

January 8, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, January 8, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

STAFF PRESENT: Jon Kangas, Mary Sanders, Suzanne Sundell, Dale Throenle, Brad Johnson, Scott Jennings, Lisa Perry.

MINUTES – DECEMBER 11, 2017 REGULAR AND DECEMBER 18, 2017 SPECIAL MEETINGS.

Rhein moved Lynch seconded to approve the minutes of the Regular meeting of December 11, 2017 as presented.

MOTION CARRIED.

Zyburt moved Engle seconded to approve the minutes of the Special meeting of December 18, 2017 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

White moved Zyburt seconded to approve the agenda with the addition of a presentation to Steve Lawry, Retiring Township Manager.

MOTION CARRIED.

PUBLIC COMMENT.

Jude Catello, 119 Lakewood Lane – She has lived in Chocolay Township since 1978, she spoke on her dismay that we can't recycle glass any longer. She has done some research and presented information to the Board on a business in Wisconsin that will recycle glass for a fee. She asked that the Township look into Eagle River Waste and Recycling.

PRESENTATION.

Supervisor Bohjanen presented a plaque to Steve Lawry and read a letter from the Board, employees and citizens of the Township praising him for all the work accomplished during his tenure with Chocolay Township.

ACCOUNTS PAYABLE.

Engle moved Rhein seconded that bills totaling \$50,742.65 including checks numbered 22176-22211 are approved for payment.

MOTION CARRIED.

Trustee Maki had a question about Superior Watershed Partnership. The last time they attended a Chocolay Township Board meeting, Mark asked them for an update on work they had accomplished in the Township. We have not heard back from them. He thought that they were going more toward economic development by the grant request they had made.

PAYROLL.

Lynch moved Zyburd seconded that payroll for December 6, 2017 for \$2,882.45 including checks numbered 24404-24413 and ACH payments for Federal tax, State tax and MERS and December 14, 2017 for \$32,467.42 including checks numbered 24414-24433 and 10581-10586 and ACH payments for Federal tax, State tax and MERS and December 28, 2017 for \$45,278.75 including checks numbered 24434-24470 and 10587-10594 and ACH payments for Federal tax, State tax and MERS and December 29, 2017 pay out for \$8,248.36 including ACH for Federal tax are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT –NOVEMBER 2017.

White moved Rhein seconded to accept the November Financial Report.

MOTION CARRIED.

TREASURER’S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburd reported that we did not have any securities mature in the last month. We have had three Federal Reserve bumps in 2017 and we are expecting a couple more in 2018, which bodes well for the portfolio.

Lynch moved Rhein seconded to accept the Treasurer’s report.

MOTION CARRIED.

White moved Zyburd seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

CANNABINOID PROCESSING PRESENTATION.

The presentation of Cannabinoid Processing is on hold because the company has decided to place their operation in Sands Township. We should still look at considering an Ordinance that deals with Cannabinoid.

ATV USE OF PUBLIC ROADS PRESENTATION.

Tony Harry is not here to present to the Board. Is there any interest in changing the stand that Chocolay Township has had that rescinds the County rules for ATV’s on County Roads in the Township? Trustee Engle commented that Tony Harry is the only one that he has heard from that wants the Township to Opt-in to the County’s Ordinance for ORV/ATV. The Board wants to send this to the Planning Commission and allow Tony Harry a chance to make his presentation there.

Chief Jennings stated that he feels that if they had ATV rules like we have snowmobile rules, it would be much easier to deal with ATV issues.

Lynch moved White seconded to send the request for use of public roads for ATV's to the Planning Commission and request Tony Harry to present to the Planning Commission.

MOTION CARRIED.

#### APPOINTMENT TO PETER WHITE PUBLIC LIBRARY TOWNSHIP ADVISORY COUNCIL.

Zyburd moved Rhein seconded to appoint Judy White to the Peter White Public Library Township Advisory Council for an indefinite term.

MOTION CARRIED.

#### NOMINATION OF TOWNSHIP MANAGER TO LAKE SUPERIOR COMMUNITY PARTNERSHIP BOARD OF DIRECTORS.

Maki moved Lynch seconded that the Board nominate Jon Kangas to the Lake Superior Community Partnership for a seat on its Board of Directors as a representative of Chocolay Township.

MOTION CARRIED.

