

January 16, 2012

A Regular meeting of the Chocolay Township Board was held on Monday, January 16, 2012 at the Chocolay Township Office, 5010 U. S. 41 South, Marquette, MI. Supervisor Seppanen called the Township Board meeting to order at 7:00 p.m.

TOWNSHIP BOARD.

PRESENT: Greg Seppanen, John Greenberg, Max Engle, John Trudeau, Mark Maki, Susan Carlson.

ABSENT: Ken Tabor.

STAFF PRESENT: Steve Lawry, Mary Sanders, Jennifer Thum, Brad Johnson, Dale Throenle.

MINUTES-DECEMBER 19, 2011.

Trudeau moved, Carlson seconded that the minutes of the December 19, 2011 Township Board meeting be approved with two changes (further definition on the fire hall motion and adding a vote to the direct deposit motion).

AYES: 6 NAYS: 0 MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Greenberg moved, Engle seconded to approve the agenda with one deletion – item XIV. K. Agreement with North Country Trail Hikers for Use of Kawbawgam Park.

AYES: 6 NAYS: 0 MOTION CARRIED.

PUBLIC COMMENT.

Mark Maki, 370 Karen Road – The sign Ordinance amendment on the agenda tonight includes Township Board recommendations made at the August 8, 2011 Special Board Meeting. The Planning Commission also incorporated some of their own changes into this document. This is a completely revised document from the one the Board looked at in August. It is difficult to extract what the Board talked about and what the Planning Commission did. It would be easier to work on the sign ordinance if the Board could look at the document showing the Board recommendations separate from the Planning Commission recommendations. I also filed a request with the Township Clerk a request to hold a public hearing on the sign ordinance.

ACCOUNTS PAYABLE.

Maki moved, Trudeau seconded that bills totaling \$64,180.00 and checks numbered 17539 -17594 are approved for payment.

AYES: 6 NAYS: 0 MOTION CARRIED.

PAYROLL.

Trudeau moved, Maki seconded that the payroll for December 22, 2011 for \$33,757.25 including checks 9145-9187 and ACH payments for Federal tax, State tax and MERS retirement, January 5, 2012 for \$39,516.37, including checks 9188-9238 and ACH payments for Federal tax, State tax and MERS retirement and January 6, 2012 for \$1,850.75 including check 9239 and ACH payments for Federal tax, and State tax are approved.

AYES: 6 NAYS: 0 MOTION CARRIED.

TREASURER'S REPORT.

Carlson moved, Trudeau seconded to accept the Treasurer's report.

AYES: 6 NAYS: 0 MOTION CARRIED.

ANNUAL REPORT OF THE MARQUETTE AREA WASTEWATER TREATMENT AUTHORITY.

Brad Johnson, D.P.W. Foreman, presented the annual report from the Marquette Area Wastewater Treatment Facility. Chocolay Township owns 5% of the capacity of the plant; Marquette Township owns 10%; and the City of Marquette 85%. The authority was established in 1977 and Chocolay has been represented on the authority board since that time.

Supervisor Seppanen questioned whether the operational and regulatory capacities of the Wastewater Plant are the same. The two measurements are somewhat close at this time for the new plant, but that could change with the renewal of the NPDES permit.

MARQUETTE COUNTY SOLID WASTE AUTHORITY CONTACT.

Sam Elder, Chocolay representative on the Marquette County Solid Waste Authority introduced himself to the Board. The Authority is working on an environmentally sound way to extend the life of the landfill. They are looking at major recycling of all biodegradables. The authority is working toward 90% of items entering the landfill as renewable and recyclable and 10% as garbage. The authority would like Chocolay Township, Marquette Township and the City of Marquette to look at a joint collection contract as a money saver for all of the units and leverage for more recycling to be picked up by the contractor.

SUPERVISOR'S REPORT.

1. Supervisor Seppanen, Clerk Engle and Trustee Trudeau updated the Board on Area Ad Hoc Recreation Authority committee meeting. The Heartwood Forest should be resolved between the City and Township of Marquette; not part of the recreation authority. The authority talked about what the recreational assets are. The next meeting is at the end of February and items for discussion will be what the Recreation Authority wants to accomplish and funding for the Authority.

2. The Board will discuss the evaluation of our Township Manager at the February Township Board meeting.

PROPOSED TEXT AMENDMENT #34-12-04 (#34-11-03) TO ZONING ORDINANCE SECTIONS 13.1 AND 13.2 WIRELESS COMMUNICATION FACILITY REQUIREMENTS (REVISED) – SECONDED READING.

Trudeau moved, Carlson seconded to approve the second reading of Zoning Amendment #34-12-04 (34-11-03) to amend Section 13: Wireless Communication Towers of the Township Zoning Ordinance. The Township Clerk will publish within 15 days after adoption, publish the amendment in the local newspaper and on the Township website within 15 days of adoption, and record the amendment in the Township ordinance book within one week after the publication of ordinance.

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

PROPOSED TEXT AMENDMENT #34-12-02 (#34-11-06) TO ZONING ORDINANCE SECTION 10.1 PLANNED UNIT DEVELOPMENTS – SECONDED READING.

Maki moved, Greenberg seconded to approve the seconded reading of Zoning Amendment #34-12-02 (#34-11-06) to amend Section 10: Planned Unit Development, to delete the Agricultural/Forestry Zoning District from the permitted zoning district list. The Township Clerk will publish within 15 days after adoption, publish the amendment in the local newspaper and on the Township website within 15 days of adoption, and record the amendment in the Township ordinance book within one week after the publication of ordinance.

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

PROPOSED TEXT AMENDMENT #34-11-02 TO ZONING ORDINANCE SECTION 18 SIGNS AND FENCES (REVISED) – FIRST READING.

Maki moved, Greenberg seconded to take the August Township Board suggested updates to the sign ordinance and the Planning Commission changes to the sign ordinance and compare side by side at the March 2012 Township Board meeting and also hold a public hearing and First Reading at the same time.

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

DISCUSSION OF SOLID WASTE SERVICES OPTIONS.

Greenberg moved, Trudeau seconded to follow the Manager’s recommendations to approve a one year extension of the current collection contract with Great American Disposal per the terms outlined in Mr. Spears’ e-mail of December 13, 2011 and authorize the Supervisor and Clerk to sign a formal letter of agreement to accomplish this.

AYES: 6

NAYS: 0

MOTION CARRIED.

Trudeau moved, Carlson seconded to follow the Managers recommendation and contract with Country Mile Document Destruction for destruction of dated confidential or sensitive municipal documents.

AYES: 6

NAYS: 0

MOTION CARRIED.

Supervisor Seppanen indicated that there is no Board action required on the other three points in the Manager memo; they are informational and will be brought back to the Board when action is needed.

AUTHORIZATION TO EXECUTE A NEW CONTRACT FOR COMPUTER SUPPORT SERVICES.

Carlson moved, Greenberg seconded that the maintenance contract with LASCO, Inc. be approved that provides support for in-house computer equipment and software. Duration of the contract is from January 1, 2012 through December 31, 2012, and the contract amount is \$4,600.00.

AYES: 6

NAYS: 0

MOTION CARRIED.

AWARD OF BID FOR SALE OF SURPLUS LAWN MOWER.

Greenberg moved, Carlson seconded to award sale of the 21” Lawnboy push mower to Mr. Ken Maki for \$33.50.

AYES: 6

NAYS: 0

MOTION CARRIED.

CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT FY 2011 #5 TO ACCOUNT FOR REVENUE FROM THE SALE OF SURPLUS EQUIPMENT.

Greenberg moved, Trudeau seconded that whereas, a budget was adopted by the Chocoday Township Board on November 8th, 2010 to govern the anticipated Capital Improvement Fund receipts within the Township for fiscal year 2011, and whereas, as a result of receipt of unanticipated revenue it is necessary to modify the aforesaid budget, Now Therefore, Be It Resolved, that the aforesaid budget be hereby modified as follows:

ACCOUNT	PREVIOUS	CHANGE	AMENDED
REVENUE			

Miscellaneous Revenue

401.698.000	\$ 4,544.38	+\$5,215.60	\$ 9,759.98
EXPENDITURE			
Township Hall & Grounds			
401.265.957	\$ 27,251.74	+\$ 108.60	\$ 27,360.34
Police Department			
401.305.957	\$109,542.08	+\$5,107.00	\$114,649.08

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT FY2011 #7 TO ACCOUNT FOR REVENUE FROM THE MICHIGAN COMMISSION ON LAW ENFORCEMENT TRAINING.

Maki moved, Greenberg seconded that whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the Township on November 8, 2010 for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues and/or revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Training			
Capital Outlay	\$ 1,627.02	\$378.56	\$ 2,005.58
401.306.957			

REVENUE	PREVIOUS	CHANGE	AMENDED
State of MI			
401.543	\$10,990.66	\$378.56	\$11,369.22

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT FY2011 #8 TO ACCOUNT FOR GRANT REVENUE FROM THE MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY FOR POLICE EQUIPMENT.

Greenberg moved, Engle seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvement fund receipts within the Township on November 8, 2010 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 Department			
Capital Outlay			
401.305.957	\$ 119,649.08	+\$725.00	\$120,374.08

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
401.698	\$ 9,759.98	+\$725.00	\$ 10,484.98

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

GENERAL FUND BUDGET AMENDMENT FY2011 #5 TO ACCOUNT FOR REVENUE FROM A MICHIGAN COASTAL ZONE MANAGEMENT GRANT.

Greenberg moved, Carlson seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the Township On November 8, 2010, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

REVENUE	PREVIOUS	CHANGE	AMENDED
Due From State			
101.543	\$26,207.47	+\$3,442.53	\$29,650.00

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Recreation & Properties			
Capital Outlay			
101.756.957	\$ 9,331.00	+\$3,442.53	\$12,773.53

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

GENERAL FUND BUDGET AMENDMENT FY2012 #6 TO ACCOUNT FOR MARQUETTE AREA PUBLIC SCHOOLS REIMBURSEMENT FOR NOVEMBER 2011 EXPENSES.

Maki moved, Engle seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the Township On November 8, 2010, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 101.698	\$16,355.27	+\$ 2,965.35	\$19,320.62
EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Elections Per Meeting 101.190.710	\$ 4,200.00	+\$1,431.00	\$ 5,631.00
Elections Office Supplies 101.190.727	\$ 1,000.00	+ \$ 643.74	\$ 1,643.74
Elections Printing 190.728	\$ 1,000.00	+ \$ 143.52	\$ 1,143.52
Elections Postage 101.190.729	\$ 1,200.00	+ \$ 401.88	\$ 1,601.88
Elections Advertising 101.190.901	\$ 200.00	+ 58.88	\$ 258.88
Clerk Salaries 101.215.702	\$84,556.00	+\$ 286.33	\$84,842.33

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUND POLICE DEPARTMENT ACCOUNT DOLLARS TO INSTALL AN ADDITIONAL SURVEILLANCE CAMERA FOR PEDESTRIAN TUNNEL.

Carlson moved, Trudeau seconded to approve the installation of the additional surveillance security camera from Wright Electric with a cost of \$440.00. This will be paid from the police capital improvement fund account #401.305.957.

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

CONSIDERATION OF ACCEPTANCE OF SANITARY SEWER ON WINDMILL LANE, EWING PINES SUBDIVISION.

Maki moved, Engle seconded that the Chocolay Township Board accepts the ownership of the sanitary sewer line on Windmill Lane.

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, December 5th, 2011.
- B. Minutes – Marquette County Solid Waste Management Authority, November 9th, 2011.
- C. Minutes – Marquette Area Wastewater Treatment Authority, November 17th, 2011.
- D. Correspondence – Letter from Mr. Wayne Dees.

Supervisor Seppanen adjourned the meeting at 8:35 pm.

Max Engle, Clerk

Greg Seppanen, Supervisor

AYES: Carlson, Maki, Engle, Seppanen.

NAYS: None

ABSENT: Greenberg, Trudeau, Tabor.

MOTION CARRIED.

DISCUSSION OF PROCESS FOR ANNUAL EVALUATION OF THE TOWNSHIP MANAGER.

The Board made no changes to the Manager evaluation form. The Board will complete the evaluation form and return the form to Dale Throenle, Community Development Coordinator, by March 8, 2012. He will compile the information for presentation to the Board.

DISCUSSION OF PARAMETERS FOR REGIONAL RECREATIONAL AUTHORITY.

Supervisor Seppanen asked the Board to consider what direction they wanted the Recreation Authority to head. Trustees Maki and Carlson would like to share field scheduling and trail usage, but want to keep local control of our soccer and ball fields and recreation facilities. Supervisor Seppanen and Clerk Engle would like the Chocolay Recreation Area to be more inclusive with the authority.

The next Recreation sub-committee meeting is scheduled for February 29th and the Recreation Authority meeting including full Boards of all the governmental entities involved will be held at Chocolay Township on March 14th.

PUBLIC COMMENT.

Pete Mackin, P.O Box 904 – Senior service providers will be meeting with Senator Casperson on Senior Services. He is concerned that the State may be considering taking the full 10% of the casino money. There is legislation being discussed to change the use of the Michigan Natural Trust Fund money. He would like to see some of it used for local remediation and mitigation.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Correspondence – Letter from Anderson, Tackman & Company re: Township 2011 Audit.
- B. Minutes – Township Planning Commission, January 9th, 2012.
- C. Minutes – Chocolay Area Business Association, December 21st, 2011 and February 15, 2012.
- D. Minutes – Marquette County Solid Waste Management Authority, December 21st, 2011, and January 18th, 2012.
- E. Minutes – Marquette Area Wastewater Treatment Authority, December 15th, 2011 and January 19th, 2012.

Supervisor Seppanen adjourned the meeting at 8:35 pm.

Max Engle, Clerk

Greg Seppanen, Supervisor

FINANCIAL REPORTS – March 13, 2012.

Engle moved, Tabor seconded to approve the financial reports.

AYES: 6 NAYS: 0

MOTION CARRIED.

TREASURER'S REPORT.

Carlson moved, Tabor seconded to accept the Treasurer's report.

AYES: 6 NAYS: 0

MOTION CARRIED.

PRESENTATIONS.

Supervisor Seppanen presented Sgt. Scott Jennings with award for Marquette County Officer of the Year.

Rick Aho, Director and Brad Austin, from the Marquette Solid Waste Authority presented Board with new options available to the Township for trash pick up and recycling.

Pam Christensen made a presentation on the library millage. This is fourth renewal; the first millage passed in 1991 and has been serving the Township since 1991. The Library has 5 millage renewals this year and would like all of them on the August 2012 ballot.

Supervisor Seppanen stated Township has an Ad Hoc Committee to address millage issues.

Wayne Dees inquired about library usage per household in Chocolay. Ms. Christensen stated they do not have a break down by household but close to 3,000 township residents are registered for library cards. Chocolay residents have checked out 52,603 items over the years.

APPOINTMENT OF PLANNING DIRECTOR.

Manager Lawry stated that Kelly Drake Woodward was selected by the interview committee as the new Planning Director/Zoning Administrator. If approved by the Board she begins her employment Thursday, March 22.

Maki stated he had different thoughts on process and felt rushed through whole process. He wanted to save money through reorganization and not hire another full-time person. One of applicants had 15 years planning background and GIS experience, Trustee Maki thought he would bring better understanding of zoning and planning based on his experience. The Committee voted 2-1 for Ms. Drake Woodward.

Seppanen moved, Carlson seconded to confirm the appointment of Kelly Drake Woodward of 951 Highland Drive as Chocolay Township Planning Director/Zoning Administrator, effective March 22, 2012.

AYES 6

NAYS: 0

MOTION CARRIED.

SUPERVISOR'S REPORT.

Seppanen stated he attended two meetings dealing with recreation. All units agreed that the best way to deal over next 18 months is to put a committee together with two individuals from each municipality and create a business plan. This will be placed on the April Board meeting to recommend good candidates from Chocolay Township to sit on ad hoc Recreation Committee.

Trustee Maki is glad that there is no real plan to turn over city recreation land or Township recreation land to an authority.

Clerk Engle suggested getting new people looking at it that aren't involved in the politics.

Treasurer Greenberg suggest approaching NMU see if a class will take on a survey project measuring usage of recreation areas.

AUTHORIZATION TO EXECUTE EXTENSION SOLID WASTE COLLECTION CONTRACT.

Greenberg moved, Tabor seconded that the Supervisor and Clerk are authorized to execute a revised letter of agreement with Great American Disposal for an extension of the solid waste collection contract.

AYES: 6

NAYS: 0

MOTION CARRIED.

PROPOSED TEXT AMENDMENT #34-12-02 TO ZONING ORDINANCE SECTION 10.1 PLANNED UNIT DEVELOPMENTS – SECOND READING.

Greenberg moved, Carlson seconded to approve the second reading of proposed Text Amendment #34-12-02 and to adopt Text Amendment #34-12-02.

Roll call:

AYES: Seppanen, Carlson, Engle, Greenberg, Maki, Tabor

NAYES: None.

ABSENT: Trudeau

MOTION CARRIED.

PROPOSED TEXT AMEND #34-12-01 TO ZONING ORDINANCE SECTION 18, SIGNS AND FENCES – FIRST READING (CONTINUED).

Trustee Maki finds the enclosed sign document difficult to follow. The Planning Commission changed language and submitted it with the changes highlighted. Trustee Maki wants to see the final document with highlighted changes.

The sign ordinance started out allowing 20 sq. ft. signs and then two 40 sq. ft. signs and now four 20 sq. ft. signs. Also question on how many days a banner will be allowed without a permit and give clarity to those issues. Trustee Maki has questions about residential signs.

Trustee Tabor stated that Planning Commissioner Andy Sikkema who also works for MDOT feels the sign size depends on road right of way. It makes sense to simplify things by tying sign sizes to speed limits and right of way.

Trustee Maki wants to know why increasing size 400 %.

Trustee Carlson is comfortable with 2 x 4 sign in the residential area.

Treasurer Greenberg stated that 2 x 4 seems large in residential area.

Clerk Engle stated that on M-28 some signs are not in compliance and are residential signs. A 16 sq. ft. sign is too large. A 2 x 4 is 8 sq. ft. and that is acceptable, especially along M 28. Subdivision should be looked at separately.

Planning Commissioner Andy Smith commented that beach house signs on Lakewood Lane would be noncompliant.

Supervisor Seppanen stated a 2 x 4 sign is fine.

Seppanen suggested give the new Planner time to work through these issues and questions regarding illuminated signs and to place on this on the May Agenda.

Greenberg moved, Carlson seconded to continue the first reading of zoning ordinance amendment #34-12-01 section 18, signs and fences in May and to place on May Board Agenda

AYES: 6 NAYS: 0 MOTION CARRIED.

ADVERTISING COSTS.

Greenberg moved, Carlson seconded, to use combination of legal and display advertising depending on the advertising category.

AYES: 6 NAYS: 0 MOTION CARRIED.

EVALUATION EXISTING FIRE STATION.

