

December 7, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, December 7, 2016 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 Zyburt, Judy White, David Lynch, Mark Maki, Don Rhein.

ABSENT: None.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Dale Throenle, Scott Jennings.

MINUTES – REGULAR MEETING NOVEMBER 2, 2016.

Lynch moved Zyburt seconded to approve the minutes of the regular meeting of November 2, 2016 as amended.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Maki moved White seconded to approve the agenda presented.

MOTION CARRIED.

PUBLIC COMMENT.

Supervisor Bohjanen read a statement that public comment will be addressed in one of three ways. We will acknowledge the comment and refer it for further consideration at another time and another agenda, we will consider the comment during Board discussion tonight or in the future or we will refer it to the Planning Commission for consideration or to staff for evaluation.

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

PUBLIC HEARING- ORDINANCE #22 WINTER PARKING BAN.

The public hearing was opened and Supervisor Bohjanen explained that the change to the Ordinance was to remove the section requiring the Township to post *No Parking Signs* at the Township corporate limits during the winter parking ban from November 15th to April 15th each year. We do not have the signs currently and eliminating the need to purchase signs will save the Township a considerable amount of money.

There was no public comment, public hearing was closed.

White moved Rhein seconded to adopt the proposed amendment to Ordinance #22 by deletion of Section 3 of the Ordinance.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

ACCOUNTS PAYABLE.

Zyburt moved Lynch seconded that bills totaling \$45,702.77 including checks numbered 21377-21420 and bills totaling \$13,154.61 including checks numbered 21421-21435 are approved for payment.

MOTION CARRIED.

PAYROLL.

Engle moved Zyburt seconded that the payroll for November 3, 2016 for \$31,417.06 including checks numbered 23502-23519 and 10394-10399 and ACH payments for Federal tax, State tax and MERS, and November 17, 2016 for \$37,050.94 including checks numbered 23520-23562 and 10400-10405 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- OCTOBER 2016.

Lynch moved Rhein seconded to approve the October 2016 financial report.

MOTION CARRIED.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported that we renewed a \$100,000. Certificate of Deposit from First Bank and the renewal rate went from .65% to .70%.

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

MOTION CARRIED.

APPOINTMENTS AND RESIGNATIONS.

Andy Sikkema and Bruce Ventura have both submitted resignations from the Planning Commission effective December 2016 and Richard Bohjanen is no longer eligible to be the Board representative to the Planning Commission by virtue of his new position on the Township Board.

Engle moved Lynch seconded to accept the resignations from the Planning Commission.

MOTION CARRIED.

Supervisor Bohjanen said that a letter or Certificate of Appreciation should be prepared for the resigning Planning Commission members.

Greg Zyburt submitted a letter of resignation from the position of Police Chief and the Pension Board; he will be leaving employment with Chocolay Township at the end of December to become the Marquette County Sheriff in January 2017.

White moved Rhein seconded to accept the resignation of Greg Zyburt from the pension committee.

MOTION CARRIED.

Engle moved Rhein seconded to accept the resignation of Greg Zyburt as Police Chief of Chocolay Township.

MOTION CARRIED.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

Trustee Maki asked if CABA was still meeting. Clerk Engle said that they are inactive at this point.

Trustee Maki indicated that the Board did not get copies of the Planning Commission applications and wondered if Jon Kangas and Donna Campbell were present. Mr. Kangas is present, but Ms. Campbell had a prior engagement. Trustee Maki offered to sit on the Personnel Committee if Trustee White wanted to step down. Trustee Maki asked about the attendance record of the current Planning Commission members. Supervisor Bohjanen stated that the members do not have perfect attendance, but there is always a good number of Commissioners at each Planning Commission meeting. Trustee Maki asked about Donna Campbell's background, he would like information before he votes for someone. Supervisor Bohjanen indicated that she is a community active person from Ironwood. She has been on the Library Board and Planning Commission in Ironwood.

