



EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Fire Department Equipment 101.340.778	5,225.00	+400.00	5,625.00

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 101.698	11,911.77	+400.00	12,311.77

Roll Call:

AYES: Bohjanen, Greenberg, Denton, Hill, Sherbinow, Menhennick, Fende.

NAYS: None.

MOTION CARRIED.

#### ADDITIONAL CLEARING AND PARKING AT SILVER CREEK SOCCER FIELD.

The Board discussed rental vs. purchase of chain saws for the clearing at the Silver Creek soccer field. The length of time needed to clear the trees at the soccer field will determine whether it would be more cost effective to rent or buy.

Denton moved, Bohjanen second that a committee made up of Clerk Hill, Supervisor Fende and Trustee Denton be allowed to expend up to \$1,000. to start tree removal project at Silver Creek soccer field.

Roll Call:

AYES: Bohjanen, Denton, Greenberg, Sherbinow, Hill, Menhennick, Fende.

NAYS: None.

MOTION CARRIED.

#### COMPUTER UPDATE.

Hill moved, Sherbinow second that the Clerk is authorized to sell the remaining computer equipment parts for the best negotiable price.

Roll Call:

AYES: Hill, Sherbinow, Menhennick, Fende, Bohjanen, Greenberg, Denton,

NAYS: None.

MOTION CARRIED.

#### TUITION REIMBURSEMENT POLICY.

The Board discussed an education policy and compiled ideas that they felt would work, such as fixed amount per credit and amount of money budgeted per year and who will be selected to receive this benefit. A motion will be brought back to the next Board meeting in June.

#### MEETING ROOM POLICY.

Denton moved, Bohjanen second to accept the following changes to the meeting a room policy:

#### AGREEMENT AND CONDITIONS OF MEETING FACILITY USE

The meeting room is reserved for organized nonprofit community groups of Chocolay Township to conduct meetings, including worship services, although any other group or individual may use the meeting room on an as-available basis. The facility shall not be used to conduct work projects that involve the use of materials, tools, or machinery. No group that charges a fee for its programming may use the facility; however, non-profit groups may charge a fee as long as the fee is used to cover the cost of materials used.

\_\_\_\_\_ agree(s) to the following terms and conditions for using the meeting room:

1. The Charter Township of Chocolay reserves the right to cancel or prohibit use of these facilities, if such use would fall into conflict with the regular or emergency use of any body of township government.
2. A deposit, except for authorized government agencies, in the amount of twenty-five dollars (\$25.00) will be made before a key to the building shall be issued, which will be returned when the key is returned and all the conditions of this agreement have been met. Any group who uses the facilities during regular office hours does not need to pay a deposit and will not be issued a key. However, they still must sign an agreement form. Groups using the facility during weekdays cannot use it from 12:00 to 1:00, except for lunch purposes, since the room is used as an employee lunchroom.
3. The undersigned, in representing the above named group or organization, assumes responsibility for payment of damage to any township property which occurs during this use.
4. Groups using the facility on a regular basis will be required to pay only one deposit.

5. Regular use by any single group or organization may be evaluated at sixty (60) day intervals, depending upon additional requests for this facility on like dates and times.
6. Approximate size of the group and furniture requirements will be provided to the township at the time the deposit is paid.
7. Furnishings will be situated, at completion of use. in the same manner as that in which they were found. **THE LARGE TABLE IS NOT TO BE MOVED FOR ANY REASON** and when moving other tables they must be lifted off the floor (do not slide).
8. Food may not be prepared at the facility. Buying clubs may not use the facility for the purpose of dividing or distributing food.
9. As of June 1, 1994 **NO SMOKING** in any township owned vehicles, township owned buildings and within 10 feet of any entrance to a township owned building, pursuant to Part 126 of the Public Health Code, P.A. 368 of 1978.
10. Nothing is to be fastened to walls, windows, doors or woodwork.
11. All refuse in the meeting room and restrooms must be placed in garbage bags supplied, removed from the building and deposited in the outdoor Dumpster.
12. Whenever people are present in the building, the doors must be unlocked and the entrance/exists must remain open and not blocked.
13. All lights must be shut off before vacancy.
14. A fan switch is located on the left side of the large display cases. You can turn the switch for the hours that you meet. This will help circulate air in the building. Since the room has heat and air conditioning, you should not open windows.

**I UNDERSTAND THAT IF ANY OF THESE CONDITIONS ARE VIOLATED THAT THE DEPOSIT MAY BE RETAINED OR MY GROUP/ORGANIZATION MAY LOSE THE PRIVILEGE OF USING THE MEETING ROOM FOR ONE YEAR.**

Group Name:

Representative:

Address:

Phone: (Home) \_\_\_\_\_ (Work)

Signature:

Deposit paid and key issued: \_\_\_\_\_ Receipt #:

Deposit held or deposited: \_\_\_\_\_ Collector

Date(s) of meeting(s):

Time: \_\_\_\_\_ Number of people attending

Furniture requirements:

Condition following use:

Deposit and key returned on:

AYES: 7

NAYS: 0

MOTION CARRIED.

**BOARDS, COMMITTEE, COMMISSIONS REPORTS.**

1. Planning Commission minutes 4/13/98.

2. MAWTFAB minutes 4/9/98.







**PUBLIC COMMENT.**

John Smith – Is opposed to the addition to the police department. He feels that this a waste of tax dollars. He heard that there are preliminary talks to reuse the casino for a juvenile detention center. Also reminded the Board of his request for more comfortable chairs for the public.

Don Britton – The trail committee is interested in running a bike path from Silver Creek to U S 41 and from U S 41 down Cherry Creek Road to the school, to coincide with the repaving of Cherry Creek Road. The Board thought this was worth looking into.

Lee Blondeau – Gave a presentation to the Board on how Blondeau Trucking wants to be a part of the Chocolay Township community. They have been in business for fifty years and plan on being in business in Chocolay for another fifty years. They want to work with the Board if the Board will allow them to.

Greg Zyburt – Told the Board that the bike program was a success and that over 100 bikes were registered. This week is buckle Up U.P. Week. He would like to display a crushed car and a sign about buckling up in front of the pavilion.

Gary Menhennick – According to the MTA the Board did not have to vote for reconsideration on the casino issue, any Board member could have brought up a new motion to discuss the issue. He also feels that the township should go back to two public comment sessions.

Menhennick moved, Bohjanen second that the Board allows two public comments sections at the Board meeting.

AYES: 2

NAYS: 5

MOTION FAILED.

Menhennick moved that the Board comply with Roberts Rules of Orders to conduct the meeting. There was no support.

**BIDS ON POLICE OFFICE ADDITION AND RENOVATION.**

Motion by Denton second by Hill that the Police Office Addition & Renovation Project is awarded to Pascoe Builders in the amount of \$54,361 and that funds for the project be expended from the Capital Improvements Funds Buildings account. The Supervisor of the Department of Public Works is designated as the project coordinator.

**ROLL CALL:**

AYES: Hill, Sherbinow, Denton, Greenberg, Bohjanen, Fende.

NAYS: Menhennick.

MOTION CARRIED.

**ADDITIONAL CLEARING AND PARKING AT SILVER CREEK SOCCER FIELD.**

Hill moved, Denton second that the Supervisor of the Department of Public Works is authorized to work with the Army Reserves to complete the Silver Creek Soccerfield expansion for additional parking and open space area project and the cost estimated at \$5,355 for the project to be expended from the Capital Improvements Fund, Recreation Account 401.708.957.

**ROLL CALL:**

AYES: Bohjanen, Greenberg, Hill, Sherbinow, Denton, Fende, Menhennick.

NAYS: None.

MOTION CARRIED.

**MEETING ROOM POLICY – FEE STRUCTURE.**

Supervisor Fende proposed a fee structure and will forward it to CABA for their input and then it will be brought back to the Board for a vote at the next Board meeting.

**REVISED ROAD CONTRACTS.**

Denton moved, Greenberg second that

Whereas, the Charter Township of Chocolay intends entering into certain road construction and improvement contracts with the County Road Commission, and:

Whereas, the parties have agreed the Commission may bill and recover from Chocolay Township, 50% of the actual cost of the project that may exceed the estimates, and;

Whereas, that excess cost requires Township approval before it is incurred, and;

Whereas, such approval must be on an urgent basis;

Be It Resolved:

The Supervisor of DPW or, as necessary, the Township Supervisor, is hereby granted authority to issue change orders pursuant to the road construction and improvement contracts, accepting, rejecting, or modifying any proposals by the County Road Commission to carry out work which will result in exceeding the estimated cost previously provided by the Road Commission and recited in the contracts. Under no circumstances does the Supervisor of DPW have authority to authorize additional cost that exceeds 15 percent of the estimate without first having obtained authority of the Township's Board of Trustees.

In the event that the Supervisor of DPW is not available, the Township Supervisor has the same authority to issue change orders. Copies of all change orders must be submitted to the Board at their next meeting.

AYES: 6

NAYS: 1

MOTION CARRIED.

#### TUITION REIMBURSEMENT POLICY.

Greenberg moved, Bohjanen second, that the following be added to SEC 12.13 of the Personnel Policies and Procedures Manual:

After completing their probationary period, regular full-time employees may be eligible for reimbursement for up to four credit hours per year of undergraduate, work-related college classes, at an accredited college or university for which they receive a grade of "C" or better.

Graduate classes may be taken, but reimbursement will be at the undergraduate rate. Reimbursement is for tuition only, and does not include books or fees.

If the employee receiving the reimbursement voluntarily leaves employment with Chocoley Township, any tuition paid within the preceding two years shall be repaid by the employee to the Township.

Funds available for tuition reimbursement will be part of the annual budget. Allocation of these funds will be made by the township board or a committee appointed by the board, with the recommendation of the employee's supervisor. Applications for reimbursements should be submitted by December 1<sup>st</sup> for the following year, or later if funds remain available.

AYES: 6

NAYS: 1

MOTION CARRIED.