#### SUPERVISOR'S REPORT.

- Introduced Jon Kangas to the Board and the public in the audience as our new Township Manager and commented that Mr. Kangas comes highly recommended.
- Planning Commission seat held by Jon Kangas should be discussed by the Board and Jon Kangas. Trustee Maki stated that the Michigan Zoning Enabling Act does not allow an employee to be on the Planning Commission. We will research the law.
- Supervisor Bohjanen and Suzanne Sundell met with KBIC on the water reservoir. They are working on a contract that will pay the Township through 2% money to contract with Gundlach Champion to build the water tower and once complete, we would deed it back to KBIC for ownership. The one issue that could come up is that Gundlach Champion has already done the engineering work and is prepared with a not to exceed price of \$675,000 for a 75,000 gallon tank. The plan is to not go back out for bids again, but this decision will come back to the Board for approval before moving forward.
- Flooding at the Chocolay River mouth brought together a lot of people and a lot of thinking on how to deal with it. As the river was rising, plans for how to prevent it from becoming a major disaster developed slowly. A contractor was brought out to see if an excavator could be brought out to the mouth to move the ice and the answer was no. Historically it was blasted, but that caused a lot of damage in 1985 or 1986. The reason the Township was involved in blasting the river mouth in the past, was due to a flooding risk to one of our pump stations. Since then we have taken measures to elevate that pump station so it does not represent a threat during a time of flooding. Primarily the flood threat is to the homeowners now. The DNR said that the DEQ is responsible for the permitting process and DEQ was not available on New Year's Day. Sara Cambensy has been up here to look the situation over and to speak with the Township and homeowners. Ultimately a long term solution has to be found.

**AWARD OF BID FOR SALE OF SURPLUS POLICE PATROL CAR.**

White moved Lynch seconded to declare the 2013 Dodge Charger be sold to the highest bidder.

**MOTION CARRIED.**

**2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #11 TO REFLECT PROCEEDS FROM SALE OF POLICE CAR.**

Zybur moved Lynch seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvement fund receipts within the township on October 5, 2016 for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
Police Department Capital Improvement Vehicle			
401.305.981	\$129,256.11	+\$3,470.00	\$132,726.11
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
401.698	\$27,664.23	+\$3,470.00	\$ 31,134.23

ROLL CALL.

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

NAYS: None.

**MOTION CARRIED.**

**2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #12 TO REFLECT RECEIPT OF KEWEENAW BAY INDIAN COMMUNITY 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 receipts within the Township on October 5<sup>th</sup>, 2016 for fiscal year 2017, and Whereas, as a result of receipt of unanticipated revenue it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
KBIC 2% Gaming Money			
401.000.582	\$ 70,000.00	+\$ 70,000.00	\$140,000.00

**EXPENDITURE**

Fire Department

Land Improvements

Ojibwa Water Reservoir 401.340.002.972	\$ 25,000.00	+\$ 25,000.00	\$ 50,000.00
Fire Dept. Vehicles 401.340.981.000	\$125,758.14	+\$ 20,000.00	\$145,758.14
Police Dept. Equipment 401.305.977.000	\$ 36,827.29	+\$ 9,000.00	\$ 45,827.29
Water/Wastewater Equipment 401.591.977.000	\$ 0.00	+\$ 9,000.00	\$ 9,000.00
Recreation & Properties Equipment 401.756.977	\$ 27,427.57	+\$ 7,000.00	\$ 34,427.57

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

2017 GENERAL FUND BUDGET AMENDMENT #5 TO ACCOUNT FOR END OF YEAR ADJUSTMENTS.

Maki moved White seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated General Fund expenditures of the Township on October 5<sup>th</sup>, 2016 for fiscal year 2017, and Whereas, as a result of unanticipated expenditures it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be modified as follows:

ACCOUNT EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Township Board Salaries 101.103.702	\$46,520.00	+\$14,350.00	\$60,870.00
Election Per Meeting Compensation 101.190.710	\$3,650.00	+\$ 4,100.00	\$ 7,750.00
Election Office Supplies 101.190.727	\$ 1,775.00	+\$ 1,400.00	\$ 3,175.00
Election Postage 101.190.729	\$ 900.00	+\$ 600.00	\$ 1,500.00

Election Miscellaneous 101.190.956	\$100.00	+\$ 425.00	\$ 525.00
Treasurer Salaries 101.253.702	\$44,947.00	+\$2,166.00	\$47,113.00
Sanitary Landfill Contractual Services 101.526.800	\$151,600.00	+\$3,500.00	\$155,100.00
Zoning Salary 101.800.702	\$76,560.00	+\$5,545.00	\$82,105.00
Clerk Salary 101.215.702	\$97,425.00	-\$7,711.00	\$89,714.00
Other General Government Contingency 101.285.951	\$20,000.00	-\$10,025.00	\$ 9,975.00
Other General Government Salary/Benefit Contingency 101.285.952	\$27,150.00	-\$14,350.00	\$12,800.00

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

MANAGEMENT LETTER FROM AUDITOR.

The Board received and read the audit management letter from Anderson Tackman & Company.

Lynch moved Zyburt second that the Board agrees to the attached letter from Anderson and Tackman and that the Township Supervisor sign the attached letter.

MOTION CARRIED.

REQUEST FOR CLOSED SESSION PURSUANT TO MCL 15.268(A).

Engle moved Lynch second to go into closed session.

MOTION CARRIED.

The public attending asked if they could make their public comment before the Board went into closed session. The Board agreed to that.

PUBLIC COMMENT.