Manager Lawry presented a report from Integrated Design, Inc. on estimated costs for repairing the most glaring deficiencies and safety concerns with the current fire hall.

Treasurer Greenberg stated that costs for doors seems extravagant.

EVALUATION TOWNSHIP MANAGER.

Manager Lawry thanked Board for taking time to complete evaluation and kind remarks and encouraged the Board let him know if he is off track and if picking up on all Board's objectives.

RECOMMENDATION OF THE AD HOC COMMITTEE ON MILLAGE ISSUES.

Greenberg moved, Engle seconded, to agree with recommendations of the Millage Ad Hoc Committee to develop ballot language to seek renewal of Library millage on the August ballot.

AYES: 6 NAYS: 0 MOTION CARRIED.

Tabor moved, Carlson seconded to accept recommendations of Millage Ad Hoc Committee to not renew the Road Millage in 2012, to meet again and bring draft language to the Board for Fire Hall Millage.

AYES: 6 NAYS: 0 MOTION CARRIED.

PURCHASE OF PIPELINE LOCATOR.

Maki moved, Engle seconded to purchase Inspector all material locator from SubSurface Instruments of DePere, Wisconsin for \$5,500 with the purchase to be funded from the contingency fund account of the Sewer Fund 571.571.951.

ROLL CALL:

AYES: Seppanen, Engle, Maki, Greenberg, Carlson, Tabor

NAYS: None

ABSENT: Trudeau

MOTION CARRIED.

AUTHORIZATION TO PURCHASE COMPUTER NETWORK FUNDING.

Carlson moved, Greenberg second to authorize the purchase of a HP ProCurve 2510-24 network switch for \$420.35, with the purchase to be funded from the Capital Improvement Fund – Computers (401.258.957).

ROLL CALL:

AYES: Seppanen, Engle, Maki, Greenberg, Carlson, Tabor

NAYS: None

ABSENT: Trudeau

MOTION CARRIED.

RESOLUTION AUTHROIZE BANK DEPOSITORIES.

Greenberg moved, Tabor seconded, to support the resolution to authorize bank depositories.

AYES: 6

NAYS: 0

MOTION CARRIED.

LETTER OF SUPPORT FOR MICHIGAN TRUST FUND GRANT FOR MCCARTHY'S COVE RESTROOM FACILITY.

Maki moved, Engle seconded, to send letter to endorse Michigan Natural Resources Trust Fund Grant for permanent restroom facility at McCarthy's Cove Park in the City of Marquette.

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS

- A. Minutes – Township Planning Commission, February 6th, 2012.
- B. Minutes – Marquette County Solid Waste Management Authority, February 15th, 2012.
- C. Correspondence – Comments on Agenda Items from Mark Maki.
- D. Correspondence – Comments on Millage Issues from Rob and Jen Beaudry.
- E. Correspondence – Thank you from the Marquette City Police Department.

Meeting adjourned at 9:39 p.m.

Max Engle, Clerk

Greg Seppanen, Supervisor

Treasurer Greenberg sees this issue as a more complicated version of sharing the Peter White Library through millage.

Trustee Trudeau feels we need to talk about financing right at the beginning of the process.

Trustee Maki does not want to turn over our recreation assets to a third party.

FIRE CHIEF.

Trudeau moved, Maki seconded to appoint Tom Kidd as Chocolay Township Fire Chief.

AYES: 7

NAYS: 0

MOTION CARRIED.

SUPERVISOR'S REPORT.

- It appears that Sands Township will not be part of the recreation authority discussions. They may consider joining later.
- There will be a temporary draw down of Lake LaVasseur for the summer.

LIBRARY MILLAGE RENEWAL.

Greenberg moved, Carlson seconded that the Board approves the following language for submittal to the County Clerk for inclusion on the August 2012 primary ballot pending approval of the Township Attorney:

“Shall the previously voted millage for library services to the residents of the Charter Township of Chocolay be renewed, authorizing an ad valorem tax levy within the Charter Township of Chocolay, in an amount not to exceed 0.7589 mills (\$0.7589 per \$1,000.00 of taxable valuation) for a period of five (5) consecutive years, from 2012 to 2016 inclusive, which if levied would raise an estimated \$132,007.00 in the first year?”

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

FIRE STATION MILLAGE.

Trustee Maki questioned 5 years verses 6 years for millage.

The Township Board discussed that we need the flexibility of a 6 year millage. If the full 6 years is not necessary then we will not collect the final year. The bank payments were based on the amount of money 1.7 mills would allocate.

Maki moved, Greenberg seconded that the Board approves the following language for submittal to the County Clerk for inclusion on the August 2012 primary ballot pending approval of the Township Attorney:

“Shall the authorized millage of ad valorem taxes within the Charter Township of Chocolay, as reduced by the required millage rollback which resulted in a levy of less than 5 mills (\$5.00 per \$1,000.00 of taxable value), be increased by an amount not to exceed 1.66 mills (\$1.6600 per \$1,000.00 of taxable value) for the six years 2012 through 2017 inclusive, for the purpose of constructing and equipping a new fire station, which, if levied will raise an estimated \$(to be determined) in the first year?”

ROLL CALL.

AYES: Carlson, Greenberg, Maki.

NAYS: Tabor, Trudeau, Engle, Seppanen.

MOTION FAILED.

Trudeau moved, Tabor seconded that the Board approves the following language for submittal to the County Clerk for inclusion on the August 2012 primary ballot pending approval of the Township Attorney:

“Shall the authorized millage of ad valorem taxes within the Charter Township of Chocolay, as reduced by the required millage rollback which resulted in a levy of less than 5 mills (\$5.00 per \$1,000.00 of taxable value), be increased by an amount not to exceed 1.7000 mills (\$1.7000 per \$1,000.00 of taxable value) for the six years 2012 through 2017 inclusive, for the purpose of constructing and equipping a new fire station, which, if levied will raise an estimated \$295,708.00 in the first year?”

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

COMMUNITY GARDEN.

Kelly Drake Woodward, Planning Director, presented Community Garden project information to the Board. We are continuing to work on locating a site for the Community Garden. We will need assistance with a water source for the garden wherever it is located.

The Board had questions on fencing, Township involvement and other costs to the Township for the garden. The garden size will be 73' x 54' and will be fenced in. There will be a need for approximately 10 hours of D.P.W. workers time to put in a point water supply.

Maki moved, Carlson seconded that the Township authorize \$400 toward the cost of water supply for the community garden, payable to the garden host property owner. Funds for this project would come from the Capital Improvement Budget, account 401.708.957 Recreation & Grants.

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

Trudeau moved, Tabor seconded to allocate up to 10 hours of D.P.W. time to put in a point water system.

AYES: 7 NAYS: 0

MOTION CARRIED.

Carlson moved, Greenberg seconded to authorize the Township Supervisor and Clerk to sign the lease for the Chocoley Community Garden site.

AYES: 7 NAYS: 0

MOTION CARRIED.

WEB SITE PROPOSAL.

Dale Throenle gave a presentation to the Board on the Township website proposed changes. The options presented are having Township staff develop and maintain the website, sign a contract with our current vendor to update and maintain the website or request RFP's to redesign our website.

Carlson moved, Tabor seconded that the design, maintenance and ongoing updates for the Township website be provided by current Township staff, which includes the purchase of the web design software.

AYES: 7 NAYS: 0

MOTION CARRIED.

WEB SITE HOSTING AND EMAIL UPGRADE.

Maki moved, Tabor seconded that the Township upgrade to the Advance Web and e-mailing hosting plan with 906 Technologies at an increased rate of \$108.26 to be paid from 101.215.715 computer in the Clerk Department.

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

SCRAP METAL CONTRACT.

Brad Johnson, D.P.W. Foreman informed the Board that we received three bids for the scrap metal pick up. He recommended that we go with the bid from Sawyer Iron and Metal.

Carlson moved, Tabor seconded that the Chocoley Township Board award the contract to Sawyer Iron and Metal per the following terms included in their bid for 2012.

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

WILD LAND GEAR FOR FIRE DEPARTMENT.

Trudeau moved, Carlson seconded that the Chocoley Township Board approves the expenditure of up to \$2,025.00 from the Fire Department Capital Improvements Fund 401.340.957 for wild land fire fighting gear.

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

TOWNSHIP BOARD SALARIES FOR FY2013.

Trustee Maki feels that we should set Township Board salaries prior to the May 14th petition deadline so those running for office have this information.

Trustee Trudeau feels salaries should discourage Board members from staying in a position for too long.

Maki moved, Trudeau seconded to set the salary for Township Supervisor from \$14,525.00 to \$12,000.00 for the term beginning November 2012.

ROLL CALL.

AYES: Maki, Carlson, Trudeau, Greenberg.

NAYS: Engle, Tabor, Seppanen.

MOTION CARRIED.

Maki moved, Trudeau seconded to set the salary for the Township Clerk from \$11,852.00 to \$11,850.00 for the term beginning November 2012.

ROLL CALL.

AYES: Maki, Carlson, Tabor, Trudeau, Greenberg.

NAYS: Engle, Seppanen.

MOTION CARRIED.

Seppanen moved, Tabor seconded to set the salary for the Township Treasurer from \$8,739.00 to \$10,000.00 for the term beginning November 2012.

ROLL CALL.

AYES: Engle, Tabor, Carlson, Seppanen.

NAYS: Trudeau, Maki, Greenberg.

MOTION CARRIED.

Greenberg moved, Tabor seconded to set the salary for the Township Trustee from \$60.00 per meeting tot \$75.00 per meeting for the term beginning November 2012.

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki.

NAYS: Trudeau, Engle, Seppanen.

MOTION CARRIED.

LIGHTING ON U S 41 AND ADDRESSES.

Trustee Maki stated that the Board has discussed lighting near the intersection on U S 41 and have not come forward with a recommendation. He also wondered if there is a staff position in charge of creating addresses and enforcing the address ordinance. Manager Lawry responded that the assessor does both.

Staff will gather information on street addressing and this will be on the June Board agenda. Staff will contact the Road Commission and MDOT to partner up on painting the driveway cut outs with reflective paint. This will be brought back to the Board.

PUBLIC COMMENT.

Trustee Carlson updated the Board on Marquette County Solid Waste Authority work on recycling. She also asked if anything can be done about the loose gravel on U S 41 now that road construction has commenced.

Clerk Engle indicated that he had petitions available for anyone interested in running for the Board.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, March 5th, 2012.
- B. Minutes – Marquette County Solid Waste Management Authority, March 21st, 2012.
- C. Minutes – Marquette Area Wastewater Treatment Authority, February 16th, 2012.
- D. Minutes – Marquette County Township Association, February 22nd, 2012.
- E. Invitation – Marquette County Township Association.
- F. Minutes – Chocoley Area Business Association, March 21st, 2012.

Meeting adjourned at 9:00 p.m.

Max Engle, Clerk

Greg Seppanen, Supervisor

May 21, 2012

A Regular meeting of the Chocolay Township Board was held on Monday, May 21, 2012 at the Chocolay Township Office, 5010 US 41 South, Marquette, MI. Supervisor Seppanen called the Township Board meeting to order at 7:01 p.m.

TOWNSHIP BOARD

PRESENT: Greg Seppanen, John Greenberg, Max Engle, Mark Maki, Susan Carlson, John Trudeau, Ken Tabor.

ABSENT: None.

STAFF PRESENT: Steve Lawry, Township Manager; Debra Heinzelman, Administrative Assistant; Kelly Drake Woodward, Planning and Zoning Administrator.

MINUTES – April 16, 2012

Trustee Carlson moved, Trudeau seconded that the Minutes of the April 16, 2012 Township Board be approved with one change on Page 4 regarding the Board’s salaries for the current year and for 2013.

AYES: 7 NAYS: 0 MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS:

Treasurer Greenberg moved, Tabor seconded to approve the agenda with no additions or deletions.

AYES: 7 NAYS: 0 MOTION CARRIED.

PUBLIC COMMENT:

Theresa Scram of 256 Shot Point Drive, Marquette, encouraged Township Trustees to approve the cost of education and updates for those responsible for electoral process in Chocolay Township to avoid problems in the voting process. Ms. Scram also suggested a change to the April 16, 2012 Board Minutes to compare the Board’s 2012 salaries to the 2013 salaries.

Cheryl Hill, 510 Garfield, Marquette introduced herself and talked about her candidacy for Marquette County Probate Judge.

Cheryl Sherony of 1781 State Highway M 28 spoke regarding beehives from neighbor’s property and bees flying over to her property. Ms. Sherony requested this matter be referred to the Township Planning Commission to establish setbacks for beehives on residential properties.

Rob Powelson of 1861 US 41 introduced himself and talked about his candidacy for Marquette County Probate Judge.

Pete Mackin of Chocolay Township stated he has officially filed for the August 7, 2012 primary election for Chocolay Township Supervisor.

ACCOUNTS PAYABLE:

Trustee Trudeau moved, and Tabor seconded that bills totaling \$21,698.65 and checks number 17832 to 17849 are approved for payment.

AYES: 7 NAYS: 0 MOTION CARRIED

Trustee Tabor moved, Carlson seconded that bills totaling \$11,983.36 and checks number 17850 to 17863 are approved for payment.

AYES: 7 NAYS: 0 MOTION CARRIED.

PAYROLL:

Trustee Carlson moved, Engle seconded that the payroll for April 26, 2012, for \$32,811.89, including checks 9483-9517 and ACH payments for Federal Tax, State tax and MERS retirement; May 10, 2012, \$27,952.44, including checks 9518-9541 and ACH payments for Federal tax, State tax, and MERS retirement.

AYES: 7 NAYS: 0 MOTION CARRIED.

FINANCIAL REPORTS

None.

TREASURER’S REPORT

Trustee Tabor moved, Trudeau seconded to accept the Treasurer’s report.

AYES: 7 NAYS: 0 MOTION CARRIED.

PRESENTATIONS:

2011 Audit presentation by Mike Greutz with Anderson, Tackman, & Company.

Greenberg moved, Maki seconded to accept the 2011 Audit.

AYES: 7 NAYS: 0 MOTION CARRIED.

APPOINTMENTS/RESIGNATIONS

Supervisor Seppanen stated that Lee Snooks has resigned from the Zoning Board of Appeals and that the matter of replacement be put on the June Board Agenda.

Trustee Carlson moved, Maki seconded to accept the resignation of Lee Snooks from the Zoning Board of Appeals.

AYES: 7 NAYS: 0 MOTION CARRIED.

Trustee Maki moved, Greenberg seconded to appoint Kelly Drake Woodward as Alternate Delegate to the Utility Review Committee to fill an unexpired term ending December 31, 2013.

AYES: 7 NAYS: 0 MOTION CARRIED.

Treasurer Greenberg moved, Tabor seconded to appoint Clerk Max Engle as Alternate Delegate to the Northern Michigan Public Service Academy to fill an unexpired term ending December 31, 2012.

AYES: 7 NAYS: 0 MOTION CARRIED.

Trustee Tabor moved, Carlson seconded to appoint Dale Throenle as Alternate Delegate to the Chocolay Area Business Association Board to fill an unexpired term ending December 31, 2013.

AYES: 7 NAYS: 0 MOTION CARRIED.

SUPERVISOR'S REPORT

- Kelly Drake Woodward stated that the Community Garden is up and running at Harvey Baptist Church. Fence has not been installed yet, but a number of residents have signed up for planting beds. St. Louis the King will be the location of a second community garden.
- Supervisor Seppanen gave an update on US 41 Project. The bike path has been completed and the project is a week and a half ahead of schedule. No complaints have been received except one regarding gravel and debris on the road, which has been resolved. The Township has to be aware of interruptions to our sewer system. Pumps will have to be turned off for 45 minutes. Another potential problem may be when the asphalt is placed on the road in early fall.

Chief Zyburst stated there have been a few minor accidents during the project. The Seat Belt Enforcement Grant, multi-jurisdictional, is taking place in the Township and today 16 tickets were issued.

PROPOSED TEXT AMENDMENT #34-12-03 TO ZONING ORDINANCE SECTION 18, SIGNS AND FENCES – CONTINUATION OF FIRST READING.

Ms. Drake Woodward stated she prepared a comparison chart and ran past Planning Commission in their last meeting.

Trustee Maki suggested having sign ordinance go back to Planning Commission and they hold a public hearing.

Trudeau interested in political signs and what may be unconstitutional in our current ordinance.

Trustee Tabor moved, Carlson seconded to send the proposed sign ordinance language back to the Planning Commission to continue to address the irregularities and concerns and to hold a public hearing on the revised language.

AYES: 7 NAYS: 0 MOTION CARRIED.

RECONSIDERATION OF AWARD OF CONTRACT FOR SCRAP METAL COLLECTION.

Steve Lawry, Township Manger, states three bids were received when advertised and Board awarded to Sawyer Iron and Metal. The Township requires contractor to provide worker's comp certificate of insurance. Sawyer Iron and Metal are not able to provide certificate nor is A-1 Hauling. Options are to go back and re-bid or award to third bidder, Eric Keough, who would charge Township \$2,000, but Township does not have funds budgeted and insurance not in place. An option for a scrap metal drop off at Township Complex was explored, but could be problems and risks with what dropped off on Township property. Recommend refer Township residents to contract directly with dealers on list of haulers provided.

Trustee Trudeau moved, Tabor seconded to discontinue with scrap metal bid collection for residents and allow Township residents to contract directly with scrap metal businesses for service and Township will provide names of those businesses.

AYES: 7 NAYS: 0 MOTION CARRIED.

PROCLAMATION OF MAY 21-28, 2012, AS "BUDDY POPPY WEEK" IN CHOCOLAY TOWNSHIP TO HONOR MILITARY VETERANS.

Trustee Tabor moved, Greenberg seconded to proclaim May 21-28 as Buddy Poppy Week in Chocolay Township to Honor Military Veterans:

AYES: 7 NAYS: 0 MOTION CARRIED.

PROCLAMATION

At a regular meeting of the Charter Township of Chocolay Board of Trustees held at the Township Hall, 5010 U.S. 41 South, Marquette, Michigan on the 21st day of May 2012 at 7:00 p.m. the following motion was offered by Trustee Ken Tabor and seconded by Treasurer John Greenberg,

WHEREAS, the poem "In Flanders Field," which movingly describes a battlefield of crosses dotted with red poppies, has led to the poppy becoming a symbol of lives lost in wartime; and

WHEREAS, the Veterans of Foreign Wars organized its first sale of replica poppies in 1922 and adopted the poppy as its official memorial flower soon after; and

WHEREAS, VFW "Buddy Poppies" are assembled by disabled and needy veterans and distributed for donations to pay for services to veterans, their families, and other important community services, and

WHEREAS, the VFW and the American Legion Auxiliary annually distribute "Buddy Poppies" in the week preceding Memorial Day;

NOW THEREFORE BE IT RESOLVED that the Chocolay Township board of Trustees proclaims the dates of May 21 through May 28 "BUDDY POPPY WEEK" in the Township of Chocolay and encourages its citizens to support veterans and their loved ones through purchase of a poppy.