Bohjanen moved Lynch seconded the appointment or reappointment of:

- Ben Zyburt as Board representative to Pension Committee for a term ending 12-31-22,
- Mary Sanders as employee representative to the Pension Committee to complete a term ending 12-31-2018,
- Scott Jennings to the Personnel Committee for a new term ending 12-31-17,
- Dale Throenle to the Personnel Committee for a new term ending 12-31-17,
- Judy White to the Personnel Committee for a new term ending 12-31-18,
- Max Engle to the Personnel Committee for a new term ending 12-31-18,
- Judy White as Board representative to the Planning Commission for a term ending 11-20-20,
- Jon Kangas to the Planning Commission to complete a term ending 12-31-17,
- Donna Mullen-Campbell to the Planning Commission to complete a term ending 12-31-18,
- Andy Smith to the Planning Commission for a new term ending 12-31-19, and
- Tom Mahaney to the Planning Commission for a new term ending 12-31-19.

MOTION CARRIED.

Maki moved Zyburt seconded to appoint or reappoint the following individuals to the boards, committees, and councils for the specified terms:

- Chris Lucas as alternate delegate to the Marquette Area Wastewater Treatment Authority to complete a term ending 12-31-18,
- Mark Maki as Board of Trustees representative to the Zoning Board of Appeals for a new term ending 11-20-20,
- Michelle Wietek-Stephens to the Zoning Board of Appeals for a new term ending 12-31-19,
- Geno Angeli to the Zoning Board of Appeals for a new term ending 12-31-19,
- Albert Denton to the Board of Review for a new term ending 12-31-18,
- Dennis Hickey to the Board of Review for a new term ending 12-31-18,
- Robert Pecotte to the Board of Review for a new term ending 12-31-18,
- Paul Charboneau as alternate to the Board of Review for new term ending 12-31-18,
- Max Engle to the Marquette County Townships Association for a new term ending 12-31-18,
- Judy White to the Election Commission for a new term ending 11-20-20,
- David Lynch to the Election Commission for a new term ending 11-20-20,
- Mary Sanders as representative to the Northern Michigan Public Service Academy Board for a new term ending 12-31-18, and
- Max Engle as alternate to the Northern Michigan Public Service Academy Board for a new term ending 12-31-18.

MOTION CARRIED.

CONFIRMATION OF NEW POLICE CHIEF.

The Police Chief Selection committee made up of Ex-Supervisor Gary Walker, Supervisor Richard Bohjanen and Manager Lawry followed the personnel manual and advertised locally and on State MESC website. We received four applications, the committee reviewed all four application packets and elected to interview three. After interviewing the three very qualified candidates, the decision was to select Sergeant Jennings as the new Police Chief.

Maki moved Lynch seconded to confirm the Township Manager's appointment of Scott S. Jennings as Chocolate Township Chief of Police effective January 1, 2017.

MOTION CARRIED.

SUPERVISOR'S REPORT.

Supervisor Bohjanen announced his regular office hours open to staff and public on Tuesdays from 1:00 pm until 4:00 pm and will also be available at other times by request.

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

White moved Zyburt seconded that the phrase “not less than two (2) inches in height” in section 4.B of the proposed ordinance # 63 be modified to read “not less than three and one-half (3 1/2) inches in height.”

Trustee White asked if the police department would monitor and enforce the change in address numbering size. Supervisor Bohjanen indicated that is not the intent of this change. The purpose of this change is to make it possible to identify the residence/structure not create difficulties to our residents.

Trustee Maki asked if the assessing summer worker could monitor the house numbering. Manager Lawry feels that a public education campaign is the direction that the Township should go with house identification.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Maki moved White seconded that after review of the proposed modifications of the Township Address Numbers Ordinance, the input from a public hearing, and the recommendations of the Township Planning Commission, that the Board waive the reading and adopt the proposed language of Ordinance # 63 as written, file the 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 amendment in the Township Ordinance Book within one week after publication, with Ordinance # 63 to become effective thirty days after adoption and Ordinances # 29 and # 29A to be repealed concurrently.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO RETAIN ENGINEERING SERVICES FOR FEMA HYDRAULICS STUDY.

Manager Lawry explained to the Board that since putting the agenda together; the hydraulics study has been completed. He does have a copy and it should serve as appropriate backup material to FEMA for the change in the mapping. The next step is that the local governmental agency presents the information to FEMA to amend the maps for this area and allow the fill to remain on the property.

Gail Varty expressed to the Board that Google maps, GIS maps and some of the elevation maps County wide are not correct. She feels feel that this study is ready to be sent into FEMA.

Supervisor Bohjanen noted that according to the study; the level of change of the floodplain that would occur is measurable at .002 and the FEMA requirement is that it be less that one. So this should meet their criteria.