Scott Emerson, 119 Lakewood Lane – Spoke on the adverse effects of environmental noise. He presented information to the Board on this subject. He would like the Board to consider this information as they look at the Fireworks and Noise Ordinance. Exposure to environmental noise causes sleep disturbance, hearing loss, blood pressure increase, heart disease, strokes, learning impairment in children, mental health issue, PTSD and health problems with pregnant women. Low frequency or impulse noise has the greatest ability to cause adverse effects from noise. Anything over 50 decibels should be enforced.

The Board went into closed session at 6:25 pm.

OPEN SESSION.

The Board went back into open session at 7:07 PM.

Lynch moved Rhein seconded to find a proper channel for repeated questions/requests to (Chocolay Township employees); that they come to the Board and go through the Supervisor and Manager first.

MOTION CARRIED.

White moved Lynch seconded to adjourn the meeting at 7:10 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of November 27<sup>th</sup>, 2017.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of November 9<sup>th</sup>, 2017.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meetings of December 13<sup>th</sup>, 2017, Draft.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of November 14<sup>th</sup>, 2017.
- E. Minutes – Northern Michigan Public Service Academy, Regular Meeting of November 16<sup>th</sup>, 2017.
- F. Communication – Iron Ore Heritage Trail Authority Annual Report.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

February 12, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, February 12, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

STAFF PRESENT: Jon Kangas, Mary Sanders, Suzanne Sundell, Dale Throenle, Brad Johnson, Lisa Perry, Scott Jennings, Jennifer Stanaway, Chad Laurich.

MINUTES –JANUARY 8, 2018 REGULAR MEETING.

White moved Lynch seconded to approve the minutes of the Regular meeting of January 8, 2018 as presented.

MOTION CARRIED.

MINUTES –JANUARY 8, 2018 REGULAR MEETING (CLOSED SESSION).

Lynch moved Rhein seconded to approve the minutes of the Closed Session meeting of January 8, 2018 as presented.

MOTION CARRIED. (Nay - Maki)

PUBLIC COMMENT.

Mark Maki, 370 Karen Road - He considers the closed session to be held illegally because it went beyond the Act and there was no purpose stated. He considers all action taken regarding the closed session illegal.

AGENDA ADDITIONS/DELETIONS.

Zyburt moved Rhein seconded to approve the agenda as presented.

MOTION CARRIED.

Maki moved Rhein seconded to change the wording on the agenda from Resignation to Retirement of Deputy Clerk.

MOTION CARRIED.

White moved Zyburt seconded to approve the agenda as amended.

MOTION CARRIED.

ACCOUNTS PAYABLE.

Lynch moved Engle seconded that bills totaling \$66,789.35 including checks numbered



22213-22248 and totaling \$81,115.25 including checks numbered 22249-22292 are approved for payment.

MOTION CARRIED.

The Board had several questions on check amounts and descriptions. All questions were answered.

PAYROLL.

White moved Lynch seconded that payroll for January 11, 2018 for \$41,118.32 including checks numbered 24472-24513 and 10596-10602 and ACH payments for Federal tax, State tax and MERS and January 25, 2018 for \$39,324.40 including checks numbered 24514-24545 and 10603-10609 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT –DECEMBER 2017 (UNAUDITED).

Lynch moved Rhein seconded to accept the December Unaudited Financial Report.

MOTION CARRIED.

TREASURER'S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zybert reported that we did not have any securities mature in the last month. We did invest in a \$250,000. First Bank C/D 1.8% for one year with the Tax Collections.

Lynch moved Rhein seconded to accept the Treasurer's report.

MOTION CARRIED.

Rhein moved Engle seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

RETIREMENT LETTER FROM DEPUTY CLERK.

Lynch moved Maki seconded to accept the resignation/retirement of Mary Sanders, Deputy Clerk as of April 30, 2018.

MOTION CARRIED.

Clerk Engle informed the Board that we had an internal candidate apply for the position. Suzanne Sundell will take over the Deputy Clerk position on May 1, 2018.

APPOINTMENT TO THE PLANNING COMMISSION.

Supervisor Bohjanen was pleased to tell the Board that we had nine applications to review for the Planning Commission vacant seat. After going through the applications he chose Susan Maynard. He interviewed her over the telephone and she had good answers to his questions and will be a great addition to the planning Commission.

Bohjanen moved Lynch seconded that the appointment of Susan Maynard be approved by the board to complete the term vacated by Jon Kangas, expiring 12/31/2020.

MOTION CARRIED.

Trustee Maki asked about the makeup and diversity of the Planning Commission. Supervisor Bohjanen took into consideration location within the Township and interests in the Planning process and job background skills. Clerk Engle said that if anything the Planning Commission was business heavy and adding Susan Maynard was a good balance.

APPOINTMENT TO THE IRON ORE HERITAGE RECREATION AUTHORITY.

