

November 2, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, November 2, 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 Zybert, Max Engle, Judy White, David Lynch, Richard Bohjanen, Mark Maki.

ABSENT: None.

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

MINUTES – REGULAR MEETING OCTOBER 5, 2016.

Lynch moved Zybert seconded to approve the minutes of the regular meeting of October 5, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

White moved Lynch seconded to accept the agenda with one addition under New Business J. Resolution for Charitable Gaming License for The New Free Store.

MOTION CARRIED.

PUBLIC COMMENT.

Brad Van Sluyters, 156 Timber Lane – Presented a framed digital reproduction of an original hand drawn map by Frank and Ray Brotherton who were commissioned by Longyear who was commissioned by the Lake Superior Ship Canal and Iron Company to survey for resources in the entire Upper Peninsula. This copy is of the Chocolay Township area and was done in the 1880's.

Gail Varty, 208 Timber Lane- Would like to reserve time to speak on item XV. F. authorization to retain engineering services for FEMA hydraulics study.

ACCOUNTS PAYABLE.

Bohjanen moved Engle seconded that bills totaling \$9,917.37 including checks numbered 21325-21345 and bills totaling \$34,309.13 including checks numbered 21346-21376 are approved for payment.

MOTION CARRIED.

PAYROLL.

White moved Lynch seconded that the payroll for October 6, 2016 for \$41,284.29 including checks numbered 23426-23469 and 10382-10387 and ACH payments for Federal tax, State tax and MERS, and October 20, 2016 for \$35,532.32 including checks numbered 23470-23501 and 10388-10363 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- SEPTEMBER 2016.

White moved Zybert seconded to approve the September 2016 financial report.

MOTION CARRIED.

Trustee Maki had questions on misc. revenue in the Capital Improvements Fund and the Board of Review salary account. Manager Lawry responded \$25,000 of the misc. revenue in the capital Improvements Fund was from the Iron Ore Heritage Trail match on the Lion's Field grant. The Board of Review had an extra meeting this year and we will do a budget amendment from the assessor department part time salaries to make up the difference.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zybert reported that we had no securities mature this month, but he did change the report to the Board for disclosure purposes by adding an extra column to show premium payments that are part of the investment and will be off set with interest payments.

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

MOTION CARRIED.

PRESENTATIONS- APPRECIATION TO SUPERVISOR GARY L. WALKER.

Trustee Bohjanen presented to Supervisor Walker a plaque commemorating him for his years of service to the Township as Supervisor from 2012 to 2016.

SUPERVISOR'S REPORT.

- Supervisor Walker commented that it has been enjoyable to hold the position as Supervisor for the past 4 years and expressed his thanks to Chocolay Township staff for making it an enjoyable and a pleasurable job due to their efforts.
- Walker noted that 37% of the parcels in the Township are non-conforming. The Board may want to take this up as an issue to deal with in the future.
- Walker reported on the effects of the storm in October. The majority of the damage occurred outside of the Township on M-94 and Johnson Road in West Branch and Yalmer Road in Skandia. The cost to Chocolay Township was \$4,700, the majority of that was Fire call outs to deal with the flooding. Our police department was involved also. Our assessor sent out letter to 22 homes along the river requesting information on any damage to homes from the flooding. We will find out soon if we can apply for financial assistance for the cost incurred by the Township.
- Supervisor Walker again thanked Township staff and Board members for all their diligent efforts during his tenure.

RECOMMENDATION FROM THE PERSONNEL COMMITTEE ON AMENDMENTS TO THE PERSONNEL POLICY AND PROCEDURES MANUAL.

White moved Engle seconded to accept the recommendation of the Township Personnel Committee and amend Sections 1.3, 9.2, and 9.3 of the *Personnel Policy and Procedures Manual* as described above.

MOTION CARRIED. (One dissenting vote - Maki)

Trustee Maki had questions on 1.3; this language was originally put in so the Township Board had to take action on personnel issues. Clerk Engle responded that the language was made to quicken the process going to the Board.

