

November 13, 2017

A Regular meeting of the Chocolay Township Board was held on Monday, November 13, 2017 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Max Engle, David Lynch, Judy White, Don Rhein, Mark Maki.

ABSENT: Ben Zyburt.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Dale Throenle, Scott Jennings, Jeff Czarny, Pat Beck, Lisa Perry, Chris Lucas, Joe Neumann, Mary Jo Bucket.

MINUTES –OCTOBER 9, 2017 REGULAR MEETING.

Trustee Maki questioned comments in the minutes pertaining to Trustee Rhein's appointment to the Planning Commission.

Rhein moved Lynch seconded that the voice recording is reviewed and then the October 9, 2017 minutes be brought back to the Board in December.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

White moved Rhein seconded to approve the agenda as presented with one correction to XVI. A. Authorization to Proceed With Legal Action on Zoning and Blight Violations.

MOTION CARRIED.

PUBLIC COMMENT.

Dick Arnold, 312 Co. Rd 545 – Feels that the Township sign should only be used for Township business. He also commented about a complaint he put in with the Township Zoning Administrator last April. He has not heard back from the Zoning Administrator and the neighbor he complained about still has the junk, lumber, trailer and unlicensed structure.

Mark Maki, 370 Karen Road – Commented on the September 2017 Planning Commission minutes, page 6. The Short Term Rental definition was inadvertently left out. Disagrees with Dale Throenle's count on how many Zoning Administrators have dealt with Short Term Rentals. He also commented that he objects to the Planning Commission plan on Short Term Rentals. There is no time frame.

Stephanie Gencheff, 597 Lakewood Lane – She is part of the group that collected signatures for the petition against Short Term Rentals on Lakewood Lane. She asked the Board to address their concerns. There is a house at 721 Lakewood Lane that was bought as a commercial investment.

PUBLIC HEARING ON AND CONSIDERATION OF PROPOSED 2018 FEE SCHEDULE.

The public hearing was opened for public comment.

Trustee Maki asked about the 2018 Budget that included cameras. He thought that the cameras were for outside the building not inside. He feels that the Board should look at this issue again.

Manager Lawry responded that these are security cameras and that there will be cameras inside and outside the building.

Trustee White asked about the new zoning fee for a structure under 200 square feet.

Zoning Director Throenle indicated that here is no requirement for a building permit for that size building.

The public hearing was closed.

PUBLIC HEARING ON PROPOSED 2017 MILLAGE RATES AND GENERAL APPROPRIATIONS ACT FOR 2018.

The public hearing was opened for public comment.

The public hearing was closed.

ACCOUNTS PAYABLE.

Lynch moved Rhein seconded that bills totaling \$22,234.05 including checks numbered 22063-22073 and bills totaling \$45,216.52 including checks numbered 22074-22104 and bills totaling \$50,099.13 including checks numbered 22105-22134 are approved for payment.

MOTION CARRIED.

PAYROLL.

White moved Engle seconded that payroll for October 19, 2017 for \$33,903.89 including checks numbered 24283-24316 and 10553-10559 and ACH payments for Federal tax, State tax and MERS and November 2, 2017 for \$29,143.28 including checks numbered 24317-24336 and 10560-10566 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT – SEPTEMBER 2017.

Engle moved Lynch seconded to accept the September Financial Report.

MOTION CARRIED.

CERTIFICATE OF DEPOSIT AND INVESTMENT REPORT.

Maki moved White seconded to accept the C/D report.

MOTION CARRIED.

TREASURER'S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Lynch moved Engle seconded to accept the Treasurer's fund withdrawal and deposit report.  
MOTION CARRIED.

RESIGNATION OF TOWNSHIP MANAGER.

Supervisor Bohjanen feels that this is a difficult resignation to accept but appreciates all the work Steve has done over the past 7 ½ years and it will be difficult to find his equal.

Lynch moved Rhein seconded to accept the resignation from Steve Lawry as Township Manager and we do appreciate his tenure with the Township.

MOTION CARRIED.