Engle moved Zyburt seconded to reappoint Don Britton to the Iron Ore Heritage Recreation Authority.

MOTION CARRIED.

APPOINTMENT OF ALTERNATE TO MARQUETTE AREA WASTEWATER TREATMENT FACILITY ADVISORY BOARD.

White moved Rhein seconded that Brad Johnson is appointed as Chocolay Township's representative to the Marquette Area Waste Water Advisory Board for the term ending 12/31/2021.

MOTION CARRIED.

Rhein moved Lynch seconded that Jon Kangas is appointed as Chocolay Township's alternate representative to the Marquette Area Waste Water Advisory Board for the term ending 12/31/2021.

MOTION CARRIED.

SUPERVISOR'S REPORT.

- We need to consider a process for updating the Zoning Ordinance and other Township Ordinances and also Planning Commission Priorities. There are a lot of inconsistencies in the Township Zoning Ordinance and other Township Ordinances due to changing times and technical errors in the design of the Ordinances. We have discussed having a professional consultant help with the Ordinances, but we do not really know what we want our Ordinances to say and we do not want an outsider making that decision. A solution was suggested by Steve Lawry, when he was Manager and that was to have the Planning Commission go through the Ordinances and decide if they need amending, need major changes, elimination or to be rewritten before going to a consultant. The budget for that is not in 2018 but decisions on what to do can occur in 2018. The Board should give direction to the Planning Commission before they proceed.

Trustee Maki would like to set up a committee consisting of two members of the Board and two members of the Planning Commission along with staff to review the Ordinances.

Maki moved Lynch seconded to form a committee that would include two members of the Planning Commission, two members of the Board, the Supervisor, Police Chief, DPW Foreman, Planner and Manager to review the Township Ordinances.

MOTION CARRIED.

Supervisor Bohjanen, Trustee Maki and Trustee Lynch volunteered to be on the committee. The Planning Commission will meet next week and we can recruit two members of the Planning Commission at that time.

- Updated Planning Commission Procedures and Bylaws have been presented to the Board.
- Regarding the issue of glass recycling, the Landfill has not been recycling glass. Glass is only 5% of the recycling stream. There are revisions of the recycling policies coming down from the State level, so we cannot make any changes with recycling until that happens.

#### FIRST READING OF TEXT AMENDMENT 34-18-01 PROPOSED MIXED USED OVERLAY DISTRICT.

A draft copy of the mixed use overlay was presented to the Board by the Planning Commission. A map was shown to the Board of the proposed area. The Marquette County Planning Commission and our Township attorney have already reviewed.

Trustee White is in favor of the mixed use overlay.

Trustee Maki stated that essentially this involves rezoning of many properties. Why did we do it as an overlay instead of rezoning? Are single family dwellings allowed in this overlay district or only if they are attached to a business. How do we stop strip development with everyone having driveways out to M-28? Will this area be in the sewer district or have septic systems? Maki would like this mixed use overlay to be sent to the Corridor Committee.

Director Throenle stated that there is also an overlay district for the US 41 / M-28 Corridor that controls access points. The minimum lot width is 125 feet and the minimum lot size is roughly .67 acres. The overlay district goes down M-28 to our border with Alger. The intent of this mixed use overlay is to allow individuals to live on their business premises. People can opt in or opt out of the district. The idea of the sewer construction came in after the overlay district was discussed, but we can bring that to the Planning Commission. The area that shows up in green on the map is only proposed to become part of the overlay district. The owner of the property asked to be included in the district after the district had been established by the Planning Commission.

Engle moved Lynch seconded that after reviewing the proposed mixed use district language, updates from the Township Attorney and recommendations from the Marquette County Planning Commission, the proposed language as revised by the attorney be brought before the Board for a second reading at the March 12, 2018 meeting without the green area on the map.

MOTION CARRIED. (Nay - Maki)

White moved Rhein seconded that after reviewing the map of the proposed overlay district, the map as presented will represent the boundaries of the proposed district.

MOTION CARRIED. (Nay - Maki)

Maki moved Engle seconded to send the mixed use overlay to the Corridor group for their review and comment.

MOTION CARRIED.

FIRST READING OF PROPOSED ORDINANCE 66, NOISE.

Lynch moved Zybert seconded that after reviewing the proposed Ordinance 66, Noise language, the proposed Ordinance as written be brought before the Board for a second reading at the March 12, 2018 meeting.

MOTION CARRIED.

Trustee Maki asked what the conflict with modern practices is? Planning Director explained that some of the wording that is no longer used, and one example is the ordinance did not allow construction on the weekends. Trustee Maki also asked about fireworks. That will be a separate Ordinance.

Supervisor Bohjanen objects to the definition of "Horn". Planning Director Throenle thought that was changed. He will look into that before the second reading.

2017 GENERAL FUND BUDGET AMENDMENT #6 TO ACCOUNT FOR END OF YEAR ADJUSTMENTS.

Resolution Amending General Fund Budget FY 2017 – Amendment No. 6 – Reimbursement for Safety Belt Overtime.