PROPOSED TEXT AMENDMENT #34-12-04 TO ZONING ORDINANCE SECTION 6.9 HOME OCCUPATIONS – FIRST READING AND SCHEDLING OF PUBLIC HEARING.

Kelly Drake Woodward stated she prepared comparison of documents.

Board discussed language in text amendment and to send back to Planning Commission to put in the same format as sign ordinance.

Trustee Tabor moved, Trudeau seconded to send Text Amendment #34-12-04 to Zoning Ordinance Section 6.9 Home Occupations back to the Planning Commission.

AYES: 7 NAYS: 0 MOTION CARRIED.

Mr. Waynes Dees inquired if this will be on next month's Agenda.

Trustee Maki stated to send back for June meeting and hold another meeting in July or August.

REPORT ON RECYCLING PROGRAM CHANGES

Steve Lawry, Township Manager, advised of changes in recycling program and the positive response from Township residents.

RECOMMENDATION FROM THE PERSONNEL COMMITTEE ON JOB DESCRIPTION CHANGES.

Treasurer Greenberg stated there were five items before the Personnel Committee.

MAY 14, 2012 PERSONNEL COMMITTEE AGENDA ITEM VI (A) – ADMINISTRATIVE ASSISTANT JOB DESCRIPTION
Clerk Engle moved to accept recommendation regarding change to add additional language and compensation to current Administrative Assistant job description in case of Deputy Clerk absence.

Treasurer Greenberg recommended Board first discuss Administrative Assistant Job Description, as Personnel Committee did not have a recommendation.

Trustee Trudeau voiced concerns regarding this position and should consider cross-training existing employees.

Trustee Carlson suggested that whoever steps into Deputy Clerk job should get same pay.

Treasurer Greenberg stated that the Clerk is responsible to cover in the absence of the Deputy Clerk as would the Treasurer in the absence of the Deputy Treasurer.

Supervisor Seppanen suggested procedure could be the same as when Department Head absent, another employee takes over those job responsibilities during their absence and is compensated during that time.

Clerk Engle noted that the positions of Clerk and Deputy Clerk can change every four years and it would make sense to train existing employee to do Deputy Clerk's job in case of an absence.

Supervisor Seppanen moved, Carlson seconded to send Administrative Assistant Job Description- Clerk's Office, back to Personnel Committee to discuss additional job responsibilities, compensation, and other details.

AYES: 5 NAYS: 2 (Engle; Maki) MOTION CARRIED.

PERSONNEL COMMITTEE MAY 14, 2012 MEETING, ITEM VI (B), Change to Personnel Policy Section 7.1
Board discussed change to Personnel Policy Section 7.1 under "Political Activities" which states that "Employees who are elected to a *Township* Board are required to resign." Under this language it could be interpreted as any employee who is elected to any Township Board, even outside Chocolay Township, will need to resign from his or her position.

Trustee Maki moved, Greenberg seconded to change language to: "Employees who are elected to the *Chocolay* Township Board are required to resign."

AYES: 7 NAYS: 0 MOTION CARRIED.

PERSONNEL COMMITTEE MAY 14, 2012 MEETING, ITEM VI (C), ADMINSTRATIVE ASSISTANT ON-CALL PART-TIME NEW JOB DESCRPTION

Clerk Engle stated this new job description would eliminate the current part-time police department and Elections Records Clerk jobs and replace with one Administrative Assistant On Call Part-Time position to fill in and assist both the Clerk and Police Department.

Trustee Maki moved, Carlson seconded to eliminate the two positions and create new job description for Administrative Assistant On-Call Part-Time and advertise for position.

AYES: 6 NAYS: 1 (Trudeau) MOTION CARRIED.

APRIL 30, 2012 PERSONNEL COMMITTEE AGENDA ITEM VI (A), MINOR CHANGE TO POSITION QUALIFICATIONS FOR ADMINISTRATIVE ASSISTANT-CLERK DEPARTMENT.

Discussion regarding the job description, under "POSTIONS AND QUALIFICATIONS" – under Experience: "Minimum" and "Preferred" headings.

Treasurer Greenberg moved, Maki seconded to accept changes in current job description for Administrative Assistant-Clerk's Office, to read: "Experience: Minimum: 3 years experience in an administrative clerical position" and "Experience: Preferred 3 years of experience as Elections Records Clerk".

AYES: 7 NAYS: 0 MOTION CARRIED.

APRIL 30, 2012 PERSONNEL COMMITTEE AGENDA ITEM VII (A), APPENDIX L CLASSIFICATION FOR PLANNING DIRECTOR/ZONING ADMINSTRATOR POSITION.

Treasurer Greenberg moved, Engle seconded to accept the change in the Planning Director/Zoning Administrator Appendix L pay grade level from a pay grade Level 5 to Level 4.

AYES: 7 NAYS: 0 MOTION CARRIED.

FUNDING REQUEST FROM MARQUETTE 4TH OF JULY PARADE COMMITTEE.
Board will consider request for 2013 budget.

APPROVAL OF REVISIONS TO FIRE DEPARTMENT BYLAWS AND STANDARD OPERATING GUIDELINES.
Treasurer Greenberg moved, Tabor seconded to accept changes to the Charter Township of Chocolay Volunteer Fire Rescue Department Bylaws and Standard Operating Guidelines.

AYES: 7 NAYS: 0 MOTION CARRIED.

CONSIDERATION OF REVISION TO ARTICLES OF INCORPORATION FOR MARQUETTE COUNTY SOLID WASTE MANAGEMENT AUTHORITY

Trustee Trudeau expressed concern that Chocolay Township not listed in "Article Six".

Trustee Maki moved, Greenberg seconded to accept revision to Articles of Incorporation for Marquette County Solid Waste Management Authority.

AYES: 6 NAYS: 1 (Trudeau) MOTION CARRIED.

PUBLIC COMMENT

Ms. Theresa Scram spoke regarding her conversations with retired Clerk Arlene Hill regarding the 2008 school board election as a write-in candidate.

Mr. Pete Mackin asked Township Board to consider next year supporting the 4th of July Parade. Mr. Mackin spoke regarding his discussions with Lake Superior Partnership, Chocolay River Partnership and his position on the Marquette County Planning Commission.

Mr. Jim Goodman of 140 Orchard Lane suggested the Township Board look at making sure there is proper coverage when an employee is absent.

Ms. Cheryl Hill apologized for her leaving the board room and coming back throughout the meeting. Ms. Hill continued presentation of her candidacy for Marquette Probate Judge.

INFORMATIONAL REPORTS AND COMMUNICATIONS

- A. Minutes – Township Planning Commission, April 2nd, 2012.
- B. Minutes – Marquette County Solid Waste Management Authority, April 12th, 2012.
- C. Minutes – Marquette Area Wastewater Treatment Authority, March 15th, 2012.
- D. Minutes – Marquette County Township Association, March 28th, 2012.
- E. Communication – April 2012 Update from the Iron Ore Heritage Recreation Authority.
- F. Communication – Marquette County Road Commission Response to Township Relations Committee.

Meeting adjourned at 9:28 p.m.

Max L. Engle, Clerk

Greg Seppanen, Supervisor

FINANCIAL REPORT

Trustee Tabor moved, Carlson seconded to accept the Financial Report.

AYES: 7 NAYS: 0 MOTION CARRIED

TREASURER’S REPORT

Trustee Trudeau moved, Engle seconded to accept the Treasurer’s Report.

AYES: 7 NAYS: 0 MOTION CARRIED

PRESENTATIONS

NONE

APPOINTMENTS/RESIGNATIONS

Trustee Carlson moved, Tabor seconded to appoint Ms. Sandra Page to the Zoning Board of Appeals to fill an unexpired term ending August 16th, 2013.

AYES: 7 NAYS: 0 MOTION CARRIED

Trustee Maki moved, Engle seconded to re-appoint Ms. Karen Alholm to the Zoning Board of Appeals for a 3 year term expiring May 9th, 2015.

AYES: 7 NAYS: 0 MOTION CARRIED

Trustee Tabor moved, Greenberg seconded to re-appoint Mr. Andrew Sikkema to the Planning Commission for a 3 year term expiring May 24th, 2015.

AYES: 7 NAYS: 0 MOTION CARRIED

Supervisor Seppanen moved, Carlson seconded to re-appoint Mr. Eric Meister to the Planning Commission for a 3 year term expiring May 24th, 2015.

AYES: 7 NAYS: 0 MOTION CARRIED

SUPERVISOR’S REPORT

A. Update of US 41 Project

Brad Johnson, DPW Supervisor, stated the project is two weeks ahead of schedule and sewer pipes are in. There will be four night shifts set up for storm sewer placement. Traffic light by prison will be raised. Patching potholes. Blacktop in mid July.

B. Update on Changes to Township Website and Facebook Pages

Steve Lawry, Township Manager stated Dale Throenle, Community Development Coordinator, has added updates to website. The site is averaging 50 hits per day and there is a link to the Township Facebook page. Mr. Throenle is working on more website projects.

UNFINISHED BUSINESS

ADMINISTRATIVE ASSISTANT ON CALL PART-TIME POSITION

Trustee Trudeau stated he is not in favor of opening a new position. Clerk Engle stated this is an existing position combining two existing part-time positions into one administrative assistant position, on call part-time. Does not require more hours than what previously paying and will be more structured.

NEW BUSINESS

A. AWARD OF CONTRACT FOR 2012 ROAD RESURFACING

Trustee Trudeau moved, Engle seconded to award a contract for 2012 street repaving to Payne & Dolan, Inc. of Gladstone, Michigan for the estimated total of \$171,446.25 at the unit prices bid.

ROLL CALL.

AYES: Seppanen, Engle, Trudeau, Maki, Greenberg, Carlson, Tabor

NAYS: None MOTION CARRIED

B. AUTHORIZATION TO PURCHASE A UTILITY TRAILER FOR PARK MAINTENANCE

Trustee Carlson moved, Tabor seconded that the Chocolay Township Board approves the expenditure of no more than \$2,000.00 for a utility trailer from Midway Rental. This will be purchased from the Recreation and Properties Capital Improvement Fund 401.756.957.

AYES: 7 NAYS: 0 MOTION CARRIED

2011 for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
Police Department			
Capital Outlay	\$10,937.50	+187.50	\$11,125.00
101.305.715			
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous	\$12,087.50	+187.50	\$12,275.00
101.698			

ROLL CALL:

AYES: Seppanen, Engle, Trudeau, Maki, Greenberg, Carlson, Tabor

NAYS: None

MOTION CARRIED

G. CONSIDERATION OF LETTER OF SUPPORT FOR CARP RIVER BRIDGE REHABILITATION PROJECT

Trustee Tabor moves, Greenberg seconded to authorize a letter of support for the efforts of the local MDOT to provide for restoration and painting of the bridge carrying the current non-motorized trail and snowmobile trail over the Carp River in the City of Marquette.

AYES: 7

NAYS: 0

MOTION CARRIED

H. CONSTRUCTION PROJECT OF US 41 SEWER LINE

Trustee Trudeau moved, Tabor seconded to authorize the expenditure of up to \$4,500 from the contingency account of the Wastewater Treatment Fund for the emergency cleaning of a 30:" diameter sewer under US 41.

ROLL CALL:

AYES: Seppanen, Engle, Trudeau, Maki, Greenberg, Carlson, Tabor

NAYS: None

MOTION CARRIED

PUBLIC COMMENT

Dick Arnold, County Road 535, stated he is opposed to way the Township sign is being used by businesses who are not paying taxes.

Judy White, 370 Lakewood Lane, stated no one knows that Township website exists and there is a lack of communication by this Township.

Deb Mulcahey, 633 Lakewood Lane, stated Township needs better means of communication and commented on problems with BS&A website.

Theresa Scram, 256 Shot Point Drive, reminded people to vote for her candidate of choice for Chocolay Township Supervisor, Pete Mackin.

Pete Mackin, PO Box 904, Chocolay Township, made additional comments regarding mining and taxes.

INFORMATIONL REPORTS AND COMMUNICATIONS

- A. Minutes – Township Planning Commission, May 7th, 2012.
- B. Minutes – Marquette County Solid Waste Management Authority, April 25th, 2012.
- C. Minutes – Marquette Area Wastewater Treatment Authority, April 19th, 2012.
- D. Correspondence – Marquette Area 4th of July Committee.

Meeting adjourned at 8:00 p.m.

Max L.. Engle, Clerk

Greg Seppanen, Supervisor

APPOINTMENTS/RESIGNATIONS

None.

SUPERVISOR'S REPORT

A. UPDATE OF US 41 PROJECT.

Steve Lawry, Township Manager, stated that northbound lanes are being paved. Next week traffic will shift to move work to other side of highway. Work in Harvey has begun and the storm drains are being raised to meet the elevation. Milling and paving will be done at night. Will be keeping three lanes in use throughout project. The asphalt is being placed in multiple layers and will be a final surface.

B. UPDATE ON TOWNSHIP STREET RESURFACING PROJECT.

Steve Lawry, Township Manager, stated that the Briarwood project began today. Paver will be there tomorrow morning. The paving portion of the project will be done by first of next week with restoration to follow soon thereafter.

Trustee Maki inquired about future road projects.

Manager Lawry stated that money collected with last year's millage that wasn't spent this year, along with a needed supplement from the general fund budget, would allow for the rest of what was originally scheduled for paving this year to be completed next year. Will be working with the road commission rating system in developing a different priority plan for Board approval and a millage renewal for the following year. Priorities will be based on pavement condition versus population.

Trustee Maki stated he wants to make sure that roads that need fixing are addressed.

C. REMINDER OF AUGUST PRIMARY AND MILLAGE ELECTION.

Clerk Engle stated this election will be using the new E-Poll Book, a laptop computer, to look up names and swipe driver's licenses and assign ballot numbers to voters. Fire Hall millage is on ballot and asked people to vote on August 7th.

UNFINISHED BUSINESS

A. CONSIDERATION OF POLICY FOR MANDATORY DIRECT DEPOSIT.

Clerk Engle moved, Trustee Tabor seconded to recommend that paragraph 1 of section 5.3 of the Personnel Policy and Procedures Manual be amended to read as follows: "The pay period is two weeks and begins on Sunday and ends on Saturday. Paychecks will be distributed by direct deposit only by the Thursday following the end of the pay period." Eligible individuals will be notified in writing with their next paycheck and required to enroll by September 28, 2012.

AYES: 7 NAYS: 0 MOTION CARRIED

NEW BUSINESS

A. CONSIDERATION OF LEVEL OF SUPPORT FOR BIKEPATH RESURFACING PROJECT.

Treasurer Greenberg moved, Trustee Carlson seconded to authorize a letter of support for the efforts of the local MDOT TSC to obtain grant funds for repaving the non-motorized pathway along the east side of US 41 between Bayou Street and the M 28/Cherry Creek Road intersection and pledge Township participation of 5% in the project costs, up to \$10,000 to be paid from the Recreation and Grants account of the Capital Improvement Fund.

AYES: 7 NAYS: 0 MOTION CARRIED

B. SCHEDULE A JOINT MEETING WITH THE PLANNING COMMISSION TO DISCUSS THE PROPOSED SIGN AND HOME OCCUPATION ORDINANCE AMENDMENTS AND OBJECTIVE PRIORITIES

Trustee Maki moved, Trustee Tabor seconded to hold Joint Planning Commission and Board meeting for Wednesday, August 22, 2012 at 7 PM at the Township Hall Meeting Room.

C. 2012 GENERAL FUND BUDGET AMENDMENT #3 TO REFLECT RECEIPT OF ALCOHOL ENFORCEMENT GRANT FUNDS FROM THE OFFICE OF HIGHWAY SAFETY PLANNING.

Trustee Tabor moved, Treasurer Greenberg seconded, that Whereas a budget was adopted by the Chocoley Township Board to govern the expenditures of anticipated general fund receipts within the township on November 14, 2011 for the next fiscal year, and Whereas as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary 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
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Police Salary			
101.305.702	\$252,505.00	+\$1,220.13	\$253,725.13
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
101.698	\$ 12,275.00	+\$1,220.13	\$ 13,495.13

ROLL CALL:

AYES: Seppanen; Engle; Trudeau; Maki; Greenberg; Carlson; Tabor

NAYS: None

MOTION CARRIED

D. 2012 GENERAL FUND BUDGET AMENDMENT #4 TO REFLECT RECEIPT OF SEATBELT ENFORCEMENT GRANT FUNDS FROM THE OFFICE OF HIGHWAY SAFETY PLANNING

Trustee Carlson moved, Treasurer Greenberg seconded, that Whereas a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township on November 14, 2011 for the next fiscal year, and Whereas as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Salary			
101.305.702	\$253,725.13	+\$985.74	\$254,710.87
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
101.698	\$13,495.13	+\$985.74	\$14,480.87

ROLL CALL:

AYES: Seppanen; Engle; Trudeau; Maki; Greenberg; Carlson; Tabor

NAYS: None

MOTION CARRIED

E. 2012 GENERAL FUND BUDGET AMENDMENT #5 TO REFLECT RECEIPT OF SNOWMOBILE ENFORCEMENT GRANT FUNDS FROM THE DEPARTMENT OF NATURAL RESOURCES.

Treasurer Greenberg moved, Trustee Tabor seconded, that Whereas a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township on November 14, 2011 for the next fiscal year, and Whereas as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Salary			
101.305.702	\$254,710.87	+\$7,444.27	\$262,155.14
Equipment Maintenance			
101.305.778	\$10,728.00	+\$1,143.12	\$11,871.12
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
101.698	\$14,480.87	+\$8,587.39	\$23,068.26

ROLL CALL:

AYES: Seppanen; Engle; Trudeau; Maki; Greenberg; Carlson; Tabor

NAYS: None

MOTION CARRIED

F. 2012 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #4 TO REFLECT RECEIPT OF MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS TRAINING FUNDS

Trustee Maki moved, Clerk Engle seconded, Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township

on November 14, 2011 for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues and/or revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Training			
Capital Outlay	\$939.82	\$378.80	\$1,318.62
401.306.957			

REVENUE	PREVIOUS	CHANGE	AMENDED
State of MI			
401.543	\$0.00	\$378.80	\$ 378.80

ROLL CALL:

AYES: Seppanen; Engle; Trudeau; Maki; Greenberg; Carlson; Tabor

NAYS: None

MOTION CARRIED

G. AUTHORIZATION TO PURCHASE A RADAR SYSTEM FOR THE POLICE TAHOE UTILIZING CAPITAL IMPROVEMENT FUNDS

Trustee Trudeau moved, Trustee Carlson seconded, to approve the purchase of the BEE III Radar from MPH Industries at a cost of \$1,670. 00 This will be paid from the Capital Improvement Fund-Vehicles, Account #401.305.957

ROLL CALL:

AYES: Seppanen; Engle; Trudeau; Maki; Greenberg; Carlson; Tabor

NAYS: None

MOTION CARRIED

H. AUTHORIZATION TO PURCHASE A STOP STICK KIT FOR THE POLICE TAHOE UTILIZING CAPITAL IMPROVEMENT FUNDS

Clerk Engle moved, Treasurer Greenberg seconded, to approve the purchase of the 9' Stop Stick Rack Kit from Stop Tech at a cost not to exceed \$450. This will be paid from the Capital Improvement Fund-Vehicles, Account #401.305.957.

