

January 6, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, January 6, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, John Greenberg, Max Engle, Judy White, Mark Maki, Richard Bohjanen, David Lynch.

ABSENT: None.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Dale Throenle, Greg Zyburt.

MINUTES –DECEMBER 2, 2015 REGULAR MEETING.

Greenberg moved Lynch seconded to approve the minutes of the Regular meeting of December 2, 2015 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

There were no changes to the agenda.

PUBLIC COMMENT.

None.

ACCOUNTS PAYABLE.

Bohjanen moved White seconded that bills totaling \$58,861.62 including checks numbered 20693-20721, bills totaling \$22,061.31 including checks numbered 20722-20749 and bills totaling \$8,960.64 including checks numbered 20750-20769 are approved for payment.

MOTION CARRIED.

PAYROLL.

Lynch moved Engle seconded that the payroll for December 3, 2015 for \$32,071.58 including checks numbered 22715-22735 and 10250-10255 and ACH payments for Federal tax, State tax and MERS, December 4, 2015 longevity for \$2,858.93 including checks numbered 22736-22744 and ACH payments for Federal tax, State tax and MERS, December 17, 2015 for \$32,569.73 including checks numbered 22745-22766 and 10256-10261 and ACH payments for Federal tax, State tax and MERS, and December 31, 2015 payroll for \$37,137.53 including checks numbered 22767-22807 and 10262-10267 and ACH payments for Federal tax, State tax and MERS be approved for payment.

MOTION CARRIED.

#### FINANCIAL REPORT.

Bohjanen moved White seconded to approve the November 2015 financial report.

MOTION CARRIED.

#### TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Greenberg reported that the hand out on account activity is an updated copy that shows the end of December totals. The one in the packet was dated December 1, 2015. This is being done as a hand out because the early meeting date in the month does not allow time for the most current to be included in the packet.

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

MOTION CARRIED.

#### PRESENTATION- MARQUETTE BOARD OF LIGHT AND POWER.

Eric Booth, Manager of Planning Utility Compliance for the Marquette Board of Light and Power presented information to the Board on the new reciprocating internal combustion engine plant that will be built in Marquette at the Wright Street office. The new power plant is necessary to continue the reliability of electricity in the Marquette area. There were no alternatives to building a new power plant. Currently the Marquette Board of Light and Power is connected to the outside by one transmission line and transformer; if that goes down it can take up to three weeks to replace. The proposed generating facility will produce 50 megawatts. The plant can run all three units on natural gas for seven months of the year and one unit during the winter. Fuel oil can be used as a backup source in the event of a curtailment of natural gas supplies. The rates will have to go up 30% but our rates will be comparable with rates in a large city such as Lansing. Site clearing will begin in the spring of 2016 and will be operational by spring 2017.

The Board had questions on the rate increase and self-generated solar power. David Lynch, Solar Project Manager responded that the Marquette Board of Light and Power will do a Community Project with a solar garden that residents can purchase panels or shares. This is a much more cost effective way for an individual to get involved with solar power. Mr. Booth responded that the reason for the rate increase happening all at one time is due to the fact that Marquette Board of Light and Power does not have a large cash reserve that would allow a more incremental increase. They have kept their rates low over the years and that did not allow for a large cash reserve.

#### APPOINTMENT OF PLANNING DIRECTOR/ZONING ADMINISTRATOR.

Trustee Maki asked Dale Throenle what he hoped to accomplish during the first two years in the position. Dale Throenle responded that first he has to figure out where we are at. He wants to put things together organizationally and structurally to show what occurred in the past and to use that to know where we are going. The second priority would be to figure out how future planning fits with the proposed Master Plan and the proposed Recreation Plan making sure all those things work together in terms of direction for the Township.

Trustee Maki feels that the Master Plan is too complicated for the average citizen to understand. Dale responded that we could do a summary of the Master Plan for citizens of the Township. It would take time to accomplish, but can be done.

Trustee Maki asked Dale how he views zoning enforcement. Dale responded that he will not drive through the Township looking for violations, but will not be driving with blinders on to violations. If it is an obvious violation or there is a complaint he will take the violation on. He also plans on doing the administrative work in a timely fashion, getting notices out and follow up.

Trustee Lynch is happy to see promoting from within.

Trustee White asked Dale if he is willing to take zoning/planning classes if approved for the position. Dale responded that he has already started taking classes and will continue to do so.

Greenberg moved Engle seconded to appoint Mr. Dale Throenle to the position of Chocolay Township Planning Director/Zoning Administrator effective February 1, 2016, at a starting wage of \$23.28/hour and to direct the Township Manager to develop a proposal for presentation to the Personnel Committee that distributes the present duties and responsibilities of the Community Development Coordinator among other Township staff positions.

MOTION CARRIED.

#### SUPERVISOR'S REPORT.

Gary Walker told the Board that he will not be at the February Board meeting due to surgery and recuperation after the surgery.

#### SECOND READING OF PROPOSED AMENDMENT TO ORDINANCE #55 VEHICLE PARKING AND STORAGE.

White moved Bohjanen seconded to approve the second reading of the proposed amendment to Ordinance #55 Vehicle Parking and Storage, as recommended by the Planning Commission, and file the motion with the Township Clerk, to publish a notice of adoption in the local newspaper and on the Township website within fifteen days of adoption, and record the amendment in the Township Ordinance book within one week after publication.

AYES – 6

NAYS – 1 (Maki)

MOTION CARRIED.

Trustee Bohjanen requested that in the first paragraph, line five, the word *amendment* be replaced with the word *ordinance*. This is an ordinance not an amendment. The Board concurred.

#### TOWNSHIP MANAGER'S ANNUAL EVALUATION.

Trustee White noted that the Board did not discuss the Manager's increase for 2016.

Greenberg moved Lynch seconded to accept the Manager evaluation with a .50 per hour increase for 2016.

MOTION CARRIED.

AWARD OF BID FOR PURCHASE OF SNOWMOBILE FOR POLICE DEPARTMENT.

Lynch moved Greenberg seconded to accept the bid submitted by Meyer Yamaha in the amount of \$10,948.00 for the snowmobile and \$1,499.99 for the trailer and up to \$500.00 for outfitting the snowmobile with light and siren to identify it as a police vehicle. This will be paid from the Police Department Vehicle line item in the Capital Improvement Fund 401.305.981.

ROLL CALL.

AYES – Maki, Bohjanen, White, Lynch, Greenberg, Engle, Walker.

NAYS – None. MOTION CARRIED.

AWARD OF BIDS FOR SALE OF SURPLUS EQUIPMENT.

Greenberg moved Maki seconded to declare the items with bids listed on the attached bid list as sold to the highest bidder, and to authorize the Township Manager to approve the reuse, recycling or other means of disposal for items that did not receive a bid.

ROLL CALL.

AYES – Maki, Bohjanen, White, Lynch, Greenberg, Engle, Walker.

NAYS – None. MOTION CARRIED.

Trustee White asked why a portion of the income from the bid was going into the Police Department in the Capital Improvement Fund. Manager Lawry explained the amount received for the snowmobile and police car would go back into the Police Capital Improvements Fund for the purchase of the next snowmobile and vehicle.

Clerk Engle said that he would purchase the last metal door for the approved bid amount of \$10.00.

RESOLUTION AMENDING GENERAL FUND FY 2015 - BUDGET AMENDMENT NO. 8

REIMBURSEMENTS AUGUST 4, 2015 COUNTY SPECIAL ELECTION.

Maki moved Lynch seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township On November 20, 2014, 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	\$21,498.94	+\$2,405.94	\$23,904.88
EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Elections			

Per Meeting 101.190.710	\$3,967.17	+\$1,969.25	\$5,936.42
Elections Printing 190.728	\$ 799.90	+\$ 239.29	\$ 1,039.19
Elections Postage 101.190.729	\$1,134.18	+\$ 197.40	\$ 1,331.58
ROLL CALL.			
AYES – Maki, Bohjanen, White, Lynch, Greenberg, Engle, Walker.			
NAYS – None.		MOTION CARRIED	

2015 GENERAL FUND BUDGET AMENDMENT #9 TO REFLECT THE TEMPORARY STAFFING OF PLANNING/ZONING FUNCTION.

Greenberg moved Engle seconded that Whereas, a fiscal year 2015 budget was adopted by the Chocolay Township Board on October 20<sup>th</sup>, 2014 to govern the anticipated expenditures of the General Fund and Whereas, as a result of unanticipated reassignment of personnel it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

ACCOUNT	PREVIOUS	CHANGE	AMENDED
EXPENDITURE			
Township Supervisor Salaries 101.175.702	\$ 40,511.00	+\$3,300.00	\$43,811.00
Zoning Postage 101.800.729	\$ 2,000.00	- \$1,300.00	\$ 700.00
Zoning/Planning Comm. Professional Services 101.805.801	\$ 2,000.00	- \$2,000.00	\$ 0.00
ROLL CALL.			
AYES – Maki, Bohjanen, White, Lynch, Greenberg, Engle, Walker.			
NAYS – None.		MOTION CARRIED	

2015 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #13 TO REFLECT RECEIPT OF KBIC 2% GAMING FUNDS.

Engle moved Lynch seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on

October 20<sup>th</sup>, 2014 for fiscal year 2015, 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	CHANGE	AMENDED
REVENUE			
KBIC 2% Gaming Money			
401.000.582	\$127,329.94	+\$ 45,000.00	\$172,329.94
EXPENDITURE			
Elections Equipment			
401.190.977	\$ 13,352.43	+\$ 8,600.00	\$ 21,952.43
Township Hall & Grounds Building Improvement			
401.265.976	\$ 31,805.00	+\$ 11,500.00	\$ 43,305.55
Police Equipment			
401.305.977	\$ 41,107.41	+\$ 1,600.00	\$ 42,707.41
Police Vehicles			
401.305.981	\$ 75,721.93	+\$ 1,300.00	\$ 77,021.93
Fire Dept. Land Imp.			
401.340.972	\$ 22,850.00	+\$ 12,000.00	\$ 34,850.00
Fire Dept. Equipment			
401.340.977	\$ 74,190.86	+\$ 10,000.00	\$ 84,190.86
Fire Dept. Vehicles			
401.340.981	\$ 50,007.61	+\$ 0.00	\$ 50,007.61

ROLL CALL.

AYES – Maki, Bohjanen, White, Lynch, Greenberg, Engle, Walker.

NAYS – None.

MOTION CARRIED

AUTHORIZATION TO USE CAPITAL IMPROVEMENT DOLLARS TO PURCHASE FIREFIGHTER TURN OUT GEAR.

Greenberg moved Lynch seconded to authorize the fire department to use \$10,000.00 from fire department equipment in the capital improvements fund, account 401.340.977 for the purchase of ten sets of turnout gear from Jefferson Fire & Safety in the amount of \$18,555.00. The remaining balance of \$8,555.00 will be coming from the fire department "Uniform" line item in the 2015 general fund budget.

ROLL CALL.

AYES – Maki, Bohjanen, White, Lynch, Greenberg, Engle, Walker.

NAYS – None.

MOTION CARRIED

#### FIRE DEPARTMENT REPORT ON FIRE ALERT SIREN.

The Board feels that a survey of the residents on this issue will bring in more information on public attitude than a public hearing. Manager Lawry indicated that we will have a change of assessment mailing going out at the end of February and we could include a survey with that mailing. Staff will prepare more questions to go on the survey. The survey will ask if the current use of the fire alert siren is acceptable to the residents.

#### CONSIDERATION OF RESOLUTION OPPOSING ELIMINATION OF STRAIGHT TICKET VOTING OPTION.

The Board discussed the fact that the Governor has already signed the bill to eliminate straight ticket voting option. Supervisor Walker felt we should still contact the legislators on this matter, because there are other pieces of election legislation that will still be looked at and voted on.

Treasurer Greenberg and Trustee Lynch felt we should send a letter that states the facts, but eliminate the opinion part.

Maki moved Lynch seconded to send a letter to our representatives supporting the pressing elections issues including removing “dark money” from our elections and by implementing “No Reason” absentee voting.

MOTION CARRIED.

#### PUBLIC COMMENT.

Chief Zyburt introduced his brother Ben Zyburt, as a possible replacement in the Township Treasurer position. Ben Zyburt has been in the banking business for approximately 30 years.

#### INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, November 16<sup>th</sup>, 2015.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of November 19<sup>th</sup>, 2015.
- C. Minutes – Marquette County Solid Waste Management Authority, Special Meeting of November 23<sup>rd</sup>, 2015, Draft.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of November 10<sup>th</sup>, 2015.
- E. Correspondence – Notice from Michigan Public Service Commission Regarding Cessation of Video/Cable Franchise Operations Effective December 31, 2015.

Supervisor Walker adjourned the meeting at 6:45 p.m.

---

Max Engle, Clerk

---

Gary Walker, Supervisor



February 3, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, February 3, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Clerk Engle called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: John Greenberg, Max Engle, Judy White, Mark Maki, David Lynch.

ABSENT: Gary Walker, Richard Bohjanen.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Dale Throenle, Pat Beck.

ELECTION OF CHAIR.

Maki moved White seconded to elect Clerk Engle Chair of the February 3, 2016 meeting in the excused absence of Supervisor Walker.

MOTION CARRIED.

MINUTES –January 6, 2016 REGULAR MEETING.

Lynch moved Greenberg seconded to approve the minutes of the Regular meeting of January 6, 2016 with the inclusion of clarifications to the Marquette Board of Light and Power presentation.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

White moved Lynch seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Jason Schneider Director of the Marquette Chamber of Commerce extended an invitation to the entire Chocolay Township Board to attend meetings set up as casual conversations between neighboring communities. It started out with the Supervisors of Chocolay and Marquette Township and the Mayor of Marquette attending the meetings and they would now like to include any board member interested in attending. Mr. Schneider asked for Board member emails to add to the group email that the Marquette Chamber of Commerce uses to send information and meeting notices.

Trustee Maki suggested that the Chamber send the emails to the Township office. Mr. Schneider would like to send the information to each board member.

Manager Lawry informed the Board that he will pass along the Chamber's first annual report in the next Board update.

ACCOUNTS PAYABLE.

White moved Lynch seconded that bills totaling \$35,849.72 including checks numbered 20770-20783, bills totaling \$56,240.06 including checks numbered 20784-20823 and bills totaling \$27,341.47 including checks numbered 20824-20846 are approved for payment.

MOTION CARRIED.

The Board had questions on bills for Tyler Technologies, City of Marquette bacterial analysis, Manager reimbursement on postage, Board of Review training and seminar attendance. Manager Lawry responded to the questions.

PAYROLL.

White moved Maki seconded that the payroll for January 7, 2016 for \$9,138.13 including checks numbered 22808-22830 and ACH payments for Federal tax and State tax, January 14, 2016 for \$31,889.11 including checks numbered 22831-22850 and 10268-10273 and ACH payments for Federal tax, State tax and MERS, January 28, 2016 for \$36,959.79 including checks numbered 22851-22883 and 10274-10279 and ACH payments for Federal tax, State tax and MERS, for payment.

MOTION CARRIED.

FINANCIAL REPORT.

Lynch moved White seconded to approve the December 2015 pre-audited financial report.

MOTION CARRIED.

Trustee Maki had two questions on the Wastewater Treatment financials; office supplies and telephone.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Greenberg reported that there was quite a bit of investment activity in January due to property tax income.

Maki moved Lynch seconded to accept the Treasurer's report and the Fund Withdrawal and Deposit report.

MOTION CARRIED.

PRESENTATIONS - CASH RECEIPTING SYSTEM IMPLEMENTATION.

Dale Throenle gave a presentation to the Board on the Fund Balance Cash Receipting implementation. The Board authorized the purchase of this program in October of 2015 and it has been purchased and installed on three desktops to be utilized by Pat Beck, Suzanne Sundell and Mary Sanders. He explained the current process of receiving payments; that is basically manual. This program will change that to an electronic system with automatic entries being made to the general ledger and the tax system. We will be able to accept a single payment for multiple

accounts. The system will be able to scan utility and tax bills. Consignments will not be included in the system. Our own deposits for landfill, meeting room and recreation areas can be entered into the system. This system will allow a better audit trail. Each person using the system will have their own log on to the system showing who took in the money. The cut over for the new system will happen on March 1<sup>st</sup>; we will run parallel systems for the next 60 days. We still have to create a manual process in the event of a power outage that lasts longer than 45 minutes. Staff training is scheduled for February 10<sup>th</sup>.

Trustee Maki asked why we decided to go to the system and the price. We are going to this system to for better financial control and efficiency. The cost of the program was \$1,800.00 and an additional \$400.00 for annual maintenance.

#### SUPERVISOR'S REPORT.

None.

#### RESOLUTION TO DISSOLVE THE EAST MARQUETTE COUNTY SOLID WASTE DISPOSAL AUTHORITY.

Greenberg moved Lynch seconded to dissolve the East Marquette Solid Waste Disposal Authority and authorize West Branch Township to disperse the funds In the amount of \$1,912.21 to each of the seven participating townships.

MOTION CARRIED.