Maki moved White seconded that Whereas a budget was adopted by the Chocoley Township Board to govern the expenditures of anticipated general fund receipts within the township on October 5, 2016 for the next fiscal year, and Whereas as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to maintain a balanced budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Salary 101.305.702	\$283,341.00	+\$3,117.58	\$286,458.58

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 101.698	\$26,296.25	+\$3,117.58	\$29,413.83

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR THE REPLACEMENT OF ONE (1) DESKTOP COMPUTER IN THE POLICE DEPARTMENT.

Lynch moved Rhein seconded to approve the purchase of a desktop computer, including installation, from Lasco at a total cost of \$796.16. This will be paid from the Capital Improvement Fund-Equipment, Account #401.305.977.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR THE REPLACEMENT OF FIVE (5) LAPTOP COMPUTERS IN THE FIRE DEPARTMENT AND TOWNSHIP HALL.

Zyburt moved Lynch seconded that the Community Development Coordinator expend up to \$3,180.00 from the Technology Capital Improvement Fund 401.258.977 for upgrading four laptops for office staff and one laptop for fire staff.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

AUTHORIZATION TO EXTEND SOLID WASTE COLLECTION CONTRACT.

Manager Kangas reported to the Board that stemming from a meeting with Eagle Waste to discuss recycling; Brad Austin, Marquette County Landfill Director informed us of a millage that the Landfill will bring for a vote to all county voters. The vote will be to go to single stream recycling including the equipment to do this. At this point renewing our contract with GAD would be appropriate until this vote takes place. Our increase with GAD is 4%.

White moved Lynch seconded for approval for Brad Johnson DPW Foreman, to extend the current solid waste collection contract with Great American Disposal for an additional year commencing through June 30, 2019.

MOTION CARRIED.

AUTHORIZATION FOR CHANGE OF SEWER USER FEE DUE TO CLOSURE OF A COMMERCIAL PROPERTY.

Lynch moved Zyburt seconded that the Equivalent User Fee for 200 East Main Street be lowered from 9.4 down to 2 as of January 1, 2018, until the business is reopened, as provided for in section 9.C.2.e, of Wastewater Ordinance #39.

MOTION CARRIED.

RECOMMENDATION FROM THE PERSONNEL COMMITTEE FOR REVISION OF JOB DESCRIPTION AND WAGES FOR POLICE ADMINISTRATIVE ASSISTANT AND REINSTATING THE TOWNSHIP ADMINISTRATIVE ASSISTANT AS A FULL-TIME POSITION.

Maki moved Zyburt seconded to change the Police Department Administrative Assistant job title to Accreditation Manager, to set the pay grade for the Accreditation Manager to pay grade 2, to accept the job description for the Accreditation Manager as submitted, and to make the changes effective with the payroll cycle beginning February 18, 2018.

MOTION CARRIED.

Maki moved Zybert seconded to change the Administrative Assistant position from part-time to full-time status effective with the payroll cycle beginning February 18, 2018.

MOTION CARRIED.

PUBLIC COMMENT.

Carol Lamirand, 452 County Road 480 - Had questions on the cost of garbage tags and if changing the contract would lower the cost for tags. She requested a copy of the garbage contract.

The meeting was adjourned at 6:50 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of December 18<sup>th</sup>, 2017.
- B. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of December 21<sup>st</sup>, 2017. (Includes 2018 Meeting Schedule.)
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of January 17<sup>th</sup>, 2018, Draft.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of December 12<sup>th</sup>, 2017.
- E. Correspondence – MMRMA Distribution Excess Net Assets
- F. Correspondence – MMRMA Distribution State Pool Loss Fund
- G. Correspondence – Notice of Hearing for the Gas Customers of Semco Energy Gas Company, Case No. U-18417.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

March 12, 2018

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PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: Ben Zyburt.

STAFF PRESENT: Jon Kangas, Mary Sanders, Suzanne Sundell, Dale Throenle, Brad Johnson, Scott Jennings.

MINUTES –FEBRUARY 12, 2018 REGULAR MEETING.

Lynch moved Rhein seconded to approve the minutes of the Regular meeting of February 12, 2018 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Engle moved White seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Carl Smith, 795 Willow Road –Presented his safety concerns to the Board that when making a turn from Willow Road to Silver Creek Road going east, vision is blocked by people parking at St. Louis the King Church. There is no shoulder on the road and people park in the eastbound lane. Chocolay Police told him to contact the Marquette County Road Commission on this matter. The Road Commission requested notification from the Board before the Road Commission can place ‘no parking’ signs on that corner.

Mary Pat Linck, 367 Lakewood Lane- Voiced her concerns about the Marquette County Landfill no longer accepting glass as a recycling item. She is willing to pay extra to have single stream recycling including glass.

ACCOUNTS PAYABLE.