#### KBIC 2% LETTER.

The township sent a letter to KBIC stating that we would accept a gift or donation for trails. KBIC sent a letter to the township stating specific language that must be used to distribute these funds. The township did not have a Board meeting within the time frame, and the KBIC re-distributed the funds to another agency before the Board met.

Supervisor Fende will write a letter to the attorney general office asking two questions:

1. Does the KBIC have to donate a portion of the 2% money to the local government in which they reside?
2. Can they dictate where the money is earmarked?

#### BOARDS, COMMITTEE, COMMISSIONS REPORTS

1. Planning Commission meeting minutes of 06/01/98
2. MAWTFAB meeting minutes of 05/14/98
3. Ad Hoc Water Committee meeting minutes of 06/10/98

#### SUPERVISOR'S REPORT.

1. I have received a request from Andrea Beckman to do an independent sewer rate study for six motels within the Marquette area. You will remember we did a study last year at a cost of more than \$5,000. Are you interested in using our staff time to develop a study as per Mrs. Beckman's request?



Hill moved, Denton second that Supervisor Fende and Planner Chandler do a study on local motel sewer rates and compare them to the Travelodge of Marquette.

AYES: 7

NAYS: 0

MOTION CARRIED.

2. We have received information from MDOT that the left turn phase light will not be in place until at least this fall. MDOT needs a cost agreement and resolution supporting the maintenance agreement from the County Road Commission. MDOT has one crew statewide which install signal lighting and they usually travel to the UP in the spring and fall.

#### CONSIDER APPROVAL IN CONCEPT OF FORMING A REGIONAL WATER AUTHORITY.

Jesse Luttenton, KBIC grant writer, spoke to the Board on the advantages to the municipality and the KBIC in working together on a water grant. More points are acquired for a grant written combining the municipalities and the tribal community.

Menhennick moved, Bohjanen second that the Board supports the concept of forming a regional water and sewer authority with Chocolay Township, KBIC and Sands Township.

AYES: 7

NAYS: 0

MOTION CARRIED.

#### MARQUETTE COUNTY REFUNDING BONDS UNLIMITED TAX, SERIES 1998.

Greenberg moved, Denton second that

WHEREAS, pursuant to the provisions of Act No. 185, Public Acts of Michigan, 1957, as amended, the Charter Township of Marquette and the Charter Township of Chocolay (the "Townships") the City of Marquette (the "City") and the County of Marquette (the "County") have entered into a contract governing the Marquette County Wastewater Treatment System (the "System"), which Contract is dated September 19, 1977 (the "Contract"); and

WHEREAS, pursuant to the Contract, the County has issued its Marquette County Wastewater Treatment System Bonds, Series 1978 dated as of April 1, 1978 (the "Prior Bonds"), in the original principal amount of \$2,500,000 to defray the cost of acquiring and constructing the System, as described in the Contract; and

WHEREAS, the Charter Township of Chocolay has approved the refunding of part or all of the Prior Bonds and it is now necessary to approve a refunding contract (the "Refunding Contract") regarding the Marquette County Refunding Bonds Unlimited Tax, Series 1998 (the "Refunding Bonds").

#### THEREFORE, BE IT RESOLVED:

1. The Township Board hereby approves the Refunding Contract attached as Appendix A.

2. The Supervisor and Clerk of the Charter Township of Chocolay are hereby authorized to execute and deliver the Refunding Contract on behalf of the Township.

AYES: 7

NAYS: 0

MOTION CARRIED.

#### PRIVATE ROAD REQUEST #12.

Greenberg moved, Bohjanen second that the Chocolay Township Board concur with the Planning Commission recommendation to approve the private road request from Dana Varvil from the intersection of Autumn Trail to the end of Parcel D as identified on the Survey Sketch dated June 1, 1998 with the following conditions:

1. A covenant be established on the parcel deeds identifying the private road status and the owners responsibility for road maintenance, bridge maintenance, right-of-way maintenance, and drainage maintenance as well as requiring that open access to the private road be maintained for public services.
2. A certificate of bridge weight capacity for a minimum of 80,000 pounds be certified by an engineer and presented to the Planning Director.
3. A temporary cul-de-sac as per County Road Commission requirements be included and dedicated at the end of the private road (at parcel "D") as a turn around for emergency vehicles until such time as the private road maybe extended and further approval will be requested.





#### MEDIAN INCOME STUDY.

The Board discussed the Median Income Study for Municipal Water System grants and agreed to encumber the money because the study will not be done until 1999.

#### SOCCER FIELD PARKING AREA.

A conditional use permit was submitted to the Chocolay Township Planning Commission to allow a public park at the Silver Creek Recreation Area. The Planning Commission approved the permit with conditions. Supervisor Fende told the Board that he would appeal the conditions.

#### TOWNSHIP RECORDS.

The Board discussed that the full agenda books that are in the Supervisor 's office will not be thrown away. No other action was taken.

#### BOARDS, COMMITTEE, COMMISSIONS REPORTS.

1. Fire Dept. - Quarterly Report for April, May, June
2. Groundwater Stewardship Team minutes of 06/09/98
3. MAWTFAB minutes of 06/11/98
4. ZBA minutes of 05/28/98
5. Police Dept. - Quarterly Report for April, May, June

#### SUPERVISOR'S REPORT.

1. The Fire Chief explained a situation, which occurred last week on Riverside Road. I will forward a letter to Central Dispatch to make sure this type of error does not happen again.
2. Insurance Refund - We have received our insurance refund in the amount of \$1,620 from our insurance carrier for our fleet of vehicles.
3. Computer sale - The sale of used computer equipment brought in \$510.
4. Left turn phase light - We have received information from MDOT that they intend to finally install the left turn phase light in August.
5. Fire Department Annual Picnic - a memo from the Fire Department is in the information reports section of the agenda. Their annual picnic will be held on Saturday, August 22 at the Township Pavilion and Fire Hall.
6. Fire Department Live-Burn Training - The live burn training was done last Saturday at the Ken Chant property on Kawbawgam Lake. The training went very well and it was a good learning experience for the new members.
7. Parade Award - note the memo from Arlene Hill. Jim Blondeau received the plaque from the American Legion. The Chocolay Township Volunteer Fire Department is the first department to receive this award.
8. Summer Youth Workers – We have three single placement workers assigned to the township until mid August. We also had a crew for a week and ½ who did a lot of work on the soccerfield expansion project and they also worked on the bike path near Jack's IGA and worked on the nature trail at the Beaver Grove Recreation Area.
9. Multi - use Trails Acquisition Grant – We have unofficially found out that we will be receiving the DNR acquisition grant to purchase the multi-use trail properties.
10. Road Construction Projects - The County Road Commission has completed the repaving of Corning Street and are now working on the three projects on Little Lake Road. This project will take them until the middle of August before it is completed.



EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Fire Department Capital Outlay 401.340.957	288,912.36	+500.00	289,412.36

REVENUE Miscellaneous 401.698	13,403.72	+500.00	13,903.72
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ROLL CALL:

AYES: Bohjanen, Menhennick, Denton, Greenberg, Fende, Hill, Sherbinow.

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY1998  
- AMENDMENT NO. 5

This amendment is for the money received from the sale of timber from the Silver Creek Recreation Area.

Greenberg moved, Sherbinow second that Whereas, a budget was adopted by the Chocoley Township Board to govern the expenditures of anticipated general fund receipts within the Township on October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Recreation Department Capital Outlay 401.708.957	83,419.64	+1,145.35	84,564.99

REVENUE Miscellaneous 401.698	13,903.72	+1,145.35	15,049.07
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ROLL CALL:

AYES: Bohjanen, Menhennick, Denton, Greenberg, Fende, Hill, Sherbinow.

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY1998  
- AMENDMENT NO. 6

This amendment is for the money received from the sale of old voting devices & counters.

Hill moved, Greenberg second that Whereas, a budget was adopted by the Chocoley Township Board to govern the expenditures of anticipated general fund receipts within the Township on October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Election Department Capital Outlay 401.190.957	15,861.97	+1,160.00	17,021.97

REVENUE Miscellaneous 401.698	15,049.07	+1,160.00	16,209.07
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ROLL CALL:

AYES: Bohjanen, Menhennick, Denton, Greenberg, Fende, Hill, Sherbinow.

NAYS: None.

MOTION CARRIED.

PERSONNEL COMMITTEE APPOINTMENT.

Denton moved, Greenberg second that Mark Maki be appointed as an employee representative to the Personnel Committee to fill the vacant term which expires December 31, 1998.

AYES: 6

NAYS: 1

MOTION CARRIED.



- I. Fire Dept - (1) Annual Picnic and (2) Live-Burn Training
- J. Fire Department's presentation in 4<sup>th</sup> of July Parade

There being no further business the Supervisor adjourned the meeting at 9:55 p.m.

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Arlene E. Hill, CMC  
Township Clerk

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Mary L. Sanders, CMC  
Deputy Clerk





**HLINAK EQUIVALENT USER RATE.**

The Board wants to have more information on the zoning and also have the Supervisor of D.P.W. come up with more general language to cover all similar issues.

**ADOPTION OF LAND DIVISION ORDINANCE # 52.**

Hill moved, Denton second that Charter Township of Chocolay adopt the Land Division Ordinance # 52 as follows:

**LAND DIVISION ORDINANCE #52**

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.

CHARTER TOWNSHIP OF CHOCOLAY  
MARQUETTE COUNTY, MICHIGAN,  
ORDAINS:

**SECTION I**

TITLE

This ordinance shall be known and cited as the Charter Township of Chocolay Land Division Ordinance.

**SECTION II**

PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Charter Township of Chocolay.

**SECTION III**

DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the Owner or Titleholder thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, transfer of interest, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable Township ordinances.
- C. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
- D. "Forty acres or the equivalent" – either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Governing body" - the Township Board.