ROLL CALL:

AYES: Seppanen; Engle; Trudeau; Maki; Greenberg; Carlson; Tabor

NAYS: None

MOTION CARRIED

I. AUTHORIZATION TO PURCHASE MEDICAL RESPONSE EQUIPMENT FOR THE POLICE TAHOE UTILIZING CAPITAL IMPROVEMENT FUNDS

Trustee Tabor moved, Trustee Carlson seconded to approve the purchase of the Dyna Med Mini Medic First Response Bag and Oxygen Delivery bag/kit from Gall at a cost not to exceed \$420. This will be paid from the Capital Improvement Fund-Vehicles, Account #401.305.957.

ROLL CALL:

AYES: Seppanen; Engle; Trudeau; Maki; Greenberg; Carlson; Tabor

NAYS: None

MOTION CARRIED

J. AUTHORIZATION TO PURCHASE GUN-MOUNT FLASHLIGHTS FOR THE POLICE DEPARTMENT UTILIZING CAPITAL IMPROVEMENT FUNDS

Trustee Carlson moved, Trustee Tabor seconded to approve the purchase of 9 LD20 R5 Black Fenix Flashlights at a cost not to exceed \$540. This will be paid from the Capital Improvement Fun-Electronics, Account #401.305.957.

ROLL CALL:

AYES: Seppanen; Engle; Trudeau; Maki; Greenberg; Carlson; Tabor

NAYS: None

MOTION CARRIED

PUBLIC COMMENT

Theresa Scram, 256 Shot Point Drive, stated 60 percent of 6,000 population in Chocolay Township are retirees and urge to make announcement on message board that Township will be open to issue absentee ballots for the August 7, 2012 election and requested posting of Election Commission meeting on Township message board.

Deborah Mulcahey, 633 Lakewood Lane, stated her concerns regarding no road millage on absente ballot; public notices and meeting notices from Planning Commission; public access for BS&A photos on website; and concern regarding the public not having access to password for public computer in the Township Office.

Jim Goodman, 140 Orchard Lane, inquired of Treasurer John Greenberg regarding Township CDs and funding of new fire station.

INFORMATIONL REPORTS AND COMMUNICATIONS

- A. Minutes – Township Planning Commission, June 4th, 2012.
- B. Minutes – Marquette County Solid Waste Management Authority, May 16th, 2012, May 24th, 2012, and June 20th, 2012.
- C. Minutes – Marquette Area Wastewater Treatment Authority, May 17th, 2012.

Meeting adjourned at 8:05 p.m.

Max L. Engle, Clerk

Greg Seppanen, Supervisor

FINANCIAL REPORTS – July 2012.

Carlson moved Greenberg seconded to approve the financial reports.

AYES: 7

NAYS: 0

MOTION CARRIED.

TREASURER'S REPORT.

Tabor moved Engle seconded to accept the Treasurer's report.

AYES: 7

NAYS: 0

MOTION CARRIED.

PRESENTATIONS.

RESOLUTION OF APPRECIATION – JEAN HANNEMAN, ELECTION CHAIRPERSON.

Engle moved Greenberg seconded the RESOLUTION OF APPRECIATION to Jean Hanneman for her dedication to the Township and its citizens as Election Inspector Chairperson for the past 16 years. We do express our appreciation on behalf of the Township Board and its residents. Signed this 20th day of August 2012.

AYES: 7

NAYS: 0

MOTION CARRIED.

FY2013 DRAFT BUDGET.

Manager Lawry presented the highlights of the FY2013 Budget from his memo dated August 1st under the introduction tab in the FY2013 budget.

Treasurer Greenberg asked Manager Lawry to present a cost projection for rebuilding a pump station. Trustee Trudeau discussed depreciation and actual cash in the Wastewater Treatment Fund.

Trustee Trudeau presented information he found on the internet on employment cost index including 3 month seasonally adjusted rates and a 12 month rate for wages and benefits. He feels that the pay increase should be discussed. The Township pay grade wage chart was discussed. Treasurer Greenberg indicated that the final step on the chart is a reasonable salary for fully trained person in the position. The employee works their way through the chart over a three year period. The FY2013 budget allows for a 3% pay increase for employees, but at the same time the employees will go from paying 4% to 10% on health benefits. The employees will only realize a 1.13% pay increase.

Sergeant Jennings representing the employee group stated that we need to at least maintain the pay from the year before and not go backward.

The Board all agreed in general with the salary and benefit portion of the FY2013 budget.

Trustee Maki commented on the Township utilizing fund balance to balance the budget, needing to do a full analysis on roads before we approve any expenditures, and does not agree with the allocation in the assessing department for appraisals for the State Tax Tribunal. He also commented that he found an error on the Moyle assessment.

SUPERVISOR'S REPORT.

- Traffic Safety- presented a video with a near miss with Officer Trotochaud at a traffic stop in Beaver Grove.
- Update of U S 41 Projects. Brad Johnson, DPW Foreman stated that driveway approaches were finished today and the road construction in Harvey should be complete tomorrow. The portion into Marquette should be completed by October 1st. There were complaints on the work that was done at 4:00 am, but this was done for safety reasons.

DISCUSSION OF FIRE STATION CONSTRUCTION PLANS.

The fire hall millage has passed and the building committee should begin to meet again to look at the most updated plans with the most current building codes. Sands Township is interested in using one of the bays in the new fire hall. Trustee Trudeau stated that Sands Township was not in the equation at any point when the millage was discussed. If there is additional space in the fire hall it should be utilized by our police department. Treasurer Greenberg is not opposed to the Township Manager having conversation with Sands Township on the space. The building committee

will have the RFP's ready by November or December of 2012 and look at putting out bids in January 2013 for the spring 2013 construction season. We also need to work on our financing plans. Manager Lawry indicated that we need to decide what level of involvement we want from the architectural firm. The committee will look at that issue also.

RECONSIDERATION OF SUPPORT FOR BIKEPATH RESURFACING.

Don Britton representing the Iron Ore Heritage Trail encouraged the Board's financial support on repaving of the bike path from M/28 intersection to Bayou Street. That portion of the bike path is in very poor condition.

Treasurer Greenberg asked if the path will be upgraded with the paving or are the going to pave over past water problems. Manager Lawrey stated that they will make elevation corrections to eliminate the water problems.

Carlson moved, Tabor seconded to amend Township support for repaving the non-motorized pathway along the east side of US 41 between Bayou Street and the M 28/Cherry Creek Road intersection and pledge Township participation of a total of 10% of project costs, up to \$20,000 to be paid from the Recreation and Grants account of the Capital Improvement Fund.

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen

NAYS: None.

MOTION CARRIED.

2012 CAPITAL IMPROVEMENT FUND BUDGET ADJUSTMENT #5 TO REFLECT RECEIPT OF UTILITY REVIEW COMMITTEE FUNDS.

Greenberg moved Tabor second that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on November 14th, 2011 for fiscal year 2012, and Whereas, as a result of receipt of unanticipated revenue it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
Miscellaneous Revenue			
401.698.000	\$8,073.00	+\$1,890.63	\$9,963.63
EXPENDITURE			
Streets 401.440.921			
-Utility Improvements	\$ 0.00	+\$1,890.63	\$1,890.63

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO PURCHASE TRAFFIC SAFETY EQUIPMENT FOR THE POLICE TAHOE UTILIZING CAPITAL IMPROVEMENT FUNDS.

Trudeau moved Engle seconded to approve the purchase of 36 Road Flares, Container and Fire Extinguisher at a cost not to exceed \$200. This will be paid from the Capital Improvement Fund-Vehicles, Account #401.305.957

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen

NAYS: None.

MOTION CARRIED.

PUBLIC COMMENT.

Chief Zybur commented on the Silver Creek Block Party/ National Night Out /Bike Safety registration program held last week end was a huge success.

Deborah Mulcahey, 633 Lakewood Lane – Commented on FY2013 budget tax tribunal legal fees and feels an audit on assessments is needed. Park & Recreation risk management liability suggestion should be followed for safety issues. The highway construction on U S 41 South is asphalt replacing concrete and asphalt will not last long in this climate. Night work on this project should have been addressed in the contract and the lack of guard rails on the project should be addressed. The Township should mail information on recycling along with tax assessment notices. The recycling signs should appear on both sides of the Township sign.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, July 2nd, 2012.
- B. Minutes – Marquette County Solid Waste Management Authority, July 18th, 2012.
- C. Minutes – Marquette Area Wastewater Treatment Authority, June 21st, 2012.
- D. Minutes – Utility Review Committee, June 8, 2011 and October 26, 2011.
- E. Election Results – August 7, 2012.

Trustee Maki encourage everyone to read the July 2nd 2012 Planning Commission meeting minutes especially dealing with the sign ordinance. Issues are still being discussed on fee and permit language that was created in 2008 that now needs correction. We have never discussed electronic signs in residential neighborhood as indicated in the minutes. Trustee Maki questioned what was the discussion on warning and security signs? Our sign ordinance has gone from a 4 page document to a 20 page document and it is very confusing.

Meeting adjourned at 9:05 p.m.

Max Engle, Clerk

Greg Seppanen, Supervisor

August 22, 2012

A Special meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Wednesday, August 22, 2012 at the Chocolay Township Office, 5010 U S. 41 South, Marquette, MI. Township Clerk Engle called the Township Board meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

TOWNSHIP BOARD

PRESENT: John Greenberg, Max Engle, Mark Maki, Susan Carlson, John Trudeau, Ken Tabor.

ABSENT: Greg Seppanen.

PLANNING COMMISSION

PRESENT: Kendell Milton, Andy Smith, Andy Sikkema, Eric Meister, Tom Mahaney, Ken Tabor.

ABSENT: Gary Heinzelman.

STAFF PRESENT: Steve Lawry, Kelly Drake Woodward.

Planning Commission Chair Milton called the Planning Commission meeting to order at 7:01 p.m.

ELECTION OF CHAIR

Maki moved Greenburg seconded to elect Engle as Chair for the meeting.

AYES: 6

NAYS: 0

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Maki recommended two additions to the agenda, including accommodating Don Britton if he arrives, regarding the route of the Iron Ore Heritage Trail, and consolidating all agenda items dealing with Home Occupations and Signs separately. Woodward said she thought the Iron Ore Heritage Trail item was to be included on the next Planning Commission agenda, and agreed she would like to separate the two presentations to be shown in New Business along with their respective topic. The Agenda would first include public comment on non-agenda items, then (having no public hearings or unfinished business) proceed to New Business of Home Occupations Amendment (presentation, public comment, discussion) and then to New Business Sign Amendment (presentation, public comment, discussion), and then to Upcoming Priorities (public comment and discussion), and finally public comment and adjournment. Greenberg also proposed a one hour time limit on the Home Occupation discussion to leave time for other agenda items.

Maki moved Greenberg seconded to accept the agenda as corrected.

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLIC COMMENT

None. Public comment closed.

PUBLIC HEARINGS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

A. Home Occupation Amendment #34-12-04

Presentation

Woodward gave a brief presentation about the initiation and progress of the Home Occupation amendment, and a summary of the proposed regulatory change. The project began with a concern that the conditional use process and fee would discourage some home occupations, or at least the Township’s knowledge of some home occupations. The goal is to create a two-tiered system that makes it easier for low impact home occupations. The current provisions require a conditional use permit for all home occupations, and prohibit the repair, assembly, or any other work related to motor vehicles and their parts among other uses. Only one home occupation is allowed per parcel. The proposed amendment has a two-tier system that permits some home occupations as permitted uses, and requires a conditional use permit for others (such as the repair, assembly, or any other work related to motor vehicles and their parts). The proposed provisions allow more than one home occupation per parcel (but still limit permitted area). The new provisions are supported by periodic inspections and ordinance provisions that elevate other governmental laws, rules, and restrictions.

Public Comment

Deborah Mulcahey of 633 Lakewood Lane said she has been dealing with the issue of home occupations since 2008 and feels the proposed ordinance does not protect the public or the public water supply. She

cited the March 2012 attorney comments regarding the “substantial liberalization” of home occupation provisions that could weaken enforcement. She feels the permitting process is too cumbersome for revoking permits, and recommends a licensing process. She reiterated that she would like to see an increased notification distance for public hearings above the state requirement of 300 feet. Putting notices in the Mining Journal is expensive, and the \$250 fee may not cover it. She doesn’t feel the Township should have to subsidize the cost of home occupations. She recommends considering use of e-mail and phone communications for notifications. She feels the proposed home occupation provisions do not conform with the Choccolay Township Master Plan, will result in larger home occupations, and do not adequately define operational impacts such as increased traffic. She agrees the prohibited use list is not all inclusive. She clarified that the Motor Vehicle Act does not repress work on motor vehicle parts. Mulcahey said that in 2009 there was a cease and desist order to shut down a transmission repair business in her neighborhood. She had previously mentioned the issue of hazardous materials (mineral spirits) to Woodward, who commented that anyone can have these types of materials in their home. Mulcahey says this is different than having the large quantity associated with businesses. She thinks it is short-sighted to expect other agencies to help with enforcement of hazardous substance because they don’t have the necessary staff to enforce their regulations. She said Choccolay Township should not create issues for other regulatory agencies. She thinks Choccolay needs to make regulations easier to enforce. She doesn’t want to live in a business district. Mulcahey claimed that in March Smith proposed the idea of permitting motor vehicle repair as a conditional use. She questioned Smith’s motives in introducing ideas for the changes that she thinks are very different from what we have. She wants to protect well water and quality of life in the Township.

Maki asked Mulcahey for clarification on the traffic provision, and the court order for abatement in the case she mentioned. He also questioned her assertion that Smith proposed the home occupation amendment. She clarified that she meant that Smith proposed a provision to allow auto repair as a conditional use instead of a prohibited use at the March 2012 meeting. Mulcahey said that the court deemed the transmission repair operation a nuisance per se. Mulcahey and other residents claim that the transmission repair operation has not closed down, although there have been no deliveries in the last two months. They can’t say what is going on in the garage. Mulcahey claims that Township staff feels their hands are tied in enforcement – the previous planner was not allowed on the property. She claims the Township can knock and ask to inspect the property pursuant to the court order. Police and the prosecutor say there is no probable cause to get a search warrant for a knock-and-talk inspection such as Mulcahey has proposed. Mulcahey says you don’t need the documentation that someone is doing something illegal if you have the documentation of the activity that is being brought to the place. She claims there has been continued violation since 2009, and the Township felt they had no proof. She said this has created enforcement difficulties for staff.

Lorraine Leidholdt of 196 Brookside Drive said there is an illegal operation on South Big Creek Road behind a fence, which is an auto repair home occupation run by a non-resident of Choccolay Township. She doesn’t want to live in a business district, and thinks the ordinance changes will allow more businesses to crop up in neighborhoods.

Peter Ollila of 633 Lakewood Lane said that he discussed the rationale and enforceability of the Home Occupation provisions with Sikkema, who said that ordinance design and enforcement are two separate issues. Ollila feels you can’t separate the two, and should not have regulations if you can’t enforce them. He feels the scope of these provisions has been broadened beyond the original intent, and industrial equipment and chemicals do not belong in residential neighborhoods. He wants to scale the provisions back to allow only “mom and pop” operations and get away from uses with impacts that are not enforceable. He noted a circular argument in that the attorney claims that probable cause (criminal standard) must be shown for entry, but you can’t get probable cause without entry.

Stephanie Gencheff of 597 Lakewood Lane and her husband are also opposed to the Home Occupation amendment. Public comment was closed for this item.

Discussion Home Occupation #34-12-04

Sikkema noted that this issue came up because a person wanted to report a home occupation, and felt they wouldn’t have enough income from the home occupation to cover the required conditional use fee of \$250. It was deemed unnecessary to require a conditional use permit for all home occupations. There is also a concern that there are many unreported home occupations. It was thought that a simplified process would be less likely to deter notification of the existence of home occupations. The original intent of the amendment was to make home occupations a permitted use. During discussion, the commission addressed the issue of non-resident employees, and came back to the belief that home occupations should be for residents only. The commission questioned the relevance of the prohibitions against all types of vehicle repair because they do not all have the same impacts. The commission hoped to create a fair permitting system that discriminates based on operational impacts and not type of operation. For example, someone doing repairs on starters may not create any adverse impacts and could earn income in retirement. The commission questioned the logic behind allowing lawn mower repair but not repair of automobile parts. The conditional use process includes a possibility for additional special requirements based on anticipated impacts.

Sikkema explained that the planning commission felt it was not fair or logical to limit home occupations to 25% of the area of one story, because this would give an unfair advantage to someone living in a ranch home with the same square footage as a two-story home but a larger footprint. They also discussed home occupations in accessory buildings, and felt they did not want to encourage people to build accessory structures strictly for home occupations. After listening to public comment, the planning commission decided to limit the size of home occupations to 25% of the area of one structure.

Sikkema also noted that the Planning Commission didn't feel the limit of one home occupation per parcel was fair if both husband and wife want a home occupation, such as a home office and craft business. Meister noted that they strengthened enforcement with inspection provisions. Sikkema said that under the current provisions, there are probably very few conditional use permits and many unreported operations. They want to make it easier for residents to report legitimate home occupations, and easier for the Township to know what is going on.

Mahaney commented on the home occupation provisions of neighboring jurisdictions as provided in the packet. He said they are all different with few commonalities except the intent to allow home occupations without impacts. He said it's a complicated issue that has been discussed quite a bit, and there is not one specific way to do it. It's important to listen to public feedback.

Sikkema addressed the sensitivity to auto repair as a home occupation and said the concerns are probably well justified. But he didn't feel you should write an ordinance based on one case that wasn't enforced. The ordinance should be reasonable for the community, and then it should be enforced. You shouldn't fail to write an ordinance because you don't think it will be enforced.

Carlson asked Lawry about Marquette Township's provisions. He stated that he could only speak to the City of Marquette's provisions. The City revised their home occupation provisions a couple of times and are currently rewriting the entire zoning ordinance. He can't speak in detail because the project is being done by a consultant who has not provided the Planning Commission with anything for review. He does not think home occupations are a big issue in Marquette, and suspects the majority are not registered even though they are supposed to.