Trustee Maki asked about changing the handicap process. Trustee White explained that any issue dealing with handicap should go directly to the Township Board.

FIRST READING OF PROPOSED AMENDMENT TO ORDINANCE #63 ADDRESS NUMBER ORDINANCE.

Zyburk moved Lynch seconded that after review of proposed Ordinance #63 and recommendations of the Township Planning Commission, the Board schedule a second reading on the proposed language as written of Ordinance #63 at its December 2016 meeting.

MOTION CARRIED. (One dissenting vote - Maki)

Trustee Maki questioned the reasoning in the Planning Director's memo for the rewrite of Ordinance 29. The memo indicates that Ordinance 29 does not require numbering for multiple dwellings on a piece of property. Section 2 of Ordinance 29 states that all dwellings and businesses shall be identified by street numbers. Is the new ordinance changing the size of posted house numbers? The police and fire departments should weigh in on this. Trustee Bohjanen favors the larger numbers also, but most of the Township would not currently comply. It appears that 3 1/2 inch numbers seem to be the standard now. Trustee Maki also questioned the numbers on mailboxes or on the house being visible from both directions of travel. That is addressed in Section 4 (B).

SCHEDULE A PUBLIC HEARING FOR AMENDMENT OF ORDINANCE #22 WINTER PARKING BAN ORDINANCE.

White moved Zyburk seconded that the Township Board schedule a public hearing for its December 7th meeting to consider amendment of the current language of Ordinance #22 by deleting Section 3 in its entirety and that appropriate notice of the public hearing be published

MOTION CARRIED.

REQUEST FOR SEASONAL REDUCTION OF SEWER USE FEE.

Maki moved Lynch seconded that the Equivalent User Fee for 5057 U.S. 41 South be lowered from 11.9 down to 1 as of October 1, 2016, until the business is reopened in the Spring of 2017, as provided for in section 9D – 3 – a, of Ordinance #39.

MOTION CARRIED.

REQUEST FOR COLLABORATION FROM SANDS TOWNSHIP.

Zyburk moved Engle seconded that Chocolay Township approve the request to be named in the letter to support the effort initiated by Sands Township to seek resolution of the issues involving the MCSWMA Board's action to remove Marquette County from the Intergovernmental Agreement.

MOTION CARRIED.

RECOMMENDATION FROM PERSONNEL COMMITTEE ON POLICE CHIEF JOB DESCRIPTION CHANGES.

Engle moved White seconded to adopt the changes to the job description for the position of Police Chief, as recommended by the Selection Committee for this position and by the Personnel Committee.

MOTION CARRIED.

Trustee Maki asked to include one or two years' experience supervising other officers. Trustee White said it is under the preferred qualifications ***5-10 year's police or command experience with another municipality.***

AUTHORIZATION TO RETAIN ENGINEERING SERVICES FOR FEMA HYDRAULICS STUDY.

Gail Varty, 208 Timber Lane explained the process that she has gone through since she purchased the property in May of 2015. She has cleaned out 28,000 pounds of garbage from the property. She received a zoning permit from the Township, flood hazard permit from MDEQ, solid sedimentation permit and home construction permit from Marquette County. With these permits she was approved up to 1000 cubic yards of fill to raise the site of the building footprint one foot above the 100-year flood elevation of 614.0 as determined by FEMA. After the fill was put in, Varty's surveyor filed application with FEMA for a Letter of Map Revision (LOMR) to allow her not to have to purchase flood insurance. FEMA would not or could not approve the map revision without a professional hydrologic and hydraulic analysis of the site with calculations to show that the fill will not raise the Base Flood Elevation by as much as one tenth of a foot.

Since then FEMA has contact the Township and has indicated that a corrective action plan is required to bring the property and Township enforcement into program compliance. Without this the Township will be expelled from the FEMA Flood Insurance Program. The FEMA maps were approved in April of 2016 and the only means to change the map is a hydrologic and hydraulic analysis.