White moved Lynch seconded that bills totaling \$30,282.62 including checks numbered 22293-22321 and bills totaling \$43,726.75 including checks numbered 22322-22360 are approved for payment.

MOTION CARRIED.

PAYROLL.

Rhein moved White seconded that payroll for February 8, 2018 for \$34,880.33 including checks numbered 24546-24566 and 10610-10615 and ACH payments for Federal tax, State tax and MERS and February 22, 2018 for \$39,008.60 including checks numbered 24567-24599 and 10616-10621 and ACH payments for Federal tax, State tax and MERS are approved for payment.  
MOTION CARRIED.

#### FINANCIAL REPORT – JANUARY 2018.

Lynch moved Rhein seconded to accept the January Financial Report.  
MOTION CARRIED.

#### TREASURER’S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Engle moved Rhein seconded to accept the Treasurer’s report.  
MOTION CARRIED.

White moved Rhein seconded to accept the fund withdrawal and deposit report.  
MOTION CARRIED.

#### APPOINTMENT TO THE NORTHERN MICHIGAN PUBLIC SERVICE ACADEMY BOARD EFFECTIVE MAY 1<sup>ST</sup>, 2018.

Maki moved Lynch seconded that Suzanne Sundell be appointed to serve the remainder of Mary Sanders’ term on the Northern Michigan Public Service Academy Board, to be effective May 1<sup>st</sup>, 2018.  
MOTION CARRIED.

#### SUPERVISOR’S REPORT.

- We have again been approached by an entity that wishes to do a presentation to the Board on a marijuana facility in the Township limits. Does the Board have an interest in hearing the presentation? The Board agreed to allow the presentation. We will add this to the April agenda.

#### SECOND READING AND ADOPTION OF TEXT AMENDMENT 34-18-01 PROPOSED MIXED USE OVERLAY DISTRICT.

Trustee Maki had questions on how we stop strip development on M-28 if we approve this? How will the Corridor Committee handle four commercial driveways every 150 feet? Bohjanen replied that we cannot require a frontage road. Kangas replied that the US 41 corridor group reviews any project along the U S 41 and M-28 for access development. They are a very influential group and any comments made by this group have always been incorporated in the contractor’s site plan.

Trustee White asked about the public hearing that will take place at the March 19<sup>th</sup> Planning Commission. Throenle explained that the map is under consideration by the Planning Commission in March and the motion tonight is strictly about the language for Mixed Use Overlay District. A discussion ensued on why the Planning Commission is having the Public Hearing in March. Planning Director Throenle explained that the Planning Commission is holding the public hearing



because notification was not sent to the residents that were in the green area. The Planning Commission was not going to extend the mixed use to the green area on the map, however, a resident asked that his property (in the green area) be added to the mixed use and the Planning Commission agreed to look at it.

Trustee Maki asked about the zoning change from residential to commercial on the Jehovah Witness Church property on U S 41. Planning Director Throenle responded that the Planning Commission originally planned on the mixed use corridor to be 300 feet on either side of U S 41 and M-28 and a small area of Cherry Creek for the overlay district. The size of the property and wetlands did not come into play while the Planning Commission selected the area to be in the Overlay District.

Trustee Maki asked if the owner of a 100 foot lot in this area could sell as a commercial property. Response from Throenle was yes as long as they get access from MDOT. Property owners have been notified by a letter and were told about the public hearing at the Planning Commission meeting on March 19, 2018.

Trustee Maki asked why we did not do the mixed overlay to all of the commercial areas in the Township. Throenle responded that the idea was that the mixed use was only going to be in the U S 41 and M-28 corridor.

Engle moved Lynch seconded, that after reviewing the input from a public hearing, the recommendations of the Township Planning Commission and the second reading of proposed Zoning Ordinance amendment 34-18-01, that the Board adopt the language of the proposed amendment as written, with the language to take effect as part of the Township Zoning Ordinance April 12, 2018; that the Board file a 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 new language in the Township Book of Ordinances and the Township Zoning Ordinance within one week after publication.

ROLL CALL.

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

NAYS: Maki.

ABSENT: Zyburt.

MOTION CARRIED.

SECOND READING AND ADOPTION OF PROPOSED ORDINANCE 66, NOISE.

White moved Rhein seconded that after reviewing the input from a public hearing, the recommendations of the Township Planning Commission and the second reading of proposed Ordinance # 66 Noise, that the Board adopt the language of the proposed ordinance as modified, (change the definition of horn to a device designed to generate a sound for the purpose of a signal or warning) with the ordinance to take effect April 12, 2018; that the Board repeals Ordinance # 45 Noise effective April 12, 2018; and that the Board file a 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 new ordinance in the Township Book of Ordinances within one week after publication.

ROLL CALL.

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

NAYS: None.

ABSENT: Zyburt.

MOTION CARRIED.

APPROVAL OF CONTRACT EXTENSION WITH GREAT AMERICAN DISPOSAL FOR SOLID WASTE COLLECTION SERVICES.