Maki commented on enforcement related to contractor yards that led to a previous amendment and the two-tiered system in the 2007 home occupation language. Under that system, a home occupation that met all the standards was permitted, and if not, then could only be permitted by conditional use permit. He feels the permits that were issued and termed out are not being put through the re-application process or being enforced. Some of the proposed language mirrors the 2007 language with the exception of the motor vehicle repair. He noted the original prohibitions came from uses with anticipated problems with impacts or enforcement. He said that residents don't usually want to speak out against their neighbor because it creates problems with relationships. He thinks we should structure a lower fee and go back to a two-tier system. Tabor noted that he thinks this is what the Planning Commission has proposed. Engle noted that the \$250 cost for the permit doesn't cover the entire cost of the conditional use process, so he doesn't think it is justified to lower the fee.

Greenberg gave an example of his own home business that consists of a desk, file cabinet, and telephone. He went to the ZBA for permission for a home occupation and sign, but it was simple back then. He likes the Planning Commission's thoughts and thinks the two-tier approach makes sense. He said the fee should be set so as not to discourage registration but to cover expenses. Sikkema said that currently all home occupations must go through the conditional use process and pay the \$250 fee, and there is no guarantee they will get their permit. The \$250 probably does not even cover the notification costs. This is why a change is needed.

Engle suggested we move the "Permitting and Approval" section from (D) to (B). He also noted a text change that "1) ALL PERSONS conducting a home occupation . . ." instead of "ANY PERSON conducting a home occupation". He suggested making C.5.b (any type of repair, assembly, etc) as a separate section C.6 labeled "Conditional Use". Item C.7 would then include "Prohibited Uses".

Maki wants to get rid of the provision in "Permitting and Approval" that encourages people to start a home occupation without having first gotten the relevant permit. He thinks they should not be able to come in 30 days after they start a home occupation for approval. They should get a Zoning Compliance Permit or Conditional Use Permit as appropriate and then start. Sikkema said that some people experiment with these activities before really committing to a home occupation. He doesn't want people to feel they are committing a violation. Maki noted there would be no penalty if people didn't come in for the permit first – they would just be informed they needed a permit.

Trudeau said that most people want to try something first before they get serious about a home business. Then if they get serious, they can get a permit. But they might register first. He said that you wouldn't even know that many home businesses are there and they don't have permits. Sikkema noted that when the home occupation gets to the point that it creates operational impacts, it should be required to move to the commercial area, but this process would allow them to get a start first before making that commitment.

Greenberg asked if we could say that no permit is required for certain home occupations, and conditional use permits are required only for the ones with operational impacts? Trudeau asked if the proposed language will take care of all the uses that should be prohibited due to operational impacts. Sikkema said that if the neighborhood knows about the home occupation, then it is probably in violation of proposed operational impact standards. Maki wanted to know if there have been any conditional use permits granted in the last 10 years. Smith remembered a sawmill on Willow Road. Maki wondered why the change was made in 2008 to make all home occupations conditional uses. Carlson noted that the Governor is trying to eliminate licensing for barbers so they can do this from their home, and this should be considered. Meister noted that home occupations with operational impacts would not be granted the conditional use permit. Mulcahey disputed the effectiveness of depending on this approach.

Woodward proposed not mentioning specific uses since a list could never be all-inclusive, but clarifying levels of operational impacts as the basis for tiered approval. As an alternative, she proposed a language change that would broaden the definition of uses that could be considered through the conditional use process based on anticipated operational impacts. She suggested a Zoning Compliance Permit (currently \$25) for Tier 1 approval, and the Conditional Use Permit (currently \$250) for Tier 2 approval. She suggested that when operational impacts are questionable, the Planning Commission could determine the proper permit required. Milton said the Zoning Administrator should have the authority to determine the appropriate permit required. Sikkema suggested this needs to be more clear. Trudeau asked for clarification of whether Tier 1 would be a registration process or a Zoning Compliance Permit approval process?

Maki asked what would be the trigger for the second tier approval – for example, would there be different size requirements for Tier 1 and Tier 2 permits? Sikkema thought the conditions would be the same – he noted this question made things get complicated in earlier discussions. Mahaney noted the amendment currently lists the conditions as applicable to ALL home occupations. Sikkema discussed an example of someone creating a sawmill on 20 acres where there is noise but no real impacts because there are no nearby neighbors. Neighbor input would be taken in the public hearing for the conditional use. Smith and Maki wanted to know what kinds of home occupations have been approved under the current ordinance. Maki wants to include the conditional use standards from Section 16.1 in the Home Occupation section to make it clear that all those standards also have to be met for the conditional use to be approved. It was generally agreed that there may be other uses besides auto repair that could be approved through the conditional use process, so the language should reflect this. Woodward reiterated her opinion that it is problematic to try to list specific uses into one of three categories – permitted by right (administrative approval), conditional use permit (planning commission approval), or not permitted. It should not be determined by type of use, but by the operational impact. Sikkema asked if the Board wants to see the prohibition against all automobile repair as a home occupation?

Maki wants separate language for the two tiers. Smith said that if a home occupation couldn't meet all the required conditions, then they could try for approval through the conditional use permit process that would explore the actual operational impacts. In this case, Maki thinks there should be different conditions for the conditional use than the permitted use. Woodward said you can have specific conditions that are different for each tier, and conditional use provisions that apply only to the second tier. She reminded participants of former versions of the amendment that followed this method. Sikkema thinks this much detail in regulation is problematic, and thinks some decisions can be left to the discretion of the Planning Commission after public comment and within reason. Greenberg appreciates the Planning Commission and the job they do. He is concerned that the conditional use is approved by a public body that is not elected, since the Board does not have final approval. So he likes to see black and white provisions. Woodward thinks it is important to strengthen the inspection and administrative provisions, and suggested that the more black and white the provisions can be, the more defensible they are.

Maki feels we should still deal with whether motor vehicle repair would be allowed in residential areas. He doesn't want to see this, but doesn't mind if someone works on parts (although it was noted that a transmission is a part). He reiterated that we shouldn't encourage problems between neighbors by depending on a discretionary process. Sikkema asked if full vehicle repair should be prohibited, with parts repair potentially permitted through the conditional use process. Smith believes that if the operational impacts had been enforced, then the previously mentioned auto parts repair facility wouldn't have been approved or would have been found in violation. Sikkema suggested that certain conditions such as size, location, and exterior appearance could be varied in the conditional use approval process while allowing no relaxation of operational impact provisions. However, it was noted that the noisy sawmill on the large acreage that wasn't bothering anyone would not have been approved under such a system.

There was agreement on the following:

- The Board doesn't necessarily want a ban on all auto repair uses, but they want to prohibit the repair of whole vehicles while allowing some flexibility for parts repair as long as there are no operational impacts.

- The Board would allow other conditional uses with some variance. For example, it might be appropriate to allow a sign, outdoor storage, additional space, etc. depending on the situation.

Then there was a question about whole tractor or boat repair? Sikkema said that's why the Planning Commission made vehicle repair a conditional use. As Mahaney said, when you get into planning for every possible scenario, you could spend a whole year on it.

Maki made a motion that the proposed home occupation amendment go back to a two-tier system similar to the 2007 language, retain current prohibited use language (3 items), require an administrative permit for Home Occupation 1 (meeting the conditions from 2007) and Conditional Use permit for other home occupations (Home Occupation 2), keep current size provisions, require a conditional use permit for a sign, and let the Board address the conditional use fees for home occupations. Support by Carlson. During discussion Trudeau said the motion was too confusing, and should be structured as a recommendation. Maki withdrew the motion, Carlson withdrew, and the above provisions were structured as a recommendation to the Planning Commission.

B. Sign Amendment #34-12-01

Presentation

Woodward gave a brief presentation about the initiation and progress of the Sign amendment, and a summary of the proposed regulatory change. In researching the minutes from meetings and other documents, it appeared the sign ordinance amendment began with a question regarding LED digital signs that staff was asked to research. Planning Commissioners said that the Board of Trustees were concerned about a number of nonconforming signs which might either indicate a lack of enforcement or difficulties with interpretation. Maki disputed the information about nonconforming signs and lack of enforcement (except with the Holiday Sign which the attorney said couldn't be enforced because of lack of ordinance clarity). Maki didn't remember any other problems with signs being mentioned in discussion. Others mentioned discussion on political signs, banners, temporary signs, Lakeneland signs, etc.

Woodward outlined challenges including administrative difficulties, inequitable provisions, and lack of clarity. The Planning Commission was concerned that many signs were approved through a variance and are therefore nonconforming. The commission argues that standards should reflect what is reasonable so that variances are not needed. Some current provisions are hard to enforce, or are in conflict with other regulations. The nonconforming policy needs to be updated to reflect recent case law that has determined that amortization or removal of nonconforming uses is not allowed in regulations adopted in accord with the Michigan Zoning Enabling Act. There are many omissions in the current provisions, which, if added, would provide clarity.

Goals for new standards include a user-friendly format, increased clarity, provisions to accommodate new sign technology, greater equity, and more defensibility supported by a reliance on model codes and national standards for guidance. Improved corridor safety achieved through appropriate sign size and less visual distraction was noted as a high priority.

Woodward explained the changes in sign area provisions. The current provisions prescribe a total sign allowance (all sign types) based on lot frontage length. The proposed standards have separate area allowances by sign type. Freestanding sign area is related to the speed of the adjoining roadway and the setback, therefore creating a more consistent standard with a relationship to public safety and motorist readability. Additional sign area is allowed for signs with greater setback, up to a maximum percent increase. The currently proposed freestanding sign area reflects a significant reduction from that recommended by the United States Sign Council studies. Wall sign area is related to building façade area, resulting in signs that are more in scale with the buildings. This method mirrors USSC standards.

Woodward presented findings from the sign inventory (area measurements compiled by Andy Smith). It was shown that several Township signs exceed current maximum sign area of 100 square feet. This information was disputed by Maki, as he thinks these signs would have been put up in violation if there were no variances.

Woodward presented three case studies for Family Dollar, Citgo, and Snyder's that compare allowed sign area per current vs. proposed standards, based on information on frontage length, setback, and façade area computed from Township records (retained site plan and permit records). Family Dollar is currently permitted about 275 sq ft with enlargement factor; proposed standards would permit a 120 sq ft freestanding sign and 210 sq ft wall sign for a total of 330 sq ft, or a 20% increase over current standards. Citgo is currently permitted 124 sq ft, but actually has 234 sq ft (exceeding current standards by at least 110 sq ft). Proposed standards would permit a 120 sq ft freestanding sign and 151 sq ft wall sign for a total of 271 sq ft, which is 16% over what they currently have, but would make the existing signs conforming. Snyder's is currently permitted 173 sq ft; proposed standards would permit a 120 sq ft freestanding sign and 339 sq ft wall sign for a total of 459 sq ft, which is 166% over current standards. Maki disputed these findings and computations, and doesn't believe that many signs are

nonconforming. Woodward said the Township does not maintain an up-to-date list of nonconforming signs.

Current and proposed standards for temporary signs (specifically banner signs) and electronic message signs were presented. Currently temporary signs are authorized for not more than 2 months at a time with a permit, and are only allowed for public direction or events, with no other specifications. The proposed standards would permit temporary signs for 90 days without a permit to accommodate seasonal promotions. The area of temporary signs would not be counted toward total permitted area but there are size restrictions. Banner size is limited as a percent of the area of any one building façade, and by total square footage allowed per parcel. Electronic message signs are proposed to have a size limit of 40 sq ft, a static message that doesn't change more often than once in 20 seconds, and an auto adjust mechanism to regulate brightness levels in relation to ambient light conditions. Nonconforming standards were discussed, with Woodward noting recommended changes for abandonment and amortization per her research based on the Michigan Sign Guidebook.

Public Comment

Deborah Mulcahey, 633 Lakewood Lane, said that she wants to address the fence issue for those who live on Lake Superior. She thinks current provisions that designate the road side as the "front" for purposes of fence placement, and do not address the lake side as the "front" of the property, create problems for neighbors with widely varied setbacks. She can put any fence she wants between the Lake and her house (even on the dunes) but she can't put any kind of fence she wants between her house and the road, even though, with the offset setbacks, her neighbors can have privacy fences extending along the property line nearer to the road than she can.

Regarding signs, Mulcahey wondered why the area of warning signs is being increased to six square feet, and why there are increases for residential sign area. She commented on provisions that she thinks favor political and real estate signs but make garage sale signs suspect. She wants the sign ordinance to be enforced on the Barbieri property adjacent to the Welcome Center. She says the property owner is unlawfully displaying 4' x 6' and 2' x 3' signs saying "private beach" and "no trespassing", and is harassing people who walk on the beach. She says the Township was involved in removing illegal signs from the DNR property, but they need new language to control this because there is no prohibition against people walking on the beach in Michigan. She is concerned that the traveling public visiting the Welcome Center see these uninviting signs. She encourages the Planning Commission to keep sign regulation simple so people know what is allowed.

Public comment on signs was closed at 9:23 pm.

Discussion

Smith asked for clarification from Mulcahey on the fence issue. She gave a demonstration.

Maki appreciated having information presented with clarity, even though he disputes the facts. He said that the ZBA allows increases to sign area with no basis, citing the Moyle development as an example. He knows we need to change the LED signs, but he said that for 32 years when he administered the Ordinance there was no problem with signs. He thinks the signs in the Township that were approved under the previous ordinance look nice. He doesn't hear people saying they need more signs. He agreed the effort started with LED signs, but then went on and on for three years – it gets crazy. He commented on Summer's comments of a previous draft that mention County ordinances. He questioned the recent proposed decrease of freestanding sign area from what was formerly based on national standards (which he thought were too large). Meister said they reduced the numbers because they thought a reduction would be more appropriate for the Township.

Trudeau wants to make the Ordinance less subjective so the ZBA has more guidance (more objective criteria). He said the changes the planning commission has made are based on rational discussion.

Meister said that Maki had asked them to review the sign area numbers because he thought they were excessive, so they initiated a discussion and agreed to back off the numbers. Maki said that was good, but questioned whether the discussion shows up in the minutes. Woodward offered the minutes of the August 6 meeting that were written with more detail per Maki's request. Smith said it was not arbitrary; it was all discussed in a good 3 year effort. Planning Commission members offered more information about the input and reasoning that are the basis for the provisions.

Maki is happy about the sign size reductions, but wants more reductions, although he objected to the ever-changing document. Sikkema said that's the point of the joint meeting – to try to make adjustments based on Board input, but it's been confusing to figure out what the Board wants to see and to determine how broad the consensus is across the entire Board. He said the Planning Commission has had very long discussions in their efforts to make standards more objective by basing them on national standards or reasoning based on what is applicable to the Township. Meister wants to learn more about Board objections so it can be addressed. Smith noted Woodward's influence and efforts in getting rid of problems and making the amendment read better.

Maki questioned why the size limits were changed – he said it's not based on case studies that say we need bigger sizes. He doesn't want the purpose to be making existing signs (that may be violations) conforming. Greenberg asked what Maki wants to see.

Trudeau asked if the speed limits might change, affecting the provisions. Sikkema said it is not likely and it's maxed out at 55 mph anyway.

Maki again said he doesn't agree with all the facts and will have to look at them. He said he should not have to continually be the staff and work through all these ordinances, but he will do some more homework on the last two meeting minutes. To get to specifics, he doesn't understand why residential signs are proposed to change from 2 square feet to 6 or 8 square feet, representing a large percentage increase. Woodward clarified that Maki was referring to residential name/address signs whose area is proposed to be based on speed of the adjoining roadway. Meister clarified that people can't see a 2 square foot residential sign on M-28. Maki said he suggested a larger sign area on M-28 ten or twenty years ago for the purpose of addressing homes with greater setbacks. He agrees with larger signs on M-28 due to the higher speed limit, but thinks 3 or 4 square feet is sufficient, and 16 square feet (4' x 4') is too much for name and address. Engle noted it's more visible for the person going 55 mph. Meister noted the signs that have camp names, and an effort to make this more equitable. Milton noted it was an effort to create criteria to control the camp signs. Maki suggested it was an effort to accommodate the maximum plus 20 percent.

Maki doesn't understand the increase in area for banners and changes in display time. He asked why give them another 80 square feet of free sign area for the summer? Tabor asked what is the problem with increasing it? Maki asked what is the reason for increasing it? Tabor said it seemed reasonable. Greenberg doesn't think banners have been a problem. He thinks it's somewhat self-regulating based on the length of the sale the businesses are promoting. Maki's opinion is that banners are not to be used for sales promotions, they are supposed to be for special events. Smith said this was all extensively discussed and the Planning Commission was in agreement. They did not randomly choose numbers. Meister related his experience in utilizing banners for promotions. His experience is that most businesses don't want to make their property look bad by leaving banners up for extended periods of time. He feels that banners are important tools for businesses, and are not a negative for the community. Mahaney said it is important to regulate the size and condition of banners. Maki objected to the display time. Greenberg asked what time period Maki suggests. Maki said he thinks one week is plenty of time for a sale. Trudeau said that the Planning Commission is composed of citizens who have determined that this regulation is appropriate and the process should move on. Carlson noted Snyder's and Ace Hardware's use of banners for promotions. Mahaney gave an example of a 90 day Scott's promotion, or 120 day DeWalt promotion for which he is sent banners for display. He said banners are an inexpensive way to advertise product. Maki doesn't object to banners, but thinks four-20 square feet banners per property is excessive. The Planning Commission discussed the typical size of banners, and that they can be displayed on multiple facades. Mahaney said Chocoley Township businesses won't go to the extreme to make their businesses look tacky, and praised the business corridor. Sikkema said businesses are important to the community, and the Planning Commission wants to show them support so they can be a part of the community. The Planning Commission reached a compromise on banner provisions. Tabor said they gained input on the typical size of promotional banners that are received by businesses. Sikkema said they also sought the input of business owners, CABA, sign companies, and the national standards. Smith pointed out that the size of banners is limited to 20 percent of building façade area. Maki stated it is good that banners can't be hung on poles, posts, vegetation, fences, etc.

Trudeau had a concern that the political sign standards need to accommodate the typical size of signs sent by national and state organizations, and urges staff to go measure them.

Maki again expressed concerns with the size of residential signs. He was told that the regulations were altered in consideration of existing conditions for residential signs (which were measured by Jennifer Thum) and what they thought was reasonable at different speeds. Maki wanted to be provided with evidence. Greenberg said many signs are not in compliance with the 2 square feet limit. Sikkema said no one is complaining about the signs that are out there, so why would we write an ordinance that makes them nonconforming? Again, the Planning Commission all agreed on numbers they thought were reasonable. Maki objected to the fact that the "reasonable" numbers keep changing. Engle said more information was available now than before on what is reasonable, based on standards no one ever looked at before, and the Planning Commission even chose reduced numbers from those standards based on what was right for the Township. Engle said this draft is much more readable than any others, with much better definitions. Maki extended appreciation to Woodward. Sikkema said the Planning Commission did their due diligence with careful consideration. Thum, Woodward, and the Planning Commission found issues and kept fine tuning. He really wants to know what the issue is so that adjustments can be made.