#### PUBLIC OPINION POLL QUESTIONS.

Trustees White and Lynch felt that these are good questions and hoped that we would get a good response. Trustee Maki asked why we are asking the question on the fire department alarm system when we need the alarm to notify the firemen. Manager Lawry responded that the fire department wants to continue for safety and convenience; it is not a required item. He also indicated that at the last Board meeting the Board wanted questions prepared for a public survey, including the question on the siren. Clerk Engle indicated that the Board wanted public opinion because only three people wanted to stop the siren. Trustee Lynch feels the survey is a good idea. Trustee Maki asked why we are asking question two. Manager Lawry replied that this will help with direction of the Master Plan. Trustee Lynch suggested adding why or why not residents use local businesses. Trustee Maki questioned number 3 on vacation rentals. He feels we should inform the public that we already prohibit these rentals. We probably will not get meaningful answers. We need to enforce the ordinance. Treasured Greenberg feels that we may get skewed results on the survey, but it may spur further requests if we do the survey.

Greenberg moved White seconded to proceed with the opinion survey with the elimination of question three on vacation rentals.

MOTION CARRIED.

PLANNING COMMISSION RECOMMENDATION ON REZONING APPLICATION ZA001-15 FOR 141 MAPLE ROAD. (PARCEL ID #52-02-018-035-00).

Greenberg moved Lynch seconded, to waive the second reading and approve the proposed rezoning Case #ZA001-15, to rezone Parcel #52-02-018-035-00 located at 141 Maple Rd. from AF– Agriculture/Forestry to WFR-Waterfront Residential, and to file the amendment with the Township Clerk, to publish a notice in the local newspaper and on the Township website within 15 days of adoption, and record the amendment in the Township Zoning Ordinance book as Amendment 34-16-01 within one week after publication.

MOTION CARRIED.

Trustee Maki questioned the reason the property owners wanted the rezoning. Manager Lawry responded that the location of their building site would have been problematic with the A/F setbacks.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, December 21<sup>st</sup>, 2015.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of December 17<sup>th</sup>, 2015.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of December 16<sup>th</sup>, 2015.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of December 8<sup>th</sup>, 2015.
- E. Memorandum - Deposit Required for Use of the Marquette County Landfill.
- F. Correspondence – CUPPAD Request for Comments on Marquette County RSVP Application for Federal Assistance.

Trustee Maki commented on the Planning Commission minutes from the December 21, 2015 meeting included in informational reports. He sent a memo to the Planning Commission and wanted the Board included in the memo. His questions were related to concerns with land divisions that are not in compliance, access provisions, private roads, and contractor yards in A/F district, contractor yards and mini ware houses in the commercial (sewer) district, flashing signs, junk cars causing ground contamination.

Clerk Engle adjourned the meeting at 6:30 p.m.

---

Max Engle, Clerk

---

Gary Walker, Supervisor

March 2, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, March 2, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, John Greenberg, Max Engle, Judy White, Mark Maki, David Lynch.

ABSENT: Richard Bohjanen.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Brad Johnson, Gary Johnson, Pat Beck.

MINUTES –FEBRUARY 3, 2016 REGULAR MEETING.

Greenberg moved White seconded to approve the minutes of the regular meeting of February 3, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Lynch moved Engle seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Carol Fulsher, 916 High Street, Marquette – Introduced herself and informed the Board that she, Don Britton and Jim Thomas are here to represent the Iron Ore Heritage Trail Authority. They are available to answer any questions the Board may have on the Iron Ore Heritage Trail Authority millage renewal request.

ACCOUNTS PAYABLE.

White moved Lynch seconded that bills totaling \$43,995.02 including checks numbered 20847-20865 and bills totaling \$13,845.56 including checks numbered 20866-20887 are approved for payment.

MOTION CARRIED.

PAYROLL.

White moved Maki seconded that the payroll for February 11, 2016 for \$32,941.60 including checks numbered 22884-22902 and 10280-10285 and ACH payments for Federal tax, State tax and MERS and February 25, 2016 for \$36,662.59 including checks numbered 22903-22936 and 10286-10291 and ACH payments for Federal tax, State tax and MERS for payment.

MOTION CARRIED.

FINANCIAL REPORT- JANUARY 2016.

Engle moved Lynch seconded to approve the January 2016 financial report.

MOTION CARRIED.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Greenberg reported that there was no investment activity in February.

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

MOTION CARRIED.

DESIGNATION OF TOWNSHIP DELEGATE AND ALTERNATE TO THE SUPERIOR TRADE ZONE NEXT MICHIGAN DEVELOPMENT CORPORATION

Engle moved Lynch seconded to designate John Greenberg as Chocolay Township delegate to the Superior Trade Zone.

MOTION CARRIED.

Maki moved Greenberg seconded to designate Judy White as Chocolay Township alternate to the Superior Trade Zone.

MOTION CARRIED.

SUPERVISOR'S REPORT.

- On February 29<sup>th</sup>, our Treasurer John Greenberg presented a letter indicating his retirement from the Board effective April 5, 2016. Supervisor Walker thanked Treasurer Greenberg for his long tenure on the Board.

The Board will publish a notice that we have an opening for Township Treasurer position and plan on interviewing candidates at the April 6<sup>th</sup> Board meeting.

Treasurer Greenberg informed the Board that Ben Zybert has expressed an interest in the position and with his banking experience he would be a great candidate.

Clerk Engle would like to have a photo taken of the Board with John Greenberg in it. We will not have a full Board in April, so we will do the photo at the May meeting. He asked if John Greenberg was available.

- Supervisor Walker said that it is good to be back at the Board meeting.

ANNUAL REVIEW OF BOARD POLICIES.

White moved Engle seconded to make no changes to the Board Policies as presented.

MOTION CARRIED.

DEFICIT ELIMINATION PLAN FOR FIRE STATION CONSTRUCTION LOAN.

Greenberg moved Lynch seconded that;

WHEREAS, the Charter Township of Chocolay Fire Millage Fund has a \$(581,189.00) deficit fund balance on December 31, 2015; and

WHEREAS, Act 275 of the Public Acts of 1980 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury:

NOW THEREFORE, IT IS RESOLVED that the Charter Township of Chocolay Fire Millage Fund Deficit Elimination Plan:

	2016	2017
Fund Balance - Restricted	\$8,811	\$29,097
Fund Balance - Unrestricted	\$(590,000)	\$(290,000)
Fund Balance – Total	\$(581,189)	\$(260,903)
Revenue – Property Tax	\$323,825	\$323,825
Expenditure – Interest	\$(2,950)	\$(1,450)
Net Income	\$320,875	\$322,375
Fund Balance – Restricted	\$29,686	\$61,472
Fund Balance – Unrestricted	\$(290,000)	-
Fund Balance – Total	\$(260,314)	\$61,472
Payments on Advances–General Fund	\$150,000.00	\$145,000
Payments on Advances-Wastewater Fund	\$150,000.00	\$145,000

BE IT FURTHER RESOLVED that the Charter Township of Chocolay Supervisor, Gary Walker submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

MOTION CARRIED.

PERFORMANCE RESOLUTION FOR WORK PERFORMED IN MICHIGAN DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY.

White moved Lynch seconded to have the Township Supervisor execute the performance resolution for governmental agencies for purposes of issuing to a municipality an “Individual Permit for Use of State Highway Right of Way” or an “Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way” and authorizing Manager Steve Lawry and DPW Foreman Brad Johnson to apply to the Michigan Department of Transportation for the necessary permit work within State Highway Right of Way on behalf of Chocolay Township.

MOTION CARRIED.

**IRON ORE HERITAGE RECREATION AUTHORITY RESOLUTION OF SUPPORT.**

Engle moved Greenberg seconded to accept the Iron Ore Heritage Trail Resolution for millage renewal as presented.

MOTION CARRIED.

**CONSIDERATION OF REQUEST FROM CEDAR TREE INSTITUTE FOR SUPPORT OF JOINT PROJECT USING KBIC 2% FUNDS.**

Lynch moved Greenberg seconded to provide a letter to the Keweenaw Bay Tribal Council in support of implementation funding for the Zaagkii Project in Chocolay Township and to authorize the Township to serve as a fiduciary agent of the Cedar Tree Institute for any 2% gaming funds awarded by KBIC to Cedar Tree Institute's Zaagkii Project.

MOTION CARRIED.

**AWARD OF BID FOR PICKUP TRUCK PURCHASE.**

Maki moved Lynch seconded that the Chocolay Township Board award the 2016 sewer truck bid to Public Service Garage for option two, in the amount of \$27,924.90. This price includes all options and the trade in of the 2006 sewer truck. The Board also authorizes up to \$200.00 additional for Leutz Sign to make and install the Township decal for the doors of the truck. This is to be purchased from the Wastewater Account 571.571.970

ROLL CALL.

AYES: Maki, White, Lynch, Greenberg, Engle, Walker.

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

**2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #1 TO ASSIGN REVENUE FROM THE SALE OF USED POLICE VEHICLES.**

White moved Lynch 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 4<sup>th</sup>, 2015 for fiscal year 2016, and Whereas, as a result of receipt of unanticipated revenue from the sale of surplus equipment 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
<b>REVENUE</b>			
Miscellaneous			
401.698.000	\$ 0.00	+\$1,600.97	\$1,600.97
<b>EXPENDITURE</b>			
Police - Vehicles			



401.305.981                      \$ 45,542.30                      +\$1,600.97                      \$47,143.27

ROLL CALL.

AYES: Maki, White, Lynch, Greenberg, Engle, Walker.

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

AUTHORIZATION TO PURCHASE A WATER TREATMENT SYSTEM FOR THE FIRE STATION WITH CAPITAL IMPROVEMENT FUNDS.

Maki moved Engle seconded to authorize the Fire Department to purchase and have installed a water softener system from Norway Springs Inc. In the amount of \$4,046.00 using Capital Improvement Fund account 401.340.976.

ROLL CALL.

AYES: Maki, White, Lynch, Greenberg, Engle, Walker.

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

AUTHORIZATION TO APPLY FOR MICHIGAN DEPARTMENT OF NATURAL RESOURCES PASSPORT GRANT FOR TENNIS COURT REHABILITATION AT SILVER CREEK RECREATION AREA.

Engle moved Greenberg seconded to authorize up to \$11,500 from Capital Improvement 401.756.972 to be spent as a match amount for a DNR Recreation Passport Grant application should the application be successful.

ROLL CALL.

AYES: Maki, White, Lynch, Greenberg, Engle, Walker.

NAYS: None.

ABSENT: Bohjanen.

MOTION CARRIED.

Joanne Parks thanked the Board for supporting the passport grant for tennis courts. There are two other grants; Community Foundation and the Michigan Fitness Foundation that need to be approved by April.

Clerk Engle asked if the other grant require matching funds.

Manager Lawry believes the two mentioned grants have no monetary request and that is why Dale Throenle did not bring them before the Board.

PUBLIC COMMENT.

Trustee Maki commented that in the past the Board set the salaries for Board positions before the election filing deadline. That would allow all interested parties knowledge of the salary for the position that they will run for. The Board agreed that this should be done at the April 6, Board meeting.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, January 18<sup>th</sup>, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of January 21<sup>st</sup>, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meetings of January 20<sup>th</sup>, 2016 and February 17<sup>th</sup>, 2016, (Draft).
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of January 12<sup>th</sup>, 2016.
- E. Correspondence from Sands Township Re: Attorney Opinion on Marquette County Solid Waste Authority Actions.

Supervisor Walker adjourned the meeting at 6: 05 p.m.

---

Max Engle, Clerk

---

Gary Walker, Supervisor

April 6, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, April 6, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, John Greenberg, Max Engle, Mark Maki, David Lynch, Richard Bohjanen.

ABSENT: Judy White.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Brad Johnson, Dale Throenle, Pat Beck.

MINUTES –MARCH 2, 2016 REGULAR MEETING.

Greenberg moved Lynch seconded to approve the minutes of the regular meeting of March 2, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Greenberg moved Lynch seconded to approve the agenda with the addition of discussion of 2017 Township Board salaries under new business and Semco Energy Public Service Commission Hearing under Informational Reports.

MOTION CARRIED.

PUBLIC COMMENT.

None.

PUBLIC HEARINGS-ORDINANCE #60 FOR PARTICIPATION IN THE FEMA NATIONAL FLOOD INSURANCE PROGRAM.

The public hearing was opened at 5:35 and there was no public comment. The public hearing was closed.

ACCOUNTS PAYABLE.

Bohjanen moved Engle seconded that bills totaling \$10,267.91 including checks numbered 20888-20909, bills totaling \$47,012.08 including checks numbered 20910-20948 and bills totaling \$10,599.84 including checks numbered 20949-20969 are approved for payment.

MOTION CARRIED.

PAYROLL.

Lynch moved Bohjanen seconded that the payroll for March 10, 2016 for \$31,432.31 including checks numbered 22937-22954 and 10292-10297 and ACH payments for Federal tax, State tax

and MERS and March 24, 2016 for \$39,759.91 including checks numbered 22955-23006 and 10298-10303 and ACH payments for Federal tax, State tax and MERS for payment.  
MOTION CARRIED.

FINANCIAL REPORT- FEBRUARY 2016.

Engle moved Maki seconded to approve the February 2016 financial report.  
MOTION CARRIED.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Greenberg reported that there were three investment C/D's that matured in March and were reinvested with additional tax revenue. CDARS is not an individual bank, but a group of banks and the investments meet the Federal requirements for investing.

Maki moved Engle seconded to accept the Treasurer's report and the Fund Withdrawal and Deposit report.  
MOTION CARRIED.

Trustee Maki asked Treasurer Greenberg if we were on target with the fire hall millage payoff in 2017. Treasurer Greenberg indicated that we are on schedule with the payoff and the amount due on the last payment allows us to collect less than the voted millage. We do not have the exact amount at this time.

SUPERVISOR'S REPORT.

None.

APPOINTMENTS / RESIGNATIONS-RESIGNATION ACCEPTANCE & APPOINTMENT OF NEW TOWNSHIP TREASURER.

Supervisor Walker presented a Certificate of Appreciation and plaque to Treasurer John Greenberg.

Certificate of Appreciation  
For his dedication to the Township and its citizens as  
Planning Commissioner from June 1978 to June 1981  
Township Trustee from November 1980 to July 1981 and  
Township Treasurer from August 1981 to April 2016  
38 Years of dedicated service to Chocoley Township

John S. Greenberg

We do express our appreciation on behalf of the Township Board.

DATED THIS 6th DAY OF April 2016 AND RECORDED IN THE OFFICIAL RECORD.

Engle moved Lynch seconded to accept John Greenberg's resignation from the Treasurer position.

MOTION CARRIED.

APPOINTMENTS AND RESIGNATIONS-INTERVIEW AND APPOINTMENT OF TREASURER.

Trustee Maki asked the Board if he should sit in the audience since he is a candidate for the Treasurer position.

Clerk Engle stated that he feels the Board should not accept Trustee Maki as a candidate for the following reasons. Trustee Maki did not indicate his intention to apply for Treasurer until the day after close of accepting applications and he did not fill out an application or present a cover letter. Clerk Engle assumes that the fax that Trustee Maki sent was his resume.

Trustee Maki responded that at the last Board meeting the only thing he heard was that the Board would be interviewing for the position at the April Board meeting and the candidates had to show up at the April 6<sup>th</sup> meeting.

Clerk Engle stated that we advertised for the position with all the requirements including the deadline.

Trustee Maki commented that at the last Board meeting, that was not established.

Clerk Engle stated that if we accept his application for the position after the deadline, then we have set a precedent for future positions.

Clerk Engle moved Lynch seconded that the Board not accept Trustee Maki's application for Treasurer.

AYES : 4

NAYS : 1 (Maki)

MOTION CARRIED.

The Board discussed the interview process. This is an open meeting and the Board cannot require the applicants to leave the room while the others interview. We have in the past asked candidates if they would all agree to step out of the room while the other candidate was interviewing. The Board had no preference at this time, so all candidates will remain in the room for the complete interview process.

The order of interviewing was as follows: Ben Zyburt, Kristen Horsley and Jennifer Tousignant.

Ben Zyburt has been a resident of Chocolay for 23 years and a banker in Marquette County for 31 years and the last 17 years as department head of the Trust Department for Norther Michigan Bank. He started up that department 18 years ago. Currently he has 280 million under his management and 9 employees. He is familiar with municipal public act 20 because he has administered a half dozen of these type accounts over the years. He is familiar with the type of investing allowed municipalities. He has served as Treasurer for several civic organizations. His brother Chief Zyburt gives him a unique perspective of Chocolay Township. He looks at the Treasurer position as two pronged; dealing with the assets and dealing with the individual. He is comfortable with managing funds and sitting on the Board as a voting member. His vision of the Township is to continue with a bed and breakfast appeal, but we need a balance of growth and keeping green space. He will continue to work his full time position, but does not feel that will be an issue with being Treasurer. He has managed bond portfolios.

Kristine Horsley has spent the 24 years in the marine corp. in the finance world working military pay, fiscal and travel decks. She has deployed with the marines overseas and managed millions of dollars without loss of any funds. She has an accounting degree; a master's degree in finance and has been working toward her PhD. She has worked military accounting and auditing. She is used to dual roles in the military, so being a voting board member and the Treasurer accountable for Township finances will not be a problem. She has no investment experience. She is aware of and will plan on running for the office of Treasurer if she is selected tonight.