Supervisor Walker asked Ms. Varty what she was asking of the Township. Gail Varty would like the Board to put this item off for a month so she can gather more information to decide if this study and survey is even possible. Her largest concern is that if she has to remove the fill, the cost to her would be a minimum of \$25,000.

White moved Zybert seconded to table this issue until the December 2016 meeting to allow Ms. Varty to work with North Country Engineering to gather more information.

MOTION CARRIED.

2016 GENERAL FUND BUDGET AMENDMENT #3 TO REFLECT ELECTION REIMBURSEMENT FOR PRESIDENTIAL PRIMARY.

Maki moved Zybert second that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general 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 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:

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
101.698	\$24,275.39	+\$4,888.89	\$29,164.28
EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Elections			
Per Meeting			
101.190.710	\$11,730.24	+\$2,850.77	\$14,581.01

Elections Office Supplies 190.727	\$3,535.00	+\$ 560.00	\$ 4,095.00
Elections Printing 190.728	\$1,468.83	+\$ 232.85	\$ 1,701.68
Elections Postage 101.190.729	\$2,981.10	+\$ 464.22	\$ 3,445.32
Elections Contractual 190.800	\$ 200.00	+\$ 50.00	\$ 250.00
Elections Miscellaneous 190.956	\$ 412.45	+\$ 63.87	\$ 476.32
Clerk Salaries 215.702	\$95,490.81	+\$ 526.22	\$96,017.03
Recreation & Properties Salaries 756.702	\$62,724.96	+\$ 140.96	\$62,865.92
ROLL CALL.			
AYES: Maki, Bohjanen, White, Lynch, Zyburt, Engle, Walker.			
NAYS: None.			
MOTION CARRIED.			

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #10 TO REFLECT ACT 302 POLICE TRAINING REVENUE.

Lynch 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, 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	\$1702.04	+\$511.25	\$2213.29
REVENUE	PREVIOUS	CHANGE	AMENDED

State of MI

401.543

\$503.15

+\$511.25

\$1014.40

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

APPLICATION OF DELINQUENT SEWER CHARGES AS TAX LIENS.

White moved Bohjanen seconded to accept the list of delinquent sewer charges and penalties as allowed in Ordinance 39 section E.2.c. to be added to the Chocolay Township December 2016 tax roll.