Tabor thinks we are there with this version of the amendment. Maki has learned things that make him feel a little bit better, but still feels that a change should be based on evidence. He feels better about banners; although he still thinks you should get a permit for banners because how else can you count the days? Maki doesn't think sign area should be changed just to make nonconforming signs

conforming. Sikkema said that was not their method – they took examples of signs that seemed reasonable in size (as measured by Smith), and they looked at national standards. Lawry said the fire and police departments say they have problems with the size of residential address signs when responding. They want to see signs larger than 2 square feet for better visibility. Maki said he is the one who suggested this enlargement before and they agreed with him. There is especially a need for larger numbers that may not be visible on a sign that is 2 square feet.

Staff was directed to look at the Barbieri signs (on the beach next to the Welcome Center) to see if they are in violation, and to talk with the attorney to see what can be done. The Township has done a lot of work to welcome people as a tourist area, and we shouldn't allow an illegal sign to offset this. Sikkema noted that the proposed sign provisions apply only to signs visible from the public right-of-way, public facilities, public trails, and navigable waterways, which would include Lake Superior and the public beach, but some signs on private property would not be regulated. Trudeau thinks this particular sign should be addressed. Perhaps it is on public property since it is between the high water mark and the shoreline.

Maki suggested the Board write a recommendation on their desired changes to the amendment at the September meeting, based on everyone suggesting changes and collaborating. Trudeau mentioned that the Planning Commission thinks they have a finished document. Greenberg was in agreement with passing on specific comments to the Planning Commission after the next Board meeting. Sikkema asked if they are getting there. Greenberg said, "Absolutely". Maki said they will try to quantify it and be in agreement. Sikkema said no one will get everything they want, it will take compromise. It was called a work in progress through the ages. Discussion was ended.

C. Planning Commission Priorities

Public Comment

Deborah Mulcahey, 633 Lakewood Lane, said that she would like to make the concept of "Aging in Place" a priority. Senior citizens use golf carts to get around on Lakewood Lane, and there is a safety issue. Lakewood Lane may need to be wider to accommodate walkers, bikers, and others so we don't lose senior residents.

Discussion

It was suggested that the Planning Commission give the Board a list of priorities at the September meeting, and the Board can add to the list. Items for inclusion are the junk car ordinance and private road standards. Sikkema would like to get through the ordinance issues and leave time to get back to Township planning. He mentioned a previous directive from another joint meeting to determine appropriate areas for more commercial/industrial development, and to make sure these areas are adequate for the future.

Smith asked about the Lowe's grant status. Lawry said a Lowe's grant was used for a slide at the Silver Creek Recreation Area a year ago, and picnic tables through the fire department (in the pavilion). The Township is still attempting to purchase the parcel on Silver Creek for better access to the recreation area. Some KBIC money is being put toward that purchase.

There was a discussion about the Iron Ore Heritage Trail (IOHT) route, and whether it should stay on the DNR trail or run through the business district. IOHT is talking about only including the DNR trail route. Both locations were shown on the map when the millage was passed, and the Supervisor is concerned that this should not look like a bait-and-switch situation to voters, and that the Chocolay Township voters should get a direct return on the dollars they contribute to the millage with IOHT investment in the Township trails. Sikkema thinks the Township should be part of the IOHT master planning process and have input into the route location. Woodward noted this is proposed to be on the agenda for the next Planning Commission, to work with Don Britton to determine the route, which is then advertised. Milton and others want to see the trail on the business route where it will also support the Silver Creek Recreation Area and other public access points in addition to the railroad spur. The Board is in agreement, and suggests bringing CABA in for support.

PUBLIC COMMENT

Wayne Dees, 512 Woodvale Drive, said he was going to hit specifics on these two ordinances, but doesn't think it's necessary. He thinks there needs to be a procedure and methodology for these public processes or the public bodies will keep spinning their wheels. This back and forth on issues is not effective or efficient and causes problems for the public who are trying to track government processes.

Meeting adjourned at 10:25 p.m.

Max Engle, Clerk

Greg Seppanen, Supervisor

PAYROLL.

Tabor moved Carlson seconded that the payroll for August 30, 2012 for \$35,141.16, including checks 9720-9731 and 20077-20110 and ACH payments for Federal tax, State tax and MERS retirement and September 13, 2012 for \$31,837.18, including checks 9732-9737 and 20111-20131, and ACH payments for Federal tax, State tax and MERS retirement be approved for payment.

AYES: 7

NAYS: 0

MOTION CARRIED.

FINANCIAL REPORTS – August 2012.

Trudeau moved Engle seconded to approve the financial reports.

AYES: 7

NAYS: 0

MOTION CARRIED.

TREASURER'S REPORT.

Treasurer Greenberg told the Board that we have 3 C/D's that will mature this month and an interest rate quoted today was 0.15%.

Maki moved Tabor seconded to accept the Treasurer's report.

AYES: 7

NAYS: 0

MOTION CARRIED.

PRESENTATIONS.

In a statewide survey using 515 police agencies; Chocolay Township was ranked tenth for number of drunk driving arrests with a total 10.5 arrests per officer. A Certificate of Appreciation from Mothers Against Drunk Drivers was presented to Officer Anthony Carrick.

Sam Elder and Brad Ostyn presented a check in the amount of \$2,281.02 to Chocolay Township for recycling efforts at the Marquette County Landfill for April through June 2012.

APPOINT ZONING BOARD OF APPEALS ALTERNATE.

Applicants Adrian Abbot and Raymond Gregory introduced themselves to the Board.

Trudeau moved Engle seconded that the Chocolay Township Board appoints Raymond Gregory to fill the currently vacant seat for alternate member of the Zoning Board of Appeals for the term ending January 1, 2015.

AYES: 7

NAYS: 0

MOTION CARRIED.

SUPERVISOR'S REPORT.

- Relayed to the Planning Commission that they should discuss the Iron Ore Heritage Trail Recreation Plan and how they want it configured in Chocolay Township.
- Update on U S 41 Highway project. Brad Johnson, D.P.W. Foreman reported that currently they are grading the shoulders on the south side of the highway. They had to mill out almost a full lane last week. There is still no definite completion date. The water is still not going into the storm drains at this point. There will be guard rails at the rock cut.

Trustee Maki brought up lighting near the Holiday Gas Station.

Manager Lawry indicated that Chocolay Township DPW will paint the curbs white with glass beads. MDOT is not in favor of lighting the highway in front of Holiday because when drivers leave the lighted area and enter the dark area of the highway, the contrast causes more visual problems.

Planner Kelly Drake Woodward stated that the Holiday Gas Station has a planned expansion that will go before the Corridor Advisory Committee for review, and that is another opportunity to review the safety aspects of that portion of the intersection.

FY2013 BUDGET.

PROPOSED FEE SCHEDULE.

Changes- All Mailing labels .015 per label, delete meeting on tape and change to meeting on CD \$5.00 and on flash drive \$15.00. Add - Deck Permit \$15.00 and Deck Permit after the fact (penalty) \$30.00.

Manager Lawry presented graphs on revenues, expenditures, salary, health costs and capital improvements expenditures. He indicated to the Board that with the slowing of the revenue stream; in order to be at a sustainable level we need to cut \$220,000.00 in the next year or two. The 6 year Capital Outlay Plan was also presented to the Board.

Trustee Trudeau requested that if any Board members had budget changes, state them now.

Maki moved Greenberg seconded to change the per diem amount to \$2940.00

AYES: 7

NAYS: 0

MOTION CARRIED.

ROAD FUND –

No Change.

FIRE HALL MILLAGE FUND –

No Change.

CAPITAL IMPROVEMENTS FUND –

No Change.

A Public Hearing for the FY2013 Budget is scheduled for the Regular Board Meeting on October 15, 2012.

DISCUSSION OF PROPOSED SIGN ORDINANCE.

Trustee Maki has major problems with the proposed sign ordinance. Responses from residents are that we want to remain rural and attractive. The proposed sign ordinance will double the size of signs in many areas of the Township. We have a massive increase in the allowable sign size north of Harvey and along M-28 and U S 41 in the commercial zones. Residential signs are being increased from 2 square feet to 8 square feet. Most of the signs on U S 41 and M-28 up to Lakewood Lane are in compliance. There are probably 20 signs past Lakewood Lane on M-28 that are not in compliance and that is understandable because they are camp signs that are a distance from the highway. We need an inventory of problem signs.

Clerk Engle feels that the Sign Ordinance that the Planning Commission has provided is written well and they have given justification for the increase in sign size.

Supervisor Seppanen is still concerned that we have no way to track temporary signs with the proposed ordinance.

The majority of the Board is satisfied with the proposed sign ordinance and the Planning Commission can move forward with it.

Trustee Maki feels we should put specific sign size increases on our website.

CONSIDERATION OF BUILDING COMMITTEE RECOMMENDATION FOR CONSTRUCTION MANAGEMENT SERVICES FOR FIRE STATION PROJECT.

Manager Lawry reported that months ago IDI presented a proposal with three different levels of supervision. The building committee felt that the option of part time inspection on site during primary construction phases was appropriate amount of supervision needed.

This is not bid out because this is additional services provided by the architectural firm we already selected through the bid process.

Trudeau moved Carlson seconded to authorize the Township Supervisor and Township Clerk to execute a contract for Clerk of the Works construction supervision services for the fire station contract with Integrated Designs of Marquette in accordance with their proposal dated September 12, 2012, at a cost not to exceed \$35,000.

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

CONSIDERATION OF PROPOSALS FROM MICHIGAN ENERGY OPTIONS FOR ENERGY AUDIT OF TOWNSHIP FACILITIES.

Mr. Ryan Engle from Michigan Energy Options presented information on an energy audit that would be performed with recommendations on changes including payback time.

Carlson moved Tabor seconded to authorize the Township Supervisor to sign acceptance of the proposal of Michigan Energy Options for performance of a Level 3 Health, Safety, and Energy Assessment of the Township facilities designated above for a fee of \$2,450.

Clerk Engle asked to be excused from the vote and discussion because Ryan is his son and there is a conflict of interest.

Maki moved Greenberg seconded to excuse Clerk Engle from discussion and voting on this item.

AYES: 7

NAYS: 0

MOTION CARRIED.

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Seppanen.

NAYS: None.

MOTION CARRIED.

CONSIDERATION OF PROPOSALS FROM MICHIGAN ENERGY OPTIONS FOR ENERGY AUDIT OF TOWNSHIP FIRE STATION CONSTRUCTION DRAWINGS.

Tabor moved Carlson seconded to authorize the Township Supervisor to sign acceptance of the proposal of Michigan Energy Options for a review of the Fire Station plans and specifications to identify opportunities or long-term energy savings at a cost of \$750.00.

Maki moved Greenberg seconded to excuse Clerk Engle from discussion and voting on this item.
 AYES: 7 NAYS: 0 MOTION CARRIED.

ROLL CALL.
 AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Seppanen.
 NAYS: None. MOTION CARRIED.

CONSIDERATION OF PLANNING COMMISSION RECOMMENDATION ON FUTURE SITING OF PICNIC PAVILION.
 Planner Kelly Drake Woodward stated that the Planning Commission felt that the Silver Creek Recreation Area was the best site for the relocation of the Township Hall pavilion.

Maki moved Tabor seconded that we support with the Planning Commission recommendation to move the pavilion to Silver Creek Recreation Area.
 AYES: 7 NAYS: 0 MOTION CARRIED.

2012 GENERAL FUND BUDGET AMENDMENT #6 TO REFLECT RECEIPT OF MMRMA GRANT FOR SNOWMOBILE PATROL OFFICER ACADEMY ATTENDANCE.

Greenberg moved Tabor seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township on November 14, 2011 for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
Police Department Capital Outlay 101.305.957	\$ 3,375.00	+550.00	\$ 3,925.00
REVENUE Miscellaneous 101.698	\$23,068.26	+550.00	\$23,618.26

ROLL CALL.
 AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.
 NAYS: None. MOTION CARRIED.

2012 GENERAL FUND BUDGET AMENDMENT #7 TO REFLECT RECEIPT OF STATE REIMBURSEMENT OF PRESIDENTIAL PRIMARY ELECTION COSTS.

Max moved Carlson second that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township On November 14, 2011, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

REVENUE	PREVIOUS	CHANGE	AMENDED
State Revenue 101.543	\$23,618.26	+2,789.01	\$26,407.26
EXPENDITURE Elections Per Meeting 101.190.710	\$5,700.00	+\$1,543.00	\$5,631.00
Elections Office Supplies 101.190.727	\$2,500.00	+ \$ 560.00	\$3,060.00
Elections Printing 190.728	\$1,000.00	+ \$70.00	\$1,070.00

Elections			
Postage			
101.190.729	\$1,800.00	+ \$422.00	\$2,222.00

Clerk			
Salaries			
101.215.702	\$88,284.00	+ \$194.01	\$88,478.01

ROLL CALL.

AYES: Tabor, Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None.

MOTION CARRIED.

PUBLIC COMMENT.

Mark Maki 370 Karen Road – One budget item I forgot to bring up was a new item for \$2700.00 for taxes on our Beaver Grove property. We lease out the property for about \$200.00 per year. Manager Lawry explained that once we leased the property, the land is no longer tax exempt. We could cancel our lease, but we would be subject to plant it ourselves by the Soil Erosion Control Act and the estimate cost of that is \$2500.00.

We need to provide information to our citizens on the changes in the sign ordinance.

Deborah Mulcahey – Suggests that the Board hold a separate meeting for budget work sessions as there is too much information when combining it with a regular Board meeting. Board members should not be cut off from speaking. She also commented on the budget information being provided to the audience, fee schedule, unfunded liability for pension, landfill, recycling energy audit and lead certification. She has worked with CUPPAD on two separate occasions and was extremely impressed by their professionalism.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, August 6th, 2012.
- B. Minutes – Marquette County Solid Waste Management Authority, August 22nd, 2012.
- C. Minutes – Marquette Area Wastewater Treatment Authority, July 19th, 2012.
- D. Notice – Michigan Liquor Control Commission Class C & SDM License Transfer.
- E. Notice – Marquette County Solid Waste Management Authority Accepting Compostable Materials Without Charging a Tipping Fee.

Meeting adjourned at 10:35 p.m.

Max Engle, Clerk

Greg Seppanen, Supervisor

October 15, 2012

A Regular meeting of the Chocolay Township Board was held on Monday, October 15, 2012 at the Chocolay Township Office, 5010 U S. 41 South, Marquette, MI. Supervisor Seppanen called the Township Board meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Greg Seppanen, John Greenberg, Max Engle, Mark Maki, Susan Carlson, John Trudeau.

ABSENT: Ken Tabor.

STAFF PRESENT: Steve Lawry, Mary Sanders.

MINUTES – September 17, 2012.

Trudeau moved, Carlson seconded that the minutes of the September 17, 2012 Township Board be approved with two changes - *on review of hiring on page 1 and add ' were there complaint on improper care of animals' to question on animal control on page 4.*

AGENDA ADDITIONS/DELETIONS.

Clerk Engle explained that the ad for the public hearing on the budget did not have a font size 11 and bold for the statement - **The property tax millage to be levied to support the proposed budget will be the subject of this hearing.** The public hearing for the budget will be held at the November 19th meeting after being properly posted.

Greenberg moved Carlson seconded to accept the agenda as changed - public comment on the FY2013 budget will be received , but approval of the budget will be deleted from the agenda.

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood – Commented on the budget; do not use artificially inflated property values for tax revenue. Recycling is important, but residents must pay for true costs so the Township should charge for recycling. Put notices on line and use the tax mailing to share information with residents. Presented a FOIA request to the Clerk. The Board stated that there would be no automotive vehicle repair allowed in the Township at the joint meeting with Planning Commission in September and the Planning Commission is still considering it.

ACCOUNTS PAYABLE.

Trudeau moved Carlson seconded that bills totaling \$22,490.61 and checks numbered 18126 to 18146 are approved for payment.

AYES: 6

NAYS: 0

MOTION CARRIED.

Carlson moved Trudeau seconded that bills totaling \$22,915.28 and checks numbered 18147 to 18175 are approved for payment.

AYES: 6

NAYS: 0

MOTIONS CARRIED.

PAYROLL.

Trudeau moved Maki seconded that the payroll for September 27, 2012 for \$33,615.26, including checks 9738-9743 and 20132-20162 and ACH payments for Federal tax, State tax and MERS retirement and October 4, 2012 for \$8,209.86, including checks 9744-9745 and 20163-20186, and ACH payments for Federal and State tax, and October 11, 2012 for \$29,678.91, including checks 9746-9751 and 20187-20206 and ACH payments for Federal tax, State tax and MERS retirement be approved for payment.

AYES: 6

NAYS: 0

MOTION CARRIED.

FINANCIAL REPORTS – September 2012.

Maki moved Trudeau seconded to approve the financial reports.

AYES: 6

NAYS: 0

MOTION CARRIED.

TREASURER'S REPORT.

Maki moved Carlson seconded to accept the Treasurer's report.

AYES: 6

NAYS: 0

MOTION CARRIED.

PRESENTATIONS.

None.

SUPERVISOR'S REPORT.

None.

PUBLIC HEARING ON 2013 SEWER RATE.

The public hearing was opened, no public comment received and the public hearing was closed.

BOARD CONSIDERATION OF SEWER USER FEE RESOLUTION.

**RESOLUTION VERIFYING USER FEE SUFFICIENT TO
COVER O. M. & R. OF THE WASTEWATER SYSTEM**

Trudeau moved, Engle seconded that WHEREAS, the revenues and expenditures for the wastewater collection and treatment system have been reviewed, and

WHEREAS, the current user fee of \$26.60 per month is not adequate for the projected replacement cost of the system, and

WHEREAS, the equivalent user fee of \$27.60 per month will be sufficient to offset the Township's share of \$13.22 per equivalent user per month, to pay the Operation, Maintenance, & Replacement Cost of the Wastewater Treatment Plant,

NOW, THEREFORE, BE IT RESOLVED, the Chocolay Township Board establishes the equivalent user fee of \$27.50 per month for the period beginning January 1, 2013, through December 31, 2013.

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None

MOTION CARRIED.

BOARD CONSIDERATION OF PROPOSED 2013 FEE SCHEDULE.

The Board discussed how and when to begin a penalty for construction without a permit. Our attorney said that it must be applied equally. The Board talked about setting a starting point for a penalty with a date of January 1, 2013. Delete from the fee structure (for deck construction completed without permit \$30.00) Change to **Administrative Enforcement Cost Recovery Surcharge \$25.00 (Applied to all construction & sign activity listed above erected or completed without proper zoning permit.) Effective January 1, 2013.**

The Board wants to determine a clear structure for consistent application for the administrative enforcement cost recovery surcharge prior to the 2013 construction season.

Carlson moved Maki seconded to approve the attached schedule of fees for Township services effective January 1, 2013.

AYES: 6

NAYS: 0

MOTION CARRIED.

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

Maki moved Greenberg seconded to adopt compensation rates of \$60.00 per meeting for members of the Planning Commission and the Zoning Board of Appeals, effective January 1, 2013.

AYES: 6

NAYS: 0

MOTION CARRIED.

Carlson moved, Engle seconded to adopt a compensation rate of \$100.00 per day per member for meetings of the Board of Review that are six hours or more in length and to retain the rate of \$60.00 per day for the meetings that are of shorter duration.

AYES: 6

NAYS: 0

MOTION CARRIED.

DISCUSSION OF HEALTH CARE PREMIUMS, EMPLOYEE WAGES, AND EMPLOYEE HEALTH CARE CONTRIBUTION RATES.

Greenberg moved, Carlson seconded, to exempt the Charter Township of Chocolay from the requirements of Michigan Public Act 152 of 2011 for the calendar year 2013.

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None

MOTION CARRIED.

Trudeau moved, Engle seconded, to set the employee participation rate for the cost of the medical benefit plan provided by Chocolay Township at 10% of the combined cost of health insurance premiums and Health Reimbursement Account payments for 2013. The Township will pay 90% of these costs.

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None

MOTION CARRIED.

Greenberg moved, Maki seconded, to amend Appendix L of the Personnel Policy and Procedures Manual by applying an increase of 3% to wage and salary levels at all steps of the matrix.

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None

MOTION CARRIED.

Trustee Maki requested that we change the employee salary that will cover the (\$200.00) loss from paying 10% in health premiums.

Trustee Trudeau feels that we should stick with the formula that has been set out for health insurance premium and not alter on an individual basis.

Treasurer Greenberg suggested that in 2014 we look at reworking the health insurance pay schedule and use a scale based on salary not a flat % of the health cost for each employee.

Trustee Maki asked to discuss the Lease property in Beaver Grove. He will do that under the Public Hearing.

PUBLIC HEARING 2013 BUDGET.

We will have an additional public hearing on the budget at the November 19th meeting.

Deborah Mulcahey 633 Lakewood Lane – It appears that only 50% of the property site visits have been done and we are in the 4th year of a 5 year cycle for the site visits. Who is doing the site visits?

Supervisor Seppanen indicated that we are 90 parcels short of where we are supposed to be at this point and a part time summer position has been making the site visits collecting data for the Assessor.

Rick Aho, Marquette County Solid Waste Authority – Presented a check in the amount of \$467.00 for July recycling for Chocolay Township.

Pete Mackin had a question for Mr. Aho on the trailers for the Townships.

Rick Aho said that recycling throughout the County is going quite well and is profitable.

Deborah Mulcahey asked what Chocolay Township can do about picking up recycling when the weight restrictions are on.

Manager Lawry is working with the Marquette County Road Commission on a way to pick up recycling during the weight restriction period.

Trustee Maki – We leased the Beaver Grove property for \$200.00 per year and then found out after the fact that we had to pay \$2,700.00 in taxes. Manager Lawry said that if we did not do this it would cost us \$2,000.00 in replanting it ourselves.

Manager Lawry is working with Bergdahls on a new contract/arrangement to grow hay for a year or two and then we would not be subject to the Soil Erosion Control Act for not seeding it with a cover crop.

The public hearing was closed.

2012 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #6 TO REFLECT RECEIPT OF DEPARTMENT OF NATURAL RESOURCES GRANT FOR WILDLAND FIRE GEAR PURCHASE.

Greenberg moved, Carlson seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvement fund receipts within the township on November 14, 2011 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
Capital Improvement Fund			
Fire Department			
Capital Outlay			
401.340.957	\$675,223.20	+\$1,588.74	\$676,811.94
REVENUE			
Capital Improvement Fund			
State Revenue			
401.543	\$ 378.80	+\$1,588.74	\$ 1,967.04

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None

ABSENT: Tabor.

MOTION CARRIED.

2012 GENERAL FUND BUDGET AMENDMENT #8 TO REFLECT RECEIPT OF DEPARTMENT OF NATURAL RESOURCES REIMBURSEMENT FOR SNOWMOBILE ENFORCEMENT TRAINING.

Trudeau moved, Greenberg seconded, that Whereas a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township on November 14, 2011 for the next fiscal year, and Whereas as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary 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 Outlay Snowmobile 101.305.957	\$ 3,925.00	+\$56.61	\$3,981.61
REVENUE	PREVIOUS	CHANGE	AMENDED
State of Michigan 101.543	\$12,043.67	+\$56.61	\$12,100.28

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None

ABSENT: Tabor.

MOTION CARRIED.

2012 GENERAL FUND BUDGET AMENDMENT #9 TO REFLECT RECEIPT OF U. S. DEPARTMENT OF JUSTICE REIMBURSEMENT FOR BULLET-PROOF VESTS PURCHASED.

Maki moved, Greenberg seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township on November 14, 2011 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 Department Police Uniforms 101.305.745	\$ 2,150.00	+\$1,051.00	\$3,201.00
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 101.698	\$23,618.26	+\$1,051.00	\$ 24,669.26

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None

ABSENT: Tabor.

MOTION CARRIED.

2012 GENERAL FUND BUDGET AMENDMENT #10 TO PROVIDE FOR ADDITIONAL STAFF TIME TO PROCESS ABSENTEE VOTER BALLOT APPLICATIONS.

Engle moved, Maki seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township on November 14, 2011 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
Clerk Department Salaries 101.215.702	\$88,478.01	+\$315.00	\$88,793.01
Other General Government Contingency 101.285.951	\$25,000.00	-\$315.00	\$ 24,685.00

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None

ABSENT: Tabor.

MOTION CARRIED.

AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT FOR THE POLICE DEPARTMENT FROM THE CAPITAL IMPROVEMENT FUND.

Carlson moved Engle seconded to approve the purchase of 2 Dell workstations, 1 monitor and an external hard drive at a cost not to exceed \$2,000.00. This will be paid for from the Capital Improvements Fund Police Electronics account 401.305.957.

ROLL CALL.

AYES: Carlson, Greenberg, Maki, Trudeau, Engle, Seppanen.

NAYS: None

ABSENT: Tabor.

MOTION CARRIED.

CONSIDERATION OF REQUEST FOR RELIEF FROM SEWER USE FEE.

Maki moved Engle seconded that the equivalent user fee for 2306 U S 41 South (Bill Lambert current owner) be reduced to 1 equivalent user, effective October 1, 2012, until the property becomes active. This provided for in section 9C-2-e of Ordinance #39.

AYES: 6

NAYS: 0

MOTION CARRIED.

PUBLIC COMMENT.

Deborah Mulcahey 633 Lakewood Lane – Suggests that we rethink the Beaver Grove lease property. She presented a letter at the September meeting and of the 8 issues only 3 have been answered. We need to put more raw data and information on the web site to become more transparent. The BSA website is not up to date. The Planning Commission is considering allowing motor vehicle repair in the Township. She feels that the Barbieri sign on Bayou has not been addressed..

Pete Mackin –The Michigan Office of Services to the Aging will be holding a hearing this Friday, October 19th at the Holiday Inn from 10:00 am – 12:00 pm. and 1:00 pm - 3:00 pm. We need to further streamline the program so more money will go directly to the seniors.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, September 10th, 2012.
- B. Minutes – Marquette County Solid Waste Management Authority, Amended August 22nd and Draft September 19th, 2012.
- C. Minutes – Marquette Area Wastewater Treatment Authority, August 16th, 2012.
- D. Minutes – Chocoy Area Business Association, Draft September 19th, 2012.
- E. Communication – Marquette Area 4th of July Committee.

Meeting adjourned at 8:25 p.m.

Max Engle, Clerk

Greg Seppanen, Supervisor

WORKERS COMPENSATION GROUP DIVIDEND CHECK

Supervisor Seppanen presented a letter to Board from the UP Insurance Agency, Inc., congratulating the Township on a work safe year. The Township received an up-front 5% savings and a dividend check in the amount of \$461.95. Seppanen thanked Dale Throenle, Community Development Coordinator.

RECOGNITION OF OUTGOING OFFICERS/TRUSTEE

Clerk Engle presented awards on behalf of the Township and its residents for their service to the community to Supervisor Greg Seppanen; Trustee, Dr. Ken Tabor; and Trustee, John Trudeau.

APPOINTMENTS/RESIGNATIONS

None.

SUPERVISOR'S REPORT

Supervisor Seppanen spoke regarding local level information brought forth that was a harmful perception that the Township is at \$450,000 with unfunded liability in the employee retirement program. A report that just came in states funded at 98.3%. Plan of the Board was to have fully funded in 5 years. This report is where we are in 1 year 9 months. Placed into record what six items that were addressed in motion that put into defined benefit for future boards:

- (1) The Employer will maintain max 10 % growth wage contribution rate until the plan is fully funded.
- (2) The Employees will contribute 2.5% of gross wages until the plan is 100% funded, and anytime thereafter should the required contribution rate exceed 10%.
- (3) The unfunded liability will be amortized over a 5 year period with progress reviewed annually.
- (4) Plan changes shall not be made if the change generates an unfunded balance.
- (5) Prior to any future plan change, an actuarial report shall be acquired to ensure affordability and if that assurance is not given, the improved plan will not be approved.
- (6) Plan improvements or enhancements will not be considered if the cost of the plan exceeds (10% Board/2.5% Employees) of gross payroll.

UNFINISHED BUSINESS

BOARD CONSIDERATION OF 2013 BUDGET AND GENERAL APPROPRIATES ACT

GENERAL APPROPRIATIONS ACT

Treasurer Greenberg moved, seconded by Trustee Trudeau, that,

Whereas, the Township Supervisor has submitted a complete itemized budget proposal for the fiscal year beginning January 1st, 2013, and ending December 31st, 2013, to the Township Board for its consideration; and

Whereas, notice of the public hearing on the budget was published in the Mining Journal, a newspaper of general circulation within the Township, on November 8, 2012;

Whereas, a public hearing was held on the proposed budget on November 19, 2012 at the Chocolay Township Municipal Complex, and a copy of the proposed budget was on file and available for public inspection during regular office hours at the office of the Township Clerk for a period of not less than one week prior to the public hearing;

Now Therefore Be It Resolved:

1. The Township Board adopts the budget as revised and according to designated accounts for the next fiscal year, to wit, beginning January 1st, 2013, and ending on December 31st, 2013, in the amount of \$1,684,000.00 for the General Fund, in the amount of \$234,000.00 in the Road Fund, in the amount of \$1,900,000.00 in the Fire Department Millage Fund, in the amount of \$313,000.00 for the Sewer Fund, and in the amount of \$17,500.00 in the Capital Improvements Fund.
2. The Township Board does hereby appropriate the sum of \$1,701,500.00 for general operating expenses and capital improvements of the Township to be used for the fiscal year beginning January 1st, 2013, and ending December 31st, 2013.
3. The Township Board does hereby appropriate the sum of \$313,000.00 to defray the expense of the operation and debt retirement of the Sanitary Sewer System for the fiscal year beginning January 1st, 2013, and ending December 31st, 2013.
4. The Township Board does hereby appropriate the sum of \$234,000 for the repairing of the Township Roads to be used for the fiscal year beginning January 1st, 2013 and ending December 31st, 2013.
5. The Township Board does hereby appropriate the sum of \$1,900,000 for the purposes of constructing and equipping a new fire station during the fiscal year beginning January 1st, 2013 and ending December 31st, 2013.

6. The Township Board does hereby levy 3.7897 mills for general operations; extra voted are 0.7589 for library, and 1.7000 for fire department.
7. All resolutions and parts of resolutions in so far as they conflict with provisions of this resolution are rescinded.
8. The budget adoption and appropriation resolution shall now and hereafter also be known as the General Appropriation Act conforming to Public Act No. 621 of 1978, the Michigan Uniform Budgeting Act.

ROLL CALL

AYES: Seppanen, Engle, Trudeau, Greenberg, Carlson, Tabor

NAYS: Maki ABSENT: 0

MOTION CARRIED

Trustee Maki questioned Assessors' Budget and additional costs for appraisals and assume still out of 2012 budget. Mr. Lawry stated that one has been contracted for a hearing date and the other does not have information yet and arrangements not complete yet. Money coming out of 2012 if confirmation from Tax Tribunal, but will probably delay until 2013. Supervisor Seppanen stated can schedule another opportunity to discuss on next month's Agenda.

RESOLUTION FOR OFFICERS' SALARIES

SUPERVISOR'S SALARY

Trustee Maki moved, supported by Trustee Tabor, which the salary for the office of Supervisor shall be set in the amount of \$12,000.00 for the Fiscal Year 2013, which begins January 1st, 2013, and ends December 31st, 2013.

Roll Call

AYES: Seppanen, Engle, Trudeau, Maki, Greenberg, Carlson, Tabor

NAY: 0 Absent: 0

Motion Carried

TREASURER'S SALARY

Trustee Tabor moved, supported by Trustee Carlson, which the salary for the office of Treasurer shall be set in the amount of \$10,000.00 for the Fiscal Year 2013, which begins January 1st, 2013, and ends December 31st, 2013.

Roll Call

AYES: Seppanen, Engle, Maki, Greenberg, Carlson, Tabor

NAY: 1 (Trudeau) Absent: 0

Motion Carried

CLERK'S SALARY

Trustee Carlson moved, supported by Trustee Tabor, which the salary for the office of Clerk shall be set in the amount of \$11,850.00 for the Fiscal Year 2013, which begins January 1st 2013, and ends December 31st, 2013.

Roll Call

AYES: Seppanen, Engle, Trudeau, Maki, Greenberg, Carlson, Tabor

NAY: 0 Absent: 0

Motion Carried

TRUSTEE'S PER DIEM

Treasurer Greenberg moved, supported by Clerk Engle, which the per diem for the office of Trustee shall be set in the amount of \$75.00 per meeting for the Fiscal Year 2013, which begins January 1st, 2013, and ends December 31st, 2013.

Roll Call

AYES: Seppanen, Engle, Maki, Greenberg, Carlson, Tabor

NAY: 1 (Trudeau) Absent: 0

Motion Carried

NEW BUSINESS

APPLICATION OF DELINQUENT SEWER CHARGES AS TAX LIENS

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

AYES: 7

NAYS: 0

Motion Carried

DELINQUENT SEWER USERS FOR 2012

Name	Tax ID Number	Address	City, State, Zip	Amount Due
Marc Gilmore	52-02-490-002-00	110 Chocolay River Tr	Mqt MI 49855	\$ 137.62
Ray & Margaret Sprowl	52-02-212-001-00	209 Corning Street	Mqt MI 49855	\$ 337.62
Chocolay Childrens Center	52-02-251-006-00	324 Corning Street	Mqt MI 49855	\$ 623.96
Steven & Heather Shaw-Quizno's	52-02-106-043-50	505 Corning Street	Mqt MI 49855	\$ 1,958.18
Jack's IGA	52-02-440-010-00	101 Carmen Drive	Mqt MI 49855	\$ 4,225.30
Susan Racine	52-02-215-006-00	156 E. Fairbanks Street	Mqt MI 49855	\$ 337.62
David Hillock	52-02-216-010-00	158. E. Wright Place	Mqt MI 49855	\$ 337.62
Linda Morgan	52-02-216-015-00	161 E. Wright Place	Mqt MI 49855	\$ 337.62
Robert & Joni Taylor	52-02-455-036-00	204 Jean Street	Mqt MI 49855	\$ 337.62
Anthony & Karri Rabitaille	52-02-455-038-00	214 Jean Street	Mqt MI 49855	\$ 337.62
Kimberly Randell Kronschnabel	52-02-455-042-00	209 Judy Street	Mqt MI 49855	\$ 16.46
Oliver Burns	52-02-455-046-00	225 Judy Street	Mqt MI 49855	\$ 337.62
Linda Bice	52-02-215-015-00	115 Kellog Street	Mqt MI 49855	\$ 337.62

Robin & Rease Premeau	52-02-305-022-50	204 Riverside Road	Mqt MI 49855	\$ 337.62
Joe & Barb Menze	52-02-107-063-00	328 Silver Creek	Mqt MI 49855	\$ 337.63
Marc Gilmore	52-02-106-025-20	2210 U S 41 South	Mqt MI 49855	\$ 359.79
Bill Lambert	52-02-106-015-00	2306 U S 41 South	Mqt MI 49855	\$ 650.00
David Laurich	52-02-106-020-00	2366 U S 41 South	Mqt MI 49855	\$ 29.94
Steve & Sandra Johnson	52-02-206-012-00	2424 US 41 South	Mqt MI 49855	\$ 337.62
Walt & Susan Racine	52-02-251-012-00	2801 US 41 South	Mqt MI 49855	\$ 607.70
Kim Racine/Walt Racine	52-02-251-012-00	2801 US 41 South	Mqt MI 49855	\$ 250.00
Wahlstom Enterprise Inc.	52-02-107-007-00	5043 US 41 South	Mqt MI 49855	\$ 9,318.32
Mike & Eva Schlenkert	52-02-455-001-00	132 Veda Street	Mqt MI 49855	\$ 337.62
Michael Hainstock	52-02-251-004-00	218 W. Fairbanks	Mqt MI 49855	\$ 76.50
Stephanie Johnston	52-02-207-014-00	227 W. Fairbanks	Mqt MI 49855	\$ 179.94
Dave & Bonnie Schwiderson	52-02-107-078-00	735 Willow Road	Mqt MI 49855	\$ 337.62
Jason Bernard	52-02-107-074-00	740 Willow Road	Mqt MI 49855	\$ 337.62
Matthew & Crystal Dale	52-02-251-023-10	205 W. Terrace Street	Mqt MI 49855	\$ 76.50
Gardner Bess	52-02-210-005-00	334 W. Terrace Street	Mqt MI 49855	\$ 337.62
Judith Charles/Marilyn Kramer	52-02-208-003-00	371 W. Terrace Street	Mqt MI 49855	\$ 337.62
Jeff Bushey	52-02-208-002-00	387 W. Terrace Street	Mqt MI 49855	\$ 337.62
Kristine & Michael Dionne	52-02-106-043-00	110 W. Wright Place	Mqt MI 49855	\$ 337.62
Tammy Riggie	52-02-253-025-00	117 W. Wright Place	Mqt MI 49855	\$ 204.24
Glen Carlson	52-02-213-004-00	350 W. Wright Place	Mqt MI 49855	\$ 337.62
Total Delinquent Amount				\$ 25,129.24

AUTHORIZATION TO COMPLETE SEWER SYSTEM WET WELL CLEANING WITH CONTINGENCY FUNDS.

Tabor moved, Carlson seconded that the Chocolay Township Board accepts to spend up to \$1700.00 out of the sewer contingency 571.951 to have the wet wells cleaned.

Treasurer Greenberg asked if it should be part of ongoing maintenance. This year's budget did not contain an allocation for maintenance. Steve Lawry, Manager, stated the 2013 budget shifts some money from the contingency fund to actual maintenance account.

ROLL Call

AYES: Seppanen, Engle, Trudeau, Maki, Greenberg, Carlson, Tabor

NAYS: 0 ABSENT: 0

MOTION CARRIED

2012 SEWER FUND BUDGET AMENDMENT #1 TO REFLECT CITY OF MARQUETTE CHANGE IN BOND PAYMENT BILLING PRACTICE.

Trustee Maki inquired where the Township received the \$40,195 to put in sewer fund. Mr. Lawry stated from Fund Balance of Sewer Fund.