Jennifer Tousignant has lived in Chocolay Township for 6 years and is currently an account manager for a CPA firm in Florida and works remotely from the Township. She is in charge of accounts payable, accounts receivable, payroll and taxes on a daily basis. She travels down there once a year. She does accounting and taxes for very small companies all the way to multi-million dollar mortgage companies with millions of assets. She currently works with different clients with different needs. Does not have experience with investing, but does have tax experience. Part of her reason for applying for this position is she feels it is time to take part in government and being active in the community.

John Greenberg commented that he encouraged Ben Zybert to run but feels that any of the candidates would do a great job. He commented that Pat Beck his Deputy Treasurer makes the Treasurer Job easy and a new Treasurer would be making a mistake if they did not re-appoint her Deputy Treasurer.

The Board discussed how the selection process will work. They decided to use ballots and sign the ballot.

Tallied votes were:  
Ben Zybert – 3 votes.  
Kristine Horsley – 1 vote.  
Mark Maki - 1 vote.

Clerk Engle swore Ben Zybert in as Chocolay Township Treasurer and Ben took his place at the Board table as a voting member.

**CONSIDERATION OF ORDINANCE #60 FOR PARTICIPATION IN THE FEMA NATIONAL FLOOD INSURANCE PROGRAM – FIRST READING.**

The Federal Government will no longer accept a resolution by the Board to participate in the FEMA National Flood Insurance. An ordinance is required and must be in place by April 19, 2016 if we wish to participate in the program. There are no major changes between the old flood plain maps and the new ones for Chocolay Township.

Maki moved Lynch seconded that BE IT RESOLVED, the CHARTER TOWNSHIP OF CHOCOLAY DOES HEREBY ADOPT Ordinance #60 and suspend the second reading.

**ORDINANCE #60**

**THE CHARTER TOWNSHIP OF CHOCOLAY,**

MARQUETTE, MICHIGAN  
FLOODPLAIN MANAGEMENT ORDINANCE

An ordinance to designate an enforcing agency to discharge the responsibility of the Charter Township of Chocolay, Marquette County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The Charter Township of Chocolay ordains:

**SECTION 1:**

**1.0 Agency Designated**

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Resource Management/Codes Department of the County of Marquette is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of Chocolay under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Marquette assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the Charter Township of Chocolay.

**SECTION 2:**

**2.0 Code Appendix Enforced**

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of the Charter Township of Chocolay.

**SECTION 3:**

**3.0 Designation of Regulated Flood Prone Hazard Areas**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Marquette County, Michigan (All Jurisdictions)" and dated April 19, 2016, and the Flood Insurance Rate Maps (FIRMS) panel numbers of 26103C, 0513D, 0545D, 0701D, 0702D, 0705D, 0706D, 0707D, 0710D, 0720D, 0726D, 0730D, 0735D, 0740D, 0745D, 0755D, and 0765D, dated April 19, 2016, are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

**SECTION 4:**

#### **4.0 Repeals**

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

### **SECTION 5:**

#### **5.0 Publication**

This ordinance shall be effective April 19, 2016, after legal publication and in accordance with the provisions of the Act governing same.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

### **CONSIDERATION OF A RESOLUTION AND INTERGOVERNMENTAL AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM.**

Maki moved Zybert seconded that

Community A: Chocolay Charter Township; Community/Entity B: Marquette County

WHEREAS, Community A currently participates in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

WHEREAS, the NFIP requires floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
  - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
  - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of the community, as may have been issued by FEMA, where the boundaries of the area of flood, mudslide (i.e.,



mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.

3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the “Stille-Derossett-Hale Single State Construction Code Act”, Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44CFR), Section 60.3, and

WHEREAS, by the action dates of this document or an existing historical agreement dated 1987, Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, and the Michigan Rehabilitation Code for Existing Buildings to all development within Community A’s political boundaries, and

WHEREAS, Community A and Community/Entity B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with the requirements of the NFIP,

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community/Entity B agree that Community/Entity B’s officially designated enforcing agency for the construction code act, Resource Management/Codes Department, be directed to administer, apply, and enforce on Community A’s behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations,  
by:
  - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and

- b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
  - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:
    - i) Appropriate portions and referenced codes and standards of the current Michigan Residential Code.
    - ii) Appropriate portions and referenced codes and standards of the current Michigan Building Code.
    - iii) Appendix G of the current Michigan Building Code.
    - iv) Appropriate portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
  - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
  - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
  - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
  - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Community A and Community/Entity B assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBM's and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
  3. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBM's, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

FURTHER BE IT RESOLVED, both communities declare their understanding that, until this resolution is rescinded or Community A makes other provision to enforce the construction code act:

1. Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and

2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

CONSIDERATION OF REQUEST FROM UPPER PENINSULA LAND CONSERVANCY TO SERVE AS FIDUCIARY AGENT AND PROVIDE LETTER OF SUPPORT FOR KBIC FUNDING OF CHOCOLAY BAYOU PRESERVE PROJECT.

Lynch moved Bohjanen seconded that the Board authorize a letter to the Keweenaw Bay Tribal Council supporting the request for funds by the U. P. Land Conservancy for public access improvements and public education at the Chocolay Bayou Nature Preserve and agreeing to provide funds so designated by the Tribe to that organization.

MOTION CARRIED.

AUTHORIZATION OF BALLOT LANGUAGE FOR CONTRACT LIBRARY SERVICES MILLAGE RENEWAL.

Maki moved Lynch seconded that the Board approves the following language for submittal to the County Clerk for inclusion on the August 2016 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 0.7514 mills (\$0.7514 per \$1,000.00 of taxable valuation), as reduced by required millage rollbacks, for a period of four (4) consecutive years, from 2017 to 2020, inclusive, which if levied would raise an estimated \$152,303.00 in the first year?”

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

AUTHORIZATION TO UTILIZE CAPITAL IMPROVEMENT FUND DOLLARS FOR POLICE TRAINING AT NMU PUBLIC SAFETY INSTITUTES.

Engle moved Bohjanen seconded to expend \$900.00 for the NMU Public Safety Institute for year 2016. This would come from the Capital Improvement Fund Police Training Account 401.306.957.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

AWARD A BID FOR THE PURCHASE OF A SNOWMOBILE FOR THE PUBLIC WORKS AND FIRE DEPARTMENTS AND AUTHORIZE THE PURCHASE USING CAPITAL IMPROVEMENT FUND DOLLARS. Bohjanen moved Lynch seconded that the Chocolay Township Board award the snowmobile bid to Adventure Centre, option 1, in the amount of \$13,498.95. This price includes the trade in of the 1995 Arctic cat snowmobile. Half of this purchase will come from the Recreation and Properties account 401.756.977 and the other half will come from Fire account 401.340.981

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

AWARD BIDS FOR THE LIONS' FIELD TRAILHEAD IMPROVEMENT PROJECT.

Maki moved Engle seconded to award the general contract for site improvements for the Lions' Field Park and trailhead improvement project to Gerou Excavating of Wetmore, Michigan in the base bid amount of \$68,092.50, including the unit prices submitted as a part of the bid and contingent upon approval of the Department of Natural Resources.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

Maki moved Engle seconded to award the contract for furnishing and installing the prefab toilet building for the Lions' Field Park and trailhead improvement project to Boom Concrete of Newell, South Dakota in the amount of \$16,124.04, contingent upon approval of the Department of Natural Resources.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

Maki moved Engle seconded to award the contract for furnishing picnic tables, universally accessible grills, benches, and bicycle racks for the Lions' Field Park and trailhead improvement project to Penchura of Brighton, Michigan in the amount of \$3,450.36 contingent upon approval of the Department of Natural Resources.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

Maki moved Engle seconded to award the contract for furnishing materials for the construction of the new picnic pavilion as a part of the Lions' Field park and trailhead improvement project to 41 Lumber of Marquette, Michigan at the unit prices bid and listed in the attached report from project designer Bill Sanders in an estimated amount of \$5,336.16 contingent upon approval of the Department of Natural Resources.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zyburt, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

Maki moved Engle seconded to award the contract for fabricating metal specialty pieces for the pavilion and park benches to Marquette Machining of Marquette, Michigan at the unit prices bid for an estimated contract cost of \$660.00 contingent upon approval of the Department of Natural Resources.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zyburt, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

Maki moved Engle seconded to accept the proposal of Dan Perkins Construction to furnish and install a standing seam metal roof with an estimated value of \$4,957.02 on the new picnic pavilion as a donation to the public project and at no cost to the Township and to seek approval of the Department of Natural Resources to consider this a portion of the local match to the grant.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zyburt, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

Maki moved Engle seconded to accept the proposal of the Iron Ore Heritage Recreation Authority to furnish and install at the park a sign kiosk similar to the those located at other IOHRA trailheads, with an estimated value of \$10,000.00 at no cost to the Township and to seek approval of the Department of Natural Resources to consider this a portion of the local match to the grant.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zyburt, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

Trustee Lynch publically recognized Dan Perkins Construction for their generous donation of the material and labor for the roof. It is commendable.

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #2 TO REFLECT RECEIPT OF EAST MARQUETTE COUNTY SOLID WASTE AUTHORITY FUNDS.

Bohjanen moved Zybert 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 4<sup>th</sup>, 2015 for fiscal year 2016, and Whereas, as a result of receipt of unanticipated revenue from the dispersal of assets of the East Marquette County Solid Waste Disposal Authority 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			
401.698.000	\$ 1,600.97	+\$ 1,912.21	\$ 3,513.18
EXPENDITURE			
Sanitary Landfill - Equipment			
401.526.977	\$ 57,673.92	+\$ 1,912.21	\$ 59,586.13

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED.

PUBLIC OPINION SURVEY RESULTS.

Manager Lawry presented the public opinion survey results to the Board primarily as informational. This survey came about when a request was made to stop the use of the fire siren. The public response to the fire alarm as an alert system for the firemen was that the public does support the alarm system. The public indicated in the survey that they do a pretty good job of utilizing local businesses. There were many requests to expand the commercial area. The response was in an equal number that Township services are adequate and the Township should provide more service.

Maki moved Lynch seconded to have all department heads and the Township Manager have a meeting to discuss the survey results and come up with recommendations that the Board could address and to forward the survey results on to the Planning Commission.

MOTION CARRIED.

CONSIDERATION OF RESOLUTION OBJECTING TO REAPPOINTMENT OF MARCUS ABOOD TO THE STATE TAX TRIBUNAL WITH LETTER TO GOVERNOR SNYDER, ET AL.

Lynch moved Engle seconded to accept and presented that

Whereas, the Charter Township of Chocolay Board of Trustees has responsibility for ensuring the health safety, and welfare of Township residents and visitors; and

Whereas, the financial resources necessary for the provision of such services are derived from taxable value assessment, collection and distribution to reliant entities; and

Whereas, such tax collection and distribution generally occur after services are committed or rendered to constituents; and

Whereas, local Assessors are required to apply provisions of the formal Assessors' Manual as issued by the Michigan Tax Commission in determining said taxable values; and

Whereas, the Michigan Tax Tribunal is not required to apply the provisions of the formal Assessors' Manual in their review of appeals; and

Whereas, the Michigan Tax Tribunal has accepted and applied the "dark store" theory in their decisions regarding commercial properties since 2010; and

Whereas, the "dark store" theory has caused lasting fiscal damage to the ability of local governments and tax revenue reliant agencies to serve all constituents; and

Whereas, Marcus Abood in previous appointment to Judge of the Tax Tribunal has rendered "dark store" decisions demonstrating his bias, rejection of traditional methods of assessment, and failure to recognize the serious impacts of his acceptance of the flawed commercial property "dark store" theory and its impact on all constituents; and

Whereas, the Michigan Senate is required to approve the appointment of Marcus Abood as recommended by Governor Rick Snyder, ignoring the impacts to local governments, tax revenue reliant agencies, and all constituents,

Now Therefore Be it Resolved, the Charter Township of Chocolay Board of Trustees hereby resolves to respectfully ask the Michigan Senate to reject the appointment of Marcus Abood to the Michigan Tax Tribunal, as proposed by Governor Rick Snyder to the detriment of local governments, tax revenue reliant public agencies, and all constituent taxpayers.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: Judy White.

MOTION CARRIED

DISCUSSION ON SETTING 2017 TOWNSHIP BOARD SALARIES.

The Board discussed setting Officer salaries for 2017 ahead of the filing deadline for the Township Board positions.

Bohjanen moved Lynch seconded to fix the Chocolay Township Board compensation at the current rate for the term beginning November 2016 for the four year term.

AYES: 4                      NAYS: 1 (Maki)

MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, February 15<sup>th</sup>, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of February 18<sup>th</sup>, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of March 16<sup>th</sup>, 2016 and Special Meeting of March 2<sup>nd</sup>, 2016, (Drafts).
- D. Minutes – Marquette County Township Association, Regular Meeting of January 27<sup>th</sup>, 2016.
- E. State of Michigan-Notice of Second Prehearing/Semco Customers Case No. U-17942

Supervisor Walker adjourned the meeting at 6: 55 p.m.

---

Max Engle, Clerk

---

Gary Walker, Supervisor



May 4, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, May 4, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, Ben Zybert, Max Engle, Mark Maki, David Lynch, Richard Bohjanen, Judy White

ABSENT: None

STAFF PRESENT: Steve Lawry, Suzanne Sundell

MINUTES – APRIL 6, 2016 REGULAR MEETING.

Engle moved Lynch seconded to approve the minutes of the regular meeting of April 6, 2016 as corrected. *(Bohjanen indicated that the vote on Page 3, middle of page regarding non acceptance of Trustee Maki's application for Treasurer should reflect Ayes 4, Nays 1 (Maki)).*

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Bohjanen moved Maki seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Kaitlyn Luibakka, 504 Woodvale Drive commented on road conditions by Cherry Creek Elementary School. Not asking for entire road to be paved, but there is a section that has been patch-filled for the last couple years, and it is not safe to drive that stretch of the road. On Wildwood, there is also a huge pothole section. Commended the Board for everything they do.

Supervisor Walker welcomed the seniors from the Marquette High School Government class that were in attendance.

PUBLIC HEARINGS.

None.

ACCOUNTS PAYABLE.

Lynch moved Zybert seconded that bills totaling \$52,381.88 including checks numbered 20970-21016 and bills totaling \$20,157.96 including checks numbered 21017-21039 are approved for payment.

White asked about the actual amount that was approved for the Bearcat Groomer. Bohjanen asked about the Floor Sealer for the Fire Department.

MOTION CARRIED.

#### PAYROLL.

White moved Engle seconded that the payroll for April 7, 2016 for \$31,530.21 including checks numbered 23007-23024 and 10304-10309 and ACH payments for Federal tax, State tax and MERS, payroll for Fire Department for April 14, 2016 for \$9,866.80 including checks numbered 23025-23046 and ACH payments for Federal tax and State tax, and April 21, 2016 for \$34,233.50 including checks numbered 23047-23079 and 10310-10315 and ACH payments for Federal tax, State tax and MERS for payment.

MOTION CARRIED.

#### FINANCIAL REPORT- MARCH 2016.

Bohjanen moved White seconded to approve the March 2016 financial report.

MOTION CARRIED.

#### TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported one CD that matured and has been reinvested in CDARS. No other changes.

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

MOTION CARRIED.

#### PRESENTATIONS

##### 2015 AUDIT REPORT

Mike Grentz, Anderson Tackman and Company presented the FY2015 audit to the Board. Supervisor Walker suggested that Grentz give an explanation to the students on what an audit is composed of. The Township received an unmodified opinion which means the Township complied with accounting principles generally accepted in the United States. The net position of the Township is \$8.7 million, of which there is a Net Pension Liability of approximately \$50,000.00. This is the first year we have had to report pension liability. This liability is based on certain assumptions that are made, including that the account should be earning 8.25% interest rate as defined by MERS. Treasurer Zyburt asked how often MERS would look at the long-term rate of return. Grentz indicated the last time would have been in 2008, and MERS is now in the process of going through an experience study from 2009 through 2013. This is the first year the Township has went into the unfunded liability. In order to run out the market fluctuations, it is preferred to be overfunded at 110%. Another portion of the pension liability is the Township's part of the Marquette Area Wastewater Treatment Facility. The Township's share of the net pension liability is roughly \$50,000 to \$60,000. This will probably not be billed anytime soon.

The Fire Millage Fund shows a deficit of \$579,000.00 because the Township borrowed from the General, Capital and Wastewater Funds to build the fire station. The Fire Millage Fund will pay

back the other funds as the taxes are paid over the next few years. In going through the various graphs, the Township has stayed fairly constant, with no large fluctuations. Significant deficiencies were (1) assisting in preparing financial statements and footnotes and (2) the Fund Balance deficit.

Manager Lawry asked for an explanation on what types of policies should be in place. Grentz indicated our investment policy is very basic. This should be brought current – look at different options, different choices, and risk factors (there are different rules pertaining to the investments). If the Township does venture towards bonds, these will need to be recorded at Fair Market Value.

Bohjanen asked about the sampling of transactions.

White moved Lynch seconded to accept the FY2015 audit as presented.