**SECTION IV**

## PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- C. An exempt split as defined in this Ordinance.

## **SECTION V**

### APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division by deed, land contract, mortgage, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the State Land Division Act, this Ordinance and the Township Zoning Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. A filing fee as set by resolution of the governing body to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

## **SECTION VI**

### PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the Township Planning Commission or such other body or person designated by the governing body which shall consider and resolve such appeal by a majority vote of said Commission or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. The assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

## **SECTION VII**

### STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

- A. All parcels created by the proposed division(s) have a minimum width as provided for in an applicable zoning ordinance.
- B. All such parcels shall contain a minimum area as provided for in an applicable zoning ordinance.
- C. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-development sites. The

depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

D. The proposed land division(s) comply with all requirements of this Ordinance, the Township Zoning Ordinance and the State Land Division Act.

E. All parcels created and remaining have existing adequate accessibility, or an area available therefor, for public utilities and emergency and other vehicles.

### **SECTION VIII**

#### **CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT**

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll. When the assessing officer suspects such a violation or potential non-conformity, he shall refer the same to the county prosecuting attorney and give written notice to the person suspected of the violation or potential non-conformity. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.

In addition any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine of not more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

Pursuant to Section 267 of the Land Division Act, an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

### **SECTION IX**

#### **SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

### **SECTION X**

#### **REPEAL**

All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

### **SECTION XI**

#### **EFFECTIVE DATE**

This ordinance shall take effect upon publication following its adoption.

ROLL CALL:

AYES: Denton, Greenberg, Fende, Hill, Menhennick, Sherbinow.

NAYS: None.

MOTION CARRIED.

MARINA LAND PURCHASE - CAPITAL IMPROVEMENTS EXPENDITURE.

Sherbinow moved, Hill second that the estimated cost of \$1,600.00 for the land purchase adjacent to the marina, the survey, and fencing cost be expended from the Capital Improvements Fund Marina Account.

ROLL CALL:

AYES: Denton, Hill, Menhennick, Greenberg, Fende, Sherbinow.

NAYS: None.

MOTION CARRIED.

**POLICE OFFICE ADDITION PROJECT - EXPENDITURE OF FUNDS .**

Greenberg moved, Denton second that \$5,133.32 be transferred from the Capital Improvements Fund Unencumbered Fund Balance to the Capital Improvements Fund Buildings Account for the Police Office Addition and renovation project.

ROLL CALL:

AYES: Denton, Greenberg, Fende, Hill, Sherbinow, Menhennick.

NAYS: None.

MOTION CARRIED.

**BIKE PATH - SNOWMOBILE FENCING.**

Greenberg moved, Hill second that the Supervisor D.P.W. proceed with purchasing materials for snow fencing at an amount not to exceed \$435.00.

ROLL CALL:

AYES: Hill, Sherbinow, Menhennick ,Denton, Greenberg, Fende.

NAYS: None.

MOTION CARRIED.

**CHANGES TO LITTLE LAKE ROAD RECONSTRUCTION PROJECTS BC-1 AND BC-2.**

The Board noted the change order to BC-1, a net increase of \$910.00. On project BC-2, the County will patch and repair at their own expense. The reconstruction of BC-2 will be postponed until a future date.

**MINING PROVISIONS - MINING PERMIT APPLICATION.**

The Zoning Administrator had a mining permit at the board meeting but would like to work on refining the language and bring it back to the Board at a future meeting.

Kathy DeVooght – Questioned how the Township can give mineral rights to the State of Michigan on the recreation property and not allow anyone living within 3000 feet of recreation areas in Chocolay Township to use mineral rights on their own property.

**BOARDS, COMMITTEE, COMMISSIONS REPORTS.**

1. Planning Commission minutes of 7/14/98
2. ZBA minutes of 06/25/98
3. MAWTFAB minutes of 7/09/98
4. Chocolay River Watershed Project Advisory Council minutes of 7/16/98

**SUPERVISOR'S REPORT.**

1. The Chocolay River Fest was held on Saturday 8/8/98 at the Beaver Grove Recreation Area and it was a success. Over 500 people attended and it was an educational and fun day.
2. The office replacement carpet has been ordered and is scheduled for installation for the end of September. We changed the proposal to include a larger door runner, which will increase the total cost \$119.30 from the Capital Improvements fund.
3. Alger Delta Cooperative Electric Association Franchise - a letter of response to Alger Delta is in the informational section of the agenda. As per the Clerk's message to me, I would recommend we work with Alger Delta and agree to a shorter franchise by agreement.

Kathy DeVooght insisted on commenting on a prior issue. Supervisor Fende requested she not make further comments. The meeting was recessed for two minutes until the matter could be resolved.

**HUARD PRIVATE LAUNDROMAT - SEWER EQUIVALENT USER RATE.**

Denton moved, Greenberg second that a wastewater equivalent user rate of 2.06 be established for the proposed private laundry facility to service only the apartment building located at 612B Willow Road.

AYES: 6

NAYS: 0

MOTION CARRIED.

WASTEWATER USER CHARGES FOR LARUE ON CORNING STREET.

Greenberg moved, Denton second that since the structure owned by Pete LaRue at 418 Corning Street was substantially damaged by fire on July 29, 1998 that the wastewater charges be discontinued as provided for in section 9.C.2.c of Ordinance 39 until the structure is usable.

AYES: 6

NAYS: 0

MOTION CARRIED.

TRAILWAYS & GREENWAYS CONFERENCE EXPENSES.

Hill moved, Greenberg second that expenses for Don Britton to attend the Trailways and Greenways Conference at Battle Creek, September 27-29 be expended from contingency with a final budget amendment coming before the Board for approval after the conference.

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLICATION OF REZONING # 100 – VARVIL CENTER FROM C-3 TO C-1.

Greenberg moved, Menhennick second that the Board table this rezoning until we get comment from the property owner.

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLICATION OF REZONING # 101 - HILLIER'S AT 116 W WRIGHT PLACE.

Denton moved, Greenberg second that the Charter Township of Chocolay waive the reading and PUBLISH the following amendment to "ORDINANCE 34" CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN # 34-98-7

**The Board of Chocolay Charter Township of Marquette County, Michigan ordains that Ordinance # 34, the Chocolay Township Zoning Ordinance, as adopted May 9, 1977, be amended as follows:**

**SECTION 902 HARVEY AREA ZONING MAP**

**Be rezoned from R-1 to C-2 on the following parcel:**

**Section 6 T47N R24W part of the SW 1/4 of the SE 1/4 Parcel "C". Identified as tax code parcel 52-02-106-043-80**

**The penalties for violation of this ordinance shall be the same as those penalties set forth in Section 707 of the Chocolay Township Zoning Ordinance No. 34.**

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLICATION OF REZONING # 102 - TEXT AMENDMENT FOR GOLF COURSE SIGNS.

Hill moved, Fende second that the Charter Township of Chocolay waive the reading and PUBLISH the following amendment to "ORDINANCE 34" CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN # 34-98-8

**AMENDMENT**

**To the Charter Township of Chocolay Zoning Ordinance as adopted May 9, 1977, amended with a new section entitled Section 812 "Golf Course Directional Signs" and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the following language.**

**SECTION 812 GOLF COURSE DIRECTIONAL SIGNS**

**Notwithstanding Sections 809 and 811, a sign not exceeding 24 square feet, identifying the location of a Golf Course shall be permitted in any residential zone upon permit granted by the Zoning Board of Appeals upon finding that: A substantial number of motorists who might seek the advertised establishments pass the proposed location; that such establishment has no other sign visible from the same road; that consent of the property owner has**

**been obtained; and that placement of the sign will not cause any hazard or significant obstruction of any scenic view.**

AYES: 6

NAYS: 0

MOTION CARRIED.

Clerk Hill informed the Board that we used the new voting equipment on August 4, 1998 and one of the computers broke down within two hours of opening the polls. We had a replacement computer from Doubleday and ours is under warranty for repair.

**INFORMATIONAL REPORTS AND COMMUNICATION.**

- A. MDNR - grant award for multi-use trails
- B. MDEQ - permit # 98-03-0046
- C. MML Pool Law Enforcement Risk Control - recommendation from Pool & response from Police Chief Greg Zyburt
- D. Mqt. Co. Board of Canvassers - Certificate of Determination
- E. Wm Bergin - Lion's Club Park on M-28
- F. Kristen L. Richardson - concerning Alger Delta franchise
- G. Joseph VanOosterhout - Central Dispatch
- H. MTA Legislative Fax from 7/24/98 & 8/07/98
- I. Bob Menard - Co. Rd. Commission meeting w/Townships

There being no further business the Supervisor adjourned the meeting at 9:15 p.m.

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Arlene E. Hill, CMC  
Township Clerk

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Mary L. Sanders, CMC  
Deputy Clerk





ROLL CALL:

AYES: Denton, Bohjanen, Menhennick, Sherbinow, Hill, Greenberg, Fende.

NAYS: None.

MOTION CARRIED.

ADOPTION OF REZONING # 34-98-8 - TEXT AMENDMENT FOR GOLF COURSE SIGNS.

Denton moved, Bohjanen second that the Charter Township of Chocolay waive the reading and ADOPT the following amendment to "ORDINANCE 34" CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN # 34-98-8

**AMENDMENT**

**To the Charter Township of Chocolay Zoning Ordinance as adopted May 9, 1977, amended with a new section entitled Section 812 "Golf Course Directional Signs" and any and all Amendments adopted subsequent thereto, shall be and the same hereby is amended by the addition thereto of the following language.**

**SECTION 812 GOLF COURSE DIRECTIONAL SIGNS**

**Notwithstanding Sections 809 and 811, a sign not exceeding 24 square feet, identifying the location of a Golf Course shall be permitted in any residential zone upon permit granted by the Zoning Board of Appeals upon finding that: A substantial number of motorists who might seek the advertised establishments pass the proposed location; that such establishment has no other sign visible from the same road; that consent of the property owner has been obtained; and that placement of the sign will not cause any hazard or significant obstruction of any scenic view.**

ROLL CALL:

AYES: Menhennick, Sherbinow, Denton, Bohjanen, Greenberg, Hill, Fende.