Manager Kangas explained to the Board that there are proposed changes on the State level and at the landfill on recycling. It would be better to extend the contract for another year and give us time to understand what changes will take place for recycling.

Rhein moved Maki seconded to extend the contract with Great American Disposal an additional year (April 2018 through April 2019 - \$8,942.96 per month and April 2019 through April 2020 - \$9,300.00 per month).

MOTION CARRIED.

FIRST READING OF PROPOSED ORDINANCE 65, FIREWORKS.

Lynch moved White seconded that after reviewing the proposed Ordinance 65 Fireworks language, the proposed language as revised be brought before the Board for a second reading at the April 9, 2018 meeting.

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR THE REPLACEMENT OF TWO (2) LAPTOP COMPUTERS AND TWO (2) DESKTOP COMPUTERS IN THE POLICE DEPARTMENT.

Lynch moved Engle seconded to approve the purchase of 2 notebooks and 2 desktop computers, including installation, from Lasco at a total cost of \$4,558.09. This will be paid from the Capital Improvement Fund-Equipment, Account #401.305.977.

ROLL CALL.

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

NAYS: None.

ABSENT: Zyburt.

MOTION CARRIED.

CONSIDERATION OF "AUTHORIZED PUBLIC AGENCY" STATUS FOR SOIL EROSION AND SEDIMENTATION CONTROL.

Manager Kangas explained that we currently do not have someone on staff trained in sedimentation and soil control. We have such a small DPW department that it does not make sense to have staff certified for this. Marquette County will take over this responsibility if we do not have the certification. We need to notify them that we are rescinding the status.

Maki moved Rhein seconded that Chocolay Township rescinds the SESC Procedures for operating an Authorized Public Agency Program as approved by the Township Board December 15<sup>th</sup>, 2003 and to authorize the Township Manager to notify MDEQ by letter of this voluntary action.

MOTION CARRIED.

PUBLIC COMMENT.

None.

#### INTRODUCTION OF TABLETS FOR BOARD AGENDA PACKETS.

The tablets were passed out to the Board and Suzanne gave instruction to the Board on usage.

The meeting was adjourned at 6:45 pm.

#### INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of January 15<sup>th</sup>, 2018.
- B. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of January 18<sup>th</sup>, 2018.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of February 21<sup>st</sup>, 2018, Draft.
- D. Minutes – US 41 Corridor Advisory Group, Regular Meeting of January 9<sup>th</sup>, 2018.
- E. Minutes – Northern Michigan Public Service Academy, Regular Meeting of February 15<sup>th</sup>, 2018, Draft.
- F. 2017 Chocolay Township Planning Commission Annual Report.
- G. 2017 Marquette County Treasurer’s Office Annual Reports.
- H. Marquette County Road Commission Seasonal Load and Speed Restrictions.
- I. REAL ID Compliant Driver’s License or ID Card Information.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

April 9, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, April 9, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

STAFF PRESENT: Jon Kangas, Mary Sanders, Suzanne Sundell, Brad Johnson, Scott Jennings, Lee Gould, Lisa Perry.

MINUTES –MARCH 12, 2018 REGULAR MEETING.

Lynch moved Zyburt seconded to approve the minutes of the Regular meeting of March 12, 2018 with the deletion of the statement *Steve Lawry did have the certification*. Under – Status for Soil Erosion and Sedimentation Control.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Rhein moved Engle seconded to approve the agenda as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Brian Dixon, 123 Chocolay River Trail – Spoke in support of the Planning Commission exclusion of Chocolay River Trail in the mixed overlay district.

Jude Catello, 119 Lakewood Lane – Spoke to the Board on her distress that there currently is no glass recycling and in the past the glass set out as recycling went into the landfill. We need to continue looking at options including grants.

Supervisor Bohjanen responded that we have met with Eagle Waste and Recycling and the Marquette County Solid Waste Management Authority. We are looking into options and currently are awaiting State legislative changes with recycling that will not only affect us, but the MCSWMA also. We have a contract with MCSWMA and must bring our solid waste to the landfill.

Scott Emerson, 119 Lakewood Lane – Congratulated the Planning Director and the Planning Commission on the direction that they went with developing the Fireworks Ordinance. One typo/correction (Columbus Day is 2<sup>nd</sup> Monday in October).

ACCOUNTS PAYABLE.

Engle moved Zyburt seconded that bills totaling \$15,422.83 including checks numbered 22361-22398 and bills totaling \$44,360.12 including checks numbered 22399-22428 are approved for payment.

MOTION CARRIED.

PAYROLL.

Lynch moved Rhein seconded that payroll for March 8, 2018 for \$35,111.27 including checks numbered 24600-24619 and 10622-10627 and ACH payments for Federal tax, State tax and MERS and March 22, 2018 for \$40,751.83 including checks numbered 24620-24654 and 10628-10633 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT – FEBRUARY 2018.