SUPERVISOR'S REPORT.

1. On October 16, 2017 I attended the Planning Commission meeting as a member of the public. The issue of short term rentals and the plan for action presented by the Planning Administrator was on the agenda. Inflammatory and derogatory remarks were made by two members of the public against the planning commission, the planning administrator, and the board, notable mainly because they were not constructive, and were led by a member of the board. According to MCL 41.101, these people could be asked to leave, and if they refused, charged with a Misdemeanor, punishable by a fine of up to \$50. I am of the opinion that it is becoming necessary to invoke this law in future similar circumstances.
2. Directly and indirectly there have been two inquiries into the possibility of a Medical Marijuana Ordinance. They would be willing to make presentations to the board on their concept proposals. Any desire to hear them?

Board discussion on Medical Marijuana ensued and there was agreement to listen to the presentation.

3. There has been a problem with material showing up from the public for inclusion in the Board and Planning Commission agenda packets. We have a policy for staff to submit agenda items by a certain time and date. Staff has asked for a policy that will not include material that does not arrive by that date and time. Clerk Engle stated that we already have a policy on this. Supervisor Bohjanen said this is for staff only. Trustee Maki said we could set the deadline for all material to be in by a specific date and time for anyone. Otherwise the material could go to the following meeting. The Planning Commission could address this through their by-laws.

CLERK'S REPORT - ELECTION RESULTS IN CHOCOLAY TOWNSHIP.

Clerk Engle presented the results from the Chocolay Township November 7, 2017 election. He also commented that the Election Workers did an excellent job on Election Day.

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

Maki moved White seconded that the compensation for all Boards and Commissions is accepted as presented in the 2018 Budget.

MOTION CARRIED.

CONSIDERATION OF EMPLOYEE WAGES AND BENEFITS, EMPLOYEE HEALTH CARE CONTRIBUTION RATES, AND ADOPTION OF REVISIONS TO APPENDIX C OF THE POLICIES AND PROCEDURES MANUAL.

Engle moved Rhein seconded to amend Section 6.5 of the Policies and Procedures Manual to provide for 48 hours of personal time per year instead of 40 and to amend Appendix C of the Manual by increasing all steps in the wage grid by 2%. It is further moved and seconded that the employee share of health care coverage, as outlined in PA 152 of 2011 be increased from 15% to 17.5% for the 2018 calendar year.

MOTION CARRIED.

CONSIDERATION OF PUBLIC ACT 152 WAIVER.

Lynch moved White seconded

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 Choccolay 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 Choccolay 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, 2018 through December 31, 2018.

ROLL CALL.

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

Nays: None.

Absent: Zyburt

RESOLUTION PASSED.

CONSIDERATION OF GENERAL APPROPRIATIONS ACT FOR 2018 BUDGET.

Lynch moved Engle seconded that we postpone this action item until the December 11, 2017 meeting when we can include the Road millage vote and budgetary items at that time.

MOTION CARRIED.

RECOMMENDATION FROM THE PLANNING COMMISSION ON SHORT TERM RENTAL REGULATION.

Supervisor Bohjanen feels that if we are going to work on Short Term Rental in the Ordinance we also need to deal with Long Term Rental because that is not in the ordinance either.

Trustee Lynch commends the Planning Commission for the plan they have come up with, it is good framework for them to work through the process and come up with something enforceable and is clear and concise.

Trustee Rhein noted that Marquette City already has issues with their plan. We need to get it done right in a timely fashion.

Trustee Maki said that Grand Island has 26 people and they were able to address this issue. The problem with this plan is that it has no time frame. And what do we do in the interim? I have already offered the idea to not allow Short Term Rentals in R-1 district and put Lakewood Lane in that district. We need to amend the ordinance in the next 30-60 days or enforce the ordinance. If you had read the Planning Commission packet from 2007 you would clearly see that the Planning Commission intentionally excluded that from Lakewood Lane and residential zones. Someone will sue the Township for discrimination.

Supervisor Bohjanen asked the Board to consider spending some money on an administrative law judge or some legal person outside of the Township to look at this issue.