DELINQUENT SEWER USERS FOR 2016

Name	Tax ID Number	Address	City, State, Zip	Amount Due
Marc Gilmore	52-02-490-002-00	110 Chocolay River Tr	Mqt MI 49855	\$ 409.20
Ray & Margaret Sprowl	52-02-212-001-00	209 Corning Street	Mqt MI 49855	\$ 409.20
Chocolay Childrens Center	52-02-251-006-00	324 Corning Street/197 Terrace	Mqt MI 49855	\$ 783.18
Menhennick	52-02-254-003-00	500 Corning Street/4021 U S 41 So.	Mqt MI 49855	\$ 409.20
Steven & Heather Shaw-Quizno's	52-02-106-043-50	505 Corning Street	Mqt MI 49855	\$ 2,373.36
Cherry Creek Market	52-02-440-011-00	101 Carmen Drive	Mqt MI 49855	\$ 3,284.38
Richard & Brooke Laurich	52-02-214-006-00	105 E. Fairbanks	Mqt MI 49855	\$ 297.60
Susan Racine	52-02-215-006-00	156 E. Fairbanks Street	Mqt MI 49855	\$ 409.20
Randall Goin	52-02-215-009-00	164 E. Fairbanks	Mqt MI 49855	\$ 409.20
David Hillock	52-02-216-010-00	158. E. Wright Place	Mqt MI 49855	\$ 409.20
Linda Morgan	52-02-216-015-00	161 E. Wright Place	Mqt MI 49855	\$ 409.20
Anthony & Karri Rabitaille	52-02-455-038-00	214 Jean Street	Mqt MI 49855	\$ 409.20
Daniel & Laura Clements	52-02-455-056-00	208 Judy Street	Mqt MI 49855	\$ 93.00
Oliver Burns	52-02-455-046-00	225 Judy Street	Mqt MI 49855	\$ 409.20
Linda Bice	52-02-215-015-00	115 Kellog Street	Mqt MI 49855	\$ 49.60
Stacy Eagle	52-02-107-013-00	208 Silver Creek Road	Mqt MI 49855	\$ 69.20
Joe & Barb Menze	52-02-107-063-00	328 Silver Creek	Mqt MI 49855	\$ 409.20
Scott Lamora/Farm Bureau	52-02-201-003-00	2315 U S 41 South	Mqt MI 49855	\$ 195.30
David Laurich/Medical Benefits	52-02-106-020-00	2366 U S 41 South	Mqt MI 49855	\$ 409.20
A.J. Menhennick	52-02-254-003-00	4021 U S 41 South	Mqt MI 49855	\$ 409.20
Harvey Oil Company	52-02-254-004-00	4025 U S 41 South/4021 U S 41 So.	Mqt MI 49855	\$ 409.20
Shaw's Service	52-02-254-005-00	4027 U S 41 South	Mqt MI 49855	\$ 695.64
Mike & Eva Schlenkert	52-02-455-001-00	132 Veda Street	Mqt MI 49855	\$ 409.20
Dieter Rentals	52-02-253-008-00	110 W. Fairbanks Street	Mqt MI 49855	\$ 195.30
Jennifer Simula	52-02-207-010-00	219 West Fairbanks	Mqt MI 49855	\$ 409.20
Dave & Bonnie Schwiderson	52-02-107-078-00	735 Willow Road	Mqt MI 49855	\$ 409.20
Ruth & Mark Matteson	52-02-207-005-00	234 W. Main Street	Mqt MI 49855	\$ 391.62
Larry Weaver	52-02-207-004-00	240 W. Main Street	Mqt MI 49855	\$ 287.37
Shane Thomas	52-02-207-002-00	264 W. Main Street	Mqt MI 49855	\$ 297.60
Tonya Scott	52-02-205-003-00	341 W. Main Street	Mqt MI 49855	\$ 409.20
Matthew & Crystal Dale	52-02-251-023-10	205 W. Terrace Street	Mqt MI 49855	\$ 409.20
Janice Lister	52-02-251-025-00	209 W. Terrace Street	Mqt MI 49855	\$ 130.90
Tim Soucy	52-02-210-004-00	330 W. Terrace Street	Mqt MI 49855	\$ 193.44
Gardner Bess	52-02-210-005-00	334 W. Terrace Street	Mqt MI 49855	\$ 409.20
Judith Charles/Marilyn Kramer	52-02-208-003-00	371 W. Terrace Street	Mqt MI 49855	\$ 409.20
Jeff Bushey	52-02-208-002-00	387 W. Terrace Street	Mqt MI 49855	\$ 409.20
Kristine & Michael Dionne	52-02-106-043-00	110 W. Wright Place	Mqt MI 49855	\$ 409.20
Glen Carlson	52-02-213-004-00	350 W. Wright Place	Mqt MI 49855	\$ 409.20
Total Delinquent Amount				\$ 18,749.09

MOTION CARRIED.

RESOLUTION ALLOWING THE NEW FREE STORE LOCAL APPROVAL FOR A CHARITABLE GAMING LICENSE.

Zyburt moved Maki seconded that the request from The New Free Store of Marquette County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of September 19th, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of September 15th, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meetings of August 17th, 2016 and October 19, 2016, Draft.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of September 13th, 2016.
- E. Correspondence – Marquette County Solid Waste Management Authority.

Supervisor Walker adjourned the meeting at 7:00 p.m.

Max Engle, Clerk

Richard Bohjanen, Supervisor