Engle moved Lynch seconded to authorize the Township Manager to submit the FEMA application that would have the floodplain map changed.

MOTION CARRIED.

CONSIDERATION OF 2017 MEETING SCHEDULE.

The Board discussed changing the Township Board meeting from the first Wednesday to the first or second Monday of the month. The first Monday would conflict with many holidays and create too many changes to the schedule. The second Monday of the month will work for all of the Board members.

Maki moved Lynch seconded to approve the first Monday of each month at 5:30 pm for the Regular Township Board Meeting.

MOTION WITHDRAWN.

Maki moved Lynch seconded to approve to change the Township Board of Trustees regular meeting to the second Monday of each month at 5:30 pm. The following dates are approved for all Boards for 2016:

Chocolay Township Board – 5:30 PM

January 9	July 10
February 13	August 14
March 13	September 11
April 10	October 9
May 8	November 13
June 12	December 11

Chocolay Township Planning Comm– 7:00 PM

January 16	July 17
February 20	August 21
March 20	September 18
April 17	October 16
May 15	November 20
June 19	December 18

Chocolay Township Zoning Board of Appeals – 7:00 PM

January 26	July 27
February 23	August 24
March 23	September 28
April 27	October 26
May 25	November 16
June 22	December 28

Chocolay Township Fire Department – 7:00 PM

1st Thursday of each month – Business Meeting
2nd, 3rd, and 4th Thursday of each month – Training

Chocolay Township Tax Board of Review – Times to be set March 7

March 7, 13, 14
July 18
December 12

The Joint Meeting of the Chocolay Township Board and the Chocolay Township Planning Commission will be determined at a later date.

MOTION CARRIED.

ANNUAL REVIEW OF TOWNSHIP BOARD POLICIES.

Rhein moved Zyburt seconded to accept the Chocolay Township Board Policies with the amendment of the Meetings policy to change the Township Board meeting date to the second Monday of the month at 5:30 pm and also the preparation of Township Board agenda dates.

MOTION CARRIED.

MANAGEMENT LETTER FROM AUDITOR.

Maki moved Lynch seconded to authorize the Township Supervisor to sign the Management Letter from Anderson Tackman and Co.

MOTION CARRIED.

BUREAU OF INDIAN AFFAIRS REQUEST FOR COMMENTS ON APPLICATION FOR TRUST STATUS FOR LAND IN CHOCOLAY TOWNSHIP.

Manager Lawry informed the Board that the letter from the Bureau of Indian Affairs seeks Township comments on an application filed recently by the Keweenaw Bay Indian Community to place three parcels of property they own near the Ojibwa II Casino into trust status with the United States government. The land constitutes all of the tribal land surrounding the present casino and housing development that is not presently in trust and includes several forested parcels zoned for residential development and one small commercial parcel. The casino expansion project currently under design is anticipated to expand into portions of Parcel "C" and may lead to the development of support facilities on any of these parcels. The extent, layout, and construction project are not yet known, but improvements on land that does not have trust status would generate property taxes to local government jurisdictions. He did notify MARESA and MAPS about the request. They would like our comments forwarded. The Township has three options - decline to comment at all, oppose the project and hope that new developments will create tax revenue or support the planners of this project and comment to put the property into Trust.

Jennifer Misegan, Council V.P – Introduced Jason Ayres, Real Estate Director Officer, Bernie Blaker, Housing Authority, Daniel Web, Attorney, and Larry Denomie, Chief Executive Officer.

Jason Ayres, Real Estate Director- There are some proposed changes in land use for the hotel and retail space.

Larry Denomie, Chief Executive Officer- the proposed project will include a 75 room hotel, restaurant, a new facility for gaming and a 1200 seat entertainment venue. Infrastructure will include a drain field and two new wells. Expanding the number of housing units to include three town houses, two single unit and one double unit apartment type town houses. The project will still move forward if the Trust status does not change. We hope to get Township Board support in our activities out there to continue to potentially increase the 2% money and also increase employment in Chocolay Township.

Clerk Engle commented that we have received two complaints from residents about water issues that occurred after the two existing wells were put in place. The Board would like more information about the two replacement wells. Trustee Maki would like this information to go to the Planning Commission.

Larry Denomie, indicated that they have not submitted their rezoning application for the non-trust land yet because they are waiting for engineering drawings. We want to work with the Township and will get any information the Township needs.