NAYS: None.

MOTION CARRIED.

EDUCATION REQUEST.

Bohjanen moved, Hill second that the Board support a request from Stacy Busch for job related courses in the amount of \$790. as long as she has maintained at least a C grade average.

ROLL CALL:

AYES: Bohjanen, Hill, Fende.

NAYS: Menhennick, Sherbinow, Denton, Greenberg.

MOTION FAILED.

Bohjanen moved, Hill second that the Board support a request from Stacy Busch for ONE (1) job related course in the amount of \$395. as long as she has maintained at least a C grade average.

ROLL CALL:

AYES: Menhennick, Sherbinow, Denton, Greenberg, Bohjanen, Hill, Fende.

NAYS: None.

MOTION CARRIED.

BOARDS, COMMITTEE, COMMISSIONS REPORTS.

1. Zoning Board of Appeals minutes from 7/23/98.

SUPERVISOR'S REPORT.

1. ROAD CONSTRUCTION PROJECTS: The Corning Street repairs and repaving project is complete. The two Little Lake Road projects are progressing.
2. SILVER CREEK SOCCERFIELD PROJECT: The Army Reserves are scheduled to work part of the weekend of the 19<sup>th</sup>. We hope to complete the stumping and start the grading.
3. FIREHALL PAINTING: Balmes Decorating has met with Sherwin Williams and they will do more test painting in the near future to assure the new paint will bond and will touch up the spots.



BOARD OF REVIEW – no change.

TREASURER – no change.

TOWNSHIP HALL AND GROUNDS – no change.

OTHER GENERAL GOVERNMENT – will be adjusted after all other accounts have been reviewed.

POLICE – Salary adjustment mentioned above.

Greenberg moved, Hill second to increase weapon repair by \$165. within the equipment maintenance account (305.778).

AYES: 7

NAYS: 0

MOTION CARRIED.

FIRE DEPARTMENT – no change.

SEWER FUND – no change.

WATER FUND – no change.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. MI Groundwater Stewardship Program - money available for abandoned wells
- B. MTA Workshop on Performance Measures & Benchmarks: Tools for Local Government Success
- C. MTA Legislative Fax from 8/21/98

There being no further business the Supervisor adjourned the meeting at 10:05 p.m.

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Arlene E. Hill, CMC  
Township Clerk

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Mary L. Sanders, CMC  
Deputy Clerk

September 21, 1998

A Regular meeting of the Chocolay Township Board was held on Monday, September 21, 1998 at the Township Hall, 5010 US 41 South, Marquette. Supervisor Fende called the meeting to order at 7:31 p.m.

TOWNSHIP BOARD.

PRESENT: Ivan Fende, John Greenberg, Arlene Hill, Al Denton, Richard Bohjanen, Gary Menhennick, Lois Sherbinow.

ABSENT: None.

MINUTES – September 21, 1998.

Menhennick mentioned to the Board that the last sentence under the presentation by Roy Anklam on the first page should read “Suggests by year 2000 it could be mandatory to provide filtered water.

Greenberg moved, Denton second that the minutes of September 8, 1998 be approved as corrected.

AYES: 7

NAYS: 0

MOTION CARRIED.

ACCOUNTS PAYABLE.

Hill moved, Menhennick second that bills totaling \$ 11,006.93 checks numbered 8651-8677 (8651 void), are approved for payment.

AYES: 7

NAYS: 0

MOTION CARRIED.

FINANCIAL REPORTS.

None.

PUBLIC COMMENT.

Clerk Hill mentioned a MTA seminar at the Landmark Inn on October 20, 1998 on Utility deregulation and whether or not a township should enter into a franchise.

POSITION UPGRADE/CLERK’S DEPARTMENT

Bohjanen moved, Hill second to upgrade current position of Secretary/Records Clerk to Administrative Assistant.

AYES: 5

NAYS: 2

MOTION CARRIED.

ADOPTION OF REZONING # 100 – VARVIL CENTER FROM C-3 TO C-1.

Bohjanen moved, Denton second that the Charter Township of Chocolay waive the reading and ADOPT the following amendment to “ORDINANCE 34” CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN # 34-98- 9

**The Board of Chocolay Charter Township of Marquette County, Michigan ordains that Ordinance # 34, the Chocolay Township Zoning Ordinance, as adopted May 9, 1977, be amended as follows:**

**SECTION 901 Chocolay Township Zoning Map**

**Be rezoned from C-3 to C-1 on the following parcel:**

**Section 10 T47N R24W Part of the SW 1/4 of the NW 1/4. Identified as tax parcel code number 52-02-110-082-00.**

**The penalties for violation of this ordinance shall be the same as those penalties set forth in Section 707 of the Chocolay Township Zoning Ordinance No. 34.**

ROLL CALL:

AYES: Menhennick, Sherbinow, Hill, Fende, Greenberg, Bohjanen, Denton.

NAYS: 0

MOTION CARRIED.

BLONDEAU PRESENTATION

Lee Blondeau gave a presentation to the Board on the future of Blondeau and how he would like to work together with Chocolay Township. He would also like to expand his current shop by 2900 feet to accommodate his needs better.

The Board expressed a willingness to work with the Blondeau firm. Encourages them to bring their plans to the proper Board for approval.

#### MTA CONFERENCE 2000/FEATURED AREA

Hill moved, Sherbinow second that we financially support the U.P as a special featured area of the 2000 MTA Conference and make a contribution of \$100 for community development. ROLL CALL:

AYES: Sherbinow, Hill, Fende, Greenberg, Bohjanen, Denton.

NAYS: Menhennick

MOTION CARRIED.

#### SETTING 1998 TAX RATE

Hill moved Sherbinow second at authorize 4.2674 mills for township operating and .8549 mills for library services.

ROLL CALL:

AYES: Greenberg, Bohjanen, Denton, Menhennick, Sherbinow, Hill, Fende.

NAYS: NONE

MOTION CARRIED.

#### INSURANCE PROPOSAL

Denton moved, Menhennick second that effective October 1, 1998 the Chocoday Township Board authorizes the purchase of the UP Health Plan-Wausau insurance for all employees of the township at the rates quoted this date.

AYES: 7

NAYS: 0

MOTION CARRIED.

#### AUTHORIZATION FOR PURCHASE OF NEW PATROL VEHICLE

Denton moved, Bohjanen second to authorize the Chocoday Township Police Department to order a 1999 Chevrolet Tahoe 4-wheel drive patrol car for the cost of \$29,044.38.

ROLL CALL:

AYES: Hill, Sherbinow, Menhennick, Denton, Bohjanen, Greenberg, Fende.

NAYS: None

MOTION CARRIED.

#### SHIFT DIFFERENTIAL-POLICE DEPARTMENT

Greenberg moved, Denton second that the following wording be added to the Personal Policy, creating a new section 5.4 Shift Differential.

##### Sec 5.4 Shift Differential

The Police Department will be paid a shift differential, in the amount of \$0.40 per hour additional for any hours worked later than 6:00 p.m. If an employee is required to work over their normal shift, overtime pay will be computed at 1 1/2 times the rate of pay they were earning at the time the overtime was earned.

AYES: 7

NAYS: 0

MOTION CARRIED.

#### ADDITIONAL WORDING FOR EDUCATIONAL POLICY

Greenberg moved, Hill second to add the following additional wording to the Personnel Policy:

After completing their probationary period, regular full-time employees may be eligible for reimbursement for up to four credit hours per year of undergraduate, work-related college classes, at an accredited college or university for which they receive a grade of "C" or better.

If the employee receiving the reimbursement voluntarily leaves employment with Chocoday Township, the employee shall repay any tuition paid within the preceding two years to the Township.

When work related classes are only available during office hours, employee may be granted time off with pay, instead of tuition reimbursement.

Funds available for tuition reimbursement will be part of the annual budget. Allocation of these funds will be made by the Township Board or a committee appointed by the Board, with the recommendation of the employee's supervisor.

Application for reimbursement should be submitted by December 1<sup>st</sup> for the following year, or later if funds remain available.

AYES: 7

NAYS: 0

MOTION CARRIED.

It was suggested that a form be developed for the employee to sign when classes are taken agreeing that if the employee leaves before the two-year payback period the employee will reimburse the township for the class or classes taken.

#### SUPERVISOR'S REPORT

1. DPW Supervisor advised the Board of a change in the Police Department addition due to an inspection by the Marquette Building Code Department. Supervisor Fende was authorized to look into this matter and take appropriate action.

#### BUDGET WORK SESSION.

STREETS-No change.

SANITATION- No Change.

MARINA- No change.

RECREATION- No change.

ZONING- No change.

ZONING/PLANNING COMMISSION- No change.

ZONING BOARD OF APPEALS- No change.

CAPITAL IMPROVEMENTS- No change.

#### INFORMATIONAL REPORTS AND COMMUNICATION

- A. Scott Emerson
- B. Mark Maki-Proposed Zoning Ordinance Amendment
- C. MTA Legislative Fax 9/11/98
- D. Resource Management-Update of Count's Solid Waste Plan
- E. State of Michigan-General Election Ballot Proposals

There being no further business the Supervisor adjourned the meeting at 9:23 p.m.

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Arlene E. Hill, CMC  
Township Clerk

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Stacy L. Busch  
Secretary/Records Clerk



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, 1999, and ending on December 31, 1999, in the amount of \$1,202,962 for the General Fund, in the amount of \$320,550 for the Sewer Fund, in the amount of \$241,894 in the Capital Improvements Fund and \$2,610 in the Water Fund.
2. The Township Board does hereby appropriate the sum of \$1,202,962 for general operating expenses and capital improvements of the Township to be used for the fiscal year beginning January 1, 1999, and ending December 31, 1999.
3. The Township Board does hereby appropriate the sum of \$320,550 to defray the expense of the operation and debt retirement of the Sanitary Sewer System and a sum of \$2,610 to defray the expense of the Water System for the fiscal year beginning January 1, 1999, and ending December 31, 1999.
4. The Township Board does hereby levy 4.2674 mills for general operations, and .8549 mills for Library services.
5. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution are rescinded.
6. The budget adoption and appropriation resolution shall now and hereafter also be known as the General Appropriation Act conforming with Public Act No. 621 of 1978, the Michigan Uniform Budgeting Act.