Planner/Zoning Administrator Throenle stated that the person in question was never refused a permit for Short Term Rentals. She was told there is no such permit. She filled out a Zoning Compliance permit and that permit does not include short term rentals. She was told that the Planning Commission was working through that process (on short term rentals) and she was told that when they have completed that process, hers will be considered. Mr. Maki's permit application was overlooked. Throenle said that Manager Lawry talked to him about it and Throenle apologized for not addressing Maki's application. People came to a Planning Commission meeting and stated that they have had Short Term Rentals since at least 1988. To date there have been zero violations issued for Short Term Rentals.

Clerk Engle would like to see some kind of time line. Planner/Zoning Administrator Throenle felt that June 1, 2018 would be a fair date for a draft completion of this process. The major concerns

with Short Term Rentals appear to be noise and fireworks. There are State laws that we have to take into consideration also.

Supervisor Bohjanen asked the Board if they approved in general, the October 16, 2017 Planning Commission plan on Short Term Rentals with a draft completion date of June 1, 2018. Five Board members approved it and Trustee Maki did not.

#### AUTHORIZATION TO PROCEED WITH LEGAL ACTION ON ZONING AND BLIGHT VIOLATIONS.

Trustee Maki asked why this issue is coming before the Board.

This is the process that the Board approved to deal with zoning violations.

The first case has been open since 2014 and has been given multiple notices to clean up the property. The Board discussed the violation and after review, the following motion was made.

Rhein moved Engle seconded to go for a civil infraction and proceed on to step 4 of the Zoning violation enforcement policy and report to the Township Attorney.

MOTION CARRIED.

Case two includes multiple zoning violations with a tiny home built on a trailer on wheels and is attached to a septic system to the home next to it. There is water hooked up from the home to the trailer. This tiny home/trailer is being rented out. There have been no building permits on this home. They are in the floodplain and within 30 feet of the water. The Board discussed the violation and after review, the following motion was made.

Lynch moved Rhein seconded to move this violation to step 4 of the Zoning violation enforcement policy and report to the Township Attorney.

MOTION CARRIED.

#### AUTHORIZATION TO MODIFY JOB DESCRIPTION AND ADVERTISE TOWNSHIP MANAGER POSITION.

Lynch moved White seconded to approve the attached job description for Township Manager and authorize to advertise the position as described above with the application deadline to be December 8, 2017 with the addition under Preferred Qualifications of Community Planning.

MOTION CARRIED.

#### AUTHORIZATION FOR SEASONAL CHANGE OF SEWER USE FEE.

White moved Rhein seconded that the Equivalent User Fee for 5057 U.S. 41 South be changed from 11.9 down to 1 as of October 15, 2017, until the business is reopened in the Spring of 2018, as provided for in Section 9.C. 2. d, of Ordinance #39.

MOTION CARRIED.

#### RESOLUTION OF SUPPORT FOR MEDC GRANT FOR M 28 IMPROVEMENTS.

Maki moved, Lynch seconded that the following resolution be adopted by the Chocolay Township Board of Trustees at its meeting held on this 13<sup>th</sup> day of November 2017:

Whereas, Michigan Highway M28 carries nearly 10,000 vehicles per day between Kawbawgam Road and US 41, and

Whereas, motel, convention center, and entertainment venue construction planned by the Keweenaw Bay Indian Community on property accessed from Zhooniyaa Miikana Trail, in the vicinity of Kawbawgam Road, is anticipated to result in higher overall traffic volumes and a substantial increase in turning movements at the intersection of Zhooniyaa Miikana Trail with M28, and

Whereas, it is the recommendation of Michigan Department of Transportation traffic planners, safety consultants, and design engineers that the construction of dedicated turn lanes be completed at this intersection to improve the safety of all motorists using the roadway, and

Whereas, Michigan Economic Development Corporation makes funds available to assist with the construction of infrastructure in support of development projects that create additional job opportunities for Michigan citizens, and