Manager Lawry pointed out that actual development plans are not required with a rezoning application. The rezoning should not be made for a specific plan because the rezoning should be based on the best potential use of the land.

Engle moved Zybur seconded to request a 30 day extension from the date of December 17, 2016 to gather more information on the project.

MOTION CARRIED.

KEWEENAW BAY INDIAN COMMUNITY PROPOSAL FOR WATER SYSTEM IMPROVEMENTS.

Manager Lawry noted that the Keweenaw Bay Indian Council will have excess capacity in the water system they are developing. They have made an offer to share the excess capacity with the Township. They have requested that Chocolay Township act as a pass through agency for the funding of the elevated water storage tank. This tank will at a minimum provide water for our fire department and in the future possibly provide water for residents in the area. Currently we have no way to finance a public water system for the residents in this area. They propose to fund us the money with a single payment under the 2% money and ask us to forward the money onto the contractor. Manager Lawry read a USGA Hydrologic water study that was done 16 years ago for KBIC showing the effects of the two wells. The study shows water flow and rock structure in the area and basically indicated that the residential area of Kawbawgam should not be affected. There are a couple of areas off M-28 with shallow rock bed that could potentially be affected.

Trustee Lynch asked why the map does not show properties along the lake to be considered to be serviced with water. Manager Lawry explained that distance of the run would be over 1000 feet and would not be practical. Trustee Lynch asked if as a resident in that area, he should abstain from voting on this issue.

Engle moved Lynch seconded to act as a pass through agency to pay for the water storage tank and that Keweenaw Bay Indian Council will cover the expense of the water tank with a 2% money payment for us to pay the contractor.

MOTION CARRIED. (One no vote- White)

Maki moved Engle seconded that the Board authorize up to \$5,000 from the Capital Improvement Fund Water Account for engineering services that might be required to quantify some of the costs involved.

ROLL CALL.

AYES: Maki, Rhein, Zyburt, Engle, Bohjanen.
 NAYS: White.
 ABSTAIN: Lynch.
 MOTION CARRIED.

Zyburt moved Rhein seconded to allow Trustee Lynch to abstain from the above motion.
 MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND FY 2016 - BUDGET AMENDMENT NO. 4 BOARD OF REVIEW SALARY ACCOUNT ADJUSTMENT.

Maki 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 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:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
101.247.710 Board of Review Per Meeting Compensation	\$1620.00	+\$ 480.00	\$2100.00
101.202.705 Assessing Temporary & Part Time	\$5000.00	-\$ 480.00	\$4520.00

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

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUND DOLLARS FOR REPLACEMENT OF A POLICE DEPARTMENT DESK.

Lynch moved Zyburt seconded to approve the purchase of an office desk for the Police Department with a cost not to exceed \$1,000. This will be paid from the Capital Improvements Fund –Police Equipment account 401.305.977.

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

MARQUETTE COUNTY SOLID WASTE MANAGEMENT AUTHORITY DECISION REVIEW.

Engle moved Zyburt seconded that the County of Marquette remain as a constituent municipality of the Marquette County Solid Waste Management Authority Intergovernmental Agreement.

MOTION CARRIED.

Clerk Engle feels that the Marquette County Solid Waste Management Authority does not have the right to alter the Intergovernmental Agreement. The constituent members should vote to make changes to the Agreement.

TOWNSHIP MANAGER'S ANNUAL EVALUATION.

The Board should complete and turn in the Manager evaluation by December 19, 2016. The evaluations will be compiled and put on the January 2017 agenda.

PUBLIC COMMENT.

Jennifer Misegan, KBIC Council V.P. – Thanked the Board for their time tonight and reassured the Board that they will draw up a memorandum of agreement regarding the water tower and how the repayment will be made with 2% money and that the Township will continue to receive 2% as in the past.

Trustee Maki welcomed Richard Bohjanen as the new Township Supervisor.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of October 17th, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of October 20th, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of November 9th, 2016, Draft.
- D. Minutes – Marquette County Township Association, Regular Meeting of September 28th, 2016, Draft.
- E. Correspondence – Michigan Liquor Control Commission Regarding Transfer of SDM License for BFE Enterprises, LLC.

Supervisor Bohjanen adjourned the meeting at 7:15 p.m.

Max Engle, Clerk

Richard Bohjanen, Supervisor