Trudeau moved, Tabor seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated receipts and expenditures of the Sewer Fund on November 14th, 2011 for fiscal year 2012, and Whereas, as a result of an unanticipated change in the due date for certain expenses it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
Miscellaneous Revenue			
571.695.000	\$46,500.00	+\$40,195.00	\$86,695.00
EXPENDITURE			
Utilities S.F III			
571.964.000	\$124,000.00	+\$40,195.00	\$164,195.00

ROLL CALL

AYES: Seppanen, Engle, Trudeau, Maki, Greenberg, Carlson, Tabor

NAYS: 0 ABSENT: 0

MOTION CARRIED

AUTHORIZATION TO PURCHASE FURNITURE FOR THE POLICE DEPARTMENT FROM THE CAPITAL IMPROVEMENT FUND
Carlson moved, Tabor seconded to approve the purchase of 2 office chairs and lateral filing cabinet with a cost not to exceed \$1000. This will be paid from the Capital Improvement Fund-Furniture, Account # 401.305.957.

ROLL CALL:

AYES: Seppanen, Engle, Trudeau, Greenberg, Maki, Carlson, Tabor

NAYS: 0 ABSENT: 0

MOTION CARRIED

CONSIDERATION OF PLANNING COMMISSION RECOMMENDATION ON THE SPELLING OF BASIL ROAD.

Mike Basal stated he and his family appreciate this and when the sign went up he and his father starting asking about it right away. His father made request in August to fix this. Mr. Basal stated that from his research of records he is 100% sure this is clerical error. Mr. Basal has copy of original deed spelling the road B-A-S-A-L.

Maki moved, and Greenberg seconded:

NOVEMBER 19, 2012

“WHEREAS, in September of 2012 the Chocolay Township Planning Commission was presented with a citizen request to correct a supposed clerical error that resulted in a mis-spelling of Basil Road, to correct the appropriate public records, and to post a corrected road sign;

WHEREAS, the Planning Commission did hold a public hearing on November 5, 2012, and they determined that there were no significant objections to the road name change;

WHEREAS, the Planning Commission unanimously voted on November 5, 2012, to recommend that the Township Board approve the official change of spelling for Basil Road from “B-a-s-i-l” to “B-a-s-a-l” to reflect the role of early settlers in forming the Township road system;

THEREFORE BE IT RESOLVED, that the Chocolay Township Board accepts the recommendation of the Planning Commission to correct a supposed clerical error and accurately reflect the role of early settlers in forming the Township road system; that the Chocolay Township Board approves the official change of spelling for Basil Road from “B-a-s-i-l” to “B-a-s-a-l”; and that the Chocolay Township Clerk shall, within thirty (30) days of the date hereof, record a certified copy of this Resolution with the Marquette County Register of Deeds and send a certified copy of this Resolution to the State Treasurer.”

This is to certify that the resolution above is a true copy of a resolution passed by majority vote of the Board of Trustees of Chocolay Charter Township, Michigan, at a regular meeting held on the 19th day of November, 2012, and which was duly spread upon the minutes of said meeting, the record of which is on file at the office of said Board in Chocolay Charter Township, Michigan.

AYES: 7

NAYS: 0

MOTION CARRIED

CONSIDERATION OF PLANNING COMMISSION RECOMMENDATION ON ROUTE FOR IRON ORE HERITAGE TRAIL. Supervisor Seppanen stated he spoke with Carol Fulsher with the Iron Ore Heritage Trail and she stated that their Facebook comments show the majority want to keep in original railroad track way. She also said that if it is the railroad track they will make sure they highlight the business loop also for people to make sure they know it is there. That was her position.

Bradley Cory at 110 Lakewood Lane stated he supports the urban concept. Urged the Board to adopt the Planning Commission recommendation.

Jude Catallo of 119 Lakewood Lane stated she is in favor of Planning Commission recommendation to Board to accept this business district route.

Mike Ryan of Lakewood Lane believes the Board should seriously consider the business route.

Judy White 370 Lakewood Lane. Would like the route through the business district and support the Planning Commission recommendation.

Barb Holman of 210 Riverside supports the urban trail that the Planning Commission recommended.

Randall Hubinger of 214 Riverside supports the Planning Commission recommendation.

Trustee Tabor moved and Engle seconded that based on public input and the Planning Commission recommendation, the Chocolay Township Board recommends designation of the urban route through Chocolay Township (route from Welcome Center along the east side of US-41/M-28 through Harvey to the US-41/M-28/Cherry Creek intersection and east along M-28) as part of the Iron Ore Heritage Trail.

Trustee Trudeau reads what is in notes: “It is important to note that both trails will continued be maintained and used and this decision is not meant to create a short term change in user groups”. Correct?

Woodward stated: “That is correct”.

Treasurer Greenberg stated that one of the flaws in Planning Commission discussion regarding the urban route is that it can't be used for southbound snowmobile traffic as moving against flow of traffic on highway. Mr. Greenberg was surprised when tunnel was initially opened that it was not going to be open during wintertime. Mr. Greenberg suggested revisiting the issue.

Supervisor Seppanen stated the issue is the tunnel is one area where two way traffic isn't appropriate. More bottleneck in that area.

Supervisor Seppanen further noted that he was informed by the Planning Commission, and their minutes reflect, that Carol Fulsher of the IOHTRA who was at that meeting, that IOHTRA will abide by Chocolay Township's decision for the designation of the trail location. A message on answering machine from Carol Fulsher on Friday is that they would take into consideration what the Township requests. It is not over. Suggest people contact Don Britton, our member representative, who is in support of this. Make sure people go to the meeting where they officially adopt that section of Chocolay Township. Will have Steve contact people who gave public comment tonight to make sure they are aware of the IOHTA meeting.

Tabor stated that they stated they have the final word.

Scott Emerson of 119 Lakewood Lane stated that the information in the Charter will allow parallel and separate trails to develop for safety. There is no reason can't have both designated, which is part of their own statement. They could adopt both.

Tabor commented that they stated they will pay for one.

Engle added that the only time issue was talked about was for one way traffic that is for snowmobile traffic only.
AYES: 7 NAYS: 0 **UNANIMOUS VOTE** MOTION CARRIED

PUBLIC COMMENT

Greg Zyburt, Chief of Police for Chocolay Township stated he is speaking on behalf of Township employees in response to recent flyer:

"Everyone is entitled to their opinion. They are not entitled to their own facts.

A recent flyer placed in *'The Mining Journal'* claims that the change of the Chocolay Township employees to a defined benefit pension plan from a defined contribution pension plan has resulted in an unfunded liability of \$450,000. This is false.

FACT – The MERS pension plan for the Chocolay Township employees is currently funded at 98.3%, or an unfunded liability of \$16,778.00.

FACT – The Township percentage contribution to the employees' pension is capped at 10% of salary. The same amount that was contributed to the old defined contribution plan.

FACT – Under the current MERS pension plan, the Township's required contribution is significantly less than required under the old defined contribution plan.

The deliberate misstatement of the facts for political reasons is deplorable. Neither the Township nor the employees are engaged in anything that would result in a major liability to the Township and taxpayers now or in the future."

Gary Walker, 765 Lakewood thanked Greg Seppanen for his service and looks forward to working with everyone.

INFORMATIONAL REPORTS AND COMMUNICATIONS

- A. Minutes – Township Planning Commission, October 1st, 2012.
- B. Minutes – Marquette County Solid Waste Management Authority, September 19th, 2012 and Draft October 17th, 2012.
- C. Minutes – Marquette Area Wastewater Treatment Authority, September 20th, 2012.
- D. Minutes – Chocolay Area Business Association, Draft October 25th, 2012.
- E. Communication – Clerk's Report on 2012 General Election Results
- F. Communication – MidAmerica Pension Changes for IRS Compliance.
- G. Communication – Iron Ore Heritage Recreation Authority 2nd and 3rd Quarter Update.

Meeting adjourned at 7:58 p.m.

Max Engle, Clerk

Greg Seppanen, Supervisor

Whereas Bob and Barb Grove have contributed countless hours to the beautification of Chocolay Township through the collection of litter along the M28 corridor and mowing portions of the highway right-of-way, and

Whereas the Groves continue to serve their greater community in other ways such as volunteering at Marquette General Hospital, and

Whereas their community service has earned them recognition by the Chocolay Area Business Association as Chocolay Citizens of the Year for 2012,

Now Therefore Be It Resolved that the Chocolay Township Board of Trustees declares Tuesday, December 18, 2012 as Bob and Barb Grove Day in the Charter Township of Chocolay and expresses it's thanks to the Groves for their many hours of community service.

AYES: 7

NAYS: 0

MOTION CARRIED.

SUPERVISOR'S REPORT.

1. Gary Walker stated that prior to being elected Supervisor he told the public that Chocolay Township was well managed and has excellent employees. After being on the job as Supervisor for one month, he has found that his statement is absolutely accurate.
2. Early Sunday morning there was an auto accident near Lindberg Gravel Pit with a car lying on its side submerged in water. Chocolay Township Police Department Officers Tony Carrick and Jon Legally were the first to respond. The City of Marquette and the Sheriff Department also responded. Officer Carrick managed to gain entry into the vehicle by breaking the window and extracted the individual who was submerged in the water up to her nose. They went back into the car to look for any other occupants and found none.

APPOINTMENTS TO BOARDS AND COMMISSIONS.

Greenberg moved Maki seconded to confirm appointments for:

- MARQUETTE WASTEWATER TREATMENT AUTHORITY - Brad Johnson and Steve Lawry.
- EAST MARQUETTE SOLID WASTE DISPOSAL AUTHORITY- Gary Walker and Brad Johnson.
- PENSION COMMITTEE - Greg Zyburt.
- PERSONNEL COMMITTEE – Chris Lucas, Scott Jennings, John Greenberg and Sue Carlson.
- PLANNING COMMISSION – Bernie Stanaway.
- ZONING BOARD OF APPEALS – Mark Maki.
- BOARD OF REVIEW – Albert Denton, Dennis Hickey and Robert Pecotte.
- ELECTION COMMISSION – Judy White and Bernie Stanaway.
- NORTHERN MICHIGAN PUBLIC SERVICE ACADEMY – Mary Sanders and Max Engle.

AYES: 7

NAYS: 0

MOTION CARRIED.

DISCUSSION OF TAX TRIBUNAL APPEALS AND AUTHORIZATION OF CONTRACT APPRAISALS.

Supervisor Walker stated that we are in the process of responding to tax appeals on at least two business parcels. The law changed in 2010 to allow commercial property tax appeals to go directly to the State Tax Tribunal instead of going to the local Board of Review. The parcels are the Moyle Property on M-28 and Wells Fargo. It is incumbent upon us to be prepared for the Tax Tribunal with an independent appraisal and be represented by an attorney familiar with tax law.

Manager Lawry indicated that there are four appeals involved: Gateway Plaza (Moyle) update, Wells Fargo Bank, Silver Creek Estates which is made up of two separate parcels.

Engle moved Carlson second that the Township proceed with securing independent appraisals of the subject properties at this time. Specifically, the recommendation is to employ Closser Associates to update their previous appraisal of the Gateway Plaza to include 2012 at a cost of \$3,800.00 and to accept that firm's proposal to perform an appraisal of the Wells Fargo branch bank at a cost of \$4,500 plus reasonable travel expenses. It is also recommended that the Board accept the proposal of Swanson, Mercier, & Associates to prepare appraisal reports on the two parcels that comprise Silver Creek Estates at a cost of \$7,500.

Clerk Engle feels that we need to aggressively work on the commercial appeals. It may cost more in the beginning to defend the assessments, but it will save money in the long run with tax revenue. If we do not defend the assessments now, other businesses will automatically appeal knowing that we will not do anything.

Trustee White questioned if we will have to fight the same appeals year after year?

Manager Lawry stated local units of government are working with legislator to close this loophole so we will not have to fight these appeals every year.

Trustee Maki feels that we will end up spending up to \$20,000.00 in appraisal fees. We already have an appraisal on the Moyle property and there can not be that much of a change to warrant another appraisal. He was not in favor of paying for the original appraisal and is not in favor of paying for more appraisals. We will have to pay the legal fees

to defend the appeals. He does not think that our appraisals should be that far off that we need to spend money on an independent appraisal.

Treasurer Greenberg asked about filing deadlines and what obligations we have to other taxing entities to follow up on these cases. Manager Lawry stated that Gateway (Moyle) deadline is May 2013 and October 2013 for the Anderson property. The obligation to other taxing entities is not that well defined.

ROLL CALL:

AYE: Stanaway, Carlson, Engle, Walker.

NAY: Maki, White, Greenberg.

MOTION CARRIED.

REVIEW OF HIRING POLICY.

Manager Lawry explained that several months ago Trustee Maki requested that the newly elected Board look at the Township hiring policy. In the calendar year 2012 Dale Throenle, Community Development Coordinator was hired as the part time summer assessing field technician. That position had been used in the past to assist the Assessor. Manager Lawry thought that having Dale Throenle do the summer field technician work would be a good opportunity to train him to assist the Assessor and improve the efficiency in that process. There is money in the 2013 budget for a summer field technician and no decision has been made as to hiring an outside person or utilizing the Community Development Coordinator.

Trustee Maki questioned if the Township is required to advertise an open position in the Mining Journal? His opinion is that we were required to advertise the position. His problem with the hiring is that the Board did not take part in the decision to hire from within or advertising the position to the public. The Manager made the hiring decision without the Board approval and the pay rate was higher than we previously paid for this position.

Clerk Engle stated that even though the hourly was higher; we did not go over the amount budgeted for that summer position.

Trustee Maki informed the current Board that four years ago the Board made a decision to set up a strategy to do a physical check and take measurements on 20% of the properties in the Township each year. We have not received the results that we paid for because we have not completed 20% of the parcel each year.

Supervisor Walker stated that it seems to him that there is no action necessary at this time. As the Supervisor, he will make the Board aware of hiring decisions in the future.

ADOPTION OF THE MEETING CALENDAR.

Chocolay Township Board – 7:00PM

January 14	July 15
February 18	August 19
March 18	September 16
April 15	October 21
May 20	November 18
June 17	December 16

Chocolay Township Planning Commission – 7:30PM

January 7	July 1
February 4	August 5
March 4	September 9
April 1	October 7
May 6	November 4
June 3	December 2

Chocolay Township Zoning Board of Appeals – 7:00PM

January None	July 25
February 28	August 22
March None	September 26
April 25	October 24
May 23	November 21
June 27	December 19

Chocolay Township Fire Department – 7:00PM

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

Chocolay Township Tax Board of Review – Times to be set March 5th

March 5, 11, and 12
July 16
December 10

White moved Greenberg seconded that the above dates for the Chocolay Township Board, Chocolay Township Planning Commission, Chocolay Township Zoning Board of Appeals, Chocolay Township Fire Department, and Chocolay Township Tax Board of Review be approved for 2013.

AYES: 7

NAYS: 0

MOTION CARRIED.

Trustee Maki commented that he thought the meeting time for the July and December Board of Review organizational meetings should be held at a time that would allow more public to attend and should be posted in the newspaper.

CONSIDERATION OF TOWNSHIP MANAGER EVALUATION PROCESS.

The Supervisor requested that the Board postpone the Manager Evaluation process until the new Board members have had experience working with the Manager and undertake the evaluation in July.

Greenberg moved Maki seconded that we do the manager evaluation and review in July 2013, but the 3% salary increase be implemented in January 2013.

AYES: 7

NAYS: 0

MOTION CARRIED.

EXTENSION OF SOLID WASTE SERVICES COLLECTION CONTRACT.

Manager Lawry informed the Board that we signed a one year extension with GAD that ends on December 31, 2012. The plan was to work with the City of Marquette and Marquette Township on a joint contract that would include the recycling plans of the landfill. The City of Marquette and Marquette Township have since decided to extend their contracts and are not ready to make contract changes. We will need to extend our contract at this point and create a new set of specs for Board approval. We should set a goal of bidding the contract for garbage collection and recycling contract before the end of 2013 with a start date of January 2014.

Carlson moved Stanaway seconded to delay approval of a formal extension agreement with GAD until the January 2013 Board meeting and receive written clarification that GAD will continue services until then and include a cost to the Township.

AYES: 7

NAYS: 0

MOTION CARRIED.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY 2012 – AMENDMENT NO. 7 - POLICE TRAINING FUNDS – STATE OF MICHIGAN.

Greenberg moved White seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township on November 14, 2011 for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues and/or revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Training			
Capital Outlay	\$1,318.62	\$374.68	\$1,693.30
401.306.957			

REVENUE	PREVIOUS	CHANGE	AMENDED
State of MI			
401.543	\$1,967.04	\$ 374.68	\$2,341.72

ROLL CALL:

AYE: Maki, Stanaway, White, Carlson, Greenberg, Engle, Walker.

NAY: None

MOTION CARRIED.

RESOLUTION AMENDING CAPITAL IMPROVEMENTS FUND BUDGET FY 2012 – AMENDMENT NO. 8 - RECEIPT OF KBIC 2% MONEY.

Maki moved Carlson seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on November 14th, 2011 for fiscal year 2012, and Whereas, as a result of receipt of unanticipated revenue it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

REVENUE	PREVIOUS	CHANGE	AMENDED
KBIC 2% Gaming Money			
401.000.582	\$106,000.00	+\$ 27,916.05	\$133,916.05

EXPENDITURE

Police			
401.305.957	\$ 89,275.93	+\$ 4,000.00	\$ 93,275.93

Fire Department

401.340.957	\$676,811.94	+\$ 23,916.05	\$700,727.99
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ROLL CALL:

AYE: Maki, Stanaway, White, Carlson, Greenberg, Engle, Walker.

NAY: None

MOTION CARRIED.

UPDATE ON LEGISLATIVE TAX REFORM PROPOSALS.

The Michigan State Legislature is currently working on several proposals for a revision of the Michigan property tax structure. The Personal Property tax reform is on the house floor and will be sent to the Senate in January. It looks like the personal property tax for businesses will disappear. Chocolay Township will most likely not receive anything from the State to replace the loss of revenue.

PUBLIC COMMENT.

Mark Maki, 370 Karen Road – Informed the new Board members that the seminar that NMPSA will provide on January 22, 2013 for new public officials is a great introduction to the job.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, November 5th, 2012.
- B. Minutes – Marquette County Solid Waste Management Authority, October 17th, 2012.
- C. Minutes – Marquette Area Wastewater Treatment Authority, Draft October 18th, 2012.
- D. Minutes – Chocolay Area Business Association, 2012 Year in Review.
- E. Correspondence – CUPPAD Annual Report.

Supervisor Walker adjourned the meeting at 8:30 p.m.

Max Engle, Clerk

Gary Walker, Supervisor