AYES: 7                      NAYS: 0

MOTION CARRIED

**APPOINTMENTS / RESIGNATIONS – APPOINTMENT TO PERSONNEL COMMITTEE**

Supervisor Walker recommended the appointment of Clerk Engle to the Personnel Committee.

Maki moved Lynch seconded to appoint Clerk Engle to the Personnel Committee.

AYES : 7                      NAYS : 0

MOTION CARRIED.

White suggested that the Personnel Committee meet a minimum of once per year. Supervisor Walker concurred.

**APPOINTMENTS AND RESIGNATIONS – APPOINTMENT OF THE FIRE CHIEF**

Supervisor Walker recommended the appointment of Gary Johnson as Fire Chief.

White moved Maki seconded that Johnson be appointed to the position of Fire Chief.

AYES : 7                      NAYS : 0

MOTION CARRIED.

**SUPERVISOR’S REPORT – COMMUNICATION FROM BRIAN ANDERSON**

Supervisor Walker shared a communication that had been received praising the Chocolay Township Fire Department on their actions on a serious house fire.

**CONSIDERATION OF RECREATION PASSPORT GRANT RESOLUTION FOR SILVER CREEK TENNIS COURTS.**

This item had already been approved, but a resolution was required by the DNR for the Grant Application.

SILVER CREEK RECREATION AREA GRANT APPLICATION RESOLUTION

WHEREAS, the Charter Township of Chocolay Board of Trustees supports the submission of an application titled, "Silver Creek Recreation Area Tennis Court Replacement" to the Recreation Passport Grant Program for development of a multi-use recreation facility to replace the tennis courts at Silver Creek Recreation Area; and,

WHEREAS, the proposed application is supported by the Community's 5-Year Approved Parks and Recreation Plan OR Current Annual Capital Improvement Plan; and,

WHEREAS, the Charter Township of Chocolay has made a financial commitment to the project in the amount of \$17,600 matching funds, in cash and/or force account; and,

WHEREAS, if the grant is awarded the applicant commits its local match and donated amounts from the following sources:

Friends of the Silver Creek Recreational Area     \$800 cash plus \$1,000 in-kind donation

Total \$1,800

NOW THEREFORE, BE IT RESOLVED that the Charter Township of Chocolay Board of Trustees hereby authorizes submission of a Recreation Passport Grant Program application for \$45,000, and further resolves to make available a local match through financial commitment and donations of \$19,400 (30%) of a total \$64,400 project cost, during the 2016-2017 fiscal year.

Moved by:                    Lynch

Supported by:                White

AYES:    Maki, Bohjanen, White, Lynch, Zyburt, Engle, Walker

NAYS:    None                    Absent:    None

Date Approved:              May 4, 2016

State of Michigan

County of Marquette

CONSIDERATION OF ORDINANCE #61, REPLACEMENT ORDINANCE FOR ORDINANCE #35, FIREARMS ORDINANCE – FIRST READING.

Maki moved Engle seconded, that after review of the proposed modifications of Ordinance #35, as well as the recommendations of the Township Planning Commission and the Township Attorney, that the Board schedule a second reading and a public hearing on the proposed language of Version # 2 of Ordinance #61 at its June 1<sup>st</sup> meeting following publication of the appropriate notice in the *Mining Journal*.

ROLL CALL

AYES: Maki, Lynch, Zyburt, Engle, Walker

NAYS: Bohjanen, White

ABSENT: None

MOTION CARRIED.

PROCLAMATION OF EMERGENCY MEDICAL SERVICES WEEK

Lynch moved Zyburt seconded to proclaim the week of May 15 – 21, 2016 as national EMS Week.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUND DOLLARS FOR SEALING THE FIRE STATION FLOOR.

Bohjanen moved Lynch seconded to authorize the Fire Department to use Capital Improvement Funds in the amount of \$4,057.57 for the purchase of concrete sealer from Midway Rentals and Sales.

ROLL CALL.

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

NAYS: None.

ABSENT: None.

MOTION CARRIED.

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #3 TO REFLECT FUND INTEREST EARNINGS IN THE MISCELLANEOUS ACCOUNT.

Maki moved Engle 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 4<sup>th</sup>, 2015 for fiscal year 2016, and Whereas, as in an effort to improve fiscal management and the transparency of financial accounting records the Township wishes to assign currently undesignated fund balance dollars through modification of the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
EXPENDITURE			
Miscellaneous Operating Reserve			
401.958.957	\$ 1,949.39	+\$131,169.81	\$133,119.20

The total fund balance of the Capital Improvement Fund will remain at \$839,981.20, but the undesignated total of \$131,169.81 within the fund balance will be reduced to \$0.

It is further moved that the Board assign any future difference between the final budget and actual revenues in the Capital Improvements Fund to the Miscellaneous Operating Reserves Account 401.958.957.

ROLL CALL.

AYES: Maki, Bohjanen, White, Lynch, Zyburt, Engle, Walker

NAYS: None

ABSENT: None

MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, March 21<sup>st</sup>, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of March 17<sup>th</sup>, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of April 20<sup>th</sup>, 2016 and Stock Holders Meeting of April 20<sup>th</sup>, 2016, (Drafts).
- D. Minutes – US 41 Corridor Advisory Group, Regular Meetings of January 12<sup>th</sup>, 2016 and March 15<sup>th</sup>, 2016.
- E. Communication – CUPPAD Notice of MDOT Rural Transportation Planning Meeting.

Supervisor Walker adjourned the meeting at 6:35 p.m.

---

Max Engle, Clerk

---

Gary Walker, Supervisor

June 1, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, June 1, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, Ben Zyburt, Max Engle, Mark Maki, David Lynch, Richard Bohjanen, Judy White.

ABSENT: None

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

MINUTES – MAY 4, 2016 REGULAR MEETING.

White moved Bohjanen seconded to approve the minutes of the regular meeting of May 4, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Lynch moved Engle seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

None.

PUBLIC HEARINGS- PROPOSED FIREARMS ORDINANCE #61.

The public hearing was opened at 5:32. There was no public comment. The public hearing was closed at 5:33.

ACCOUNTS PAYABLE.

Zyburt moved White seconded that bills totaling \$79,963.41 including checks numbered 21040-21094 are approved for payment.

MOTION CARRIED.

PAYROLL.

Engle moved Zyburt seconded that the payroll for May 5, 2016 for \$30,100.29 including checks numbered 23080-23099 and 10316-10321 and ACH payments for Federal tax, State tax and MERS, and May 19, 2016 for \$39,083.74 including checks numbered 23100-23146 and 10322-10327 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- APRIL 2016.

White moved Lynch seconded to approve the April 2016 financial report.

MOTION CARRIED.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zybur reported one CD in the amount of \$100,000 matured on May 19<sup>th</sup> from Northern Michigan Bank and has been reinvested in 1st Bank for 6 months with a 65 basis point maturity which is about 30 basis points higher than the market is yielding right now. May 31<sup>st</sup> there was a \$331,000 pay down on the fire millage fund.

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

MOTION CARRIED.

SUPERVISOR'S REPORT –

- We received an invitation from the Marquette Board of Light and Power on a ground breaking ceremony. David Lynch will represent the Township.

SECOND READING OF REPEAL OF ORDINANCE #35 AND ADOPTION OF PROPOSED ORDINANCE #61, FIREARMS ORDINANCE.

Maki moved Zybur seconded that after review of the proposed modifications of the Township Firearms Ordinance, the input from a public hearing, and the recommendations of the Township Planning Commission and the Township Attorney, that the Board adopt the proposed language of Ordinance #61, file the motion with the Township Clerk to publish a notice of adoption in the local newspaper and on the Township website within fifteen days of adoption, and record the amendment in the Township Ordinance Book within one week after publication, with Ordinance #61 to become effective thirty days after adoption and Ordinance #35 to be repealed concurrently.

Trustee Bohjanen feels that the proposed language eliminates the possibility of duck hunting on portions of Lake Superior shoreline and most of Lake Kawbawgam. We are basically taking away a privilege that people have had.

Trustee Lynch also feels that the duck hunting should continue to be allowed in those areas.

Supervisor Walker stated that the initial purpose of updating the ordinance was to include our Waterfront Zoning District, which was not a zoning district when the original ordinance was written. At the last Board meeting he was advocating prohibiting the use of all firearms rather than exempting shotguns. After discussing this with the Manager and Planning Director; that given the situation on Lake Kawbawgam, he is not so sure that is a sound choice.

Trustee Maki asked if we are really changing the current ordinance. Answer - We are, because the current allows shot guns and certain types of ammunition.



Trustee Bohjanen feels that we should add to the ordinance a prohibition on shooting across property lines.

Roll CALL.

AYES: Maki.

Nays: Bohjanen, White, Lynch, Zyburt, Engle, Walker.

MOTION FAILED.

The Board discussed bringing the proposed Ordinance #61 (Attorney version 1) with an addition of Section 4. (c) No firing across property boundaries without the owner's permission.

Bohjanen moved Lynch seconded to change Ordinance #61 to attorney version one with the addition of Section 4. (c) No firing across property boundaries without the owner's permission. This will be published as a public hearing and second reading for the July 6, 2016 Township Board Meeting.

MOTION CARRIED.

FIRST READING OF ZONING ORDINANCE TEXT AMENDMENT 34-16-02 TO ADD CAMPGROUND AS A CONDITIONAL USE IN THE AGRICULTURE/FORESTRY DISTRICT.

Maki moved Engle seconded the Township Board approves Zoning Ordinance Text Amendment Application #34-16-02 as written and advance to a second reading.

**(C) CONDITIONAL USES**

1. WECS
2. Resorts
3. Bed & Breakfast
4. Trails
5. Recreational uses/structures, on lots of 20 acres or more, where such development can be accomplished without significant adverse environmental impact
6. Race tracks
7. Hunting and shooting preserves on lots of 40 acres or more
8. Accessory Housing Units
9. Rural Cluster Development Subdivisions (see Section 6.12)
10. Contractor yards and shops
11. Parks **(#34-09-02)**
12. Kennels on lots 20 acres or more **(#34-09-03)**
13. Schools and Churches **(#34-10-04)**
14. Campgrounds on parcels 20 acres or more **(#34-16-02)**

MOTION CARRIED.

COMMUNICATION TO THE DEPARTMENT OF TREASURY REGARDING 2015 AUDIT.

White moved Lynch seconded to authorize Chocolay Township Supervisor Gary Walker to sign and file the attached letter to the State of Michigan in response to the audit deficiency letter dated May 9, 2016.

MOTION CARRIED.

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #4 TO REFLECT RECEIPT MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS TRAINING FUNDS.

Maki 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 4, 2015 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 401.306.957	\$1,198.89	\$503.15	\$1,702.04

REVENUE	PREVIOUS	CHANGE	AMENDED
State of MI 401.543	\$0.00	\$ 503.15	\$503.15

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #5 TO ESTABLISH A TENNIS COURT IMPROVEMENT PROJECT ACCOUNT AND REFLECT RECEIPT OF A MARQUETTE COMMUNITY FOUNDATION GRANT.

White moved Lynch 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 4<sup>th</sup>, 2015 for the fiscal year 2016, and Whereas, as a result of unanticipated revenue from a grant awarded by the Marquette Community Foundation it is necessary to modify the aforesaid budget, Now Therefore, Be It Resolved, that the aforesaid budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
<b>REVENUE</b>			
Other Grants 401.540.000	\$ 0.00	+\$1,000.00	\$1,000.00
<b>EXPENDITURE</b>			
Recreation & Properties - Land Improvement 401.756.972	\$ 53,203.55	-\$17,500.00	\$35,703.55

Recreation & Grants -

Silver Creek Tennis Court Project  
401.708.003.972                   \$           0.00           +\$18,500.00           \$18,500.00

ROLL CALL.

AYES: Maki, Bohjanen, White, Lynch, Zybert, Engle, Walker.

NAYS: None.

MOTION CARRIED.

REQUEST FROM U. P. DISC GOLF ASSOCIATION RELATED TO SILVER CREEK RECREATION AREA.

Engle moved Zybert seconded to authorize the U.P. Disc Golf Association to install and maintain concrete tee pads and hold sponsor recognition signing at those portions of the Silver Creek Recreation Area Disc Golf Course on Township property. Further, that the 2016 Fee Schedule be amended by the addition of a new fee of \$50 per day for the reservation and use of the Silver Creek Disc Golf Course for organized tournament play with rental to be in accordance with the terms of the Township's Recreation Facility Use Agreement with said fee to become effective for rentals after July 1, 2016. Finally, it is further moved that the attached Letter of Agreement be adopted to amend the current Land Use Agreement with the U. P. Disc Golf Association dated May 20, 2013, and that the Township Supervisor be authorized to execute the Agreement on Behalf of Chocolay Township.

ROLL CALL.

AYES: Maki, Bohjanen, White, Lynch, Zybert, Engle, Walker.

NAYS: None.

MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, April 18<sup>th</sup>, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of April 21<sup>st</sup>, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of May 18<sup>th</sup>, 2016, Draft.
- D. Minutes – Marquette County Township Association, Regular Meeting of March 23, 2016 and Regular Meeting of April 27, 2016.
- E. Minutes – US 41 Corridor Advisory Group, Regular Meeting of April 12<sup>th</sup>, 2016.
- F. Minutes – Northern Michigan Public Service Academy, Annual Meeting of May 19<sup>th</sup>, 2016, draft
- G. Correspondence – Marquette County Road Commission – Roadway Funding

Supervisor Walker adjourned the meeting at 6:05 p.m.

---

Max Engle, Clerk

---

Gary Walker, Supervisor

July 6, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, July 6, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, Ben Zyburt, Max Engle, Mark Maki, David Lynch, Richard Bohjanen, Judy White.

ABSENT: None

STAFF PRESENT: Steve Lawry, Suzanne Sundell, Brad Johnson.

MINUTES – JUNE 1, 2016 REGULAR MEETING.

Engle moved Zyburt seconded to approve the minutes of the regular meeting of June 1, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

White moved Lynch seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Andrea Beckman, Marquette Motor Lodge 5057 U S 41 South - Had a complaint about her utility bill. The Township charged them for part of a month that the Motor Lodge was not open for business.

Supervisor Walker told the Beckman's that staff will investigate this matter and get back to them.

Deborah Mulcahey, 633 Lakewood Lane – Has a complaint on how the Chocolay Township FOIA coordinator has handled her FOIA request for an attorney letter and her FOIA request for Board monthly updates. She has still not received a response to her June 20<sup>th</sup> FOIA request

PUBLIC HEARINGS- PROPOSED FIREARMS ORDINANCE #61.

The public hearing was opened.

- Peter Ollila, 633 Lakewood Lane commented that the Fire Arms Ordinance should include bows, compound bows and crossbows.
- Deborah Mulcahey, 633 Lakewood Lane feels that bows should be included in the Fire Arms Ordinance.

The public hearing was closed.

ACCOUNTS PAYABLE.

Maki moved Bohjanen seconded that bills totaling \$22,060.18 including checks numbered 21095-21123 and \$33,032.23 including checks numbered 21124-21154 are approved for payment.

MOTION CARRIED.

PAYROLL.

Lynch moved Bohjanen seconded that the payroll for June 2, 2016 for \$32,999.06 including checks numbered 23147-23173 and 10328-10333 and ACH payments for Federal tax, State tax and MERS, and June 16, 2016 for \$32,243.32 including checks numbered 23174-23195 and 10334-10339 and ACH payments for Federal tax, State tax and MERS, and June 30, 2016 for \$36,305.60 including checks numbered 23196-23230 and 10340-10345 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- MAY 2016.

White moved Lynch seconded to approve the May 2016 financial report.

MOTION CARRIED.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported one CD in the amount of \$150,000 matured from Miners State Bank and has been reinvested in 1st Bank with a 1 year maturity with a 90 basis point maturity which is about ½ % higher than the previous C/D. We reinvested \$331,000 from the spend down from Fire Station bond with CDARS and Miners State Bank.

Lynch moved White seconded to accept the Treasurer's report and the Fund Withdrawal and Deposit report.

MOTION CARRIED.

PRESENTATION BY MARQUETTE CHAMBER OF COMMERCE.

Jason Schneider, Executive Director of Marquette Chamber of Commerce was not able to present his Community Calendar proposal due to technical difficulties and requested that this item be placed on the August Board agenda.

SUPERVISOR'S REPORT –

None.

SECOND READING OF REPEAL OF ORDINANCE #35 AND ADOPTION OF PROPOSED ORDINANCE #61, FIREARMS ORDINANCE.

Engle moved Bohjanen seconded that after review of the proposed modifications of the Township Firearms Ordinance, the input from a public hearing, and the recommendations of the Township Planning Commission and the Township Attorney, that the Board adopt the proposed language of Ordinance #61, file the motion with the Township Clerk to publish a notice of adoption in the local newspaper and on the Township website within fifteen days of adoption, and record the

amendment in the Township Ordinance Book within one week after publication, with Ordinance #61 to become effective thirty days after adoption and Ordinance #35 to be repealed concurrently.