Whereas, the Board of Trustees of Chocolay Charter Township supports and promotes the safety of all residents and visitors to Chocolay Township, safety improvements to the design of public roads, the creation of additional job opportunities within the Township, the development of under-utilized properties within the Township, and the expansion of the Township's tax base,

Now Therefore Be It Resolved, that Chocolay Charter Township supports the application of the Keweenaw Bay Indian Community and the Michigan Department of Transportation for Michigan Economic Development Corporation funding to construct turn lanes and related roadway safety improvements at the intersection of Zhooniyaa Miikana Trail and Michigan Highway M28.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Trustee Maki felt that the street name was bizarre and that the Township Board did not approve the name.

**2017 GENERAL FUND BUDGET AMENDMENT #3 TO ACCOUNT FOR RECEIPT OF RAP GRANT FOR FIELD TRAINING OFFICER TRAINING.**

White moved Lynch seconded that whereas, a budget was adopted by the Chocolay 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 it is necessary to modify the aforesaid budget. Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
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Police Department Training 101.305.715	\$9,146.25	+\$ 162.50	\$9,308.75
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REVENUE Miscellaneous 101.698	PREVIOUS \$25,946.25	CHANGE +\$ 162.50	AMENDED \$26,108.75
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ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

2017 GENERAL FUND BUDGET AMENDMENT #4 TO ACCOUNT FOR RECEIPT OF RAP GRANT FOR POLICE SUPERVISION TRAINING.

White moved Rhein seconded that Whereas, a budget was adopted by the Chocolay 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 Training 101.305.715	\$9,308.75	+187.50	\$9,496.25

REVENUE Miscellaneous 101.698	PREVIOUS \$26,108.75	CHANGE +187.50	AMENDED \$26,296.25
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ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #10 TO ACCOUNT FOR RECEIPT OF MCOLES POLICE TRAINING FUNDS.

Lynch moved Maki 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 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	\$ 1,736.04	\$479.05	\$2,215.09



401.306.957

REVENUE	PREVIOUS	CHANGE	AMENDED
State of MI			
401.543	\$934.00	\$479.05	\$1,413.05

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

**APPLICATION OF DELINQUENT SEWER CHARGES AS TAX LIENS.**

Engle moved Maki 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 Chocoy Township December 2017 tax roll.