ROLL CALL.

AYES: Denton, Bohjanen, Greenberg, Fende, Hill, Sherbinow, Menhennick.

NAYS: NONE

MOTION CARRIED.

WASTEWATER RATES AND MOTION FOR OM&R PAYMENT.

Hill moved, Sherbinow second that WHEREAS, the revenues and expenditures for the wastewater collection and treatment system have been reviewed, and

WHEREAS, the current user fee of \$19.60 is not adequate for the projected replacement cost of the system, therefore a rate of \$20.35 will be necessary and

WHEREAS, the equivalent user fee of \$20.35 per month will be sufficient to offset the Township's share of \$6.41 per equivalent user per month to pay the OM&R cost for the wastewater treatment plant, and

WHEREAS, the equivalent user fee of \$20.35 will be adequate for the collection system OM&R cost, now therefore

BE IT RESOLVED, the Chocolay Township Board establishes the equivalent user fee of \$20.35 for the fiscal year of 1999.

ROLL CALL.

AYES: Hill, Sherbinow, Menhennick, Denton, Bohjanen, Greenberg, Fende.

NAYS: None.

MOTION CARRIED.

CHANGE ORDER FOR POLICE OFFICE ADDITION.

Denton moved, Bohjanen second that that the Supervisor of the Department of Public Works is authorized to expend the additional funds from the Capital Improvement Fund, Buildings for the police office addition/renovation in the amount of \$237.00 to change the door hardware and the have the telephone and computer wiring completed.

ROLL CALL.

AYES: Denton, Bohjanen, Greenberg, Hill, Sherbinow, Menhennick, Fende.

NAYS: None.

MOTION CARRIED.



REVISION TO PERSONNEL POLICY MANUAL – APPENDIX E.

Fende moved, Hill second that Appendix E, Continued Education Request Form be accepted as presented.

AYES: 7

NAYS: 0

MOTION CARRIED.

BOARDS, COMMITTEE, COMMISSIONS REPORTS.

1. MAWTFAB minutes from 8/13/98.
2. Chocolay Township Planning Commission minutes from 8/10/98.

SUPERVISOR’S REPORT

1. ROAD CONSTRUCTION PROJECTS: Little Lake Road has been paved and the shoulder work and seeding should be done this week. We do not have the final project cost but we know that the Little Lake road project will be over the original estimate due to the extra undercut that was required to remove the old corduroy and muck.
2. SILVER CREEK SOCCERFIELD EXPANSION PROJECT: The Army Reserves were back working on the project the weekend of September 19<sup>th</sup>. The reserves are scheduled to be back the weekend of October 24th to haul the gravel and construct the drive and parking area.
3. PETITION RE: SNOWMOBILE/MULTI-USE TRAILS: You will note there is a copy of another petition in your information items. This petition covers the multi-use trail recently approved for a DNR Land Acquisition Grant. Larry Gould's correspondence to the DNR follows that petition in your agenda packet.

Don Britton gave a report to the Board on the rails to trails conference that he recently attended.

4. FREEDOM OF INFORMATION ACT: I will be prepared to discuss reasonable rules for adoption, to protect records and prevent undue interference with the Township's office work, for the enactment of the FOIA at the next Board meeting.

DELINQUENT SEWER CHARGES TO BE ADDED TO 1998 TAX ROLL.

Greenberg moved Denton second that the list of delinquent sewer charges and penalties as received from the Deputy Clerk, be sent to the County of Marquette to be added to the 1998 tax roll.

AYES: 7

NAYS: 0

MOTION CARRIED.

FirstName	Address1	City	State	Postal Code	Delinquent amount
Ray & Margaret Sprowl 52-02-212-001-00	209 Corning Street	Marquette	MI	49855	\$199.86
Jean Kantola 52-02-207-009-00	238 Corning Street	Marquette	MI	49855	\$399.72
Jeffery Johnston 52-02-215-003-00	120 East Fairbanks	Marquette	MI	49855	\$199.86
Susan Racine 52-02-215-006-00	156 East Fairbanks	Marquette	MI	49855	\$199.86
Walter Besola 52-02-305-038-00	168 East Main Street	Marquette	MI	49855	\$199.86
Mark & Linda Morgan 52-02-216-015-00	161 East Wright Place	Marquette	MI	49855	\$199.86
Robert & Joni Taylor 52-02-455-036-00	204 Jean Street	Marquette	MI	49855	\$199.86
Mark Chudy 52-02-215-015-00	115 Kellog Street	Marquette	MI	49855	\$199.86
Jolynn Swanson 52-02-216-006-00	126 Kellog Street	Marquette	MI	49855	\$199.86
Michael & Cheryl Davison 52-02-300-006-00	177 Lakewood Lane	Marquette	MI	49855	\$129.60

FirstName	Address1	City	State	Postal Code	Delinquent amount
Sharon Laurich 52-02-106-035-00	338 Reservoir Street	Marquette	MI	49855	\$199.86
Steve Johnson 52-02-206-012-00	2424 US 41 South	Marquette	MI	49855	\$199.86
Walt Racine 52-02-251-012-00	2801 US 41 South	Marquette	MI	49855	\$359.73
LeRoy Wahlstrom 52-02-107-007-00	5043 US 41 South	Marquette	MI	49855	\$4,936.17
LeRoy Wahlstrom 52-02-107-007-00	5045 US 41 South	Marquette	MI	49855	\$197.02
Parkway Enterprises 52-02-107-004-00	5063 US 41 South	Marquette	MI	49855	\$466.26
Robert Vidlund 52-02-566-004-00	120 Veda Street	Marquette	MI	49855	\$199.86
David Blackburn 52-02-106-032-00	232 Van Epps Street	Marquette	MI	49855	\$199.86
Mike Fluette 52-02-207-011-00	209 West Fairbanks	Marquette	MI	49855	\$199.86
Kevin Small 52-02-207-010-00	219 West Fairbanks Street	Marquette	MI	49855	\$199.86
Norma & Michael Bungo 52-02-107-071-00	735 Willow Road	Marquette	MI	49855	\$39.86
Judith Taylor 52-02-208-003-00	371 West Terrace Street	Marquette	MI	49855	\$199.86
Kristine Dionne 52-02-106-043-00	110 West Wright Place	Marquette	MI	49855	\$199.86
				<b>TOTAL</b>	<b>\$9,726.12</b>

LOT SPLIT #13 – HIGHLAND MEADOW LOT #7.

Denton moved, Bohjanen second that the Chocolay Township Board approve Lot Split #13, Highland Meadow, Lot 7, as recommended by the Chocolay Township Planning Commission.

AYES: 7

NAYS: 0

MOTION CARRIED.

CORRECTION TO 1998 BUDGET AND BUDGET AMENDMENT.

Denton moved, Hill second, that the salary for the office of Supervisor shall be set in the amount of \$13,759 for the Fiscal Year 1998, which begins January 1, 1998, and ends December 31, 1998.

ROLL CALL.

AYES: Denton, Bohjanen, Greenberg, Hill, Sherbinow, Menhennick, Fende.

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1998 -AMENDMENT NO. 6.

Menhennick moved, Denton 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 October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Other General Government Contingency 101.285.951	56,493.00	-655.00	55,838.00

Supervisor  
Salaries

101.175.702	42,084	+655.00	42,739.00
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ROLL CALL.  
 AYES: Hill, Sherbinow, Menhennick, Denton, Bohjanen, Greenberg, Fende.  
 NAYS: None. MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1998 - AMENDMENT NO.7. This amendment is for QVF election equipment.

Hill moved, Denton 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 October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Election Equipment			
101.190.778	130.00	+142.05	272.05
Revenue Miscellaneous			
101.698	12,454.59	+142.05	12,596.64

ROLL CALL.  
 AYES: Menhennick, Sherbinow, Denton, Bohjanen, Fende, Greenberg, Hill.  
 NAYS: None. MOTION CARRIED.

POLICY FOR PURCHASE OF POLICE VEHICLES.

The Board concurred that all police vehicle purchases will go out on bid and be opened through the Clerk Department.

Clerk Hill and Trustee Menhennick will attend a MTA Hot Issues Forum on October 20, 1998.

INFORMATIONAL REPORTS AND COMMUNICATION

- A. Robert Menard, MCRC - review of three year plan
- B. Justin Savu, MCCD - request for comments and concerns regarding the Soil Erosion Control Program
- C. MTA - workshop in Marquette on "Hot Issues Forum"
- D. Cathy DeVooght - petition re: snowmobile/multi-use trails
- E. Jim Woods, DNR - on land acquisition

There being no further business the Supervisor adjourned the meeting at 8:15 p.m.

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 Arlene E. Hill, CMC  
 Township Clerk

\_\_\_\_\_  
 Mary L. Sanders, CMC  
 Deputy Clerk



aforesaid budget, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Other General Government Contingency 101.285.951	55,838.00	-445.00	55,393.00
Planning Commission Travel 101.805.860	500.00	+445.00	945.00

ROLL CALL:

AYES: Denton, Greenberg, Sherbinow, Menhennick, Hill, Fende.

NAYS: None.

#### DNR REQUEST FOR CHOCOLAY TOWNSHIP'S STAND ON FUTURE USE OF WISCONSIN CENTRAL RAILROAD GRADE.

A motion will be brought back to the November 2<sup>nd</sup> Township Board Meeting to allow the public to comment on the multi use trail. A letter will be sent to the DNR requesting a delay on acting on the Multi Use Trail DNR Grant until after the November 2<sup>nd</sup> meeting.

#### BOARDS, COMMITTEE, COMMISSIONS REPORTS.

1. Zoning Board of Appeals minutes from 09/24/98
2. Planning Commission minutes from 09/14/98
3. MAWTFAB minutes of 09/10/98
4. Fire Department Third Quarter Monthly Activity Reports
5. Police Department Third Statistical Report

#### SUPERVISOR'S REPORT.

1. FREEDOM OF INFORMATION ACT: I have prepared a memo for staff concerning the FOIA requests within the office.
2. A MIOSHA inspection was done two weeks ago and we will receive a written report.
3. The Michigan Department of Transportation has installed a new left turn lane light at the intersection of U S 41 South and M-28.
4. Cherry Creek Road is still number one on the Road Commission list for projects for the 1999 construction season. They are still planning to incorporate a paved area for a bike path. MDOT will have the TEA-21 applications available in the near future and if the Township will match the grant they will apply to construct a bike path from Cheery Creek Road to Silver Creek Road.
5. The Township provided a Brush Drop Off on Saturday October 3 and 10<sup>th</sup>. A total of 19 vehicles stopped to use the service.
6. Soccerfield expansion project will be worked on again this weekend. The gravel for the drive and parking lot should be completed. Next spring we will install the parking post and reseed the area.
7. The police office addition is progressing on scheduled. The outside work is 99% complete and the inside work is at least 80% complete. We are still planning on November first to have the project complete.
8. We have a student from the Political Science Department working 75 hours this semester for the Township. One of her first assignments was to contact TV-6 about the possible use of our offices as a drop site for the upcoming Can-a-thon.

DISCONTINUING WASTEWATER SERVICE AT 625 WILLOW ROAD.

Denton moved, Sherbinow second that the request by George Schmidt to discontinue the wastewater service and billing for the now vacant parcel of land at 625 Willow Road be granted when the sewer has been permanently capped and approved by the Supervisor of the Department of Public Works.

AYES: 6

NAYS: 0

MOTION CARRIED.

PROPERTY AND LIABILITY INSURANCE QUOTES.

The Township has received property and liability quotes from 5 companies. Supervisor Fende recommended to the Board that we need more time to look over this information and check into claims service and pay out on claims. This information will be brought back to the Board in November or December.

INFORMATIONAL REPORTS AND COMMUNICATION

- A. Al Feldhauser, Mqt. Co. Planner - on draft Solid Waste Management Plan
- B. Mqt. Co. Conservation District - on 43<sup>rd</sup> annual meeting
- C. MTA Fax for 10/09/98

There being no further business the Supervisor adjourned the meeting at 9:05 p.m.

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Arlene E. Hill, CMC  
Township Clerk

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Mary L. Sanders, CMC  
Deputy Clerk



- Why did grant application call for multi-use on trail?
- Trail is ok, but not in my backyard.
- No temporary trail. Temporary always becomes permanent.
- Trail would be all right if not motorized.
- Non-motorized trail would be popular. Enhance property values.
- On Riverside the lots are small. Trail very close to homes.
- Would County Road Commission permit grading for snowmobiles along County Road right a way?
- Snowmobile fatalities happen most often when driven by or on roads.
- Snowmobile trails are ideal for winter walks in the woods!
- Is funding available for trails other than for snowmobiles?

Among those citizens making general comments were these offered by professionals familiar with the situation. Attorney Jim Mitchell indicated he represented the 4 or 5 people being approached by the Trails Committee to purchase their land for this use. He asked the township not to contact them again. Supervisor Fende asked if he had written permission to indicate that he was authorized to speak for these parties. He said he did not have written permission, but would seek to obtain it. Sheriff's Department Snowmobile Officer Erik Lukkarinen addressed the concerns for safety of snowmobilers, that many want just to connect with other UP snowmobile trails, and that other methods would have to be explored for use by snowmobilers. Trustee Menhennick, member of the Trail Committee outlined on a map the proposed trail and the proposed plans for the future.

#### PROPERTY & LIABILITY INSURANCE QUOTES

Denton moved Bohjanen second that the Charter Township of Chocolay accepts the insurance quotation from Par Plan, at a cost of \$11,129 for 1999.

#### ROLL CALL

AYES: Greenberg, Denton, Bohjanen

NAYS: Menhennick, Sherbinow, Hill, Fende.

MOTION DENIED.

Will be placed on December 5, 1998 agenda after further study.

#### DRAFT OF COUNTY SOLID WASTE MANAGEMENT PLAN

Motion by Greenberg, supported by Denton that the Township Supervisor and the Supervisor of the Department of Public Works be authorized to submit comments on the draft solid waste plan to the County Solid Waste Planning Committee for incorporation into the final plan.

AYES: 7

NAYS: 0

MOTION CARRIED.

#### MULTI-USE TRAIL DNR LAND ACQUISITION GRANT

Motion by Menhennick supported by Sherbinow that if a positive response is not received for the property owners needed for the acquisition of property for the multi use trails system, that the Supervisor of the Department of Public Works is authorized to notify the DNR that the Township is withdrawing from the grant request for proposed project #98-041.

AYES: 7

NAYS: 0

MOTION CARRIED.

The Board expressed thanks to the Trail Committee for their good efforts to develop an alternate trail that would be safe for snowmobilers.

#### CONSIDER DNR REQUEST FOR CHOCOLAY TOWNSHIP'S STAND ON FUTURE USE OF WISCONSIN CENTRAL RAILROAD GRADE

Fende moved Bohjanen supported that the Chocolay Township Board correspond with the MDNR the wishes of the community to see the Wisconsin Central Railroad grade be used for non-motorized trails from the Visitor's Center on US 41 South to the Varvil Center on M-28 East and that the Township is interested in the Master Plan process and would appreciate members of our community being placed on that planning committee.

#### ROLL CALL

AYES: Sherbinow, Denton, Hill, Fende, Bohjanen.

NAYS: Greenberg, Menhennick.



Members voting stated that action would force snowmobilers to use the roads. They were concerned for their safety.

#### BOARDS, COMMITTEE, COMMISSIONS REPORTS

1. Zoning Board of Appeals minutes of 10/08/98
2. Groundwater Stewardship Team minutes of 7/16/98
3. Marquette County Townships Association meeting minutes of 09/23/98

#### SUPERVISOR'S REPORT.

1. Greg Zyburt, Police Chief has asked that Board members review this copy of the policies & procedures manual before our meeting in December. He would like the Board to consider adopting this manual as the Chocolay Township Police Department Policies & Procedures Manual.
2. In the informational items, you received a copy of AMCAB's Fiscal Resources and Community Nutrition Services. I have a copy of the entire Annual Review, if any Board member is interested in taking a look at the document.

#### POLICE DEPARTMENT ADDITION-ADA COUNTER

Motion by Denton supported by Fende that the Supervisor of the Department Works is authorized to have an ADA counter constructed and installed in the Police office for the best price and the funds to be expended from the Capital Improvements Fund Buildings Account.

#### ROLL CALL

AYES: Fende, Hill, Greenberg, Bohjanen, Sherbinow, Denton.

NAYS: Menhennick.

MOTION CARRIED.

Hill moved, Sherbinow second that the Board goes into closed session to discuss purchase of property.

#### ROLL CALL

AYES: Fende, Hill, Greenberg, Bohjanen, Sherbinow, Denton, Menhennick.

NAYS: None.

MOTION CARRIED.

Time 9:20 p.m. Board returned to open session by roll call vote at 9:27 p.m.

Denton moved, Menhennick second that the Township Supervisor and Supervisor of Department of Public Works be authorized to obtain a fair purchase price on the designated recreational property.

AYES: 7

NAYS: 0

MOTION CARRIED.

There being no further business the meeting was adjourned at 9:32 p.m.

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Arlene E. Hill, CMC  
Township Clerk



Andrea Beckman told the Board that she will get a meter installed for water consumption. Her request for a reduction is based on occupancy rates. The Travelodge occupancy rate is low.

The Township will check the meter when it is in place and Ms. Beckman can bring data to the Board after 3 months. The Board will look at the data, but this does not guarantee a rate change.

#### REFUNDING BOND RESOLUTION.

Hill moved, Bohjanen second that the Chocolay Township Board adopt the **RESOLUTION APPROVING AGREEMENT AS TO SHARE OF DEBT SERVICE PAYMENTS**

WHEREAS, in accordance with a resolution approved by the Township Board of the Charter Township of Chocolay (the "Township"), the County of Marquette on July 28, 1998 issued its \$1,485,000 Marquette County Refunding Bonds Unlimited Tax Series 1998 (the "Refunding Bonds") to refund in part the Marquette County Wastewater Treatment System Bonds, Series 1978 (the "Prior Bonds"); and

WHEREAS, pursuant to the provisions of Act No. 185, Public Acts of Michigan, 1957, as amended, and Act No. 202, Public Acts of Michigan, 1943, as amended, the City of Marquette, the Charter Township of Chocolay, and the Charter Township of Marquette (all of these together referred to jointly as the "Municipalities"), and the County of Marquette (the "County") have entered into a refunding contract dated May 1, 1998 (the "Refunding Contract") and an amendment to contract dated July 15, 1998 (the "Amendment to Contract") regarding the Refunding Bonds: and

WHEREAS, the debt service schedules that were previously calculated and were attached to the Amendment to Contract were based on those originally used for the Prior Bonds; and

WHEREAS, said ratios of the debt for the Municipalities have changed since the issuance of the Prior Bonds whereby making it necessary to correct the debt service schedule for the Refunding Bonds as such schedule applies to the Municipalities, a copy of which is attached as *APPENDIX A* to the Agreement approved hereafter;

NOW THEREFORE, in consideration of the premises and the covenants of each other, the parties hereto agree as follows:

1. The Township Board hereby approves the Agreement as to Share of Debt Service Payments (the "Agreement") attached as *EXHIBIT A*.

2. The Supervisor and Clerk of the Township are hereby authorized to execute and deliver the Agreement on behalf of the Township.