ORDINANCE #61  
CHARTER TOWNSHIP OF CHOCOLAY FIREARMS ORDINANCE

An ordinance to secure the public health, safety and welfare of the residents and property owners of the Charter Township of Chocoday, a Municipal corporation of the State of Michigan, by prohibiting the discharge of firearms in certain areas of the Township, to provide penalties for violations thereof and to repeal Ordinance #35, dated January 23, 1978, and all ordinances or parts of ordinances in conflict herewith,

THE CHARTER TOWNSHIP OF CHOCOLAY ORDAINS:

Section 1. **Purpose.**

The purpose of this Ordinance is to secure and maintain the public health, safety and welfare of the residents and property owners of the Charter Township of Chocoday by prohibiting and /or regulating the discharge of firearms in residential and commercial areas in the Township and near residences and outbuildings of the rural and forested areas in the Township where such discharge would be dangerous to persons and property.

Section 2. **Title.**

This Ordinance may be known and cited as the "Charter Township of Chocoday Firearms Ordinance".

Section 3. **Definitions.**

- A. The words "building" or "structure", as used in this Ordinance, shall be construed to mean a space which is enclosed by walls or other means of separation and usually, but not necessarily, covered with a roof.
- B. The word "firearm" as used in this Ordinance, shall mean any weapon or device which will, is designed to, or may readily be converted to expel a projectile by action of an explosive, and shall include, but not be limited to, rifles, shotguns, and pistols as defined by Section 222 of the Michigan Penal Code, MCL 750.222.
- C. "Residence" means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.
- D. The term "restricted zone" as used in this Ordinance, shall mean Zoning Districts R-1- Single Family Residential District, R-2 – High Density Residential District, MFR – Multi-Family Residential District, WFR – Waterfront Residential District, MP – Municipal

Properties District, C – Commercial District, and I – Industrial District as set forth and defined by Ordinance No. 34, the Zoning Ordinance of the Charter Township of Chocolay and Zoning Maps of the Township, as the same shall, from time to time, be amended, all of which are incorporated herein and made a part hereof by reference thereto.

**Section 4. Regulation of the Use of Firearms.**

No person shall, from and after the effective date of this Ordinance:

- (a) Discharge any firearm within 450 feet of any occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property; or
- (b) Discharge any firearm in a Restricted Zone, as herein defined above, except that shotguns shall be permitted in the Restricted Zone if not loaded with slug, ball, buckshot or cut shell load.
- (c) Discharge any firearm across property lines without consent of the neighbor.

**Section 5. Exceptions.**

The prohibitions against discharge of firearms contained in Section 4 hereof shall not apply to:

- (a) Authorized officers of the law acting in the performance of their duties; or
- (b) Persons acting in the reasonable belief that a discharge of a firearm is necessary for the preservation of life or the protection of property.

**Section 6. Penalties.**

- A. Any person who violates any provision of this ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) for each such infraction, all direct and indirect costs allowable by law, and injunctive or other relief as provided under MCL 600.8727 and MCL 600.8735.
- B. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of the Charter Township of Chocolay, by the police department of the Charter Township of Chocolay, or by such other person or persons as the Township Board may, from time to time, designate.

**Section 7. Validity.**

Should any action, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared invalid.

**Section 8. Repeal.**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby



repealed.

**Section 9. Effective Date.**

This Ordinance shall take effect thirty (30) days from the 6th day of July, 2016.

Trustee Maki asked if allowing use of firearms in the waterfront district would create an issue that we have to worry about. Supervisor Walker feels that it should not create a problem because the ordinance also requires that you be 450 feet from a building to discharge a firearm.

Trustee Maki also asked about crossbows not being in this Ordinance. Supervisor Walker commented that the Planning chose not to include bows or pellet guns in the Ordinance. Trustee Bohjanen said that State Law prohibits firing a bow within 450 feet of a building.

ROLL CALL.

AYES: Bohjanen, White, Lynch, Zyburt, Engle, Walker.

NAYS: Maki.

MOTION CARRIED.

**SECOND READING OF ZONING ORDINANCE TEXT AMENDMENT 34-16-02 TO ADD CAMPGROUND AS A CONDITIONAL USE IN THE AGRICULTURE/FORESTRY DISTRICT.**

White moved Lynch seconded that after review of the proposed modifications to the Township Zoning Ordinance, the input from a public hearing, and the recommendations of the Township Planning Commission and the Marquette County Planning Commission, that the Board adopt the proposed language of Text Amendment #34-16-02 to add "Campgrounds on parcels of 20 acres or more" to the list of conditional uses within the Agriculture/Forestry Zoning District, file the motion with the Township Clerk to publish a notice of adoption in the local newspaper and on the Township website within fifteen days of adoption, and record the amendment in the Township Zoning Ordinance Book within one week after publication, with the amendment to take effect eight days after publication in accordance with and subject to PA 297 of 1996.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Trustee Maki commented that contractor's yards are allowed as a conditional use in A/F zoning district and he has long argued that it is a mistake and feels that it should be deleted in the A/F zoning district.

**RESOLUTION AMENDING GENERAL FUND FY 2016 - BUDGET AMENDMENT NO. 1 REIMBURSEMENTS MAY 3, 2016 SCHOOL MILLAGE SPECIAL ELECTION.**

Maki moved Bohjanen seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the Township on November 4, 2015, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between

revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 101.698	\$20,300.00	+\$3,975.39	\$24,275.39
EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Elections Per Meeting 101.190.710	\$9,525.00	+\$2,205.24	\$11,730.24
Elections Office Supplies 190.727	\$ 2,975.00	+\$ 560.00	\$ 3,535.00
Elections Printing 190.728	\$ 1,400.00	+\$ 68.83	\$ 1,468.83
Elections Postage 101.190.729	\$2,500.00	+\$ 481.10	\$ 2,981.10
Elections Contractual 190.800	\$ 150.00	+\$ 50.00	\$ 200.00
Elections Miscellaneous 190.956	\$ 300.00	+\$ 112.45	\$ 412.45
Clerk Salaries 215.702	\$95,134.00	+\$ 356.81	\$95,490.81
Recreation & Properties Salaries 756.702	\$62,584.00	+\$ 140.96	\$62,724.96

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #6 & GENERAL FUND BUDGET AMENDMENT #2 TO REFLECT RECEIPT KBIC 2% GAMING FUNDS.

White moved Lynch seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund and General Fund receipts and expenditures within the Township on November 4<sup>th</sup>, 2015 for fiscal year 2016, 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
CAP. IMP. FUND REVENUE			
KBIC 2% Gaming Money			
401.000.582	\$ 0.00	+\$ 40,000.00	\$ 40,000.00

CAP. IMP. FUND EXPENDITURE			
Elections Equipment			
401.190.977	\$ 23,952.43	+\$ 5,500.00	\$ 29,452.43
Police Vehicles			
401.305.981	\$ 48,744.24	+\$ 11,500.00	\$ 60,244.24
Fire Dept. Land Impr.			
401.340.972	\$ 32,570.00	+\$ 4,000.00	\$ 36,570.00
Fire Dept. Vehicles			
401.340.981	\$ 57,507.61	+\$ 10,000.00	\$ 67,507.61
Recreation & Grants			
Silver Creek Tennis Court			
401.708.003.972	\$ 18,500.00	+\$ 9,000.00	\$ 27,500.00

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
GENERAL FUND REVENUE			
KBIC 2% Gaming Money			
101.000.582	\$ 0.00	+\$ 5,000.00	\$ 5,000.00

GENERAL FUND EXPENDITURE  
Recreation & Properties

Grounds & Equip. Maint.

101.756.790                      \$ 8,000.00                      +\$ 5,000.00                      \$ 13,000.00

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

LETTER OF AGREEMENT WITH LAKESTATE INDUSTRIES FOR PARK MAINTENANCE.

Lynch moved, supported by Zyburt to authorize the Township Supervisor and Clerk to execute a Letter of Agreement with Lakestate Industries for the performance of specified maintenance services at Lions Field Recreation Area in exchange for \$5,000.00 and to authorize payment of the specified amount upon execution of the agreement by all parties.

MOTION CARRIED.

RESOLUTION DESIGNATING DEPOSITORIES FOR TOWNSHIP FUNDS.

Lynch moved White seconded that "BE IT RESOLVED, that those Banks or Credit Unions licensed to do business in the State of Michigan, insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund, and instruments of the Federal Government and meeting all criteria as a depository of public funds contained in State law are hereby approved by the Board of Trustees and designated as legal depositories of moneys belonging to the Township of Chocolay, County of Marquette, and State of Michigan and deposit accounts and certificates maintained, in the name of **Chocolay Township**, subject to the rules and regulations established from time to time by said Bank or Credit Union."

"FURTHER BE IT RESOLVED, that any one of the following, to wit:

Bennett J. Zyburt, Township Treasurer, Patricia A. Beck, Deputy Treasurer

is authorized, on behalf of the Charter Township of Chocolay, and in its name, to transfer funds from bank to bank for investing money in certificates of deposit for the Charter Township of Chocolay in the said Bank or Credit Union and that said Bank or Credit Union is hereby authorized and directed to honor transferring of such certificates of deposit for said Township when so signed or otherwise authorized by the Treasurer or Deputy Treasurer, listed above."

"FURTHER BE IT RESOLVED, that the foregoing resolution shall remain in full force and effect until written notice of its amendment or recession shall have been received by said Bank or Financial Institution and that receipt of such notice shall not affect any action taken by the Bank or Financial Institution prior thereto."

I further certify that there is no provision in the articles or by-laws of said Township limiting the power to pass the foregoing resolutions and that the same are in conformity with the provisions of said articles and/or by-laws.

MOTION CARRIED.

RESOLUTION DESIGNATING TOWNSHIP SIGNATORIES FOR FUND TRANSFERS.

White moved Bohjanen seconded that

“BE IT RESOLVED, that any combination of two (2) of the following consisting of one representative of the Township Treasurer’s Office and one representative of the Township Clerk’s Office, to wit:

Bennet J. Zyburt, Township Treasurer, Patricia A. Beck, Deputy Treasurer

Max Engle, Township Clerk, Mary Sanders, Deputy Clerk

are authorized, on behalf of the Charter Township of Chocolay, and in its name, to open new deposit accounts, to transfer money into existing deposit accounts, and to co-sign checks drawing against deposit accounts for the Charter Township of Chocolay in a Bank, Credit Union or instrument of the Federal Government authorized by Township Board resolution and that said Bank or Credit Union is hereby authorized and directed to honor transactions for said Township when so signed or otherwise authorized by the Treasurer or Deputy Treasurer and the Clerk or Deputy Clerk, listed above.”

“FURTHER BE IT RESOLVED, that the foregoing resolution shall remain in full force and effect until written notice of its amendment or recession shall have been received by said Bank or Credit Union and that receipt of such notice shall not affect any action taken by the Bank or Credit Union prior thereto.”

I further certify that there is no provision in the articles or by-laws of said Township limiting the power to pass the foregoing resolutions and that the same are in conformity with the provisions of said articles and/or by-laws.

MOTION CARRIED.

SCHEDULING A JOINT MEETING WITH THE TOWNSHIP PLANNING COMMISSION.

Maki moved Lynch seconded to schedule a joint meeting with the Chocolay Township Board and Chocolay Township Planning Commission on Monday July 18, 2016 at 7:00 pm.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUND DOLLARS FOR ELECTION PRECINCT EQUIPMENT.

Lynch moved White seconded that the Clerk be allowed to expend up to \$2,500 from Election Equipment in the Capital Improvement Fund 401.190.977 to purchase 2 – (4 station) voting booths and 12 stanchions.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUND DOLLARS FOR PRINTER FOR THE ELECTION DEPARTMENT.

White moved Zybert seconded that the Clerk be allowed to expend up to \$743.00 from Election Equipment in the Capital Improvement Fund 401.190.977 to purchase a HP LaserJet Enterprise M604dn printer and repurpose the HP4015n to another department.

ROLL CALL.

AYES: Maki, Bohjanen, White, Lynch, Zybert, Engle, Walker.

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUND DOLLARS FOR A PORTABLE DOCK FOR THE MARINA.

Maki moved Engle seconded that the Chocolay Township Board approve the expenditure of \$4,785.00 out of the Marina Capital Improvement Funds 401.544.977 for the purchase of a new Feighner dock for the Chocolay Marina.

ROLL CALL.

AYES: Maki, Bohjanen, White, Lynch, Zybert, Engle, Walker.

NAYS: None.

MOTION CARRIED.

PROPOSAL FROM AMERICAN TOWER CORPORATION FOR AMENDMENT OF TOWER SITE LEASE.

White moved Engle seconded that the Board authorize staff to notify the Lyle Company that Chocolay Township is not presently interested in pursuing conversion of the existing lease to an easement; as such a change is not deemed in the best long term interests of the Township.

MOTION CARRIED.

CORRESPONDENCE – D. MULCAHEY RE: FREEDOM OF INFORMATION POLICY.

Engle moved Zybert seconded that the Chocolay Township Board release the Roger Zappa opinion on short term rentals dated March 5, 2015 to Deborah Mulcahey.

MOTION CARRIED.

PUBLIC COMMENT.

Shelby Bischoff from Lakestate Industries thanked the Board for their support of Lakestate Industries.

Deborah Mulcahey, 633 Lakewood Lane – Commented that the Township redacts individual signatures and emails on information placed for public view; the Township did not do that for her or Peter Ollila. She would like the Township to reevaluate fees charged to commercial customers not utilizing their property. Everything is FOIA-able, there are exceptions but there are facts in the letter to the Township attorney that should be released.

Jason Schneider invited the Board to an informal meeting of the Marquette Chamber of Commerce at 5:30pm tomorrow night at Border Grill on Third Street.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Township Planning Commission, May 16<sup>th</sup>, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of May 19<sup>th</sup>, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of June 15<sup>th</sup>, 2016, Draft.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of May 10<sup>th</sup>, 2016.

Supervisor Walker adjourned the meeting at 6:30 p.m.

---

Max Engle, Clerk

---

Gary Walker, Supervisor

July 18, 2016

A Special meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Monday, July 18, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 7:00 p.m. Chairperson Andy Sikkema call the Planning Commission meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, Ben Zyburt, Max Engle, Mark Maki, David Lynch, Richard Bohjanen, Judy White.

ABSENT: None

PLANNING COMMISSION.

PRESENT: Andy Sikkema, Bruce Ventura, Richard Bohjanen, Andy Smith, Kendall Milton, Eric Meister, Tom Mahaney.

ABSENT: None.

STAFF PRESENT: Steve Lawry, Dale Throenle, Mary Sanders.

MINUTES TOWNSHIP BOARD – JULY 6, 2016 REGULAR MEETING.

Lynch moved White seconded to approve the minutes of the regular meeting of July 6, 2016 with the addition of Peter Ollilla’s address under Public Hearing.

MOTION CARRIED.

MINUTES PLANNING COMMISSION – JUNE 20, 2016.

Milton moved Ventura seconded to approve the minutes of the regular meeting of June 20, 2016 as presented.

AGENDA ADDITIONS/DELETIONS.

Engle moved Zyburt seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

None.

ZONING CHANGES FOR MIXED USE OF THE US 41 CORRIDOR AREA.

The Township Board and Planning Commission discussed the reasons for looking at mixed use zoning on the U S 41 corridor. Commissioner Sikkema explained that the reason the Planning Commission was looking at mixed use as an accessory use in that commercial district is that they want to open up more opportunities to encourage and stimulate business in Chocolay Township. The industrial use the Planning Commission is envisioning is light industrial. The US 41 corridor they are looking at is from the Welcome Center to the kennel on the corner of Ortman Road and includes the section on M-28 slightly past the Gateway Plaza and Nagelkirk’s and Cherry Creek Road to Ortman Road. The current industrial zones are the old Varvil Center area and Fraco. The Planning Commission does not intend to change that. The multi-use corridor was determined by any parcel that was 50% or more within 300 feet of the highway centerline. The Planning Commission would like Board feedback before they pursue the multi-use district.



The Board in general agreed that opening up land use with multi-use in the described commercial area is a good way to encourage business and is in favor of the Planning Commission pursuing this change. The residential area would remain the same.

Chair Sikkema indicated that food trucks are allowed as an accessory use in Chocolay Township. This seems to be a booming business and he feels that the Board may want to consider a Food Truck Ordinance.

#### ORDINANCE REVISIONS FOR KEEPING ANIMALS IN RESIDENTIAL DISTRICTS.

Over the past 5 years the Planning Commission has discussed the question of chickens and other farm type animals being allowed in residential zoning district. There seems to be a growing interest in this by residents. We have vast areas in Chocolay that allows farm animals, but the question is should residential areas allow this. The Planning Commission would like direction from the Township Board before continuing to look at this.

Planning Director Throenle indicated that the Animal Control Ordinance needs updating with or without adding poultry.

The majority of the Board agreed that the Planning Commission can pursue allowing poultry in nonagricultural areas in the Township and also look at the entire Animal Control Ordinance for necessary updates/changes.

#### MASTER PLAN PRIORITIES FOR INCLUSION IN 2017 BUDGET AND AGENDA.

##### **Priority 1**

- Asset Management Plan for Township roadways
- Begin planning for implementation of high priority Master Plan projects
- Finish incomplete proposed zoning ordinance amendments
- Monthly land use explorations in preparation for amending of the Zoning Ordinance to implement the Zoning Plan of the Master Plan, Zoning Classification, Accessory Homesteading Activities, etc.
- Necessary updates to the Lot Split, Land Division Ordinances and Sign Ordinance
- Plan for four-season transit facility

##### **Priority 2**

- Consider need to amend the Animal Control Ordinance for consistency with agricultural regulations
- Consider need to amend the Nuisance Control Ordinance in relation to permitted agricultural activities
- Further amend the Zoning Ordinance to address changes in State Legislation
- Further amend the Zoning Ordinance to implement the Zoning Plan of the Master Plan
- Reconsider approach to private road regulation
- Reconsider the *Accessory Homesteading Activities* regulations after evaluating public input

##### **Priority 3**

- Consider Firewise zoning regulations - Education

Trustee Maki had questions on sign ordinance review and billboards. Chair Sikkema answered that the changes they are looking at are state level changes on dealing with temporary signs. We can no longer

categorize political signs or realtor signs etc.; they must all come under the designation of temporary signs. The State permits billboards, and the Township allows billboards in specific areas. Trustee Maki also feels that the Land Division Ordinance needs to be cleaned up and that land divisions should go in front of a public body, not an individual such as the assessor.

**PUBLIC COMMENT.**

Deborah Mulcahey, 633 Lakewood Lane – Asked the Board not to pit neighbor against neighbor with the wording of the Animal Control Ordinance. She asked if the term short term rental is defined in mixed use zoning. She suggested that when looking at the Animal Control Ordinance the Township should look to State law 287.26232 on dogs on leash. She asked that short term rentals be placed on this agenda and it was not.

Dave Mowen, 475 Lakewood Lane – Impressed by the service and hard work done by the Township Boards. He sees Lutey’s as a tremendous improvement to this community and would like the Board recognize Lutey’s for what they have done since purchasing the property.

**INFORMATIONAL REPORTS AND COMMUNICATIONS.**

None.

Supervisor Walker adjourned the meeting at 8:15 p.m.

\_\_\_\_\_  
Max Engle, Clerk

\_\_\_\_\_  
Gary Walker, Supervisor

August 3, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, August 3, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, Ben Zybert, Max Engle, Mark Maki, David Lynch, Richard Bohjanen.

ABSENT: Judy White.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Brad Johnson.

MINUTES – JULY 18, 2016 SPECIAL TOWNSHIP BOARD/PLANNING COMMISSION MEETING.

Bohjanen moved Lynch seconded to approve the minutes of the regular meeting of July 18, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Engle moved Zybert seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Trustee Maki, 380 Karen Road – Does the Chocolay Township sign ordinance have provisions that allow billboards? Manager Lawry presented a memo written by Planner Throenle regarding billboards to Trustee Maki.

Clerk Engle – Presented the August 2, 2013 Chocolay Township election results to the Township Board.

ACCOUNTS PAYABLE.

Lynch moved Zybert seconded that bills totaling \$17,864.12 including checks numbered 21155-21174 and \$39,026.15 including checks numbered 21175-21208 are approved for payment.

MOTION CARRIED.

PAYROLL.

Engle moved Zybert seconded that the payroll for July 14, 2016 for \$46,863.46 including checks numbered 23231-23275 and 10346-10351 and ACH payments for Federal tax, State tax and MERS, and July 28, 2016 for \$36,395.53 including checks numbered 23276-23311 and 10352-10357 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- JUNE 2016.

Bohjanen moved Zybur seconded to approve the June 2016 financial report.

MOTION CARRIED.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zybur reported that we reinvested 5 different C/D's that matured in July

- \$250,000. MBank for 6 months .77%
- \$250,000. 1<sup>st</sup> of St. Ignace for one year .75%
- \$250,000. 1<sup>st</sup> Merit to Federal Farm Credit for 3 years for 1.14%
- \$245,000. CDARS to FANNIE MAE for 3 years for 1.125%
- \$100,000. Miners State Bank for 6 months .65%

This has increased our portfolio by about 4 basis points and will be additional income to the Township of \$4,800.

Lynch moved Bohjanen seconded to accept the Treasurer's report and the Fund Withdrawal and Deposit report.

MOTION CARRIED.

PRESENTATION BY MARQUETTE CHAMBER OF COMMERCE.

Jason Schneider, Executive Director of Marquette Chamber of Commerce presented a proposal for a community wide event calendar. This is an event calendar that will extend beyond arts and culture into academics, civic organizations, sports leagues, business events, outdoor recreation interests and municipal engagement opportunities. Artsopolis is the company that would be contracted to do the calendar. There are several sponsorship levels that the Marquette Chamber of Commerce is offering:

- Title Sponsorship - \$8,000 the first year and \$6,000 years two and three
- Gold Sponsorship - \$6,000 the first year and \$4,000 years two and three
- Silver Sponsorship - \$3,000 the first year and \$2,000 years two and three

The Board would like to postpone making a decision on sponsorship until the September Board meeting. This will give time them to look at other calendar sites put together by Artsopolis.

PRESENTATION BY WATERFRONT SAFETY COMMITTEE PROPOSAL FOR M28 TURNOUT LIFE SAVING STATIONS.

Eric Smith and Gary Gustafson from the Waterfront Safety Committee proposed that the Township consider placing onshore lifesaving stations at the top of the steps at each of the three turn outs on M-28. These stations could include life rings, personal flotation devices and surf boards. There are local organizations that could assist in creating these stations. The color flag system could also be utilized at the M-28 turn outs to indicate water conditions or dangerous current areas. Approximate material cost would be \$800.00 for lumber and \$800.00 for roofing materials and labor. There is a Michigan Sea Grant that has some equipment available for one more year. Maintenance of equipment would have to be funded by the Township.

Lynch moved Zyburt seconded to support the project to install three Life Saving Stations and direct the staff to investigate possible avenues of volunteerism to have them erected and identify the funding shortfalls and report back to the Board.

MOTION CARRIED.

#### SUPERVISOR'S REPORT.

- We received a notice of environmental assessment for the City of Marquette project for the "Marquette Hospital Transportation Improvements Project".
- Superiorland Soccer Association has a need for a central complex that will be large enough to allow tournaments. State Representative Kievela suggested that there is unused property at the Mangum Prison Farm along 480. Superiorland Soccer requested that Chocolay Township write a letter to the prison warden requesting that the State declare the property "excess property" and transfer to the Township for the express purpose of utilization by the Soccer Association. The Board agreed to have Supervisor Walker write this letter to the prison warden.
- In all likelihood Police Chief Zyburt will be sworn in as Marquette County Sheriff in January. We will have a vacancy that we will have to deal with. We need to look at the job description, advertising the position and deciding how we will fill the position. A committee of Supervisor Walker, Trustee Bohjanen and Manager Lawry will begin working on this process.

#### SEWER USER FEE CREDIT REQUEST.

Engle moved Lynch seconded that the Equivalent User Fee for 5057 U.S. 41 South be adjusted to start the billing of 5.6 users effective May 1, 2016 for the South side units and start billing of the North side units at 6.3 users effective June 15, 2016. This will result in a credit of \$630.85 being issued and applied to the next billing for adjustment of the 2016 second quarter bill, which has already been paid.

MOTION CARRIED.

#### REQUEST FOR WAIVER FROM SEWER CONNECTION ORDINANCE PROVISION.

Lynch moved Engle seconded that the homeowner does not have to hook up at this time and be allowed to continue to use their septic system. Their septic system is reaching its expected lifespan and when it fails the Township will require the homeowner to hook up to the sanitary system.

MOTION CARRIED.

#### REQUEST FOR FUNDING FOR BEACH ACCESS STAIR MAINTENANCE.

Michigan Department of Transportation is soliciting bids for the repair of two sets of stairs and an observation platform at turn outs one and two on M-28. They are requesting that Chocolay Township join with them to fund this project.

Manager Lawry will contact MDOT and request more information on the scope and finances of this project and bring the information back to the Board.

RETENTION OF AUDITORS FOR 2016-2018.

Bohjanen moved Zybert seconded, to retain the firm of Anderson, Tackman & Company, PLC to perform the Township's general audits for the fiscal years 2016-2018 at the fees quoted in the attached letter of proposal dated June 28, 2016. The fees are for the fiscal year 2016 \$7,950, for 2017 \$8,100, and for 2018 \$8,250.

ROLL CALL.

AYES: Maki, Bohjanen, Lynch, Zybert, Engle, Walker.

NAYS: None.

ABSENT: White.

MOTION CARRIED.

AUTHORIZATION TO SELL USED MARINA SKID PIER.

Lynch moved and Engle seconded to declare the skid pier as surplus property and to advertise it for sale in a sealed bid. The highest bidder will be awarded the sale of the skid pier. All money generated from the sale will go back into the Marina's Capital Improvement Fund 401.544.977.

MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of June 16<sup>th</sup>, 2016.
- B. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of July 20<sup>th</sup>, 2016, Draft.
- C. Minutes – US 41 Corridor Advisory Group, Regular Meeting of June 14<sup>th</sup>, 2016.

Supervisor Walker adjourned the meeting at 6:50 p.m.

---

Max Engle, Clerk

---

Gary Walker, Supervisor

September 7, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, September 7, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, Ben Zybert, Max Engle, Judy White, Mark Maki, David Lynch, Richard Bohjanen.

ABSENT: None.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Brad Johnson, Pat Beck.

MINUTES – REGULAR MEETING AUGUST 3, 2016.

Lynch moved Zybert seconded to approve the minutes of the regular meeting of August 3, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

White moved Engle seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Derek Swajanen, 725 S. Vandenboom – Introduced himself to the Board as a candidate in the November 8<sup>th</sup> election for 96<sup>th</sup> District Court Judge. He has worked in District Court for nearly 20 years and is currently in private law practice. He has been involved in cases in both District and Circuit Court. He has been involved with youth in the community through sports over the years.

ACCOUNTS PAYABLE.

Bohjanen moved Engle seconded that bills totaling \$23,280.71 including checks numbered 21209-21229, bills totaling \$36,712.40 including checks numbered 21230-21260 and \$60,682.75 including checks numbered 21261-21280 are approved for payment.

MOTION CARRIED.

PAYROLL.

Lynch moved Zybert seconded that the payroll for August 11, 2016 for \$38,062.56 including checks numbered 23312-23347 and 10358-10363 and ACH payments for Federal tax, State tax and MERS, and August 25, 2016 for \$35,100.73 including checks numbered 23348-23376 and 10364-10369 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- JULY 2016.

White moved Bohjanen seconded to approve the July 2016 financial report.

MOTION CARRIED.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported that we had one C/D mature from People's State Bank and was reinvested into United Bank of Michigan at 70 basis points for one year.

Lynch moved White seconded to accept the Treasurer's report and the Fund Withdrawal and Deposit report.

MOTION CARRIED.

SUPERVISOR'S REPORT.

None.

SUPPORT FOR CHAMBER OF COMMERCE COMMUNITY-WIDE EVENT CALENDAR.

The Board had questions on the cost of posting an event on the calendar after the one free event that is given with being a sponsor. The Marquette Chamber of Commerce has not determined that fee yet.

The Board was not interested in becoming a member/supporter of the event calendar at this time because there is not a lot of benefit to the Township.

STAFF REPORT ON BEACHFRONT LIFE SAVING STATIONS.

The Choclay Township Volunteer Fire Department has committed to taking on erecting and equipping the rescue stations. This is contingent on MDOT replacing the stairs at the turn outs.

CONSIDERATION OF FUNDING FOR BEACH ACCESS STAIRS.

Maki moved Zyburt seconded to authorize Township financial participation in the repair of existing stairways at the MDOT turnouts on M 28 East out of concern for public safety, with said participation limited to not more than \$5,000 toward repairs in excess of \$20,000 and to a maximum of 20% of total project cost, and with these funds to come from account 401.756.972 of the Capital Improvement Fund.

ROLL CALL.

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

NAYS: None

MOTION CARRIED.

DISCUSSION OF DRAFT 2017 BUDGET.

Supervisor Walker thanked Manager Lawry for the superlative job on the budget. The narrative lays out the budget in fairly good summary fashion with all the linear support in the attached materials.



Questions raised by the Board for the FY2017 budget:

- Does the Township have a health care renewal yet? We expect to receive that in early October. The increase used for the budget is 5% by age and an additional 5% overall increase.
- Do we offer supplemental insurance to Medicare? Our current insurance does not address that, but currently we have spouses that are Medicare eligible but not employees.
- Do we have a written medical policy that a board member can review? We have a health insurance coverage policy in the personnel policy. We have a copy of the medical policy also.
- Under fees on page 3 – Administrative enforcement cost recovery surcharge – are we adding in the attorney and court cost? Yes that is the change that the Township Manager advised to cover the added costs.
- Is the change requested for the Deputy Treasurer from 35 hours to 40 per week? Yes and this is requested for cross training and also the changes implemented with daily cash handling.
- Do we have regular part time help in the front office other than our on call person? No, the on call is the only additional personnel working in the front office.
- What will be the duties for the Community Development Coordinator? The manager will prepare an updated job description for the personnel committee.
- How are we going to deal with the hiring on this position? We will follow the personnel policy for hiring.
- Why are we hiring someone to do zoning, when we have a zoning administrator? Dale has not been relieved of his technology duties and that is eating up much of his time. His skill level in technology is much better than what we could hire part time. Dale could then supervise the person doing the zoning enforcement.
- The proposed budget has some current employees taking home less pay in 2017 than in 2016 due to employee health insurance contribution increasing; prefer not to have that happen. The township has been dealing with the balance between health percent increase and employee raises. Since employees have started sharing in health costs, the budget has allowed wage increases to cover the difference in take home pay. There are too many variables with health coverage dealing with age, number of dependents and single coverage versus family coverage to make it completely equal.
- Why does the fund balance in the sewer fund need to be as high as it is? We have to maintain that fund balance to cover a catastrophic event should it occur with our 40 year old pump stations. We also need investment money to accept federal funds for pump station replacement.
- KBIC has voted to invest in the casino in Chocolay Township that will include major infrastructure improvements. We need to be ready to be a part of this. This could tie into our sewer system.
- Will the additional flow from the KBIC project require us to buy additional space at the Wastewater Treatment Facility? No, we only utilize 3% of the 5% that we own in the facility, that should be enough to cover the additional flow.

CONSIDERATION OF BID FOR MARINA SKID PIER.

Maki moved White seconded that the Chocolay Township Board reject the bid on the marina skid pier.

MOTION CARRIED.

Chris Johnson was in the audience and offered to pay \$1,000 for the skid pier.

White moved Lynch seconded to accept \$1,000 from Chris Johnson for the Marina skid pier.

ROLL CALL.

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

NAYS: None

MOTION CARRIED.

REQUEST FOR WAIVER OF FIELD RENTAL FEE FOR BENEFIT TOURNAMENT.

Lynch moved Zyburt seconded to waive the \$100 user fee on October 1<sup>st</sup> and 2<sup>nd</sup> for the kickball tournaments.

MOTION CARRIED.

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #7 TO REFLECT DONATION FROM MARQUETTE COED SOFTBALL LEAGUE.

Tammie Karp from the Marquette Coed Softball League presented a check in the amount of \$1,500.00 for a donation toward the Beaver Grove Recreation Area fencing. This donation is made to express the appreciation of the softball players for the improvements completed to date at the Beaver Grove Ball field.

White moved Maki 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 4<sup>th</sup>, 2015 for fiscal year 2016, 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 budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
<b>REVENUE</b>			
Miscellaneous Revenue			
401.540.000	\$ 1,000.00	+\$1,500.00	\$ 2,500.00
<b>EXPENDITURE</b>			
Recreation			
Beaver Grove Ballfield			
Improvement Project	\$ 0.00	+\$1,500.00	\$ 1,500.00

401.708.004.972

ROLL CALL.

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

NAYS: None

MOTION CARRIED.

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #8 TO REFLECT DISTRIBUTION OF FUNDS FROM THE UTILITY REVIEW COMMITTEE.

Maki moved Engle 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 4<sup>th</sup>, 2015 for fiscal year 2016, 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 budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
Miscellaneous Revenue			
401.698.000	\$ 5,114.15	+\$1,693.85	\$ 6,808.00

EXPENDITURE

Streets

Land Improvements	\$11,013.19	+\$1,693.85	\$12,707.04
401.440.972			

ROLL CALL.

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

NAYS: None

MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of June 20<sup>th</sup>, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of July 25<sup>th</sup>, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of August 17<sup>th</sup>, 2016, Draft.

- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of July 12<sup>th</sup>, 2016.
- E. Minutes – Northern Michigan Public Service Academy, Regular Meeting of August 18<sup>th</sup>, 2016.
- F. Correspondence – Public Comment from Mr. Wayne Dees.

Supervisor Walker adjourned the meeting at 6:30 p.m.

---

Max Engle, Clerk

---

Gary Walker, Supervisor

October 5, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, October 5, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, Ben Zyburt, Max Engle, Judy White, David Lynch, Richard Bohjanen, Mark Maki (arrived 5:35pm).

ABSENT: None.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Dale Throenle, Pat Beck, Chris Lucas and Lee Gould.

MINUTES – REGULAR MEETING SEPTEMBER 7, 2016.

Lynch moved Zyburt seconded to approve the minutes of the regular meeting of September 7, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

No change.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane-Commented on budget, requesting that the Board do incremental sewer rate increases over large increases at one time, fee schedule for garbage and recycling education for the public, supportive of road assessment, public access on township property resolution, supportive of library millage, concerns on the Planning Commission allowing chickens basically anywhere in Chocolay, why are we looking at hiring another person to deal with zoning issues.

PUBLIC HEARING ON AND CONSIDERATION OF PROPOSED 2017 SEWER RATES AND CHARGES.

The public hearing opened and there was no public comment. The public hearing was closed.

After conducting a public hearing on the proposed rates, Bohjanen moved, Lynch seconded to adopt the following rate resolution as specified by the Township Sewer Ordinance:

Whereas, the revenues and expenditures for the wastewater collection and treatment system have been reviewed, and

Whereas, the current equivalent user fee of \$31.00 per month is not adequate for the projected 2017 system replacement cost of the system, and

Whereas, the proposed equivalent user fee of \$33.00 per month will be sufficient to offset the Township share of \$13.46 per equivalent user per month, to pay the O. M. & R. cost for the wastewater treatment plant.

Now, therefore be it resolved the Chocolay Township Board establishes the equivalent user fee of \$33.00 per month and a new user connection fee of \$350.00 beginning January 1, 2017 through December 31, 2017, or until amended by resolution.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Trustee Maki asked how our sewer rates compare to municipal units around us. Manager Lawry responded that our rates are half of the City of Marquette and Marquette Township.

Trustee White asked why we don't put the \$80,000 designated for engineering services for the sewer system in a sinking fund. Manager Lawry replied that the engineering work is the first step in the replacement process. The technology has changed so much since the stations were built in the 1970's. We also need this information to apply for grants and low interest Federal programs. We are looking at millions to replace the system; \$80,000 is a small portion of that. We need to grow the customer base of our system to make this upgrade feasible.

#### PUBLIC HEARING ON AND CONSIDERATION OF PROPOSED 2017 FEE SCHEDULE.

The public hearing opened.

Deborah Mulcahey, 633 Lakewood Lane – Charging violators of the zoning ordinance \$50 and court and attorney cost is very appropriate and the Township should incorporate that type of language when making further changes to the zoning ordinance.

The public hearing was closed.

Zyburt moved Engle seconded to adopt the 2017 Fee Schedule as presented with the new fee for garbage bag tags to become effective December 1, 2016 and all other changes to become effective January 1, 2017.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Trustee Maki asked if the land division fee changed. Manager Lawry indicated that the fee remains the same; we are adding language to cover combining two or more parcels as well as dividing parcels.

How much revenue does the .10 increase in garbage tags bring to the Township. Manager Lawry – approximately \$8,800 per year.

The recovery surcharge under zoning fee has not changed; we are adding attorney and court costs to the \$50 fee.

#### PUBLIC HEARING ON PROPOSED 2016 MILLAGE RATES AND GENERAL APPROPRIATIONS ACT FOR 2017.

The public hearing opened.

Deborah Mulcahey, 633 Lakewood Lane- Commented that we should utilize CUPPAD instead of refilling the Community Development Coordinator position and planning and zoning.

The public hearing was closed.

#### ACCOUNTS PAYABLE.

White moved Bohjanen seconded that bills totaling \$20,321.39 including checks numbered 21281-21309 and bills totaling \$12,834.15 including checks numbered 21310-21324 are approved for payment.

MOTION CARRIED.

#### PAYROLL.

Lynch moved Bohjanen seconded that the payroll for September 8, 2016 for \$34,418.66 including checks numbered 23377-23395 and 10370-10375 and ACH payments for Federal tax, State tax and MERS, and September 22, 2016 for \$36,068.80 including checks numbered 23396-23425 and 10376-10381 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

#### FINANCIAL REPORT- AUGUST 2016.

White moved Lynch seconded to approve the August 2016 financial report.

MOTION CARRIED.

#### TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported that we had two securities that matured in the month of September. One was Flagstar \$250,000 at 50 basis points we rolled it over for 95 basis points. We had CEDARS \$475,000 at 35 basis points and reinvested \$248,000 in Mercantile Bank of Michigan at 1.55% and \$225,000 at Federal Home Loan Agency Bond at 1.05%. This will result in \$5,676. in additional interest annually.

Lynch moved White seconded to accept the Treasurer's report and the Fund Withdrawal and Deposit report.

MOTION CARRIED.

#### SUPERVISOR'S REPORT.

The Fire department had a 50<sup>th</sup> anniversary open house and 250-300 people attended.

The police chief search committee met to discuss the job description (one change in minimum qualifications added *or equivalent work experience of 5 years as a full time officer with progressively responsible position and experience in personnel and budget management.*)

The ad will be placed in the Mining Journal with an application Deadline of October 31<sup>st</sup>. The committee will review the applications and the Township Manager will make a recommendation that is subject to the advice and consent of the Board.

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

There is no change in the per diem for the Boards and Commissions.

CONSIDERATION OF EMPLOYEE WAGES, EMPLOYEE HEALTH CARE CONTRIBUTION RATES, AND ADOPTION OF REVISIONS TO APPENDIX L OF THE PERSONNEL POLICY MANUAL.

White moved Engle seconded, to amend Appendix L of the Personnel Policy and Procedures Manual by applying an increase of 1.0% to wage and salary levels at all steps of the matrix.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

White moved Zyburt seconded to set the employee participation rate for the cost of the medical benefit plan provided by Chocolay Township at 15% of the combined cost of health insurance premiums and Health Reimbursement Account payments for 2017.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

Trustee Bohjanen asked what the time frame was for employees paying the full 20%. Manager Lawry replied that the Board did not set a date for 20%; the Board has been increasing it by a couple percent a year. Most likely it will take a few more years to get to that percent.

CONSIDERATION OF PUBLIC ACT 152 WAIVER.

Engle moved Maki seconded that

WHEREAS, 2011 Public Act 152 (the "Act") was passed by the State Legislature and signed by the Governor on September 24, 2011; and

WHEREAS, the Act contains three options for complying with the requirements of the Act; and

WHEREAS, the three options are as follows:

- 1) Section 3 – "Hard Caps" Option – limits a public employer's total annual health



- care costs for employees based on coverage levels, as defined in the Act;
- 2) Section 4 – “80%/20%” Option - limits a public employer’s share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;
- 3) Section 8 – “Exemption” Option – a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body;

WHEREAS, the Board of Trustees of the Charter Township of Chocolay has decided to adopt the Exemption Option as its choice of compliance under the Act;

NOW, THEREFORE BE IT RESOLVED the Board of Trustees of the Charter Township of Chocolay elects to comply with the requirements of 2011 Public Act 152, the Publicly funded Health Insurance Contribution Act, by adopting the annual Exemption Option for the medical benefit plan coverage year January 1, 2017 through December 31, 2017.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

#### CONSIDERATION OF GENERAL APPROPRIATIONS ACT FOR 2017 BUDGET.

White moved Zyburt seconded that

Whereas, the Township Supervisor has submitted a complete itemized budget proposal for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017, 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 September 14<sup>th</sup>, 2016; and

Whereas, a public hearing was held on the proposed budget on October 5<sup>th</sup>, 2016 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 1<sup>st</sup>, 2017, and ending on December 31<sup>st</sup>, 2017, in the amount of \$1,800,000.00 for the General Fund, in the amount of \$0 in the Road Fund, in the amount of \$263,310.00 in the Fire Department Millage Fund, in the amount of \$2,900.00 in the Liquor Law Enforcement Fund, in the amount of \$149,800.00

in the Library Millage Fund, in the amount of \$117,000.00 in the Capital Improvements Fund, and in the amount of \$354,700.00 for the Sewer Fund.

2. The Township Board does hereby appropriate the sum of \$1,917,000.00 for general operating expenses and capital improvements of the Township to be used for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017.
3. The Township Board does hereby appropriate the sum of \$354,700.00 to defray the expense of the operation and debt retirement of the Sanitary Sewer System for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017.
4. The Township Board does hereby appropriate the sum of \$0 for the repairing of the Township Roads to be used for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017.
5. The Township Board does hereby appropriate the sum of \$263,310.00 for the fiscal year beginning January 1<sup>st</sup>, 2017 and ending December 31<sup>st</sup>, 2017 for retirement of debt associated with constructing and equipping the fire station.
6. The Township Board does hereby appropriate the sum of \$2,900.00 for the enforcement of Liquor Laws of the State of Michigan for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017.
7. The Township Board does hereby appropriate the sum of \$149,800.00 for contractual services with the Peter White Public Library for the fiscal year beginning January 1<sup>st</sup>, 2017, and ending December 31<sup>st</sup>, 2017.
8. The Township Board does hereby levy 3.7026 mills for general operations; extra voted are 0.7414 for library, and 1.2500 for fire department.
9. All resolutions and parts of resolutions in so far as they conflict with provisions of this resolution are rescinded.
10. 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: Maki, Bohjanen, White, Lynch, Zyburt, Engle, Walker.

NAYS: None.

MOTION CARRIED.

Trustee Maki asked why we are funding \$20,000 to hire an engineering firm to do the road study. In the past, we had the Police Chief, Manager, Planning Director and DPW Supervisor look over the Township roads and make an assessment.

Manager Lawry explained that he wants to work with an engineering firm that will develop a plan that looks at the streets and determines how much it will take to fix the streets and spread it over multiple years and include an annual crack sealing program and occasionally some other types of maintenance, basically so we do not end up like the sewer system where everything is in need of replacement at one time. The Marquette County Road Commission does not have the resources to do the engineering any longer.

Trustee Maki asked why we are voting on the Community Coordinator positions in the 2017 budget that has not been rewritten yet. Manager Lawry is not proposing a new position. We are only refilling Dale's old job with some revisions to the description, so we can continue to utilize Dale's IT skills and allow the new position to assist with zoning enforcement. The Board must approve the job description changes before it could be filled.

Trustee Maki asked about spending from fund balance to balance the budget. Manager Lawry replied that we are moving \$100,000 from general fund balance to capital improvements fund balance for large projects that must be individually approved by the Board before the expenditure can be made. The rest of the balancing with fund balance is needed every year to balance the general fund because we have many contingency funds. Normally we do not have to rely on the fund balance at the end of the year.

#### RESOLUTION FOR OFFICERS' SALARIES SUPERVISOR'S SALARY.

Maki moved Lynch seconded that the salary for the office of Supervisor shall be set in the amount of \$12,000.00 for the Fiscal Year 2017, which begins January 1<sup>st</sup>, 2017, and ends December 31<sup>st</sup>, 2017.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

#### TREASURER'S SALARY

Lynch moved Engle seconded that the salary for the office of Treasurer shall be set in the amount of \$10,000.00 for the Fiscal Year 2017, which begins January 1<sup>st</sup>, 2017, and ends December 31<sup>st</sup>, 2017.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

#### CLERK'S SALARY

Zyburt moved Lynch seconded that the salary for the office of Clerk shall be set in the amount of \$11,850.00 for the Fiscal Year 2017, which begins January 1<sup>st</sup> 2017, and ends December 31<sup>st</sup>, 2017.

ROLL CALL.

AYES: Maki, Bohjanen, White, Lynch, Zyburt, Engle, Walker.  
NAYS: None.  
MOTION CARRIED.

TRUSTEE'S PER DIEM

Zyburt moved Bohjanen seconded by that the per diem for the office of Trustee shall be set in the amount of \$75.00 per meeting for the Fiscal Year 2017, which begins January 1<sup>st</sup>, 2017, and ends December 31<sup>st</sup>, 2017.

ROLL CALL.

AYES: Maki, Bohjanen, White, Lynch, Zyburt, Engle, Walker.  
NAYS: None.  
MOTION CARRIED.

RESOLUTION ON ACCESS TO TOWNSHIP PROPERTY.

Maki moved Engle seconded that

WHEREAS, the Chocolay Township Zoning Ordinance clarifies that the Township has the authority to regulate the convenience of access to its property; and

WHEREAS, the Chocolay Township Zoning Ordinance clarifies that the Township has the authority to regulate land use and determine areas of open spaces surrounding buildings and structures; and

WHEREAS, the Chocolay Township Zoning Ordinance also clarifies that the Township has the authority to promote healthful surroundings in public areas; and

WHEREAS, Chocolay Township employees, the public, and commercial contractors must be able to access and utilize Township property; and

WHEREAS, it is the desire of the Township Board to set forth rules to regulate the convenient access to Township property and the use of open spaces around Township buildings, and promote healthful surroundings around the Chocolay Township Hall,

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. A person shall not erect a temporary or permanent structure or sign on Township property which blocks, obstructs, impedes, or otherwise interferes with employee, public, and / or commercial access to the Township Hall or Township property or which blocks open spaces surrounding the Township Hall and Township property thereon.

2. A person shall not park or leave an automobile or other motorized vehicle on Township property which blocks, obstructs, impedes, or otherwise interferes with employee, public, and / or commercial access to the Township Hall or Township property thereon.

3. On election day, when more members of the public require access to Township property, it shall be unlawful to erect a temporary or permanent structure or sign on Township

property, or park or leave any motor vehicle on Township property beyond the time necessary to transact Township business or beyond the time the Township is open for business, without the express consent of the Township Clerk or other Township official.

4. Nothing in this resolution shall be construed to interfere with MCL 168.931(k) which allows a person to disseminate campaign literature on election day when a person is beyond 100 feet from the entrance to a building in which a polling place is located.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

**2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #9 TO REFLECT REVENUE FROM SALE OF THE MARINA SKID PIER.**

White moved Zyburt 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 4<sup>th</sup>, 2015 for fiscal year 2016, 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 budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
<b>REVENUE</b>			
Miscellaneous Revenue			
401.698	\$ 6,808.00	+\$1,000.00	\$ 7,808.00
<b>EXPENDITURE</b>			
Marina			
Equipment			
401.544.977	\$10,000.00	+\$1,000.00	\$ 11,000.00

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

**AUTHORIZATION TO WAIVE THE BIDDING PROCESS AND PURCHASE EXTRICATION TOOLS WITH CAPITAL IMPROVEMENT FUND DOLLARS.**

Lynch moved Bohjanen seconded that the Board authorizes the Fire Department to purchase, with Capital Improvement Funds Account 401.340.977 directly from First Due Fire Equipment a Holmatro hydraulic spreader, cutter, telescopic ram (with supports), hydraulic pump, and two hydraulic hoses. Further, the Fire Department is authorized to trade-in the current tools. The total purchase price with trade-in is \$29,194.50

ROLL CALL.

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

NAYS: None.  
MOTION CARRIED.

**AUTHORIZATION TO PURCHASE DATA FILE BACK UP EQUIPMENT WITH CAPITAL IMPROVEMENT DOLLARS.**

Zyburt moved Lynch seconded to authorize up to \$6,000 to Lasco and other related computer vendors from the Capital Improvement Fund account 401.258.977 to be spent to add a NAS server and additional backup tapes to the Township backup network.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

**RECOMMENDATION FROM PERSONNEL COMMITTEE FOR PERSONNEL POLICY AND PROCEDURES MANUAL LANGUAGE CHANGE.**

Maki moved Zyburt seconded to send the Personnel Committee recommendations back to the Personnel Committee for revision on the open/closed meeting section.

MOTION CARRIED.

**PUBLIC COMMENT.**

Deborah Mulcahey, 633 Lakewood Lane- Feels that the search committee made up of 3 white males over 55 years of age does not reflect the make-up of our community. She feels that we are taking a step backward by allowing applicants for the Police Chief that do not have a college degree.

**INFORMATIONAL REPORTS AND COMMUNICATIONS.**

- A. Minutes – Chocoday Township Planning Commission, Regular Meeting of August 15<sup>th</sup>, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of August 18<sup>th</sup>, 2016.
- C. Minutes – US 41 Corridor Advisory Group, Regular Meeting of August 8<sup>th</sup>, 2016.
- D. Minutes – Northern Michigan Public Service Academy Regular Meeting of September 15, 2016.(Draft)

Supervisor Walker adjourned the meeting at 6:30 p.m.

---

Max Engle, Clerk

---

Gary Walker, Supervisor

November 2, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, November 2, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Walker called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Gary Walker, Ben Zybert, Max Engle, Judy White, David Lynch, Richard Bohjanen, Mark Maki.

ABSENT: None.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Dale Throenle, Brad Johnson.

MINUTES – REGULAR MEETING OCTOBER 5, 2016.

Lynch moved Zybert seconded to approve the minutes of the regular meeting of October 5, 2016 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

White moved Lynch seconded to accept the agenda with one addition under New Business J. Resolution for Charitable Gaming License for The New Free Store.

MOTION CARRIED.

PUBLIC COMMENT.

Brad Van Sluyters, 156 Timber Lane – Presented a framed digital reproduction of an original hand drawn map by Frank and Ray Brotherton who were commissioned by Longyear who was commissioned by the Lake Superior Ship Canal and Iron Company to survey for resources in the entire Upper Peninsula. This copy is of the Chocolay Township area and was done in the 1880's.