**DELINQUENT SEWER USERS FOR 2017**

Name	Tax ID Number	Address	City, State, Zip	Amount Due
Marc Gilmore	52-02-490-002-00	110 Chocoy River Tr	Mqt MI 49855	\$ 118.50
Chocoy Childrens Center	52-02-251-006-00	324 Corning Street/197 Terrace	Mqt MI 49855	\$ 795.15
Menhennick	52-02-254-003-00	500 Corning Street/4021 U S 41 So.	Mqt MI 49855	\$ 418.50
Steven & Heather Shaw-Quizno's	52-02-106-043-50	505 Corning Street	Mqt MI 49855	\$ 2,427.30
Richard & Brooke Laurich	52-02-214-006-00	105 E. Fairbanks	Mqt MI 49855	\$ 418.50
Dawn Wrobel	52-02-214-003-10	141 E. Fairbanks Street	Mqt MI 49855	\$ 102.11
Susan Racine	52-02-215-006-00	156 E. Fairbanks Street	Mqt MI 49855	\$ 118.50
Randall Goin	52-02-215-009-00	164 E. Fairbanks	Mqt MI 49855	\$ 418.50
David Hillock	52-02-216-010-00	158. E. Wright Place	Mqt MI 49855	\$ 418.50
Linda Morgan	52-02-216-015-00	161 E. Wright Place	Mqt MI 49855	\$ 418.50
Anthony & Karri Rabitaille	52-02-455-038-00	214 Jean Street	Mqt MI 49855	\$ 418.50
Daniel & Laura Clements	52-02-455-056-00	208 Judy Street	Mqt MI 49855	\$ 9.30
Oliver Burns	52-02-455-046-00	225 Judy Street	Mqt MI 49855	\$ 418.50
Linda Bice	52-02-215-015-00	115 Kellog Street	Mqt MI 49855	\$ 418.50
Stacy Eagle	52-02-107-013-00	208 Silver Creek Road	Mqt MI 49855	\$ 43.50
Joe & Barb Menze	52-02-107-063-00	328 Silver Creek	Mqt MI 49855	\$ 418.50
Scott Lamora/Farm Bureau	52-02-201-003-00	2315 U S 41 South	Mqt MI 49855	\$ 418.50
David Laurich/Medical Benefits	52-02-106-020-00	2366 U S 41 South	Mqt MI 49855	\$ 418.50
A.J. Menhennick	52-02-254-003-00	4021 U S 41 South	Mqt MI 49855	\$ 418.50
Harvey Oil Company	52-02-254-004-00	4025 U S 41 South/4021 U S 41 So.	Mqt MI 49855	\$ 418.50
Shaw's Service	52-02-254-005-00	4027 U S 41 South	Mqt MI 49855	\$ 711.45
Mike & Eva Schlenkert	52-02-455-001-00	132 Veda Street	Mqt MI 49855	\$ 418.50
Jon Kangas	52-02-253-004-00	128 W. Fairbanks Street	Mqt MI 49855	\$ 102.30
Brian Macdevitt-Dunn	52-02-212-007-00	129 W. Fairbanks Street	Mqt MI 49855	\$ 102.30
Michael Anderson	52-02-251-014-00	210 W. Fairbanks Street	Mqt MI 49855	\$ 209.20
Jennifer Simula	52-02-207-010-00	219 West Fairbanks	Mqt MI 49855	\$ 418.50
Dave & Bonnie Schwiderson	52-02-107-078-00	735 Willow Road	Mqt MI 49855	\$ 418.50
Bayou Bar/Tim Soucy	52-02-207-007-00	200 W. Main Street	Mqt MI 49855	\$ 2,884.86
Larry Weaver	52-02-207-004-00	240 W. Main Street	Mqt MI 49855	\$ 418.50
Shane Thomas	52-02-207-002-00	264 W. Main Street	Mqt MI 49855	\$ 418.50
Matthew & Crystal Dale	52-02-251-023-10	205 W. Terrace Street	Mqt MI 49855	\$ 418.50
Janice Lister	52-02-251-025-00	209 W. Terrace Street	Mqt MI 49855	\$ 68.50
Gardner Bess	52-02-210-005-00	334 W. Terrace Street	Mqt MI 49855	\$ 418.50
Judith Charles/Marilyn Kramer	52-02-208-003-00	371 W. Terrace Street	Mqt MI 49855	\$ 418.50
Jeff Bushey	52-02-208-002-00	387 W. Terrace Street	Mqt MI 49855	\$ 418.50
Kristine & Michael Dionne	52-02-106-043-00	110 W. Wright Place	Mqt MI 49855	\$ 418.50
Glen Carlson	52-02-213-004-00	350 W. Wright Place	Mqt MI 49855	\$ 418.50

Total Delinquent Amount				\$ 17,736.97
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MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

A. Minutes – Chocolay Township Planning Commission, Regular Meeting of September 18th, 2017.

B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of September 21st, 2017.

C. Minutes – Marquette County Solid Waste Management Authority, Regular Meetings of October 18th, 2017, Draft.

D. Minutes – US 41 Corridor Advisory Group, Regular Meetings of October 10th, 2017.

E. Minutes – Marquette County Township Association Regular Meeting of September 27, 2017, Draft, Including CUPPAD Presentation.

F. Communication – Marquette Area Wastewater Treatment Authority Advisory Board 2018 Meeting Schedule.

G. Communication – Marquette County Solid Waste Management Authority Certification of Amendment to the Articles of Incorporation.

H. Communication – Marquette County Solid Waste Management Authority changes to Recycling Program.

I. Communication – Janet Montgomery Re: Lakenenland.

J. Communication – Deborah Mulcahey

Supervisor Bohjanen adjourned the meeting at 7:05 pm.

MOTION CARRIED.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor