

3. The Charter Township of Chocolay Police Department shall indemnify, defend, and hold harmless the County of Marquette, its officers, agents, employees, elected and appointed officials, and volunteers from and against any and all claims, losses or liability, including attorney's fees, arising from injury, death, violation of rights or damage to property occasioned by any act, omission or failure of the agency its subcontractors, officers, agents, employees, and volunteers in performing any action or omission as deputies of the Marquette County Sheriff's Department..

AYES: 7

NAYS: 0

MOTION CARRIED.

BOARDS, COMMITTEE, COMMISSIONS REPORTS

1. Groundwater Stewardship Team Meeting minutes of 10/19/98
2. Chocolay Township Planning Commission minutes of 12/14/98
3. Fire Department 4th Quarter Reports

SUPERVISOR'S REPORT.

1. MDOT on the Multi Use Trails/Bike Paths. MDOT now has agreed to sponsor the projects and we will not have to provide the matching dollars.
2. Ad Hoc Water Committee minutes. The committee's goal was to find a source of funds to fund the project. The minutes of the committee should be provided to the Board.
3. The new traffic lighting system at the intersection of US41/M-28 & Cherry Creek Road. We are communicating with MDOT to get problems resolved.
4. Scrap metal market is very bad. Our current collector wants an additional \$600 for the collection. Larry Gould was advised to check out other businesses that might pick up the scrap metal. It is a good service to our citizens.
5. The Planning Commission has sent a memo supporting a letter be sent to Ameritech. The Supervisor was requested to do the same for the Board.
6. The Planning Commission requests that the Township Board pursue grant funds and to contract with a Planning Consultant to develop an alternate highway access in the vicinity of M-28 and US 41 intersection and that the consultant also look into lighting for the area. A meeting will be set up to discuss this with interested parties.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY 1998 - AMENDMENT NO. 9 FIRE DEPARTMENT FUNDS FROM THE OJIBWA HOUSING AUTHORITY.

Greenberg moved, Sherbinow seconded by 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 the revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, now therefore, be it hereby resolved, that the aforesaid budget be hereby modified as follows:

BUDGET ACCOUNT	PREVIOUS	CHANGE	AMENDED
REVENUE			
Miscellaneous 401.698	19,513.35	6,013.10	25,526.45
EXPENDITURE			
Capital Improvements Fund Fire Department 410.340.957	289,434.25	6,013.10	295,447.35

ROLL CALL.

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

NAYS: None

MOTION CARRIED.

MAISD – SUMMER TAX COLLECTION.

Sherbinow moved Menhennick second that the Charter Township of Chocoday notifies the Marquette Alger Intermediate School District that we are not interested in collecting their summer property tax levy for 1999.

AYES: 7 NAYS: 0 MOTION CARRIED.

RECREATION COMMITTEE.

The Board requested more information regarding the purpose and make up of the committee. It will come back to the Board at the February 15th meeting.

POSTING MINUTES.

Hill moved Menhennick second that the Charter Township of Chocoday Board authorizes that minutes of all Regular and Special Board Meetings shall be posted in the following locations:

Chocoday Township Office, 5010 US 41 South
Chocoday Township Fire Hall, 5010 US 41 South
Kassel's Korner, 6400 US 41 South
First National Bank of Negaunee, 3021 US 41 South
MFC First National Bank, 6000 US 41 South
Jack's IGA, 101 Carmen Drive

and that such posting shall take place monthly after approval of such minutes by the Township Board.

AYES: 7 NAYS: 0 MOTION CARRIED.

The Clerk is to report to the Board on the cost and possibility of putting the minutes on the internet.

There being no further business the Supervisor adjourned the meeting at 8:45 p.m.

Arlene E. Hill, CMC
Township Clerk

area will have a passing lane installed. The existing concrete surface will be removed and replaced with asphalt. The project is being bid now with anticipated start of construction in mid-May and completion by mid-September.

4. ORV ORDINANCE - A copy of a letter sent to Greg Seppanen is in the informational reports. The County Commissioners are considering the adoption of an ORV Ordinance. I have offered the Commissioners some alternatives for both ORV and snowmobile use on the County Roads.
5. AMERITECH RESPONSE - I have received a call from the Real Estate Division of Ameritech in Chicago. The caller indicated that Ameritech was starting to meet with the Department of Natural Resources.
6. LETTER FROM CITY FIRE CHIEF - a letter was received from the City of Marquette thanking the Chocolay Township Fire Department for their support at a fire in the City on December 31.

EXPENDITURE FROM POLICE TRAINING – CAPITAL IMPROVEMENTS FUND.
Hill moved, Greenberg second to expend \$190.00 from the police training account in the Capital Improvements Fund 401.306.957 for the three day Police Chief’s Conference in Lansing February 10-12, 1999.

Roll Call:

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

NAYS: None.

MOTION CARRIED.

MDOT PERFORMANCE AND INDEMNIFICATION RESOLUTION.

Hill moved, Menhennick second that

WHEREAS, the Charter Township of Chocolay hereinafter referred to as the “GOVERNMENTAL BODY” from time to time makes application to the Michigan Department of Transportation, hereinafter referred to as the “DEPARTMENT” for permits hereinafter referred to as the “PERMIT”, to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits.

NOW THEREFORE, in consideration to the DEPARTMENT granting such PERMIT the GOVERNMENTAL BODY agrees that:

1. It will faithfully fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan Transportation Commission, the DEPARTMENT, and all other officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract from any and all claims of every kind for injuries to, or death of any and all persons and, for loss of, or damage to property, and environmental damage or degradation, and from attorney’s fees and related costs arising out of, under, or by reason of the presence of the GOVERNMENTAL BODY’S facilities and/or its installation, construction, operation, maintenance, or other activities which are being performed under the terms of the PERMIT on, over, and/or under the State trunkline right of way, except claims resulting from the sole negligence of willful acts or omissions of said DEPARTMENT, its officers, agents, employees, and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities.
2. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operation damages to any State trunkline right of way resulting or arising out of the installation, construction, operation, and/or maintenance of the resulting GOVERNMENTAL BODY’S facilities pursuant to a PERMIT issued by the DEPARTMENT.

3. You may have noted a handout (MDEQ letter) on the table tonight. Parts of the plant are at treatment design capacity and the MDEQ will NOT issue any additional connection permits until a study is complete.

REZONING #104 – ZONING AMENDMENT 34-99-1.

Greenberg moved, Menhennick 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 # 34-99-1

AMENDMENT

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-3 to C-2 on the following parcel:

Part of the NE 1/4 of Section 7 T47N R24W, Chocolay Township, Marquette County, MI known as lots 9-15 of Maude B. Warren's unrecorded plat, and more particularly described as commencing at the NE corner of Section 7; thence S00°39'10"W, 1327.77' (recorded as 1327.6') along the E line of Section 7 to the PoB and N 1/16 corner; thence continuing S00°39'10"W, 279.42' (recorded as 278.4') along the E Section line to the N'ly Right-of-way line of Highway M-28 (200' R/W February 1997); thence S82°11'45"W, 380.74' along the N'ly Right-of-Way line of Highway M-28 to a point of Tangency; thence NW'ly, 302.51' along the arc of a 855.37' radius Right-of-Way curve to the right, having a delta angel of 20°15'47" and a chord bearing N87°40'24"W, 300.94' to the SW corner of Lot 15 Maude B. Warren's unrecorded plat; thence N12°22'08"E, 314.14' along the W line of said Lot 15 to the N 1/16 line of Section 7; thence continuing N12°22'08"E, 22.72' along the W line of Lot 15 to the NW corner of Lot 15; thence S89°02'40"E, 609.02' (recorded as 609.4') along the N line of Maude B. Warren's unrecorded plat to the PoB. Parcel contains 4.77 Acres and is located near the NE corner of the M-28 and US 41.

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: 1

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1999- AMENDMENT NO. 1
To cover computer maintenance contract.

Hill 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 5, 1998, 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	32,676.00	-1,691.00	30,985.00
Clerk Computers			
101.215.811	1,800.00	+1,691.00	3,491.00
ROLL CALL.			

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

Trustee Menhennick questioned letter that Supervisor Fende sent to Marquette County Commissioners on his stand on the ORV Ordinance, the letter appeared to be a Board position and not the Supervisor’s opinion.

Supervisor Fende replied that the letter was written considering the Board's position on snowmobiles in residential areas. He has a right to respond as Township Supervisor.

Trustee Menhennick indicated that MDOT held a meeting held at the Township Hall. Sharon Roshak attended the meeting on personal comp time representing the police department and her own personal interest, her questions seemed to be more of a personal nature than township questions.

Trustee Menhennick brought up that it appears that a Planning Commission member is missing more meetings than allowed in the By-laws. Supervisor Fende suggested that this be brought up to the Planning Commission Chairperson.

Trustee Menhennick asked the Board to consider naming township facilities after a deceased person in the Township. The Board was not interested at this time, but may consider it in the future.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. DEQ - on USEPA inspection report for Marquette Area Wastewater Treatment Plant
- B. MCTA - Meeting Change Notice
- C. Bresnan Communications - Rate adjustment for expanded basic service
- D. CUPPAD - Economic Development Projects
- E. MTA Fax - 02/05/99

There being no further business the Supervisor adjourned the meeting at 8:40 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

March 1, 1999

A Regular meeting of the Chocolay Township Board was held on Monday, March 1, 1999 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, John Greenberg, Arlene Hill, Lois Sherbinow, Gary Menhennick, Don Britton.

ABSENT: Richard Bohjanen.

MINUTES – February 15, 1999.

Greenberg moved, Britton second that the minutes of the Regular Meeting on February 15, 1999 be approved as amended.

AYES: 6

NAYS: 0

MOTION CARRIED.

FINANCIAL REPORTS.

Financial report received and placed on file.

Treasurer investment report was given as follows:

AMT OF C/D	\$100,000.00	\$100,000.00	\$100,000.00
DATE PURCHASED	2/16/99	2/16/99	2/16/99
MATURING ON	8/17/99	8/17/99	8/17/99
INTEREST RATE	4.700%	4.700%	4.700%
INSTITUTION	MFC	Peninsula	National City

PUBLIC COMMENT.

Trustee Britton – Letter written by Al Conrad to Supervisor & the Board regarding an employee of the Township.

Mark Maki – Responded to the letter and explained the letter from his point of view.

Mike Davidson – Thanked Supervisor Fende for the letter sent to Ameritech about the railroad grade. Would Chocolay Township consider looking into purchasing the railroad grade for unmotorized trails?

Billy Jenkins – Have the new chairs been ordered?

REZONING #104 – ZONING AMENDMENT 34-99-1.

Greenberg moved, Menhennick 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 # 34-99-1

AMENDMENT

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-3 to C-2 on the following parcel:

Part of the NE 1/4 of Section 7 T47N R24W, Chocolay Township, Marquette County, MI known as lots 9-15 of Maude B. Warren's unrecorded plat, and more particularly described as commencing at the NE corner of Section 7; thence S00°39'10"W, 1327.77' (recorded as 1327.6') along the E line of Section 7 to the PoB and N 1/16 corner; thence continuing S00°39'10"W, 279.42' (recorded as 278.4') along the E Section line to the N'ly Right-of-way line of Highway M-28 (200' R/W February 1997); thence S82°11'45"W, 380.74' along the N'ly Right-of-Way line of Highway M-28 to a point of Tangency; thence NW'ly, 302.51' along the arc of a 855.37' radius Right-of-Way curve to the right, having a delta angel of 20°15'47" and a chord bearing N87°40'24"W, 300.94' to the SW corner of Lot 15 Maude B. Warren's unrecorded plat; thence N12°22'08"E, 314.14' along the W line of said Lot 15 to the N 1/16 line of Section 7; thence continuing N12°22'08"E, 22.72' along the W line of Lot 15 to the NW corner of Lot 15; thence S89°02'40"E,

609.02' (recorded as 609.4') along the N line of Maude B. Warren's unrecorded plat to the PoB. Parcel contains 4.77 Acres and is located near the NE corner of the M-28 and US 41.

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, Britton, Greenberg.

NAY: Fende.

ABSENT: Bohjanen.

MOTION CARRIED.

CAPITAL IMPROVEMENTS FUND EXPENDITURE – QVF EQUIPMENT.

Hill moved, Sherbinow second to expend \$2955.38 from the Elections account in the Capital Improvements Fund 401.190.957 for the Qualified Voter File computer equipment.

ROLL CALL.

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

NAY: Greenberg.

ABSENT: Bohjanen.

MOTION CARRIED.

ACCOUNTS PAYABLE.

Hill moved, Sherbinow second that bills totaling \$ 20,627.64 checks numbered 9083-9112 are approved for payment.

AYES: 6

NAYS: 0

MOTION CARRIED.

BOARDS, COMMITTEE, COMMISSIONS REPORTS.

1. Ad Hoc water committee meeting minutes 2/10/99.

SUPERVISOR'S REPORT.

1. Larry Gould attended a DNR Recreation grant writing meeting and our chances for grant approval this year will be very slim. Our application will not score high on the DNR's priority list but we will bring the application back to the March 15 meeting for a public hearing and Board approval.
2. Karen Chandler has received a proposal from our website provider. He'd charge \$40 per month for hosting and maintenance. We currently pay \$20 per month for this service. Arlene says we can do this in house for much less. I would like to have her make a formal proposal at the next meeting.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY 1999 AMENDMENT. #1 – reimbursement for alleviated option on 1999 Chevrolet Tahoe. 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 5, 1998, 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
Capital Improvement Police 401.305.957	62,596.69	+135.00	62,731.69
REVENUE Capital Improvement Miscellaneous 401.698	0	+135.00	135.00

ROLL CALL.

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

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

Trustee Menhennick – Asked the Board to consider requesting 2% money from the KBIC. This item will be put on the March 15, 1999 agenda. Menhennick also questioned if the Township has received updates from the DEQ on any contaminated wells in Chocoday Township?

Clerk Hill – Noted Chief Zybert's response to Supervisor Fende's memo on the police department computer system. The Township Supervisor, Clerk and Police Chief will meet to discuss this.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. UPSET – thank you for contribution
- B. Ameritech – response on future use of Wisconsin Central Railroad grade use
- C. Bresnan Communication – on channel lineup changing and realigning; and franchise fee reimbursement notice
- D. SCA - on Master Plan for Water System
- E. Judy Mattord, Chairperson Mgt. Co. Solid Waste Management Authority - annual Stockholders meeting and issues
- F. MTA Fax – 02/19/99
- G. Greg Zybert, Police Chief - response to Y2K memo

There being no further business the Supervisor adjourned the meeting at 8:25 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

SPECIAL BOARD MEETING
March 11, 1999

A Special meeting of the Chocolay Township Board was held on Thursday, March 11, 1999 at the Township Hall, 5010 US 41 South, Marquette. Supervisor Fende called the meeting to order at 8:04 p.m. He advised those present that the meeting was called for the purpose of considering a township manager.

TOWNSHIP BOARD.

PRESENT: Ivan Fende, John Greenberg, Arlene Hill, Lois Sherbinow, Gary Menhennick, Don Britton.

ABSENT: Richard Bohjanen.

PUBLIC COMMENT.

Cathy DeVooght – The Township is wasting tax dollars by having a special meeting when there is regular meeting scheduled for Monday. The Township does not need a manager.

TOWNSHIP BOARD DISCUSSION ON HIRING A MANAGER OR PLANNING DIRECTOR.

- This is the time to discuss hiring a manager because a position is open.
- There are many cases of Township Managers trying to take the duties and authority away from the Township Board. The Board is elected to make decisions.
- Could a Manager and Planning Director be one combined position? It could be done, but filling that position would be somewhat difficult. What duties would a Manager have? Personnel and grant writing would be part of that position.
- A manager may be good for current and future Township growth. Possibly a better time for a manager would be when the current Supervisor leaves office. The Board should not give up their power to a Manager.
- If the Board thinks this is a good idea, now would be a better time to move on it than waiting until the Supervisor leaves.
- Karen Chandler will assist with the Planning Commission for the next two-months at the maximum.
- Chocolay Township used to be a leader in Marquette County when we had a manager. That is not the case now. A manager would add an other layer of bureaucracy between department heads and Board.
- We should hire a Planning Director now and look into hiring a Manager at a later date.

Consensus of the Board was to hire a Director of Planning and Research at this time.

PUBLIC COMMENT.

Cathy DeVooght – Our current Planner was hired without a Planning degree and there were others that applied for that position that were more qualified and had a planning degree. If Supervisor Fende was in the office more we would not need a Manager. Would hiring a manager eliminate a Township Supervisor? No, law requires a Township Supervisor.

Lee Blondeau – If the right person was hired as Manager, all department heads would get help in their jobs.

There being no further business the Supervisor adjourned the meeting at 8:50 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

LAKE SUPERIOR COMMUNITY PARTNERSHIP.

Trustee Britton asked that this item be added to the agenda to discuss why the Township did not join. The Township discussed this previously at a Board meeting and considered this a worthy organization to join, but did not agree with the fee structure. The Township did not join because the Board felt the dues for Chocolay Township too high.

Supervisor Fende told the Board that this and many other items have been brought up for discussion at a Board meeting that have been voted down at a previous Board meeting. This will not continue. He will not allow a topic to be brought up over and over after voted down.

Menhennick moved, Britton second that Chocolay Township Adopt Roberts Rules of Order.

AYES: 2

NAYS: 4

MOTION FAILED.

Menhennick moved, Britton second that Chocolay Township adopt random drug and alcohol testing for all Township employees.

AYES: 2

NAYS: 4

MOTION FAILED.

Supervisor Fende explained to the Board that from this point on, all items to be discussed and voted on at a Board meeting must be placed on the agenda ahead of time. The Board needs the information ahead of time to be able to study an issue before voting on it.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. Correspondence from - MDOT - Transportation Summit, March 17 in Ishpeming
- B. Correspondence from - W.K. Kellogg Foundation - Exciting things are happening
- C. Correspondence from - Lake Superior Community Partnership - response to fee structure
- D. Correspondence from - MDEQ - on permit # 98-03-0152 denied
- E. Correspondence from - Chocolay River Watershed Council - Public Meeting and Discussion on March 31, 7:00 p.m. at Skandia Township Hall

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

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

3. The fire department will be working with NMU to provide extrication training for an EMT class.
4. A copy of the recreation grant is provided on the meeting room table for your information.
5. Travel expenses – For candidates who we will be interviewing for the Director of Planning and Research.

Hill moved, Sherbinow second that the Supervisor is authorized to pay up to \$1,000. For travel expenses for Planner candidates coming for an interview.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

MUTUAL AID RESCUE & EXTRICATION SERVICE AGREEMENT WITH CITY OF MARQUETTE.

Hill moved, Sherbinow second that the Township enter into a “Mutual Aid And Extrication Services Agreement” with the City of Marquette whereby the Fire Departments can provide mutual aid services in each jurisdiction.

AYES: 7

NAYS: 0

MOTION CARRIED.

AUDITORS RECOMMENDATION – FIXED ASSET POLICY.

The Treasurer was concerned that such fixed asset accounts would present a different audit, one that was not easily understood by the public or the Board. It was decided to get more information before authorizing this change.

SCHOOL ELECTIONS.

The Clerk showed an agreement to the Board that would authorize the Township election department to manage school elections. The Board encouraged the Clerk to continue talking to the school district. The final agreement will come back to the Board for approval.

ANNUAL FIRE DEPARTMENT REVIEW OF CONSTITUTION AND BY LAWS.

Greenberg moved, Menhennick second that the Fire Department constitution and By Laws and the operating policy and procedures be adopted with the changes as recommended by the Fire Department.

AYES: 7

NAYS: 0

MOTION CARRIED.

PERSONNEL COMMITTEE APPOINTMENT.

Bohjanen moved, Britton second that Larry Gould be appointed as employee representative on the Personnel Committee through December 31, 1999.

AYES: 7

NAYS: 0

MOTION CARRIED.

SALE OF USED POLICE VEHICLE.

Menhennick moved, Greenberg second that the police department be authorized to place the 1996 Ford Crown Victoria patrol vehicle on bid to the highest bidder. The township Clerk will receive and reserve the right to accept or reject all bids. The sale price of this vehicle would be deposited in the Police Capital Improvement account 401.305.957.

AYES: 7

NAYS: 0

MOTION CARRIED.

The Board discussed future Board meeting agenda items.

Trustee Menhennick asked that Cathy Cole from Michigan Jobs Commission be invited to make a presentation.

Clerk Hill mentioned that Amy Clickner from the Lake Superior Community Partnership had written with the same request.

The Board asked that both be invited to the May 3, 1999 meeting.

Trustee Sherbinow was concerned about senior citizens being taken advantage of by various sweepstakes offers and telephone scamming. It was suggested that we might encourage our legislators to write appropriate legislation.

Trustee Britton wants to come back with a proposal to add more trail committee members.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. Ivan Fende,-Township Board Meetings
- B. Arlene Hill-SB366
- C. MCTA-Spring Banquet
- D. Arlene Hill-2000 MTA Educational Conference
- E. County of Marquette-Railroad Grade
- F. Marquette Soil & Water Conservation District-Thank you from Chocolay River Watershed Council

There being no further business the Supervisor adjourned the meeting at 8:45 p.m.

Arlene E. Hill, CMC
Township Clerk

April 12, 1999

A Special meeting of the Chocolay Township Board was held on Monday, April 12, 1999 at the Township Hall, 5010 US 41 South, Marquette. Supervisor Fende called the meeting to order at 5:30 p.m. This meeting was posted to hire a Director of Planning and Research.

TOWNSHIP BOARD.

PRESENT: Ivan Fende, Richard Bohjanen, Arlene Hill, Lois Sherbinow, Gary Menhennick, Don Britton.

ABSENT: John Greenberg.

Supervisor Fende explained to the Board that the Township received 19 applications for the position of Director of Planning and Research. The three applicants interviewed were Douglas Riley, Andy Maracini and Timothy Pilgrim. Each of the applicants had positive qualities to bring to the job, but Supervisor Fende recommended Douglas Riley because of his township background and planning experience.

Fende moved, Bohjanen second that Douglas K. Riley be appointed to serve the Charter Township of Chocolay as Director of Planning and Research at a salary of \$30,000. per year to begin April 1999.

AYES: 6 NAYS: 0 ABSENT : 1 MOTION CARRIED.

Fende moved, Hill second that Douglas K. Riley be appointed to serve the Charter Township of Chocolay as Planning Director.

AYES: 6 NAYS: 0 ABSENT : 1 MOTION CARRIED.

PUBLIC COMMENT.

Trustee Sherbinow asked if the meeting date of April 26, 1999 was convenient for the rest of the Board.

There being no further business the Supervisor adjourned the meeting at 5:50 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

Korpi – difficult to answer, but changes could be made to it at a later date.

Trustee Bohjanen – There are township residents that are interested in a water system.

This water master plan will be brought back to a future Board meeting for a vote. We will wait until Sands Township Board has discussed and voted on their 50% of the cost.

WATERSHED AREA DESIGNATION.

The map showing watershed high quality, threatened and critical areas was posted throughout the Township at its regular posting sites and an ad was placed in the Mining Journal. The Board addressed the change in the map and accepted the changes made.

BOARDS, COMMITTEE, COMMISSIONS REPORTS.

1. AdHoc Water Committee Minutes - March 10, 1999
2. Central Lake Superior Watershed Partnership Meeting - March 18, 1999
3. Planning Commission Minutes - April 12, 1999
4. Zoning Board of Appeals Minutes - March 25, 1999
5. Wastewater Treatment Facility Advisory Board Minutes - March 11, 1999

SUPERVISOR'S REPORT.

1. We have received the revised Bresnan Franchise agreement proposal and the City of Marquette's agreement.
2. We have received the 1998 Solid Waste Management Authority Annual report.
3. As part of the first ever Michigan Week Township Exchange Program, I will be "trading places" (actually not on the same day) with Supervisor Curt Boller of Brownstown Township. An exact date has not been set but it will probably be in late May.
4. We have received a copy of the Environmental Assessment Report from the Interior Department's Bureau of Indian Affairs regarding the Casino's application/renewal of gaming operations. They issued a "Finding of No Significant Impact". Supervisor Fende will draft a letter in response, and will bring it back to the Board for approval.
5. We have sent a letter of request and a drawing to MDOT for an enhancement grant to relocate the bike path. If the grant funds are reallocated we should be able to do the project this construction season.
6. With funds in our budget and donated funds and labor from the soccer association we will be installing an automated irrigation system for the Silver Creek Soccerfield this spring.
7. We requested proposals for the annual scrap metal collection and only received one proposal from our previous collector.
8. The road projects are complete and we have received the final invoicing. The total projects are slightly over the agreement estimate but under the 15% allowed. We are reviewing the proposed 1999 project agreements and these may be brought back to the Board if funds are not available for them.
9. Due to the load limits we had a special curbside recycling on April 16th.
10. The proposed Marquette County ORV ordinance has been forwarded to the Marquette County Township Association and will be addressed at their meeting April 28, 1999.
11. Introduction – Doug Riley, newly hired Director of Planning and Research.

SPECIAL USE PERMIT #1 – LINDBERG MINING PERMIT.

RESOLUTION-AUDITOR RECOMMENDATION-FIXED ASSET POLICY

Hill moved, Bohjanen second that Whereas the National Council on Government Accounting (NCGA), the authorized body on generally accepted accounting principles for local government, defines capital/fixed assets as “Assets of a long term character which are intended to continue to be held or used, such as land, building, machinery, furniture and other equipment and;

Whereas the State of Michigan Budget and Accounting Act, Act 2, 1968, as amended, defines a capital outlay expenditure as “a disbursement of money which results in the acquisition of, or addition to, fixed assets and;

Whereas the Township of Chocolay defines a capital/fixed asset as a tangible asset with an estimated useful life of five years or greater, then by adoption the Township of Chocolay shall define capital/fixed assets owned by the Township in the following manner.

Tangible assets of a long term character which are intended to continue to be held or used, such as land, buildings, machinery, furniture and other equipment, titled to the Township having an estimated useful life of 5 years or greater AND having a cost of \$500 or more.

AYES: 7

NAYS: 0

MOTION CARRIED.

RESOLUTION-EMERGENCY MEDICAL SERVICES WEEK

Bohjanen moved, Greenberg second that the Township Board adopts the following Marquette County EMS resolution designating the week of May 16-22, 1999 as Emergency Medical Services Week.

PROCLAMATION

To designate the week of May 16-22, 1999 as
Emergency Medical Services Week

Whereas, emergency medical services is a life saving community service; for residents and visitors of Marquette County, and;

Whereas, immediate access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

Whereas, the members of the emergency medical services system in our community work diligently to provide lifesaving care to those in need 24 hours a day, seven days a week; and

Whereas, emergency medical services providers have traditionally served as the vital link in America’s health care system; and

Whereas, emergency medical services in Marquette County Consists of emergency physicians, emergency nurses, first responders, emergency medical technicians, paramedics, rescue specialists, dispatchers, educators, administrators, and other; and

Whereas, approximately two-thirds of all community emergency medical services providers are volunteer professionals; and

Whereas, the members of local emergency medical services units, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

Whereas, the residents and visitors of our community benefit daily from the knowledge, skills, and dedication of these highly trained individuals; and

Whereas, it is most appropriate to recognize the value and the accomplishments of our emergency medical services providers by designating Emergency Medical Services Week; and

Whereas community education, injury prevention initiatives, and the proper use of the EMS system will help reduce national health care costs; and

Whereas, the designation of Emergency Medical Services Week will also assist in informing the public about life saving aspects of the local EMS system,

May 17, 1999

A Regular meeting of the Chocolay Township Board was held on Monday, May 17, 1999 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, John Greenberg, Arlene Hill, Lois Sherbinow, Gary Menhennick, Don Britton.

ABSENT: Richard Bohjanen.

MINUTES – MAY 3, 1999.

Greenberg moved, Menhennick second that the minutes of the Regular Meeting on May 3, 1999 be approved.

AYES: 6

NAYS: 0

MOTION CARRIED.

ACCOUNTS PAYABLE.

Hill moved, Sherbinow second that bills totaling \$24,561.66 checks numbered 9246-9282 are approved for payment.

AYES: 6

NAYS: 0

MOTION CARRIED.

FINANCIAL REPORTS.

Received and placed on file.

TREASURER REPORTS.

Received and placed on file.

PUBLIC COMMENT.

Clerk Hill - The MCTA will hold officer elections in two weeks. We have ballots here for Board members to pick up if they will not attend the MCTA meeting and still want to vote.

Clerk Hill – The Township has an old typewriter that we need to dispose of. Mark Maki offered to purchase it.

Fende moved, Menhennick second that the Clerk place an ad in the Mining Journal to take bids on the typewriter.

AYES: 6

NAYS: 0

MOTION CARRIED.

BOARDS, COMMITTEE, COMMISSIONS REPORTS.

1. Planning Commission 1998 Annual Report
2. AdHoc Water Committee - Minutes - April 14, 1999
3. Marquette Area Wastewater Treatment Facility Advisory Board - Minutes - April 8, 1999
4. Chocolay River Watershed Council - Minutes - March 31, 1999
5. Zoning Board of Appeals - Minutes - April 22, 1999

SUPERVISOR'S REPORT.

1. Letter from Sands Township indicating that they will participate with Chocolay Township and the Keweenaw Bay Indian Community to evaluate the feasibility of central water.
2. The Marquette County Board of Commissioners will be considering the proposed ORV ordinance at their June 3, 1999 meeting.
3. The Recreation Committee had their first meeting last Thursday. They elected officers, discussed a work plan for the year, received an update on recreation projects. They also discussed the Ad Hoc Trails Committee's ideas for a ski trail and pocket park at Kawbawgam.
4. A representative from the DNR recreation grant office was here last week to review our Beaver Grove grant application and visit the site. He feels that our application will score well and if we are not funded we will be considered again this fall.
5. The wastewater plant capacity report and the DEQ response will be submitted to the Township Board at the June meeting.

6. A copy of the scrap metal collection notice is in your agenda packet. A copy of the brush collection notice was on the meeting table tonight for your information.

MARQUETTE COUNTY SOLID WASTE MANAGEMENT PLAN.

Hill moved, Menhennick second that the Chocolay Township Board approve the County of Marquette's Solid Waste Management Plan Update dated April 13, 1999, prepared pursuant to Part 115 of Public Act 451 of 1994, as amended, and the rules promulgated thereunder.

AYES: 6

NAYS: 0

MOTION CARRIED.

FIRE FIGHTER RIGHT TO KNOW – LACK OF BUSINESS COMPLIANCE.

The Board discussed the fact that two separate letters on the Firefighters Right To Know have gone out to local businesses and out of 126 businesses, 48 have not returned the form. This information is very important to the Fire Department. Supervisor Fende drafted a letter to CABA explaining the situation. The Board approved sending the letter.

REZONING #105 – TEXT AMENDMENT – MINING AND MINERAL EXTRATION.

Greenberg moved, Hill second that Rezoning #105 be referred back to the Planning Commission to review and address the concerns forwarded by the County Planning Commission and Township Attorney and report back to the Township Board within 60 days.

AYES: 6

NAYS: 0

MOTION CARRIED.

APPOINTMENT TO MARQUETTE AREA WASTEWATER TREATMENT ADVISORY BOARD.

Hill moved, Sherbinow second that Douglas Riley be appointed as an alternate to the Marquette Area Wastewater Treatment Advisory Board to fill the balance of Karen Chandler's term which expires on December 31, 2000.

AYES: 6

NAYS: 0

MOTION CARRIED.

APPOINTMENT TO EAST MARQUETTE SOLID WASTE DISPOSAL AUTHORITY.

Sherbinow moved, Greenberg second that Douglas Riley be appointed as an alternate to the East Marquette Solid Waste Disposal Authority to fill the balance of Karen Chandler's term which expires on December 31, 1999.

AYES: 6

NAYS: 0

MOTION CARRIED.

APPOINTMENT TO RECREATION COMMITTEE.

Menhennick moved, Sherbinow second that Al Denton be appointed to serve on the Recreation Committee as a representative of the general public for a term to run from May 17, 1999 to December 31, 2000.

AYES: 6

NAYS: 0

MOTION CARRIED.

Larry Wilson – Questioned whether the Township was planning to run sewer and water through out the Township.

Supervisor Fende – Informed the Board that Marquette County Board of Commissioners will deal with the ORV Ordinance at their June 3, 1999 meeting. He asked the Board if the Township wanted to make a decision tonight to send to the County on the ORV Ordinance.

Hill moved, Sherbinow second that Chocolay Township request that the Marquette County Board of Commissioners exclude Chocolay Township from the ORV Ordinance.

AYES: 5

NAYS: 1

MOTION CARRIED.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. Michigan Department of Transportation - Police Dept. Thank You
- B. Michigan Department of Transportation - Fire Dept. Thank You
- C. State Senate - Steil School Uniform Bill Passes Committee
- D. MTA - Legislative Update
- E. Bulletin - Scrap Metal Collection

There being no further business the Supervisor adjourned the meeting at 8:10 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

June 21, 1999

A Regular meeting of the Chocolay Township Board was held on Monday, June 21, 1999 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, John Greenberg, Arlene Hill, Gary Menhennick, Don Britton, Richard Bohjanen, Lois Sherbinow (arrived at 7:35 p.m.)

ABSENT: None.

MINUTES – MAY 17, 1999.

Greenberg moved, Britton second that the minutes of the Regular Meeting on May 17, 1999 be approved.

AYES: 6

NAYS: 0

MOTION CARRIED.

ACCOUNTS PAYABLE.

Hill moved, Greenberg second that bills totaling \$20,266.51 checks numbered 9283-9311 are approved for payment.

AYES: 6

NAYS: 0

MOTION CARRIED.

Bohjanen moved, Greenberg second that bills totaling \$33,521.39 checks numbered 9312-9356 are approved for payment.

AYES: 6

NAYS: 0

MOTION CARRIED.

FINANCIAL REPORTS.

Received and placed on file.

TREASURER REPORTS.

Received and placed on file.

PUBLIC COMMENT.

Dick Kierzak – Explained to the Board that there is a problem in his neighborhood with burn barrels and burning rubbish. He asked the Board if they could do anything to resolve this problem? It is a health hazard.

Bob Champion – Lives in the same neighborhood as Mr. Kierzak and is also concerned about the smell and looks of smoldering burn barrels.

Fire Chief Jim Blondeau – Explained that there are regulations on burn barrels and the DNR should be notified if people are not burning properly.

The Township Board and Planning Commission will look into this matter and it will be on the next Township Board agenda.

Rena McEachrin – Asked the Board if they knew the name of the company removing the railroad tracks along Riverside Road?

Donna Barto – Does the Township have a copy of the full DNR grant application for Rail-Trail acquisition?

Bernadette Wallace – Does the Township know who the DNR representative is on the Rail-Trail acquisition?

Ava Bennett – Requested that when the Township Board selects a Board member to meet with the DNR on Rail-Trail acquisition, that it not be one with a conflict of interest in this matter. Will the Township look at an alternate trail again?

Trustee Britton – Marquette County Trail Committee meets once a month and is open to any public that wants to attend.

MICHIGAN ECONOMIC DEVELOPMENT CORPORATION - NEW SERVICES

Kathy Cole, account manager for Michigan Economic Development Corporation spoke to the board on services such as low interest loans for economic development. Their company promotes business growth throughout the State.

DISCUSS - MARQUETTE AREA WASTEWATER PLANT CAPACITY AND FUTURE ISSUES.

The Board discussed wastewater treatment plant current and future capacity. Short term – there is no problem and the DEQ will issue permits for sewer expansion. Long term – Our NPDES permit expires in five years, at that time we may be required to do expensive upgrades in the treatment process. This may require outside funding, such as bonding since the replacement fund is being utilized for current upgrades.

CONSIDER - PUBLICATION OF REZONING #105 - TEXT AMENDMENT - MINING AND MINERAL EXTRACTION.

Menhennick moved, Britton second that the Charter Township of Chocolay waive the reading and publish the following amendment to ORDINANCE 34 OF THE CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN: #34-99-2

AMENDMENT

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

That Section 404, B.1. shall be amended to read as follows:

- 1. Until an impact area is determined. One Thousand (1,000) feet shall be presumed to be an appropriate distance from any adjoining land uses or structures. The area encompassed by that distance shall be designated the "impact area". If, as a result of review and analysis by the Planning Commission, a site-specific reason based upon health, safety or welfare, as specified in subsection 404,A)2),a) through d) would allow a reduced "impact area" or require an enlarged "impact area" such adjustment may be made as is found to be reasonable.**

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

BOARDS, COMMITTEE, COMMISSIONS REPORTS

1. Minutes - Planning Commission - June 8, 1999
2. Minutes - Zoning Board of Appeals - May 27, 1999
3. Minutes - Recreation Committee - May 13, 1999
4. Minutes - AdHoc Committee Trail Development - June 1, 1999
5. Minutes - Chocolay River Watershed Council - March 31, 1999
6. Minutes - Central Lake Superior Watershed Partnership - February 2, March 18, April 15 and May 20, 1999
7. Minutes - Groundwater Stewardship Team Meeting - April 29, 1999
8. Minutes - Marquette Area Wastewater Treatment Facility Advisory Board - May 13, 1999

SUPERVISOR'S REPORT.

1. Brush drop off was held on May 22 & 29 with a total of 25 vehicles using the service.
2. Property purchase for the parcel adjacent to the marina is complete. The fencing required as part of the purchase will be installed this week.
3. The Silver Creek Student Council planted flowers in the planter near the sidewalk and the new planter near the corner of the police office.
4. Kallioinen Scrap Metal Company completed scrap Metal curbside collection. The collection was normal with a large volume of metal collected.
5. The Lions Park lease with the school ran into problems when the school referred it to their attorney. We are corresponding with them and hope to negotiate a lease in the near future. We will be dealing with a new administration and school Board, which may change the process.

6. The Personnel Committee has completed the annual review of the personnel policy. The proposed changes are to be reviewed by the employees and the personnel administrator and will be sent to the Board for the July agenda.
7. The issue of water meters has been raised again and you will note materials in your informational reports and communications sent by Andrea Beckman. We were also requested to look at a water meter that was relocated at Wahlstrom's Restaurant. I would like the Board to give us direction on the meter issue since if you are leaning toward water meters we will place this on a future agenda.

ROAD NAME CHANGE – COUNTY ROAD BX.

A request was made from Dennis Kallery, property owner on County Road BX to rename the road “Chelsea Lane”. The Board discussed the fact that County Road BX is a seasonal road and does not meet county road standards. The Board took no action to rename the road.

MEMBERSHIP FEE AND APPOINTMENT – LAKE SUPERIOR PARTNERSHIP.

Greenberg moved, Britton second that Chocolay Township pay \$2,052.50 (pro-rated) for the remainder of the 1999 calendar year for membership to the Lake Superior Community Partnership and appoint Ivan J. Fende as the Township Representative and Douglas Riley as the Alternate Representative.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

TRIAD – FILE OF LIFE DONATION REQUEST.

Hill moved, Menhennick second that Chocolay Township donate \$400.00 from the Senior Citizen Fund to Marquette County TRIAD for the purchase and distribution of File of Life units for the senior residents of Chocolay Township.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

INTERIM PLANNING DIRECTOR - DISCONTINUATION.

Greenberg moved, Britton second that the Chocolay Township Board officially discontinue the temporary position of Interim Planning Director and thank Karen Chandler for her service in this capacity.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY 1999 – AMENDMENT NO. 2 POLICE TRAINING

Hill moved, Menhennick second that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township in October, 1998, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Training			
Capital Outlay			
401.306.957	\$1,783.76	\$418.88	\$2,202.64
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
401.698	\$ 135.00	\$418.88	\$ 553.88

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY 1999
 – AMENDMENT NO. 3 SALE OF POLICE EQUIPMENT.

Greenberg moved, Sherbinow second that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township in October, 1998, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police			
Capital Outlay			
401.305.957	\$62,731.69	\$5,188.00	\$67,919.69
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
401.698	\$ 553.88	\$5,188.00	\$5,741.88

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

PROPOSED KAWBAWGAM CROSS COUNTRY SKI TRAIL.

The Ad Hoc Trail Committee would like to put a cross-country ski trail and pocket park on Kawbawgam Road. They met with Jesse Luttenon, KBIC to discuss their idea for a ski trail and also a basketball court on Kawbawgam Road. Jesse indicated that HUD through the KBIC could possibly donate money for this project.

Supervisor Fende is concerned with the timing on this offer, since we are still awaiting the Governor's decision on the Gaming Casino on Kawbawgam Road. If we accept money it may appear that we are showing our approval of the KBIC casino.

Bohjanen moved, Menhennick second that Chocolay Township Board work with the KBIC and with HUD to look for funding for a basketball court and pocket park on Kawbawgam Road.

ROLL CALL.

AYES: Britton, Menhennick, Hill, Greenberg, Bohjanen.

NAYS: Sherbinow, Fende.

MOTION CARRIED.

Britton moved, Bohjanen second that the Board supports the concept of a Kawbawgam X-country ski trail as drafted on the map with the Township property used as a trailhead for parking and that the issue be referred to the Planning Commission for comment and the necessary conditional use permits and/or rezoning. Prior to application to the Planning Commission for zoning issues and commencing any construction the Trails Committee get written commitments for the volunteer materials and labor for constructions and maintenance and that written easements for trail use and authorization for permits on any property not owned by the Township. The final site plans be submitted to the Planning Commission and Township Board for approval.

AYES: 6

NAYS: 1

MOTION CARRIED.

FIRE DEPARTMENT – BUILDING HEIGHT CONCERNS.

The Board discussed the four options offered in a memo from the Fire Department regarding structures in excess of 30 feet in height.

Fende moved, Bohjanen second that the Board send a letter to the Zoning Board of Appeals, that they should not approve any structure over 30 feet until hearing the recommendation of the Chocolay Township Fire Department as to whether height and /or other unique features will impede saving the structure and/or lives.

AYES: 7

NAYS: 0

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1999-AMENDMENT NO. 2.
TO INCREASE TEMPORARY EMPLOYEE SALARY ACCOUNT FOR ADDITIONAL
HOURS.

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 5, 1998, 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	30,320.00	-3,320.00	27,000.00
Temporary Employees Salaries 101.883.702	4,720.00	+3,320.00	8,040.00

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

MEETING ROOM FOUNDATION REPAIRS.

Greenberg moved, Menhennick second that the Supervisor of the Department of Public Works is authorized to expend up to \$5000.00 for the repair to the foundation and porch of the meeting room and that the funds be expended from the Capital Improvement Fund - buildings account.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Burt Sparhawk – Stated that the letter written by Supervisor Fende on the MDNR notice of intent – Marquette-Munising Rail-Trail acquisition was a good letter, but did not go far enough.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. Jim and Andrea Beckman
- B. Supervisor Fende RE: James Mitchell, Attorney for Quandts, Petersons and Basal
- C. MDNR Notice of Intent - Marquette-Munising Rail-Trail Acquisition
- D. Response to Supplemental Environmental Assessment for the Ojibwa II Casino
- E. Christopher M. Thomas, Director of Elections - Qualified Voter File
- F. Marquette-Alger Intermediate School District - Tax Levy Report
- G. Central Lake Superior Watershed Partnership
- H. MTA - 1999 Summer Legislative Forum
- I. MTA - June E-News
- J. Information - MTA - Legislative Alert - Personal Property Multiplier Tables
- K. Correspondence from - Chocolay Township Police Department - Bicycle Registration Program
- L. Memorandum - Police Department - 1999 Bicycle Registration Winners
- M. Correspondence - Menhennick d/b/a Harvey Motors v Township of Chocolay/Fende/Maki

There being no further business the Supervisor adjourned the meeting at 10:15 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

CONSIDER - PUBLICATION OF REZONING #105 - TEXT AMENDMENT -
MINING AND MINERAL EXTRACTION.

Menhennick moved, Britton second that the Charter Township of Chocolay waive the reading and publish the following amendment to ORDINANCE 34 OF THE CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN: #34-99-2

AMENDMENT

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

That Section 404, B.1. shall be amended to read as follows:

- 1. Until an impact area is determined. One Thousand (1,000) feet shall be presumed to be an appropriate distance from any adjoining land uses or structures. The area encompassed by that distance shall be designated the "impact area". If, as a result of review and analysis by the Planning Commission, a site-specific reason based upon health, safety or welfare, as specified in subsection 404,A)2),a) through d) would allow a reduced "impact area" or require an enlarged "impact area" such adjustment may be made as is found to be reasonable.**

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

BOARDS, COMMITTEE, COMMISSIONS REPORTS

1. Minutes - Planning Commission - June 8, 1999
2. Minutes - Zoning Board of Appeals - May 27, 1999
3. Minutes - Recreation Committee - May 13, 1999
4. Minutes - AdHoc Committee Trail Development - June 1, 1999
5. Minutes - Chocolay River Watershed Council - March 31, 1999
6. Minutes - Central Lake Superior Watershed Partnership - February 2, March 18, April 15 and May 20, 1999
7. Minutes - Groundwater Stewardship Team Meeting - April 29, 1999
8. Minutes - Marquette Area Wastewater Treatment Facility Advisory Board - May 13, 1999

SUPERVISOR'S REPORT.

1. Brush drop off was held on May 22 & 29 with a total of 25 vehicles using the service.
2. Property purchase for the parcel adjacent to the marina is complete. The fencing required as part of the purchase will be installed this week.
3. The Silver Creek Student Council planted flowers in the planter near the sidewalk and the new planter near the corner of the police office.

4. Kallioinen Scrap Metal Company completed scrap Metal curbside collection. The collection was normal with a large volume of metal collected.
5. The Lions Park lease with the school ran into problems when the school referred it to their attorney. We are corresponding with them and hope to negotiate a lease in the near future. We will be dealing with a new administration and school Board, which may change the process.
6. The Personnel Committee has completed the annual review of the personnel policy. The proposed changes are to be reviewed by the employees and the personnel administrator and will be sent to the Board for the July agenda.
7. The issue of water meters has been raised again and you will note materials in your informational reports and communications sent by Andrea Beckman. We were also requested to look at a water meter that was relocated at Wahlstrom's Restaurant. I would like the Board to give us direction on the meter issue since if you are leaning toward water meters we will place this on a future agenda.

ROAD NAME CHANGE – COUNTY ROAD BX.

A request was made from Dennis Kallery, property owner on County Road BX to rename the road "Chelsea Lane". The Board discussed the fact that County Road BX is a seasonal road and does not meet county road standards. The Board took no action to rename the road.

MEMBERSHIP FEE AND APPOINTMENT – LAKE SUPERIOR PARTNERSHIP.

Greenberg moved, Britton second that Chocolay Township pay \$2,052.50 (pro-rated) for the remainder of the 1999 calendar year for membership to the Lake Superior Community Partnership and appoint Ivan J. Fende as the Township Representative and Douglas Riley as the Alternate Representative.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

TRIAD – FILE OF LIFE DONATION REQUEST.

Hill moved, Menhennick second that Chocolay Township donate \$400.00 from the Senior Citizen Fund to Marquette County TRIAD for the purchase and distribution of File of Life units for the senior residents of Chocolay Township.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

INTERIM PLANNING DIRECTOR - DISCONTINUATION.

Greenberg moved, Britton second that the Chocolay Township Board officially discontinue the temporary position of Interim Planning Director and thank Karen Chandler for her service in this capacity.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY 1999
 – AMENDMENT NO. 2 POLICE TRAINING

Hill moved, Menhennick second that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township in October, 1998, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Training			
Capital Outlay			
401.306.957	\$1,783.76	\$418.88	\$2,202.64
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
401.698	\$ 135.00	\$418.88	\$ 553.88

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY 1999
 – AMENDMENT NO. 3 SALE OF POLICE EQUIPMENT.

Greenberg moved, Sherbinow second that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township in October, 1998, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police			
Capital Outlay			
401.305.957	\$62,731.69	\$5,188.00	\$67,919.69
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
401.698	\$ 553.88	\$5,188.00	\$5,741.88

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

PROPOSED KAWBAWGAM CROSS COUNTRY SKI TRAIL.

The Ad Hoc Trail Committee would like to put a cross-country ski trail and pocket park on Kawbawgam Road. They met with Jesse Luttenon, KBIC to discuss their idea for a ski trail and also a basketball court on Kawbawgam Road. Jesse indicated that HUD through the KBIC could possibly donate money for this project.

Supervisor Fende is concerned with the timing on this offer, since we are still awaiting the Governor's decision on the Gaming Casino on Kawbawgam Road. If we accept money it may appear that we are showing our approval of the KBIC casino.

Bohjanen moved, Menhennick second that Chocolay Township Board work with the KBIC and with HUD to look for funding for a basketball court and pocket park on Kawbawgam Road.

ROLL CALL.

AYES: Britton, Menhennick, Hill, Greenberg, Bohjanen.

NAYS: Sherbinow, Fende.

MOTION CARRIED.

Britton moved, Bohjanen second that the Board supports the concept of a Kawbawgam X-country ski trail as drafted on the map with the Township property used as a trailhead for parking and that the issue be referred to the Planning Commission for comment and the necessary conditional use permits and/or rezoning. Prior to application to the Planning Commission for zoning issues and commencing any construction the Trails Committee get written commitments for the volunteer materials and labor for constructions and maintenance and that written easements for trail use and authorization for permits on any property not owned by the Township. The final site plans be submitted to the Planning Commission and Township Board for approval.

AYES: 6

NAYS: 1

MOTION CARRIED.

FIRE DEPARTMENT – BUILDING HEIGHT CONCERNS.

The Board discussed the four options offered in a memo from the Fire Department regarding structures in excess of 30 feet in height.

Fende moved, Bohjanen second that the Board send a letter to the Zoning Board of Appeals, that they should not approve any structure over 30 feet until hearing the recommendation of the Chocolay Township Fire Department as to whether height and /or other unique features will impede saving the structure and/or lives.

AYES: 7

NAYS: 0

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1999-AMENDMENT NO. 2. TO INCREASE TEMPORARY EMPLOYEE SALARY ACCOUNT FOR ADDITIONAL HOURS.

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 5, 1998, 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	30,320.00	-3,320.00	27,000.00
Temporary Employees Salaries 101.883.702	4,720.00	+3,320.00	8,040.00

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

MEETING ROOM FOUNDATION REPAIRS.

Greenberg moved, Menhennick second that the Supervisor of the Department of Public Works is authorized to expend up to \$5000.00 for the repair to the foundation and porch of the meeting room and that the funds be expended from the Capital Improvement Fund - buildings account.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Burt Sparhawk – Stated that the letter written by Supervisor Fende on the MDNR notice of intent – Marquette-Munising Rail-Trail acquisition was a good letter, but did not go far enough.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. Jim and Andrea Beckman
- B. Supervisor Fende RE: James Mitchell, Attorney for Quandts, Petersons and Basal
- C. MDNR Notice of Intent - Marquette-Munising Rail-Trail Acquisition
- D. Response to Supplemental Environmental Assessment for the Ojibwa II Casino
- E. Christopher M. Thomas, Director of Elections - Qualified Voter File
- F. Marquette-Alger Intermediate School District - Tax Levy Report
- G. Central Lake Superior Watershed Partnership
- H. MTA - 1999 Summer Legislative Forum
- I. MTA - June E-News
- J. Information - MTA - Legislative Alert - Personal Property Multiplier Tables
- K. Correspondence from - Chocolay Township Police Department - Bicycle Registration Program
- L. Memorandum - Police Department - 1999 Bicycle Registration Winners
- M. Correspondence - Menhennick d/b/a Harvey Motors v Township of Chocolay/Fende/Maki

There being no further business the Supervisor adjourned the meeting at 10:15 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

3. SUMMER YOUTH PROGRAM – The summer youth program was completed last Friday and the program was very successful this year.
4. TENNIS COURT AND PARKING LOT REPAIRS – Arnt Asphalt is scheduled to start repairs and resurfacing of the tennis courts at Silver Creek.
5. BLONDEAU TRUCKING – Blondeau trucking has donated equipment and manpower for the clearing and construction of the new Silver Creek parking lot, drive, and multi use area. I feel that we should provide a plaque to thank them, if the Board does not have any objection.
6. IRRIGATION SYSTEM – The automated irrigation system for the Silver Creek soccerfield has been completed and is functioning.
7. ZONING ENFORCEMENT UPDATE: The zoning administrator has been working on a number of Zoning Ordinance violations that have been sent to the Township Attorney.
8. PICNIC - I would like to propose that the Board consider sponsoring a "Thank You Picnic" for all our Committee and Commission Members.

UTILITY REVIEW COMMITTEE RECOMMENDATION.

Tom Thomas, Utility Review representative for Chocolay Township reported to the Board that the minimum financial reserve should be raised from \$50,000. to \$100,000. If litigation were necessary, the reserve amount would not be sufficient.

Britton moved, Greenberg second that the reserve amount for the Utility Review Committee be raised to \$100,000. for the following reasons:

1. The last litigation cost approximately \$275,000 and \$50,000 is a very small portion of that amount.
2. Any law firm retainer fee is quite likely to exceed \$50,000 in the current market for legal services.
3. Legal service fees are certainly much higher now then at the time of the original legal action, hence, the current cost for a similar legal challenge would be very likely to exceed the original \$275,000.

AYES: 6

NAYS: 0

MOTION CARRIED.

RESOLUTION – JAMES BLONDEAU.

Hill moved, Britton second

THE CHARTER TOWNSHIP OF CHOCOLAY BOARD HEREBY RESOLVES THAT;

on behalf of all the citizens of the township that Jim Blondeau be commended for his dedicated and outstanding service to the Charter Township of Chocolay Volunteer Fire Department;

AND THAT IT HEREBY BE NOTED;

that Jim served the fire department for over 10 years in the capacity of Fire Chief, and Lieutenant, beginning as a firefighter in 1989;

WHEREAS BE IT RECORDED THAT;

during his service in the fire department he saw and helped the department grow in the quality of fire service to the Township;

WHEREAS IN HIS SERVICE;

He gave generously and selflessly of his time and efforts and in all situations;

THE TOWNSHIP BOARD COMMENDS;

Jim Blondeau with sincere appreciation for his serving the Township faithfully and well, and gives its heartfelt thanks and best wishes for a job well done and offers grateful appreciation and commendation to him and his family for his faithful service.

Hereby noted this 16th day of August 1999 in the permanent records of the Charter Township of Chocolay.

AYES: 6

NAYS: 0

ABSENT: 1

MOTION CARRIED.

Supervisor Fende indicated that he would like the Township to Thank Jim Blondeau for all his hard work with a dinner for Jim and guest. The Board agreed to do this.

Jim Blondeau thanked the Board and the township staff for all their support.

RESOLUTION – ARLENE E. HILL DAY.
Greenberg moved, Sherbinow second that

THE CHARTER TOWNSHIP OF CHOCOLAY BOARD

Unites with the Chocolay Area Business Association and the Township citizens to:
Declare that Wednesday, August 18, 1999, as

Arlene E. Hill Day

In the Township of Chocolay, County of Marquette, Michigan;

IT IS HEREBY DECLARED THAT

Township Clerk Arlene Hill is most deserving of this public recognition;

AND IT IS FURTHER NOTED

Arlene Hill has served faithfully and well as Chocolay Township Clerk since 1987;

ON BEHALF OF ITS CITIZENS AND BUSINESSES

Appreciation is expressed for Arlene Hill's dedicated services to the Township;

AND IT IS FURTHER NOTED THAT

Arlene Hill has served on the Board of Directors of the Michigan Townships Association, as Chairperson of the Marquette County Central Dispatch Board, as Treasurer of the Marquette County Transportation Authority, as President of the Marquette County Township Association, and as a charter member and as 1999 President of the Michigan Association of Clerks, all of which add to her value and contributions to the Township;

FURTHER APPRECIATION IS EXTENDED TO

The family of Arlene Hill who have given her their support over the years;

IT IS WITH GRATITUDE

That we honor Arlene Hill and further declare

Wednesday, August 18, 1999
Arlene E. Hill Day
In the Charter Township of Chocolay

Noted this 16th day of August 1999, and hereby recorded in the permanent records of the Township.

(Prior to the vote Clerk Hill stated that she would abstain from voting.

AYES: 5 NAYS: 0 ABSENT: 1 ABSTAIN: 1 MOTION CARRIED.

PRELIMINARY PLAT – TENTATIVE APPROVAL – EWING PARK NO. 2.

Britton moved, Greenberg second that following review of the proposed Preliminary Plat of Ewing Park No. 2 dated 7/26/99 the Township Board grants Tentative Approval of the Preliminary Plat with the following conditions:

- 1) That approval grants the proprietor approval of lot sizes, lot orientation, and street layout for a period of 1 year.
- 2) That the proprietor comply with the requirements of Chocolay Township Wastewater Ordinance #39 and any other additional requirements of the Department of Environmental Quality for the proposed sewer extensions.

AYES: 6 NAYS: 0 MOTION CARRIED.

PRELIMINARY PLAT – TENTATIVE APPROVAL – ELDERWOOD.

Menhennick moved, Sherbinow second that following review of the proposed Preliminary Plat of Elderwood Subdivision dated 7/26/99 the Township Board grants Tentative Approval of the Preliminary Plat with the following conditions:

- 1) That approval grants the proprietor approval of lot sizes, lot orientation, and street layout for a period of 1 year.
- 2) That the proprietor comply with the requirements of Chocolay Township Wastewater Ordinance #39 and any other additional requirements of the Department of Environmental Quality for the proposed sewer extensions.

Also, the Township Board recommends to the proprietor and the Road Commission that the plat include language, as well as the subdivision deed restrictions, that lots #2 and #3 are to have no street access (curb cuts) to Ortman Road.

AYES: 6

NAYS: 0

MOTION CARRIED.

KBIC – CASINO RELOCATION RESOLUTION.

Fende moved, Greenberg second

WHEREAS, the Keweenaw Bay Indian Community's Ojibwa II Casino is currently located on M-28 in Chocolay Township; and

WHEREAS, the Chocolay Township Board has been steadfastly opposed to the Ojibwa II Casino in Chocolay Township since its inception due to its placement in a residentially developed and zoned area of the Township; and

WHEREAS, the present Ojibwa II Casino is located well outside of any existing commercially planned or developed area; is served by only a two lane highway; and is not served by municipal sewer and/or water; and

WHEREAS, the Chocolay Township Board indeed recognizes the economic benefits and job retention that the Ojibwa II Casino provides to the Marquette region; and

WHEREAS, the Chocolay Township Board desires that the Ojibwa II Casino be retained in the Marquette region if located in a recognized commercial area; with appropriate supporting infrastructure for such a commercial operation;

THEREFORE, BE IT RESOLVED that the Chocolay Township Board supports the Keweenaw Bay Indian Community's efforts to relocate their Ojibwa II Casino from its present location in a residentially zoned and developed area to a more compatible commercial location;

BE IT FURTHER RESOLVED, that the Chocolay Township Board supports the Keweenaw Bay Indian Community's efforts to gain the necessary approvals for a more compatible commercial location for the Ojibwa II Casino and respectfully urges that Governor Engler, the State of Michigan and the federal government expedite the process to facilitate any such relocation.

Hereby noted this 16th day of August 1999 in the permanent records of the Township.

AYES: 6

NAYS: 0

MOTION UNANIMOUSLY APPROVED.

PERSONNEL POLICY RECOMMENDATIONS.

Greenberg moved, Menhennick second that the proposed changes being items V- A, B,C,D,E,F,G,H,I,J,L as recommended by the Personnel Committee be adopted to amend the personnel policy.

AYES: 6

NAYS: 0

MOTION CARRIED.

POLICE/FIRE DEPARTMENT ACCOUNTS.

Greenberg moved, Sherbinow second that the Fire and Police Departments establish all accounts with the Clerk/Treasurer and/or Deputy Clerk/Deputy Treasurer as co-signers on checks; that incoming monies that are public funds (e.g. grant or tax dollars) must be received through the Township before going into any individual department accounts; and that the Fire and Police Departments provide the Clerk with semi-annual reports on expenditures and income.

AYES: 6

NAYS: 0

MOTION CARRIED.

Lee Blondeau – Asked the Board if DRB Properties were included in the zoning violation letter from the Township attorney.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. Wisconsin Central/Ameritech/MDNR - Railroad Abandonment
- B. Bureau of Indian Affairs - Comments on Part 2 Determination
- C. Marquette Public Schools - Thank You
- D. MDNR - X-Country Ski-Trail
- E. Harvey Motors v. Maki
- F. MTA - August E-News
- G. MTA - Legislative Update
- H. County Soil Conservation District - Chocolay River Watershed Plan
- I. U.P.S.E.T. - June News
- J. Beckman Lawsuit

There being no further business the Supervisor adjourned the meeting at 8:35 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

application to include a bike path/multi use trail between the crosswalk and the Silver Creek school and that if the grant is received the Township will provide up to the 20% local grant match which is currently estimated at \$2,000.

AYES: 6

NAYS: 0

MOTION CARRIED.

SUPERVISOR REPORT.

1. The tennis courts & township office parking lot have been resealed. The firehall parking lot has been paved.
2. Gravel & concrete material have been hauled to fill a hole at the Kawbawgam Park Area.
3. The FY2000 budget will be discussed at the September 20, 1999 Board meeting.

BOARDS, COMMITTEE, COMMISSIONS REPORTS

1. Minutes - Zoning Board of Appeals - July 22, 1999
2. Minutes - AdHoc Trails Committee - August 3, 1999

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY 1999 AMENDMENT NO. 6 DNR grant funds reimbursement for the purchase of a portable pump.

Greenberg moved, Britton second that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township in October, 1998, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Fire Department Capital Outlay 401.340.957	\$155,352.53	+\$500.00	\$155,852.53
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 401.698	\$6,227.20	+\$500.00	\$6,727.20

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

PERSONNEL POLICY – WAGE CHART.

The Supervisor will update the starting salary chart and bring it to the Board for approval.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. Resurfacing Tennis Courts
- B. KBIC Housing Authority - Ski-Trail/Pocket Park Funding
- C. Wisconsin Central Ltd. - Removal of Ties and Rails
- D. Michigan Association of Clerks - DPW Thank You
- E. MTA - Legislative Update

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

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

OTHER GENERAL GOVERNMENT – No change.

POLICE – No change.

FIRE –

Menhennick moved, Britton second to add \$120.00 back to capital outlay for one set of wheel chocks for the main pumper.

AYES: 4

NAYS: 1

MOTION CARRIED.

STREETS – No change.

SANITATION – No change.

MARINA – No change.

RECREATION – No change.

ZONING – No change.

PLANNING COMMISSION – No change.

ZONING BOARD OF APPEALS – No change.

TEMPORARY EMPLOYEES – No change.

CAPITAL IMPROVEMENTS FUND – No change.

SEWER FUND – No change.

WATER FUND – No change.

End of FY200 budget work session.

Trustee Menhennick would like to invite Tom Weaver to speak to the Township water committee.

INFORMATIONAL REPORTS AND COMMUNICATION.

- A. Existing Starting Salary Range Chart
- B. MTA Legislative Update - September 10, 1999
- C. MTA E-News - September
- D. Fall Brush Collection

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

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

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, 2000, and ending on December 31, 2000, in the amount of \$1,244,756 for the General Fund, in the amount of \$324,295 for the Sewer Fund, in the amount of \$235,406 in the Capital Improvements Fund and \$2,610 in the Water Fund.
2. The Township Board does hereby appropriate the sum of \$1,244,756 for general operating expenses and capital improvements of the Township to be used for the fiscal year beginning January 1, 2000, and ending December 31, 2000.
3. The Township Board does hereby appropriate the sum of \$324,295 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, 2000, and ending December 31, 2000.
4. The Township Board does hereby levy 4.2245 mills for general operations, and .8464 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: Menhennick, Sherbinow, Fende, Greenberg, Bohjanen, Britton.

NAYS: None.

ABSENT: Hill.

MOTION CARRIED.

WATER STUDY/AD HOC WATER COMMITTEE RECOMMENDATION.

Memo's received from Supervisor Fende & Larry Gould, D.P.W. Supervisor. The Board agreed for Supervisor Fende to approach Sands Township Board with regard to a joint water study. Our Board prefers to deal directly with the Sands Board.

BOARD, COMMITTEE, COMMISSION REPORTS.

1. Minutes - Planning Commission - September 13, 1999
2. Minutes - EMSWDA - September 22, 1999
3. Minutes - Chocolay River Watershed Council - June 23, 1999

SUPERVISOR REPORT.

1. As of today, the results of the water meter survey are as follows: YES=17, NO=22, UNABLE TO DETERMINE=2, UNDELIVERABLE=1. The results and a discussion of the survey will be on the agenda for the next meeting.
2. Steve Kotaniemi has submitted his letter of resignation from the Chocolay River Watershed Council. We will review the applications on file and bring back a recommendation to the Board for a future meeting.
3. The four zoning enforcement issues that were reported as being sent to the Township Attorney in August remain unresolved. The Zoning Administrator and Township Attorney will continue to work on these.
4. Progress continues on the Kawbawgam Ski Trail project as the Conditional Use Permit Public Hearing will be held on October 11 at the Planning Commission Meeting. However, we have still not received the funds from the KBIC Housing Authority needed to complete the park aspect.
5. The State Property Tax Division has ruled that there is no apparent support to the Conrad allegations regarding Chocolay Township's Assessor or Assessing Department.
6. Arlene Hill is home and recuperating from her surgery. However, she wanted me to report that she should be back in attendance at the first November Board meeting.

PLANNING COMMISSION RECOMMENDATION/EMERSON CORRESPONDENCE – SNOWMOBILE TRAIL.

Public Comment:

- Agrees with part of the snowmobile proposal, but wants it to affect the least amount of residents as possible.

- Opposed to snowmobile trails through residential areas.
- Opposed to snowmobile trails in Chocolay Township.
- Met with Emerson for two hours on the trail issue and feels that Emerson has changed his mind.

A Fox News tape on the impacts of snowmobiling was played by a resident.

- Why does Chocolay Township Board want to accommodate snowmobiles when the residents do not want a trail?
- The money that is spent in this community by snowmobilers goes beyond just the business owners.
- We should create snowmobile parks instead of trails through the U.P.
- Opposes a trail going through Riverside and Lakewood, but supports a trail going through a safe route.
- If a trail goes through Chocolay Township a law suit will follow.
- Has been fighting to keep the trail out of her back yard for two years and now it is proposed to go through her front yard.

The Board agreed to send the questionnaire to the Planning Commission to clean up the wording and bring back to the Board.

PUBLICATION REZONING 106 – TEXT AMENDMENTS – KENNELS IN RP DISTRICT AND MINIMUM LOT SIZES AND WIDTHS FOR C-1,C-2 AND C-3 DISTRICTS.

Board discussion on the amendment. Mark Maki, Zoning Administrator responded that the regulations regarding minimum lot sizes will apply only to the division of land in these respective zoning districts.

Menhennick moved, Britton second that the Charter Township of Chocolay waive the reading and publish the following amendments to ORDINANCE 34 OF THE CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN: #34-99-3

AMENDMENT

The Board of Chocolay Charter Township of Marquette County, Michigan ordains that Ordinance #34, the Chocolay Township Zoning Ordinance as adopted May 9, 1977 and as amended, be further amended as follows: To amend Section 212 (RP District) to change Kennels from being a Permitted Principal Use to a Conditional Use on 20 acres or more and to amend Section 300 to establish minimum lot sizes and widths for the C-1, C-2 and C-3 Districts.

ROLL CALL:

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

NAYS: None.

ABSENT: Hill.

MOTION CARRIED.

HEIKKILA WETLAND PERMIT APPLICATION.

A wetlands permit has been sent to the Board for possible response (per past practice). Staff has reviewed the permit and visited the site and discussed the site particulars with the Board. The Board agreed to have staff prepare the customary response.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- Correspondence from - MTA - U.P. 2000
- Correspondence from - Steve Kotaniemi - Resignation from Watershed Council
- Correspondence - MDOT - Green Garden Signage/Map Designation

There being no further business the Supervisor adjourned the meeting at 8:40 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

can not afford to buy a water meter. The survey was not written in a positive manner; that is why so many businesses voted no.

- Who pays for the meter, the business owner or the Township? The business owner.
- A meter was placed in his business and comparing his meter usage to the billing method in the City of Marquette, his sewer bill would go down.
- It is unfair to charge a motel a per room rate for the sewer when many rooms might be vacant. If the water was metered, the billing would reflect the usage only for rooms being used.

The Board discussed water meters for commercial users and decided to vote at the next meeting, when the full Board will be present.

REZONING #106 – TEXT AMENDMENTS KENNELS IN RP DISTRICT AND MINIMUM LOT SIZES AND WIDTHS FOR C-1,C-2 AND C-3 DISTRICTS.

Menhennick moved Britton second that the Charter Township of Chocolay Board waive the reading and ADOPT the following amendment to ORDINANCE 34 OF THE CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN: #34-99-3
AMENDMENT

To the Charter Township of Chocolay Zoning Ordinance as adopted May 9, 1977 and as amended, be further amended as follows:

That Section 212, (B) PERMITTED PRINCIPAL USES shall be amended to delete "kennels" and to amend Section 212, (C) CONDITIONAL USES to add "Kennels on 20 acres or more" which section shall now read as follows:

- (C) **CONDITIONAL USES.** Resorts, Bed & Breakfast, lodges on lots of 20 acres or more. And trails. Hunting and shooting preserves on lots of 20 acres or more. Kennels on 20 acres or more. Recreational structures on lots of 20 acres or more. Unlighted golf courses on lots of 60 acres or more.

That Section 300, (A) SCHEDULE OF REGULATIONS (C-1, C-2 and C-3 Districts) shall be amended to delete the word "none" under the "Minimum Lot Size" and "Minimum Lot Width C" columns and to establish minimum lot sizes and widths for these districts, which section shall now read as follows:

<u>District</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Width C</u>
C-1	25,000 sq. ft.	125'
C-2	25,000 sq. ft.	125'
C-3	1 acre	150'

ROLL CALL:

AYES: Sherbinow, Menhennick, Britton, Greenberg, Fende.

NAYS: None.

ABSENT: Hill, Bohjanen.

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY1999 - AMENDMENT NO. 5 - KAWBAWGAM SKI TRAIL FUNDING.

Britton 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 5, 1998, 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	20,827.50	-700.00	20,127.50
Recreation Capital Outlay 101.708.957	22,298.00	+700.00	22,998.00

ROLL CALL:

AYES: Britton, Greenberg, Sherbinow, Menhennick, Fende.

NAYS: None.

ABSENT: Hill, Bohjanen.

MOTION CARRIED.

BOARDS, COMMITTEE, COMMISSIONS MINUTES

1. Minutes - Planning Commission - October 11, 1999
2. Minutes - Ad Hoc Trails Committee - October 5, 1999
3. Minutes - MAWTFAB - September 9, 1999
4. Minutes - Central Lake Superior Watershed Partnership - September 16, 1999
5. Minutes - Township/Road Commission Relations Committee - September 9, 1999

SUPERVISOR'S REPORT.

1. The brush drop off was held on October 2nd & 9th and a total of 18 vehicles used the roll off. Two-thirds of the roll off was filled with brush.
2. The plans and specifications for the relocation of the bike path/multi use trail are complete. However, due to the lateness of the construction season, the project will not be bid until later this year for construction in the spring of 2000. The grant funding will allow for the carry over of the funds.
3. We have sent a letter to the Sands Township Board and requested to be on their next agenda regarding the Water Study.
4. Progress is being made on the lease of the Lions Park. When we get a draft agreement that is acceptable to both parties we will submit it to the DNR and the Board.
5. We have received notice that the County has been awarded the countywide GIS grant that we pledged a contribution towards. Staff will be attending the upcoming meetings and we will undoubtedly be receiving the request for our pledge payment shortly.
6. The Township Attorney has sent Mr. Gibb's Attorney a final notice regarding compliance with the testing requirements for the golf course with the revocation of his Conditional Use Permit being the next possible option on enforcement.

CURBSIDE COLLECTION OF GARBAGE CANS AND RECYCLING BINS

Memo received from Larry Gould, D.P.W. Supervisor informing the Board of recycling bin prices. The Board requested information on quantity of bins needed to be ordered to get a price break. This information will be available at the next Board meeting.

DELINQUENT SEWER CHARGES ADDED TO 1999 TAX ROLL

Greenberg moved, Menhennick 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 1999 tax roll.

FirstName	Address1	City	State	Postal Code	Delinquent amount
Ray & Margaret Sprowl 52-02-212-001-00	209 Corning Street	Marquette	MI	49855	\$258.48
Jean Kantola 52-02-207-009-00	238 Corning Street	Marquette	MI	49855	\$516.94
Jeffery Johnston 52-02-215-003-00	120 East Fairbanks	Marquette	MI	49855	\$258.48
Susan Racine 52-02-215-006-00	156 East Fairbanks	Marquette	MI	49855	\$258.48
Walter Besola 52-02-305-038-00	168 East Main Street	Marquette	MI	49855	\$258.48
Linda Morgan 52-02-216-015-00	161 East Wright Place	Marquette	MI	49855	\$258.48
Robert & Joni Taylor 52-02-455-036-00	204 Jean Street	Marquette	MI	49855	\$258.48
Oliver Burns 52-02-455-046-00	225 Judy Street	Marquette	MI	49855	\$150.70
Mark Chudy 52-02-215-015-00	115 Kellog Street	Marquette	MI	49855	\$258.48
Sharon Laurich 52-02-106-035-00	338 Reservoir Street	Marquette	MI	49855	\$258.48
Cassandra & Michael Koval 52-02-107-038-00	265 Silver Creek Road	Marquette	MI	49855	\$235.24
Michael & Denise Mullins 52-02-107-057-10	321 Silver Creek Road	Marquette	MI	49855	\$208.34
ABC True Value Hardware 52-02-106-011-00	2250 US 41 South	Marquette	MI	49855	\$556.20
Steve Johnson	2424 US 41 South	Marquette	MI	49855	\$258.48

FirstName	Address1	City	State	Postal Code	Delinquent amount
52-02-206-012-00					
Walt Racine 52-02-251-012-00	2801 US 41 South	Marquette	MI	49855	\$465.24
Wahlstrom Enterprise 52-02-107-007-00	5043 US 41 South	Marquette	MI	49855	\$7116.10
Wahlstrom Enterprise 52-02-107-007-00	5045 US 41 South	Marquette	MI	49855	\$413.56
Parkway Motel 52-02-107-004-00	5057 US 41 South	Marquette	MI	49855	\$3,627.94
Parkway Enterprises 52-02-107-004-00	5063 US 41 South	Marquette	MI	49855	\$620.32
Robert Vidlund 52-02-566-004-00	120 Veda Street	Marquette	MI	49855	\$258.48
David Blackburn 52-02-106-032-00	232 Van Epps Street	Marquette	MI	49855	\$258.48
Kevin Small 52-02-207-010-00	219 West Fairbanks	Marquette	MI	49855	\$258.48
Jack Wiggins 52-02-207-016-00	239 West Fairbanks	Marquette	MI	49855	\$258.48
Judith Taylor 52-02-208-003-00	371 West Terrace Street	Marquette	MI	49855	\$258.48
Kristine Dionne 52-02-106-043-00	110 West Wright Street	Marquette	MI	49855	\$258.48
					\$17,787.78

INFORMATIONAL REPORTS AND COMMUNICATION

- A. Police Department - 3rd Quarter Statistical Report
- B. Fire Department - 3rd Quarter Reports
- C. Marquette County Conservation District's 44th Annual Meeting
- D. MDEQ - Heikkila Wetland Permit Application
- E. Connie Williams Re: Snowmobile Trail
- F. Green Garden Addressing

There being no further business, the Supervisor adjourned the meeting at 8:45 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

5. Alger-Delta Electric will install, operate and maintain the parking lot light at the Kawbawgam Ski Trail at no cost to the Township. Trustee Britton requested that the Township send a thank-you letter to all that assisted with the Kawbawgam Ski Trail. The Board agreed.

PUBLICATION OF REZONING #107 – TEXT AMENDMENT – ACCESSORY HOUSING.

Menhennick moved, Britton second that the Charter Township of Chocolay waive the reading and publish the following amendments to ORDINANCE 34 OF THE CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN: #34-99-4

AMENDMENT

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

Under SECTION 101 - DEFINITIONS **add** the following language:

"ACCESSORY HOUSING UNIT: A complete, self-contained dwelling unit created within or attached to a permitted existing detached single-family dwelling that provides accommodations for the parent(s) or grandparent(s) of the owners-occupiers of the single family dwelling".

Under Subsection C (CONDITIONAL USES) in SECTIONS: 202 (DISTRICT R-1); 203 (DISTRICT R-2); 206 (DISTRICT LS/R); 207 (DISTRICT RR-1); 208 (DISTRICT RR-2); 212 (DISTRICT RP) and 213 (DISTRICT OS) **add** the following language:

"Accessory Housing Units for the elderly parent(s) or grandparent(s) of the owner-occupiers of a single-family dwelling as permitted under Section 107 (C)."

Under SECTION 107 - ACCESSORY USES AND STRUCTURES **add** a subsection (C) which reads:

"Accessory Housing Unit: It is the intent of this section to provide standards that will allow extended family living in what have traditionally been detached single-family only zoning districts or neighborhoods. Such provisions will permit the conversion of a single-family dwelling to include an accessory apartment as a means of accommodating an elderly parent(s) or grandparent(s). It is the intent that by providing housing opportunities for the elderly that a vital need can be met without diminishing the quality of the affected neighborhood; this allows independence and yet close contact to younger family members.

- 1) Accessory Housing Units shall meet the following requirements:
 - a) Only owner-occupiers are permitted to install and/or maintain accessory housing units.
 - b) Occupancy of the accessory housing unit is limited to the parent(s) or grandparent(s) of the occupants of the single-family dwelling.
 - c) Accessory housing units are required to be attached to the single-family dwelling and shall not increase the floor area of the single family dwelling by over 30%, and in no case shall any accessory housing unit exceed 1,000 square feet.
 - d) There shall be no visible change in the exterior appearance of the dwelling containing the accessory housing unit that will alter the single-family appearance of the dwelling. Exterior elevation drawings, architectural renderings and floor plans of the existing/proposed structure are required

- to be submitted for review as part of the Conditional Use application.
- e) All improvements associated with construction of the accessory housing unit shall meet current applicable codes including approval of the Health Department for any needed improvements to the on-site septic system if applicable. Utilization of the existing septic system, without creating a new/separate system is encouraged and Health Department permits shall be provided to the Township by the applicant.
 - f) Separate sale or ownership of the accessory housing unit from the primary dwelling on a lot or parcel is prohibited. Upon conditional use approval of any accessory housing unit, the owner(s) shall file an affidavit with the Registrar of Deeds giving notice that the accessory housing unit of the involved parcel is for temporary use by a parent(s) or grandparent(s) related to the owner.
 - g) Any additional parking as needed or required by this Ordinance shall be provided in off-street space.
 - h) Conditional Use approval of accessory housing units are valid for a period of five (5) years subject to Planning Commission review of requested five (5) year extensions.
 - i) Upon the cessation of use of the accessory housing unit by the parent(s) or grandparent(s) of the owner-occupiers of the single-family home, said accessory housing unit shall be removed or converted to remove the individual floor plan elements (such as a separate/duplicate kitchen facilities) that functionally create a separate dwelling unit.
 - j) The Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties, to retain the residential character of the neighborhood and to protect the public health, safety and welfare.

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLICATION OF REZONING #108 – TEXT AMENDMENT – SITE PLAN REVIEW.

Menhennick moved, Sherbinow second that the Charter Township of Chocolay waive the reading and publish the following amendment to ORDINANCE 34 OF THE CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN: #34-99-5

AMENDMENT

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

Under Section 502 (SITE PLAN REVIEW) subsection B.1.a. shall be amended to add a subsection (4) which would read:

- "4) A change of use to another principal permitted use in the zoning district, or an expansion of an existing permitted structure, which, in either case, does not increase the floor area by more than 20 percent, nor the parking already developed on site by more than 20 percent, and in which there are no changes in access locations or other site improvements, including, but not limited to, landscaping."

AYES: 6

NAYS: 0

MOTION CARRIED.

CAN-A-THON – TOWNSHIP AS A DROPSITE.

Greenberg, moved, Hill second that the Charter Township of Chocolay office is designated as a drop off site for the 1999 can-a-thon and appropriate containers shall be placed in the building for this purpose.

AYES: 6

NAYS: 0

MOTION CARRIED.

CLOSED SESSION – ACQUISITION OF PROPERTY.

Hill moved, Sherbinow second that the Board go into closed session.

ROLL CALL.

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

NAYS: None. ABSENT: Bohjanen. MOTION CARRIED.

Hill moved, Britton second that the Board come out of closed session.

ROLL CALL.

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

NAYS: None. ABSENT: Bohjanen. MOTION CARRIED.

Hill moved, Sherbinow second to direct the D.P.W. Supervisor to move forward on the land acquisition project.

AYES: 6 NAYS: 0 MOTION CARRIED.

INFORMATIONAL REPORTS AND COMMUNICATION

- A. Correspondence from - James Carter to the MDOT - Re: Green Garden Signage/Map Designation
- B. Correspondence - Township Attorney to Ameritech - Re: Railroad Grade
- C. Information - MTA - Legislative Update

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

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

- The plumbing cost to a residential homeowner could be fairly high depending on how the water lines are set up in the home.
- The meters would only be fair if they were installed at all commercial and residential users.
- Meters would be the fairest way to bill for sewage. Water meters will be installed when a public water system is put in place.
- It may be many years before a water system could be in place, it would be much less expensive to put the meters in now and use for sewer billing.
- Our wastewater treatment plant charge is \$4.33 per 1000 gallons.

Menhennick moved, Britton second that Chocolay Township install water meters to be used as a billing method for sewer use. The Township will pick up the initial cost of the meters. The home or business owner will pay for the installation. The cost of this purchase could be built back into the system through user fees.

ROLL CALL.

AYES: Menhennick, Britton, Bohjanen.

NAYS: Greenberg, Fende, Hill, Sherbinow.

MOTION FAILED.

Supervisor Fende requested that the D.P.W. Supervisor look at the meter set up at the Travelodge of Marquette.

ADOPTION OF REZONING #107 – TEXT AMENDMENT – ACCESSORY HOUSING.

Hill moved, Greenberg second that the Charter Township of Chocolay waive the reading and adopt the following amendments to ORDINANCE 34 OF THE CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN: #34-99-4

AMENDMENT

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

Under SECTION 101 - DEFINITIONS add the following language:

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Under Subsection C (CONDITIONAL USES) in SECTIONS: 202 (DISTRICT R-1); 203 (DISTRICT R-2); 206 (DISTRICT LS/R); 207 (DISTRICT RR-1); 208 (DISTRICT RR-2); 212 (DISTRICT RP) and 213 (DISTRICT OS) add the following language:

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Under SECTION 107 - ACCESSORY USES AND STRUCTURES add a subsection (C) which reads:

"Accessory Housing Unit: It is the intent of this section to provide standards that will allow extended family living in what have traditionally been detached single-family only zoning districts or neighborhoods. Such provisions will permit the conversion of a single-family dwelling to include an accessory apartment as a means of accommodating an elderly parent(s) or grandparent(s). It is the intent that by providing housing opportunities for the elderly that a vital need can be met without diminishing the quality of the affected neighborhood; this allows independence and yet close contact to younger family members.

- 1) Accessory Housing Units shall meet the following requirements:

- a) Only owner-occupiers are permitted to install and/or maintain accessory housing units.
- b) Occupancy of the accessory housing unit is limited to the parent(s) or grandparent(s) of the occupants of the single-family dwelling.
- c) Accessory housing units are required to be attached to the single-family dwelling and shall not increase the floor area of the single family dwelling by over 30%, and in no case shall any accessory housing unit exceed 1,000 square feet.
- d) There shall be no visible change in the exterior appearance of the dwelling containing the accessory housing unit that will alter the single-family appearance of the dwelling. Exterior elevation drawings, architectural renderings and floor plans of the existing/proposed structure are required to be submitted for review as part of the Conditional Use application.
- e) All improvements associated with construction of the accessory housing unit shall meet current applicable codes including approval of the Health Department for any needed improvements to the on-site septic system if applicable. Utilization of the existing septic system, without creating a new/separate system is encouraged and Health Department permits shall be provided to the Township by the applicant.
- f) Separate sale or ownership of the accessory housing unit from the primary dwelling on a lot or parcel is prohibited. Upon conditional use approval of any accessory housing unit, the owner(s) shall file an affidavit with the Registrar of Deeds giving notice that the accessory housing unit of the involved parcel is for temporary use by a parent(s) or grandparent(s) related to the owner.
- g) Any additional parking as needed or required by this Ordinance shall be provided in off-street space.
- h) Conditional Use approval of accessory housing units are valid for a period of five (5) years subject to Planning Commission review of requested five (5) year extensions.
- i) Upon the cessation of use of the accessory housing unit by the parent(s) or grandparent(s) of the owner-occupiers of the single-family home, said accessory housing unit shall be removed or converted to remove the individual floor plan elements (such as a separate/duplicate kitchen facilities) that functionally create a separate dwelling unit.
- j) The Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties, to retain the residential character of the neighborhood and to protect the public health, safety and welfare.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

ADOPTION OF REZONING #108 – TEXT AMENDMENT – SITE PLAN REVIEW.

Sherbinow moved, Menhennick second that the Charter Township of Choccolay waive the reading and adopt the following amendment to ORDINANCE 34 OF THE CHARTER TOWNSHIP OF CHOCOLAY, MARQUETTE COUNTY, MICHIGAN: #34-99-5

AMENDMENT

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

Under Section 502 (SITE PLAN REVIEW) subsection B.1.a. shall be amended to add a subsection (4) which would read:

- "4) A change of use to another principal permitted use in the zoning district, or an expansion of an existing permitted structure, which, in either case, does not increase the floor area by more than 20 percent, nor the parking already developed on site by more than 20 percent, and in which there are no changes in access locations or other site improvements, including, but not limited to, landscaping."

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

RECYCLING BINS.

Fende moved, Menhennick second that 1,200 recycle bins be purchased with funds from the Capital Improvements Fund Sanitation account at an estimated cost of \$6,300.00 and that each household be provided one bin at no cost, to be picked up within 60 days and that additional containers per household be provided at cost.

ROLL CALL.

AYES: Menhennick, Britton, Fende.

NAYS: Bohjanen, Greenberg, Hill, Sherbinow.

MOTION FAILED.

BOARDS, COMMITTEE, COMMISSIONS REPORTS.

1. Planning Commission - November 8, 1999
2. Zoning Board of Appeals - August 26, 1999, October 28, 1999 & November 4, 1999
3. AdHoc Trails Committee - November 2, 1999
4. Township/Road Commission Relations Committee - October 14, 1999
5. Groundwater Stewardship Team Meeting - May 27, 1999
6. MAWTFAB - October 12, 1999

SUPERVISOR'S REPORT.

1. We have received notice that our Clean Michigan Initiative grant application for the improvement of the Beaver Grove Recreation Area was denied in the first round of funding. It is being automatically resubmitted and staff will be working with the DNR on strengthening the application.
2. MDOT has submitted the necessary TEA 21 grant application for the sidewalk/multi-use trail along Silver Creek from the overpass to the school. This project will be considered in the next round of funding along with the path along the west side of US-41.
3. We now have a complete set of the County Road Commission policies in the office for review purposes.
4. MDOT has notified us that US-41 will be resurfaced next year with a 2" cap and 8' paved shoulder from M-28 south to the recently reconstructed portion.
5. The Township Fire Department has received correspondence from an Attorney regarding the threat of a lawsuit regarding an applicant who was not placed on the department.
6. Staff is once again trying to obtain the KBIC's past due annual fire protection payment.

YEAR 2000 MEETING DATES.

Greenberg moved, Sherbinow second that the Charter Township of Chocoday Board set the following dates for the Boards and Commissions of the Township and that it be published as required by law.

CHOCOLAY TOWNSHIP BOARD-7:30 p.m.

JANUARY 3, 2000

JANUARY 24, 2000

FEBRUARY 7, 2000

FEBRUARY 21, 2000

MARCH 6, 2000

MARCH 20, 2000

JUNE 19, 2000

JULY 17, 2000

AUGUST 21, 2000

SEPTEMBER 5, 2000 (TUESDAY)

SEPTEMBER 18, 2000

OCTOBER 2, 2000

PURCHASE OF NEW POLICE VEHICLE.

Hill moved, Sherbinow second to authorized the Chocolay Township Police Department to order a 2000 Ford Crown Victoria patrol car for the approximate cost of \$21,000.00 and to pay the \$235 annual fee for the State Purchasing Agreement. Additionally, we authorize the purchase of a new light bar for the patrol car.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

RESOLUTION AMENDING GENERAL FUND BUDGET FY 1999-AMENDMENT NO. 6. COPS GRANT REIMBURSEMENT.

Greenberg moved, Hill second that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township in October, 1998, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Salary 101.305.702	\$160,679.00	\$6,416.00	\$167,095.00
REVENUE	PREVIOUS	CHANGE	AMENDED
Due From Police Grant 101.501	8,500.00	6,416.00	14,916.00

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

TRANSFER OF FUNDS TO POLICE CAPITAL IMPROVEMENT FUND.

Fende moved, Greenberg second that the amount of \$3,000.00 from Police Salaries 101.305.702, be transferred to the Police Capital Improvements Fund. 401.305.957.

AYES: 7

NAYS: 0

MOTION CARRIED.

Chief Zyburtt informed the Board that the Township police department has had its first drug forfeiture. This will be on the next agenda for the Board to discuss how the finances will be handled in the future.

Trustee Menhennick had a question on the status of the Sundberg Carlson water study. He also noticed that the Harvey water testing frequency had slowed down. Larry Gould responded that is because the level of contaminates found in the water has decreased.

Trustee Britton told the Board that the Kawbawgam ski trail is ready to go.

INFORMATIONAL REPORTS AND COMMUNICATION

- A. Road Commission - RE: STIP Four Year Draft Plan
- B. Health Department - RE: FY2000 Monitoring of Contaminated Sites
- C. MTA E-News
- D. MCTA Christmas Potluck

There being no further business, the Supervisor adjourned the meeting at 9:10 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk

DECEMBER 20, 1999

A Regular meeting of the Chocolay Township Board was held on Monday, December 20, 1999 at the Township Hall, 5010 U S 41 South, Marquette. Supervisor Fende called the meeting to order at 7:30 p.m.

TOWNSHIP BOARD.

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

ABSENT: Don Britton.

MINUTES – DECEMBER 6, 1999.

Greenberg moved, Bohjanen second that the minutes of the Regular Meeting held on December 6, 1999 be approved.

AYES: 6

NAYS: 0

MOTION CARRIED.

ACCOUNTS PAYABLE.

Bohjanen moved, Menhennick second that bills totaling \$18,936.98 checks numbered 9722-9755 are approved for payment.

AYES: 6

NAYS: 0

MOTION CARRIED.

FINANCIAL REPORT.

Financial reports received and placed on file.

PUBLIC COMMENT.

None.

BOARDS, COMMITTEE, COMMISSIONS REPORTS.

1. MAWTFAB - November 9, 1999
2. Central Lake Superior Watershed Partnership - October 21, 1999

SUPERVISOR'S REPORT.

1. DRUG FORFEITURE FUNDS - This item will be placed on a future agenda.
2. BROWERS PROPERTY - The acquisition of the Don Browsers property is complete and the deed is recorded.
3. BECKMAN LAWSUIT – In your packet you will find a copy of the letter that the Beckman's sent to their attorney instructing him to drop the lawsuit. We were instructed by our attorney not to read the Beckman's meter until the lawsuit has been formally dismissed. When the lawsuit is officially dismissed, I will send a letter to the editors and provide them with the facts to hopefully set the record straight.
4. WATER MASTER PLAN - Larry will be attending a meeting with the City and Marquette Township to discuss the master plan they are considering. We will then decide if it would be advantageous for us to work jointly with them. Larry has been in contact with Sands Township on this issue.
5. CHERRY CREEK ROAD - The Road Commission has provided us with a schedule for the Cherry Creek Road project, which indicates that construction is planned to begin in July.
6. PERSONAL PROPERTY - In response to utility company appeals, the State Tax Commission has developed a completely new set of depreciation tables and forms for personal property. It is possible that Chocolay Township could be faced with a payback situation with SEMCO due to their 1998 and 1999 appeals.

ANNUAL APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS.

Hill moved, Sherbinow second that Ivan Fende be appointed to the East Marquette County Solid Waste Disposal Authority for a term to run from January 1, 2000 to December 31, 2000.

AYES: 6

NAYS: 0

MOTION CARRIED.

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 401.698	7,204.48	+6,243.80	13,448.28

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Fire Department 401.340.957	155,852.53	+6,243.80	162,096.33

ROLL CALL.

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

NAY: None.

ABSENT: Britton.

MOTION CARRIED.

AMENDING CAPITAL IMPROVEMENTS BUDGET FY 1999 - AMENDMENT NO. 9 RECREATION – KAWBAWGAM POCKET PARK.

Menhennick moved, Sherbinow second by that whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the Township on October 5, 1998, for the next fiscal year, and, whereas, as a result of unanticipated changes in the revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, now therefore, be it hereby resolved, that the aforesaid budget be hereby modified as follows:

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 401.698	13,448.28	+7,029.00	20,477.28

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Recreation 401.708.957	5,215.42	+7,029.00	12,244.42

ROLL CALL.

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

NAY: None.

ABSENT: Britton.

MOTION CARRIED.

Supervisor Fende requested that a thank-you letter on the donation for the pocket park. Clerk Hill will write the letter.

ENCUMBRANCE – SUPERVISOR DEPARTMENT.

Hill moved, Greenberg second that the \$850.00 budgeted in the Supervisor's fund account #175.957 for Capital Outlay - Office Equipment be encumbered for future expenditure.

ROLL CALL.

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

NAY: None.

ABSENT: Britton.

MOTION CARRIED.

ENCUMBRANCE – ASSESSING OFFICE.

Greenberg moved, Sherbinow second that \$5,825.00 budgeted in the FY1999 Assessing Department 101.202.957 for the new window version of the Equalizer program and equipment be encumbered for future expense.

ROLL CALL.

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

NAY: None.

ABSENT: Britton.

MOTION CARRIED.

ENCUMBRANCE – MARINA.

Menhennick moved, Sherbinow second that the Marina capital outlay funds (\$2,300) budget in the 1999 budget be encumbered for driveway, parking, and erosion control in the next construction season.

ROLL CALL.

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

NAY: None.

ABSENT: Britton.

MOTION CARRIED.

ENCUMBRANCE – RECREATION.

Menhennick moved, Greenberg second that the balance of the funds (\$1,960) budgeted for the engineering cost in the Bike Path/Multi Use Trail Enhancement Grant relocation project on the east side of US 41 south of Main Street be encumbered for project completion in the next construction season.

ROLL CALL.

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

NAY: None.

ABSENT: Britton.

MOTION CARRIED.

INFORMATIONAL REPORTS AND COMMUNICATION

- A. Correspondence - Road Commission - RE: Cherry Creek Road Reconstruction
- B. Correspondence - Robert Grove to USPS - RE: Postal Service
- C. Correspondence from - Beckman - RE: Lawsuit
- D. Correspondence from - Township Attorney - RE: Blondeau Trucking
- E. Information - County Road Commission - RE: STIP - 2000-2003
- F. Information - MTA Legislative Update - SB 205

There being no further business, the Supervisor adjourned the meeting at 7:55 p.m.

Arlene E. Hill, CMC
Township Clerk

Mary L. Sanders, CMC
Deputy Clerk