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

ACCOUNTS PAYABLE.

Bohjanen moved Engle seconded that bills totaling \$9,917.37 including checks numbered 21325-21345 and bills totaling \$34,309.13 including checks numbered 21346-21376 are approved for payment.

MOTION CARRIED.

PAYROLL.

White moved Lynch seconded that the payroll for October 6, 2016 for \$41,284.29 including checks numbered 23426-23469 and 10382-10387 and ACH payments for Federal tax, State tax and MERS, and October 20, 2016 for \$35,532.32 including checks numbered 23470-23501 and 10388-10363 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT- SEPTEMBER 2016.

White moved Zybert seconded to approve the September 2016 financial report.

MOTION CARRIED.

Trustee Maki had questions on misc. revenue in the Capital Improvements Fund and the Board of Review salary account. Manager Lawry responded \$25,000 of the misc. revenue in the capital Improvements Fund was from the Iron Ore Heritage Trail match on the Lion's Field grant. The Board of Review had an extra meeting this year and we will do a budget amendment from the assessor department part time salaries to make up the difference.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zybert reported that we had no securities mature this month, but he did change the report to the Board for disclosure purposes by adding an extra column to show premium payments that are part of the investment and will be off set with interest payments.

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

MOTION CARRIED.

PRESENTATIONS- APPRECIATION TO SUPERVISOR GARY L. WALKER.

Trustee Bohjanen presented to Supervisor Walker a plaque commemorating him for his years of service to the Township as Supervisor from 2012 to 2016.

SUPERVISOR'S REPORT.

- Supervisor Walker commented that it has been enjoyable to hold the position as Supervisor for the past 4 years and expressed his thanks to Chocolay Township staff for making it an enjoyable and a pleasurable job due to their efforts.
- Walker noted that 37% of the parcels in the Township are non-conforming. The Board may want to take this up as an issue to deal with in the future.
- Walker reported on the effects of the storm in October. The majority of the damage occurred outside of the Township on M-94 and Johnson Road in West Branch and Yalmer Road in Skandia. The cost to Chocolay Township was \$4,700, the majority of that was Fire call outs to deal with the flooding. Our police department was involved also. Our assessor sent out letter to 22 homes along the river requesting information on any damage to homes from the flooding. We will find out soon if we can apply for financial assistance for the cost incurred by the Township.
- Supervisor Walker again thanked Township staff and Board members for all their diligent efforts during his tenure.

RECOMMENDATION FROM THE PERSONNEL COMMITTEE ON AMENDMENTS TO THE PERSONNEL POLICY AND PROCEDURES MANUAL.

White moved Engle seconded to accept the recommendation of the Township Personnel Committee and amend Sections 1.3, 9.2, and 9.3 of the *Personnel Policy and Procedures Manual* as described above.

MOTION CARRIED. (One dissenting vote - Maki)



Trustee Maki had questions on 1.3; this language was originally put in so the Township Board had to take action on personnel issues. Clerk Engle responded that the language was made to quicken the process going to the Board.

Trustee Maki asked about changing the handicap process. Trustee White explained that any issue dealing with handicap should go directly to the Township Board.

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

Zyburtt moved Lynch seconded that after review of proposed Ordinance #63 and recommendations of the Township Planning Commission, the Board schedule a second reading on the proposed language as written of Ordinance #63 at its December 2016 meeting.

MOTION CARRIED. (One dissenting vote - Maki)

Trustee Maki questioned the reasoning in the Planning Director's memo for the rewrite of Ordinance 29. The memo indicates that Ordinance 29 does not require numbering for multiple dwellings on a piece of property. Section 2 of Ordinance 29 states that all dwellings and businesses shall be identified by street numbers. Is the new ordinance changing the size of posted house numbers? The police and fire departments should weigh in on this. Trustee Bohjanen favors the larger numbers also, but most of the Township would not currently comply. It appears that 3 1/2 inch numbers seem to be the standard now. Trustee Maki also questioned the numbers on mailboxes or on the house being visible from both directions of travel. That is addressed in Section 4 (B).

SCHEDULE A PUBLIC HEARING FOR AMENDMENT OF ORDINANCE #22 WINTER PARKING BAN ORDINANCE.

White moved Zyburtt seconded that the Township Board schedule a public hearing for its December 7<sup>th</sup> meeting to consider amendment of the current language of Ordinance #22 by deleting Section 3 in its entirety and that appropriate notice of the public hearing be published

MOTION CARRIED.

REQUEST FOR SEASONAL REDUCTION OF SEWER USE FEE.

Maki moved Lynch seconded that the Equivalent User Fee for 5057 U.S. 41 South be lowered from 11.9 down to 1 as of October 1, 2016, until the business is reopened in the Spring of 2017, as provided for in section 9D – 3 – a, of Ordinance #39.

MOTION CARRIED.

REQUEST FOR COLLABORATION FROM SANDS TOWNSHIP.

Zyburtt moved Engle seconded that Chocolay Township approve the request to be named in the letter to support the effort initiated by Sands Township to seek resolution of the issues involving the MCSWMA Board's action to remove Marquette County from the Intergovernmental Agreement.

MOTION CARRIED.

RECOMMENDATION FROM PERSONNEL COMMITTEE ON POLICE CHIEF JOB DESCRIPTION CHANGES.

Engle moved White seconded to adopt the changes to the job description for the position of Police Chief, as recommended by the Selection Committee for this position and by the Personnel Committee.

MOTION CARRIED.

Trustee Maki asked to include one or two years' experience supervising other officers. Trustee White said it is under the preferred qualifications ***5-10 year's police or command experience with another municipality.***

**AUTHORIZATION TO RETAIN ENGINEERING SERVICES FOR FEMA HYDRAULICS STUDY.**

Gail Varty, 208 Timber Lane explained the process that she has gone through since she purchased the property in May of 2015. She has cleaned out 28,000 pounds of garbage from the property. She received a zoning permit from the Township, flood hazard permit from MDEQ, solid sedimentation permit and home construction permit from Marquette County. With these permits she was approved up to 1000 cubic yards of fill to raise the site of the building footprint one foot above the 100-year flood elevation of 614.0 as determined by FEMA. After the fill was put in, Varty's surveyor filed application with FEMA for a Letter of Map Revision (LOMR) to allow her not to have to purchase flood insurance. FEMA would not or could not approve the map revision without a professional hydrologic and hydraulic analysis of the site with calculations to show that the fill will not raise the Base Flood Elevation by as much as one tenth of a foot.

Since then FEMA has contact the Township and has indicated that a corrective action plan is required to bring the property and Township enforcement into program compliance. Without this the Township will be expelled from the FEMA Flood Insurance Program. The FEMA maps were approved in April of 2016 and the only means to change the map is a hydrologic and hydraulic analysis.

Supervisor Walker asked Ms. Varty what she was asking of the Township. Gail Varty would like the Board to put this item off for a month so she can gather more information to decide if this study and survey is even possible. Her largest concern is that if she has to remove the fill, the cost to her would be a minimum of \$25,000.

White moved Zybert seconded to table this issue until the December 2016 meeting to allow Ms. Varty to work with North Country Engineering to gather more information.

MOTION CARRIED.

**2016 GENERAL FUND BUDGET AMENDMENT #3 TO REFLECT ELECTION REIMBURSEMENT FOR PRESIDENTIAL PRIMARY.**

Maki moved Zybert 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 4, 2015, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
101.698	\$24,275.39	+\$4,888.89	\$29,164.28
EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Elections			
Per Meeting			
101.190.710	\$11,730.24	+\$2,850.77	\$14,581.01

Elections Office Supplies 190.727	\$3,535.00	+\$ 560.00	\$ 4,095.00
Elections Printing 190.728	\$1,468.83	+\$ 232.85	\$ 1,701.68
Elections Postage 101.190.729	\$2,981.10	+\$ 464.22	\$ 3,445.32
Elections Contractual 190.800	\$ 200.00	+\$ 50.00	\$ 250.00
Elections Miscellaneous 190.956	\$ 412.45	+\$ 63.87	\$ 476.32
Clerk Salaries 215.702	\$95,490.81	+\$ 526.22	\$96,017.03
Recreation & Properties Salaries 756.702	\$62,724.96	+\$ 140.96	\$62,865.92
ROLL CALL.			
AYES: Maki, Bohjanen, White, Lynch, Zyburt, Engle, Walker.			
NAYS: None.			
MOTION CARRIED.			

2016 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #10 TO REFLECT ACT 302 POLICE TRAINING REVENUE.

Lynch 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 4, 2016 for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues and/or revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Training Capital Outlay 401.306.957	\$1702.04	+\$511.25	\$2213.29
REVENUE	PREVIOUS	CHANGE	AMENDED

State of MI

401.543

\$503.15

+\$511.25

\$1014.40

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

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

White moved Bohjanen 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 2016 tax roll.

**DELINQUENT SEWER USERS FOR 2016**

Name	Tax ID Number	Address	City, State, Zip	Amount Due
Marc Gilmore	52-02-490-002-00	110 Chocolay River Tr	Mqt MI 49855	\$ 409.20
Ray & Margaret Sprowl	52-02-212-001-00	209 Corning Street	Mqt MI 49855	\$ 409.20
Chocolay Childrens Center	52-02-251-006-00	324 Corning Street/197 Terrace	Mqt MI 49855	\$ 783.18
Menhennick	52-02-254-003-00	500 Corning Street/4021 U S 41 So.	Mqt MI 49855	\$ 409.20
Steven & Heather Shaw-Quizno's	52-02-106-043-50	505 Corning Street	Mqt MI 49855	\$ 2,373.36
Cherry Creek Market	52-02-440-011-00	101 Carmen Drive	Mqt MI 49855	\$ 3,284.38
Richard & Brooke Laurich	52-02-214-006-00	105 E. Fairbanks	Mqt MI 49855	\$ 297.60
Susan Racine	52-02-215-006-00	156 E. Fairbanks Street	Mqt MI 49855	\$ 409.20
Randall Goin	52-02-215-009-00	164 E. Fairbanks	Mqt MI 49855	\$ 409.20
David Hillock	52-02-216-010-00	158. E. Wright Place	Mqt MI 49855	\$ 409.20
Linda Morgan	52-02-216-015-00	161 E. Wright Place	Mqt MI 49855	\$ 409.20
Anthony & Karri Rabitaille	52-02-455-038-00	214 Jean Street	Mqt MI 49855	\$ 409.20
Daniel & Laura Clements	52-02-455-056-00	208 Judy Street	Mqt MI 49855	\$ 93.00
Oliver Burns	52-02-455-046-00	225 Judy Street	Mqt MI 49855	\$ 409.20
Linda Bice	52-02-215-015-00	115 Kellog Street	Mqt MI 49855	\$ 49.60
Stacy Eagle	52-02-107-013-00	208 Silver Creek Road	Mqt MI 49855	\$ 69.20
Joe & Barb Menze	52-02-107-063-00	328 Silver Creek	Mqt MI 49855	\$ 409.20
Scott Lamora/Farm Bureau	52-02-201-003-00	2315 U S 41 South	Mqt MI 49855	\$ 195.30
David Laurich/Medical Benefits	52-02-106-020-00	2366 U S 41 South	Mqt MI 49855	\$ 409.20
A.J. Menhennick	52-02-254-003-00	4021 U S 41 South	Mqt MI 49855	\$ 409.20
Harvey Oil Company	52-02-254-004-00	4025 U S 41 South/4021 U S 41 So.	Mqt MI 49855	\$ 409.20
Shaw's Service	52-02-254-005-00	4027 U S 41 South	Mqt MI 49855	\$ 695.64
Mike & Eva Schlenkert	52-02-455-001-00	132 Veda Street	Mqt MI 49855	\$ 409.20
Dieter Rentals	52-02-253-008-00	110 W. Fairbanks Street	Mqt MI 49855	\$ 195.30
Jennifer Simula	52-02-207-010-00	219 West Fairbanks	Mqt MI 49855	\$ 409.20
Dave & Bonnie Schwiderson	52-02-107-078-00	735 Willow Road	Mqt MI 49855	\$ 409.20
Ruth & Mark Matteson	52-02-207-005-00	234 W. Main Street	Mqt MI 49855	\$ 391.62
Larry Weaver	52-02-207-004-00	240 W. Main Street	Mqt MI 49855	\$ 287.37
Shane Thomas	52-02-207-002-00	264 W. Main Street	Mqt MI 49855	\$ 297.60
Tonya Scott	52-02-205-003-00	341 W. Main Street	Mqt MI 49855	\$ 409.20
Matthew & Crystal Dale	52-02-251-023-10	205 W. Terrace Street	Mqt MI 49855	\$ 409.20
Janice Lister	52-02-251-025-00	209 W. Terrace Street	Mqt MI 49855	\$ 130.90
Tim Soucy	52-02-210-004-00	330 W. Terrace Street	Mqt MI 49855	\$ 193.44
Gardner Bess	52-02-210-005-00	334 W. Terrace Street	Mqt MI 49855	\$ 409.20
Judith Charles/Marilyn Kramer	52-02-208-003-00	371 W. Terrace Street	Mqt MI 49855	\$ 409.20
Jeff Bushey	52-02-208-002-00	387 W. Terrace Street	Mqt MI 49855	\$ 409.20
Kristine & Michael Dionne	52-02-106-043-00	110 W. Wright Place	Mqt MI 49855	\$ 409.20
Glen Carlson	52-02-213-004-00	350 W. Wright Place	Mqt MI 49855	\$ 409.20
Total Delinquent Amount				\$ 18,749.09

MOTION CARRIED.

RESOLUTION ALLOWING THE NEW FREE STORE LOCAL APPROVAL FOR A CHARITABLE GAMING LICENSE.

Zyburt moved Maki seconded that the request from The New Free Store of Marquette County, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses, be considered for approval.

MOTION CARRIED.

PUBLIC COMMENT.

None.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of September 19<sup>th</sup>, 2016.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of September 15<sup>th</sup>, 2016.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meetings of August 17<sup>th</sup>, 2016 and October 19, 2016, Draft.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of September 13<sup>th</sup>, 2016.
- E. Correspondence – Marquette County Solid Waste Management Authority.

Supervisor Walker adjourned the meeting at 7:00 p.m.

---

Max Engle, Clerk

---

Richard Bohjanen, Supervisor

December 7, 2016

A Regular meeting of the Chocolay Township Board was held on Wednesday, December 7, 2016 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the Township Board meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

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

MINUTES – REGULAR MEETING NOVEMBER 2, 2016.

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

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Maki moved White seconded to approve the agenda presented.

MOTION CARRIED.

PUBLIC COMMENT.

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

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

PUBLIC HEARING- ORDINANCE #22 WINTER PARKING BAN.

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

There was no public comment, public hearing was closed.

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

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

ACCOUNTS PAYABLE.

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

MOTION CARRIED.

PAYROLL.

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

MOTION CARRIED.

FINANCIAL REPORT- OCTOBER 2016.

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

MOTION CARRIED.

TREASURER'S REPORT/FUND WITHDRAWAL AND DEPOSIT REPORT.

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

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

MOTION CARRIED.

APPOINTMENTS AND RESIGNATIONS.

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

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

MOTION CARRIED.

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

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

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

MOTION CARRIED.

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

MOTION CARRIED.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS.

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

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

Bohjanen moved Lynch seconded the appointment or reappointment of:

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

MOTION CARRIED.



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

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

MOTION CARRIED.

#### CONFIRMATION OF NEW POLICE CHIEF.

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

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

MOTION CARRIED.

#### SUPERVISOR'S REPORT.

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

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

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

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

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

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

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

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO RETAIN ENGINEERING SERVICES FOR FEMA HYDRAULICS STUDY.

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

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

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

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

MOTION CARRIED.

**CONSIDERATION OF 2017 MEETING SCHEDULE.**

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

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

MOTION WITHDRAWN.

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

**Chocolay Township Board – 5:30 PM**

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

**Chocolay Township Planning Comm– 7:00 PM**

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

**Chocolay Township Zoning Board of Appeals – 7:00 PM**

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

**Chocolay Township Fire Department – 7:00 PM**

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

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

March 7, 13, 14  
July 18  
December 12

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

MOTION CARRIED.

ANNUAL REVIEW OF TOWNSHIP BOARD POLICIES.

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

MOTION CARRIED.

MANAGEMENT LETTER FROM AUDITOR.

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

MOTION CARRIED.

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

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

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

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

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

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

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

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

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

MOTION CARRIED.

#### KEWEENAW BAY INDIAN COMMUNITY PROPOSAL FOR WATER SYSTEM IMPROVEMENTS.

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

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

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

MOTION CARRIED. (One no vote- White)

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

ROLL CALL.

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

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

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

Maki moved Lynch seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township On November 4, 2015, for the next fiscal year, and, Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

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

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

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

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

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

MARQUETTE COUNTY SOLID WASTE MANAGEMENT AUTHORITY DECISION REVIEW.

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

MOTION CARRIED.

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

TOWNSHIP MANAGER'S ANNUAL EVALUATION.

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

PUBLIC COMMENT.

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

Trustee Maki welcomed Richard Bohjanen as the new Township Supervisor.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

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

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

---

Max Engle, Clerk

---

Richard Bohjanen, Supervisor