUAL.

White moved Engle seconded, to amend Appendix L of the Personnel Policy and Procedures Manual by applying an increase of 1.0% to wage and salary levels at all steps of the matrix.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

White moved Zyburt seconded to set the employee participation rate for the cost of the medical benefit plan provided by Chocolay Township at 15% of the combined cost of health insurance premiums and Health Reimbursement Account payments for 2017.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Trustee Bohjanen asked what the time frame was for employees paying the full 20%. Manager Lawry replied that the Board did not set a date for 20%; the Board has been increasing it by a couple percent a year. Most likely it will take a few more years to get to that percent.

CONSIDERATION OF PUBLIC ACT 152 WAIVER.

Engle moved Maki seconded that

WHEREAS, 2011 Public Act 152 (the "Act") was passed by the State Legislature and signed by the Governor on September 24, 2011; and

WHEREAS, the Act contains three options for complying with the requirements of the Act; and

WHEREAS, the three options are as follows:

- 1) Section 3 – "Hard Caps" Option – limits a public employer's total annual health

- care costs for employees based on coverage levels, as defined in the Act;
- 2) Section 4 – “80%/20%” Option - limits a public employer’s share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;
- 3) Section 8 – “Exemption” Option – a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body;

WHEREAS, the Board of Trustees of the Charter Township of Chocolay has decided to adopt the Exemption Option as its choice of compliance under the Act;

NOW, THEREFORE BE IT RESOLVED the Board of Trustees of the Charter Township of Chocolay elects to comply with the requirements of 2011 Public Act 152, the Publicly funded Health Insurance Contribution Act, by adopting the annual Exemption Option for the medical benefit plan coverage year January 1, 2017 through December 31, 2017.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

#### CONSIDERATION OF GENERAL APPROPRIATIONS ACT FOR 2017 BUDGET.

White moved Zyburt seconded that

Whereas, the Township Supervisor has submitted a complete itemized budget proposal for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017, to the Township Board for its consideration; and

Whereas, notice of the public hearing on the budget was published in the Mining Journal, a newspaper of general circulation within the Township, on September 14<sup>th</sup>, 2016; and

Whereas, a public hearing was held on the proposed budget on October 5<sup>th</sup>, 2016 at the Chocolay Township Municipal Complex, and a copy of the proposed budget was on file and available for public inspection during regular office hours at the office of the Township Clerk for a period of not less than one week prior to the public hearing;

Now Therefore Be It Resolved:

1. The Township Board adopts the budget as revised and according to designated accounts for the next fiscal year, to wit, beginning January 1<sup>st</sup>, 2017, and ending on December 31<sup>st</sup>, 2017, in the amount of \$1,800,000.00 for the General Fund, in the amount of \$0 in the Road Fund, in the amount of \$263,310.00 in the Fire Department Millage Fund, in the amount of \$2,900.00 in the Liquor Law Enforcement Fund, in the amount of \$149,800.00

in the Library Millage Fund, in the amount of \$117,000.00 in the Capital Improvements Fund, and in the amount of \$354,700.00 for the Sewer Fund.

2. The Township Board does hereby appropriate the sum of \$1,917,000.00 for general operating expenses and capital improvements of the Township to be used for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017.
3. The Township Board does hereby appropriate the sum of \$354,700.00 to defray the expense of the operation and debt retirement of the Sanitary Sewer System for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017.
4. The Township Board does hereby appropriate the sum of \$0 for the repairing of the Township Roads to be used for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017.
5. The Township Board does hereby appropriate the sum of \$263,310.00 for the fiscal year beginning January 1<sup>st</sup>, 2017 and ending December 31<sup>st</sup>, 2017 for retirement of debt associated with constructing and equipping the fire station.
6. The Township Board does hereby appropriate the sum of \$2,900.00 for the enforcement of Liquor Laws of the State of Michigan for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017.
7. The Township Board does hereby appropriate the sum of \$149,800.00 for contractual services with the Peter White Public Library for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017.
8. The Township Board does hereby levy 3.7026 mills for general operations; extra voted are 0.7414 for library, and 1.2500 for fire department.
9. All resolutions and parts of resolutions in so far as they conflict with provisions of this resolution are rescinded.
10. The budget adoption and appropriation resolution shall now and hereafter also be known as the General Appropriation Act conforming to Public Act No. 621 of 1978, the Michigan Uniform Budgeting Act.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Trustee Maki asked why we are funding \$20,000 to hire an engineering firm to do the road study. In the past, we had the Police Chief, Manager, Planning Director and DPW Supervisor look over the Township roads and make an assessment.

Manager Lawry explained that he wants to work with an engineering firm that will develop a plan that looks at the streets and determines how much it will take to fix the streets and spread it over multiple years and include an annual crack sealing program and occasionally some other types of maintenance, basically so we do not end up like the sewer system where everything is in need of replacement at one time. The Marquette County Road Commission does not have the resources to do the engineering any longer.

Trustee Maki asked why we are voting on the Community Coordinator positions in the 2017 budget that has not been rewritten yet. Manager Lawry is not proposing a new position. We are only refilling Dale's old job with some revisions to the description, so we can continue to utilize Dale's IT skills and allow the new position to assist with zoning enforcement. The Board must approve the job description changes before it could be filled.

Trustee Maki asked about spending from fund balance to balance the budget. Manager Lawry replied that we are moving \$100,000 from general fund balance to capital improvements fund balance for large projects that must be individually approved by the Board before the expenditure can be made. The rest of the balancing with fund balance is needed every year to balance the general fund because we have many contingency funds. Normally we do not have to rely on the fund balance at the end of the year.