ROLL CALL.

AYES: Britton, Bohjanen, Fende, Hill, Sherbinow, Menhennick.

NAYS: None.

MOTION CARRIED.

Bohjanen moved, Menhennick second that the Chocolay Township Board adopt the **AGREEMENT AS TO SHARE OF DEBT SERVICE PAYMENTS**

This Agreement as to Share of Debt Service Payments dated as of October 15, 1998 (the "Agreement") by and among the CHARTER TOWNSHIP OF CHOCOLAY, a Michigan township corporation in the County, the CHARTER TOWNSHIP OF MARQUETTE, a Michigan township corporation in the County, and the CITY OF MARQUETTE, a Michigan Home Rule City (all of these together referred to jointly as the "Municipalities").

WHEREAS, in accordance with a resolution approved by the City Council of the City of Marquette and the Township Boards of the Charter Township of Chocolay and Marquette, the County of Marquette on July 28, 1998 issued its \$1,485,000 Marquette County Refunding Bonds Unlimited Tax Series 1998 (The "Refunding Bonds") to refund in part the Marquette County Wastewater Treatment System Bonds, Series 1978 (the "Prior Bonds"); and

WHEREAS, the debt service schedules that were previously calculated and were attached to the Amendment to Contract dated July 15, 1998 were based on those originally used for the Prior Bonds;

WHEREAS, said ratios of the debt have changed since the issuance of the Prior Bonds whereby making it necessary to correct the debt service schedule for the Refunding Bonds as such schedule applies to each of the Municipalities, a copy of which is attached as Appendix A; and

WHEREAS, the persons authorized to sign on behalf of the Municipalities have been authorized to execute this Agreement by resolutions adopted by their respective governing bodies.

NOW THEREFORE, in consideration of the premises and the covenants of each other, the parties hereto agree as follows:

1. The Municipalities agree to pay to the County the corrected debt retirement payments assigned to each on the dates and in the amounts set forth in Appendix B;

3. This Agreement shall in part supersede (as to prior Bonds being refunded by the Refunding Bonds) the Contracts under which the prior bonds were issued and shall supplement the Refunding Contract made and entered into as of May 1, 1998 and the Amendment to Contract dated as of July 15, 1998 by and among the parties hereto;

4. This Agreement shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns.

5. This Agreement may be executed in counterparts all of which taken together shall constitute the Agreement

6. This Agreement shall be come effective upon execution in individual counterparts by the persons named below on behalf of each of the Municipalities.

IT WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of October 15, 1998.

ROLL CALL.

AYES: Sherbinow, Menhennick, Britton, Bohjanen, Fende, Hill,

NAYS: None.

MOTION CARRIED.

BOARDS, COMMITTEE, COMMISSIONS REPORTS.

1. MAWTFAB minutes of 10/08/98
2. Zoning Board of Appeals minutes of 10/20/98 & 11/05/98

SUPERVISOR'S REPORT.

1. Police Chief, Greg Zyburdt has been in contact with the Township Attorney concerning the deputation of our department with the Sheriff's Department. Township Attorney, Mike Summers has been in contact with the Prosecutors Office, I hope to see some paperwork for the next meeting.
2. I still have the policies & procedures manual for the Police Department in the office. We will be adopting the manual at the next meeting. I hope all of you have an opportunity to review the manual before the next meeting.
3. We will have a discussion on trail development at the next meeting. I have been told that the Trails Committee is passing a recommendation to the Planning Commission for next week. It should be on our agenda for December 21. I plan to have a 10-minute trail video shown at that meeting.
4. A letter to Jim Woods is included in the information reports concerning the DNR grant. If any Board member has ideas for land acquisition, please let me know. We need to get back to the DNR by the end of this month.

MARQUETTE COUNTY SOLID WASTE ORDINANCE/EXPORT OF WASTE.

A copy of the ordinance was given to the Board for their review.

CAPITAL IMPROVEMENTS EXPENDITURE – POLICE DEPARTMENT.

Hill moved, Sherbinow second that \$498.00 be expended from the Police Department Capital Improvements Fund 401.305.957 to cover the cost of a new laser printer for the police department.

ROLL CALL.

AYES: Britton, Bohjanen, Fende, Hill, Sherbinow, Menhennick.

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1998 -AMENDMENT NO. 9. This amendment is for the police office equipment purchase.

Bohjanen moved, Britton second that Whereas, a budget was adopted by the Chocloy Township Board to govern the expenditures of anticipated general fund receipts within the Township on October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Other General Government Contingency 101.285.951	55,393.00	-1,600.00	53,793.00
Police Department Capital Outlay 101.305.957	850.00	+1,600.00	2,450.00

ROLL CALL.

AYES: Sherbinow, Britton, Bohjanen, Fende, Hill,

NAYS: Menhennick.

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1998 -AMENDMENT NO. 10. This amendment will cover additional ads printed for the Zoning Board of Appeals.

Hill moved, Sherbinow second that Whereas, a budget was adopted by the Chocloy Township Board to govern the expenditures of anticipated general fund receipts within the Township on October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Other General Government Contingency 101.285.951	53,793.00	-500.00	53,293.00
Zoning Board of Appeals Per Meeting Compensation 101.815.710	1,190.00	+300.00	1,490.00
Zoning Board of Appeals Advertising 101.815.901	600.00	+200.00	800.00

ROLL CALL.

AYES: Britton, Bohjanen, Fende, Hill, Sherbinow, Menhennick.

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1998 -AMENDMENT NO. 11. This amendment is for the police salaries.

Hill moved, Bohjanen second that Whereas, a budget was adopted by the Chocloy Township Board to govern the expenditures of anticipated general fund receipts within the Township on October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Department			
Salaries			
101.305.702	154,787.59	+1,667.15	156,454.74

REVENUE			
101.956	12,596.64	+1,667.15	14,263.79

ROLL CALL.

AYES: Menhennick, Sherbinow, Britton, Bohjanen, Fende, Hill,

NAYS: None.

MOTION CARRIED.

**RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY1998  
- AMENDMENT NO. 7**

This amendment is for the donation for the soccerfield expansion.

Sherbinow moved, Menhennick 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 October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Recreation			
Capital Outlay			
401.708.957	84,564.99	+ 100.00	84,664.99

REVENUE			
Miscellaneous			
401.698	18,927.07	+ 100.00	19,027.07

ROLL CALL.

AYES: Britton, Bohjanen, Fende, Hill, Sherbinow, Menhennick.

NAYS: None.

MOTION CARRIED.

**1999 MEETING DATES.**

**Hill moved, Sherbinow second that the Charter Township of Chocolay Board set the following dates for the Boards and Commission of the township and that it be published as required by law.**

**CHOCOLAY TOWNSHIP BOARD-7:30 p.m.**

JANUARY 4, 1999	JUNE 21, 1999
JANUARY 25, 1999	JULY 19, 1999
FEBRUARY 1, 1999	AUGUST 16, 1999
FEBRUARY 15, 1999	SEPTEMBER 7, 1999 (TUESDAY)
MARCH 1, 1999	SEPTEMBER 20, 1999
MARCH 15, 1999	OCTOBER 4, 1999
APRIL 5, 1999	OCTOBER 18, 1999
APRIL 19, 1999	NOVEMBER 1, 1999
MAY 3, 1999	DECEMBER 6, 1999
MAY 17, 1999	DECEMBER 20, 1999

**PLANNING COMMISSION-7:30 p.m.**

JANUARY 11, 1999	JULY 12, 1999
FEBRUARY 8, 1999	AUGUST 9, 1999
MARCH 8, 1999	SEPTEMBER 13, 1999
APRIL 12, 1999	OCTOBER 11, 1999
MAY 11, 1999	NOVEMBER 8, 1999
JUNE 8, 1999	DECEMBER 13, 1999

**ZONING BOARD OF APPEALS-7:30 p.m.**

JANUARY 28, 1999	JULY 22, 1999
FEBRUARY 25, 1999	AUGUST 26, 1999
MARCH 25, 1999	SEPTEMBER 23, 1999
APRIL 22, 1999	OCTOBER 28, 1999
MAY 27, 1999	
JUNE 24, 1999	



December 21, 1998

A Regular meeting of the Chocolay Township Board was held on Monday, December 21, 1998 at the Township Hall, 5010 US 41 South, Marquette. Supervisor Fende called the meeting to order at 7:30 p.m.

**TOWNSHIP BOARD.**

**PRESENT:** Ivan Fende, Arlene Hill, John Greenberg, Lois Sherbinow, Gary Menhennick, and Richard Bohjanen.

**ABSENT** Don Britton.

**MINUTES** – December 7, 1998.

Sherbinow moved, Bohjanen second that the minutes of the Regular Meeting on December 21, 1998 be approved as presented.

**AYES:** 6

**NAYS:** 0

**MOTION CARRIED.**

**ACCOUNTS PAYABLE.**

Hill moved, Menhennick second that bills totaling \$ 30,138.73 checks numbered 8881-8920 are approved for payment.

**AYES:** 6

**NAYS:** 0

**MOTION CARRIED.**

**FINANCIAL REPORTS.**

Financial Reports were received and placed on file. Certificate of Deposit report received from the Treasurer.

**PUBLIC COMMENT.**

Steve Pelto, Look Realty - Spoke to the Board about a problem that occurred when his realty called the Township office about tax and homestead information on a specific parcel. The home was not a homestead property and Look Realty understood that it was. Mark Maki responded that the Board of Review could not change the status in 1998 because it was not a homestead. The Board will look into questions on tax and homestead information being responded to in writing.

Clerk Hill - Told the Board that the Revenue Sharing legislation that was discussed at the last Board meeting was revamped and was more acceptable to Townships.

**VIDEO ON TRAIL DEVELOPMENT/PLANNING COMMISSION RECOMMENDATION.**

A 10-minute video was shown on Michigan trail development. After that public comment was taken.