#### RESOLUTION FOR OFFICERS' SALARIES SUPERVISOR'S SALARY.

Maki moved Lynch seconded that the salary for the office of Supervisor shall be set in the amount of \$12,000.00 for the Fiscal Year 2017, which begins January 1<sup>st</sup>, 2017, and ends December 31<sup>st</sup>, 2017.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

#### TREASURER'S SALARY

Lynch moved Engle seconded that the salary for the office of Treasurer shall be set in the amount of \$10,000.00 for the Fiscal Year 2017, which begins January 1<sup>st</sup>, 2017, and ends December 31<sup>st</sup>, 2017.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

#### CLERK'S SALARY

Zyburt moved Lynch seconded that the salary for the office of Clerk shall be set in the amount of \$11,850.00 for the Fiscal Year 2017, which begins January 1<sup>st</sup> 2017, and ends December 31<sup>st</sup>, 2017.

ROLL CALL.

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

TRUSTEE'S PER DIEM

Zyburt moved Bohjanen seconded by that the per diem for the office of Trustee shall be set in the amount of \$75.00 per meeting for the Fiscal Year 2017, which begins January 1<sup>st</sup>, 2017, and ends December 31<sup>st</sup>, 2017.

ROLL CALL.

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

RESOLUTION ON ACCESS TO TOWNSHIP PROPERTY.

Maki moved Engle seconded that

WHEREAS, the Chocolay Township Zoning Ordinance clarifies that the Township has the authority to regulate the convenience of access to its property; and

WHEREAS, the Chocolay Township Zoning Ordinance clarifies that the Township has the authority to regulate land use and determine areas of open spaces surrounding buildings and structures; and

WHEREAS, the Chocolay Township Zoning Ordinance also clarifies that the Township has the authority to promote healthful surroundings in public areas; and

WHEREAS, Chocolay Township employees, the public, and commercial contractors must be able to access and utilize Township property; and

WHEREAS, it is the desire of the Township Board to set forth rules to regulate the convenient access to Township property and the use of open spaces around Township buildings, and promote healthful surroundings around the Chocolay Township Hall,

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. A person shall not erect a temporary or permanent structure or sign on Township property which blocks, obstructs, impedes, or otherwise interferes with employee, public, and / or commercial access to the Township Hall or Township property or which blocks open spaces surrounding the Township Hall and Township property thereon.

2. A person shall not park or leave an automobile or other motorized vehicle on Township property which blocks, obstructs, impedes, or otherwise interferes with employee, public, and / or commercial access to the Township Hall or Township property thereon.

3. On election day, when more members of the public require access to Township property, it shall be unlawful to erect a temporary or permanent structure or sign on Township

property, or park or leave any motor vehicle on Township property beyond the time necessary to transact Township business or beyond the time the Township is open for business, without the express consent of the Township Clerk or other Township official.

4. Nothing in this resolution shall be construed to interfere with MCL 168.931(k) which allows a person to disseminate campaign literature on election day when a person is beyond 100 feet from the entrance to a building in which a polling place is located.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

**2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #9 TO REFLECT REVENUE FROM SALE OF THE MARINA SKID PIER.**

White moved Zyburt 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 fiscal year 2016, 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 budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
Miscellaneous Revenue			
401.698	\$ 6,808.00	+\$1,000.00	\$ 7,808.00
EXPENDITURE			
Marina			
Equipment			
401.544.977	\$10,000.00	+\$1,000.00	\$ 11,000.00

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

**AUTHORIZATION TO WAIVE THE BIDDING PROCESS AND PURCHASE EXTRICATION TOOLS WITH CAPITAL IMPROVEMENT FUND DOLLARS.**

Lynch moved Bohjanen seconded that the Board authorizes the Fire Department to purchase, with Capital Improvement Funds Account 401.340.977 directly from First Due Fire Equipment a Holmatro hydraulic spreader, cutter, telescopic ram (with supports), hydraulic pump, and two hydraulic hoses. Further, the Fire Department is authorized to trade-in the current tools. The total purchase price with trade-in is \$29,194.50

ROLL CALL.

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

NAYS: None.  
MOTION CARRIED.

**AUTHORIZATION TO PURCHASE DATA FILE BACK UP EQUIPMENT WITH CAPITAL IMPROVEMENT DOLLARS.**

Zyburt moved Lynch seconded to authorize up to \$6,000 to Lasco and other related computer vendors from the Capital Improvement Fund account 401.258.977 to be spent to add a NAS server and additional backup tapes to the Township backup network.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

**RECOMMENDATION FROM PERSONNEL COMMITTEE FOR PERSONNEL POLICY AND PROCEDURES MANUAL LANGUAGE CHANGE.**

Maki moved Zyburt seconded to send the Personnel Committee recommendations back to the Personnel Committee for revision on the open/closed meeting section.

MOTION CARRIED.

**PUBLIC COMMENT.**

Deborah Mulcahey, 633 Lakewood Lane- Feels that the search committee made up of 3 white males over 55 years of age does not reflect the make-up of our community. She feels that we are taking a step backward by allowing applicants for the Police Chief that do not have a college degree.

**INFORMATIONAL REPORTS AND COMMUNICATIONS.**

- A. Minutes – Chocalay Township Planning Commission, Regular Meeting of August 15<sup>th</sup>, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of August 18<sup>th</sup>, 2016.
- C. Minutes – US 41 Corridor Advisory Group, Regular Meeting of August 8<sup>th</sup>, 2016.
- D. Minutes – Northern Michigan Public Service Academy Regular Meeting of September 15, 2016.(Draft)

Supervisor Walker adjourned the meeting at 6:30 p.m.

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Max Engle, Clerk

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Gary Walker, Supervisor