- The video was great, it showed trails for biking and hiking and family activities. It also was not in a residential area.
- A business owner in Harvey spoke in favor of a snowmobile trail because of the positive effect on businesses.
- Another business owner said the snowmobile trail was a necessity for his sale of snowmobiles.
- A memo from Mark Maki concerning the trail was read by a resident.
- Trails Inc. put up the signs and markers for the snowmobiles. Is there a zoning permit that must be applied for to groom a snowmobile trail? Response – There is a overlay zone in the zoning ordinance that addresses snowmobile trails crossing private land, and a permit from the Planning Commission must be obtained.
- It is not right for people in the audience to criticize staff members publicly when they are doing their job for the Township Board. The Board is available to receive such comments at office/homes. Final decisions come from the Board.
- Resident requested to see a copy of the public ad for on Sec 217 Overlay Zone in the Zoning Ordinance.
- Resident has lived here in Chocolay for 22 years, and moved here for the quiet residential neighborhood. If a snowmobile trail is put in, it should benefit residents not be a problem for them. The Township should continue to pursue a snowmobile trail in Chocolay away from residential areas.
- If we do not find an alternate trail for snowmobiles, they will be riding on the roads creating a safety problem.
- Marquette County Sheriff Department stated that it is not legal for snowmobiles to ride on State and U S highways.



- Why do snowmobilers feel that other property owners must share their property for snowmobile use?
- Resident lives in Chocolay Township because it is a quiet place to live in. She is offended by business owners that care more about snowmobile business than about residents living here 365 days a year spending money at businesses.
- People can haul their snowmobiles on trailers and then stop at local businesses.
- Chocolay Township Board stated at a meeting that they will not allow a snowmobile trail in a residential area if the people are against it.
- The trail committee feels that no matter what type of trail or where the trail is located someone will voice opposition.
- Can the DNR force a resident to sell property for a trail?
- The DNR is not interested in purchasing from individual property owners, only railroad property.
- How can Gary Menhennick speak as a Township Board member and state what the trail committee feels? NOTE: Trustee Menhennick serves in both positions.
- People would like to see a non-motorized trail for hiking and biking, not a snowmobile trail.
- Trustee Greenberg indicated that he is confused by this and other public comment whether people are against all trails or just snowmobile trails. There was a call of hands on both, and the majority of the public in the audience approved of a non-motorized trail only.

Supervisor Fende told the Board that he would not bring this issue back to them unless there was an acceptable alternate trail that would not go through residential property.  
A two-minute recess was called.

#### POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL.

Greenberg moved, Sherbinow second that the Police Department adopts a new Policy and Procedure Manual. The Michigan Municipal League approves this manual.

AYES: 6                      NAYS: 0                      MOTION CARRIED.

#### PERSONNEL COMMITTEE RECOMMENDATIONS/JOB DESCRIPTION AND WAGE STUDY CHART.

The Board discussed the job description for Administrative Assistant/Clerk Department. The Personnel Committee had proposed several changes to the description.

Trustee Menhennick – Having heard comments that working conditions at the Township office were at times unpleasant and near harassment, Trustee Menhennick had contacted a former employee who confirmed this. If this situation continues, the Board will take appropriate action. Trustee Menhennick asked the Clerk if the working environment in the office was hostile? She responded that it was at times unpleasant.

Trustee Menhennick suggested that the Board consider a statement in our Personnel Policy that includes “employed at will”. We will have the Township attorney look at this.

Greenberg moved, Hill second that the job description for Administrative Assistant/Clerk Department as approved at budget time remain as written with one change in item # 10 :shall possess 2 years of secretarial experience or some general, college level business education.

AYES: 6                      NAYS: 0                      MOTION CARRIED.

The Board discussed the reliability of a wage study. It was decided that because of the variation in jobs of the same title, the wage study would not be of any value. Supervisor Fende will adjust current starting salaries and bring the update back to the Board.

#### BOARD, COMMITTEE AND COMMISSION REPORTS.

1. MAWTFAB minutes of 11/12/98
2. Chocolay Township Planning Commission minutes of 11/9/98

SUPERVISOR'S REPORT.

1. There are three DNR permits in the informational section of the agenda. Two have been denied by the DNR. The third, a permit for Shot Point Dr. has been investigated by our DPW Department and Planning Department. There has been some fill brought into the site already and Supervisor Fende will send a letter to the DNR indicating that fill has started without issuance of the permit.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND FY98 BUDGET.

AMENDMENT #8/POLICE TRAINING.

Greenberg moved, Menhennick 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 October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Department Capital Outlay 401.306.957	1,708.12	+486.28	2,194.40

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 401.698	19,027.07	+486.28	19,513.35

ROLL CALL:

AYES: Menhennick, Sherbinow, Hill, Greenberg, Bohjanen, Fende.

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1998-AMENDMENT NO. 12.

**This amendment will cover additional meetings for the Zoning Board of Appeals.**

**Greenberg moved, Bohjanen 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 October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:**

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
<b>Other General Government Contingency 101.285.951</b>	<b>\$53,293.00</b>	<b>-300.00</b>	<b>\$52,993.00</b>

**Zoning Board of Appeals  
Per Meeting Compensation  
101.815.710**

<b>\$ 1,490.00</b>	<b>+300.00</b>	<b>\$ 1,790.00</b>
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ROLL CALL:

AYES: Greenberg, Bohjanen, Fende, Hill, Sherbinow, Menhennick.

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1998 -AMENDMENT NO. 13. This amendment will cover the short fall in the fire department.

Bohjanen moved, Greenberg 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 October 20, 1997, 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, and Whereas, such modification will continue to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Other General Government Contingency 101.285.951	52,993.00	-2,000.00	50,993.00

Fire Department Equipment Maintenance 101.340.778	5,625.00	+2,000.00	7,625.00
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ROLL CALL:

AYES: Sherbinow, Menhennick, Hill, Greenberg, Bohjanen, Fende.

NAYS: None.

MOTION CARRIED.

ENCUMBRANCES – NEW SILVER CREEK DRIVEWAY.

Greenberg moved, Hill second that the \$6,300 budgeted in the recreation fund account 708.957 for the new Silver Creek Recreation Area driveway be encumbered for 1999 construction.

ROLL CALL:

AYES: Menhennick, Sherbinow, Hill, Greenberg, Bohjanen, Fende.

NAYS: None.

MOTION CARRIED.

ENCUMBRANCES – MEDIAN INCOME STUDY.

Menhennick moved, Bohjanen second that the \$1,800 budget in the water fund account 591.957 for the median income study is encumbered for future expenditure.

ROLL CALL:

AYES: Hill, Greenberg, Menhennick, Sherbinow, Bohjanen, Fende.

NAYS: None.

MOTION CARRIED.

APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS.

Hill moved, Sherbinow second that Larry Gould be appointed to the Marquette Area Water Treatment Advisory Board for a term to run from January 1, 1999 to December 31, 2000.

AYES: 6

NAYS: 0

MOTION CARRIED.

Greenberg moved, Menhennick second that Karen Chandler be appointed as an alternate to the Marquette Area Wastewater Treatment Advisory Board for a term to run from January 1, 1999 to December 31, 2000.

AYES: 6

NAYS: 0

MOTION CARRIED.

Menhennick moved, Hill second that Ivan Fende be appointed to the East Marquette County Waste Disposal Authority for a term to run from January 1, 1999 to December 31, 1999.

AYES: 6

NAYS: 0

MOTION CARRIED

Greenberg moved, Sherbinow second that Larry Gould be appointed as an alternate to the East Marquette Solid Waste Disposal Authority for a term to run from January 1, 1999 to December 31, 1999.

AYES: 6

NAYS: 0

MOTION CARRIED

Greenberg moved, Sherbinow second that Karen Chandler be appointed as an alternate to the East Marquette Solid Waste Disposal Authority for a term to run from January 1, 1999 to December 31, 1999.

AYES: 6

NAYS: 0

MOTION CARRIED

Sherbinow moved, Menhennick second that Mike Disch be appointed to the Personnel Committee for a term to run from January 1, 1999 to December 31, 1999.

AYES: 6

NAYS: 0

MOTION CARRIED

Sherbinow moved, Menhennick second that Karen Chandler be appointed to the Personnel Committee for a term to run from January 1, 1999 to December 31, 1999.

AYES: 6

NAYS: 0

MOTION CARRIED

Hill moved, Menhennick second that John Greenberg be appointed to the Personnel Committee for a term to run from January 1, 1999 to December 31, 2000.

AYES: 6

NAYS: 0

MOTION CARRIED

Greenberg moved, Sherbinow second that Thomas Thomas be appointed to the Utility Review Committee for a term to run from November 6, 1998 to November 5, 1999.

AYES: 6

NAYS: 0

MOTION CARRIED

Menhennick moved, Sherbinow second that Rene DeVooght, Dennis Magadanz and Robert Pecotte be appointed to the Board of Review for the Term January 1, 1999 to December 31, 2000.  
AYES: 6                      NAYS: 0                      MOTION CARRIED

INFORMATIONAL REPORTS AND COMMUNICATION

- A. Correspondence from - MDEQ- permit notices for
  - 1. DEQ File # 98-3-56 Dr. & Mrs. Martin Matthews
  - 2. DEQ File # 98-3-148 Mr. Joe Holman
  - 3. DEQ File # 98-03-0152W Don O. Johnson
- B. Correspondence from - D & N Bank, Lake Superior Community Partnership, & Marquette Area Chamber of Commerce - on closing snowmobile trail
- C. MTA Fax's - 12/11/98 and information on Revenue Sharing
- D. Memo from - Larry Gould - Harvey Groundwater Contamination Update
- E. Memo from - Arlene Hill - Can-a-thon participation
- F. Chocolay Township 1999 Curbside Recycling

There being no further business the meeting was adjourned at 9:45 p.m.

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Arlene E. Hill, CMC  
Township Clerk

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Mary L. Sanders, CMC  
Deputy Clerk