Rhein moved Engle seconded to approve the February Financial Report.

MOTION CARRIED.

TREASURER’S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported that we had no bond maturities this month; however we did purchase a \$250,000 certificate from Northpoint Bank at 2.5%, maturing in 2021. There is an additional line on the investment report to include the unrealized gain/loss.

Engle moved Rhein seconded to accept the Treasurer’s report.

MOTION CARRIED.

Zyburt moved White seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

PRESENTATIONS – PETER WHITE PUBLIC LIBRARY.

Andrea Ingmar, Director of the Peter White Public Library presented information to the Board on the Headlee Override and the Headlee rollback. The Peter White Public Library is requesting that the Chocolay Township Board give approval to place ballot language on the November 2018 general election to allow the Peter White Public Library to override the Headlee rollback. The closing of WE Energies and the relocation of Marquette General Hospital/Duke Life point to a Brownfield site has greatly reduced their tax revenue. Additional funds are needed to prevent further cuts in library services. There are so many requests for the library to be open on Sunday, and that is one cutback the library would like to rescind.

Maki moved White seconded that the Chocolay Township Board authorize the Peter White Library to request the Headlee override on the November 6, 2018 ballot in Chocolay Township.

MOTION CARRIED.

APPOINTMENT OF FIRE CHIEF.

Maki moved Rhein seconded accept the fire departments recommendation and appoint Lee Gould as Fire Chief of the Chocloy Township Fire Department.

MOTION CARRIED.

SUPERVISOR'S REPORT.

- Should we work toward a Marijuana Ordinance or continue to opt out.

White moved Lynch seconded to have the Planning Commission delve into the possibility of a Marijuana Ordinance.

MOTION CARRIED.

- The ad hoc Ordinance committee has not met yet. Should we consider having the Planning Commission look at the Ordinances instead of an ad hoc committee? The Board chose to add Susan Maynard from the Planning Commission to the ad hoc committee and begin meeting on a regular basis, possibly on Tuesday afternoons.
- Supervisor Bohjanen presented a plant to Mary Sanders and read a letter from the Board, employees and citizens of the Township on accomplishments during her time with Chocloy Township. Clerk Engle also commented on her retirement.

SECOND READING OF PROPOSED ORDINANCE NUMBER 65, FIREWORKS.

Maki moved Lynch seconded that after reviewing the input from a public hearing, the recommendations of the Township Planning Commission and the second reading of proposed Ordinance 65 Fireworks, that the Board adopt the language of the proposed ordinance as modified, with the ordinance to take effect May 9, 2018, and that the Board file a 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 new ordinance in the Township Book of Ordinances within one week after publication. With correction on Columbus Day.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

APPROVAL OF MIXED USE OVERLAY DISTRICT MAP.

Supervisor Bohjanen explained that that after accepting public comment on the mixed use overlay district and map, the Planning Commission withdrew the section on Terrace Street and did not include the new area on M-28.

White moved Lynch seconded, that after reviewing the input from a Planning Commission public hearing and the recommendations of the Planning Commission that the Board adopt the proposed mixed use overlay map as drawn, with the map to take effect as part of the Township Zoning Ordinance April 12, 2018, and the map be published on the Township website.

ROLL CALL.

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

NAYS: Maki.

MOTION CARRIED.

Trustee Maki asked if the Corridor group made comment on the mixed use overlay district. Manager Kangas replied that they did not.

PROPOSED PURCHASE OF ZERO TURN LAWN MOWER.

Trustee Maki asked why we did not go with the lowest bidder. DPW Foreman, Brad Johnson and Manager Jon Kangas explained the difference between the other machines and the Gravely PT460 including warranty, fabricated mulching deck, larger tires and reduced driver fatigue.

Engle moved Zyburt seconded that the Chocolay Township Board approves the trade in of our John Deere LA 155 and the purchase of the Gravely PT 460 Zero Turn Mower from Northgate Equipment in the amount of \$8,800.00 to be paid out of the capital improvement fund 401.756.957.

ROLL CALL.

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

NAYS: None.

MOTION CARRIED.

PROPOSED ACQUISITION OF CREDIT CARD PROCESSING SYSTEM.

Rhein moved Zyburt seconded to approve the acquisition of a credit card processing system.

MOTION CARRIED.

PROPOSED GENERAL FUND BUDGET AMENDMENT #1 FOR BROADBAND INTERNET CHANGE.

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 December 11, 2017, 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,

EXPENDITURE	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
101.258.853 Technology Telephone	\$4,830.00	+\$1,000.00	\$5,830.00

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
101.285.951 Other General Government Contingency	\$20,000.00	-\$1,000.00	\$19,000.00

ROLL CALL.

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

PROPOSED PROPERTY DONATION.

Zyburt moved White seconded that Chocolay Township accept the proposed donation of Parcel 52-02-206-011-00 from O'Dovero Properties and designate the parcel as park land.

ROLL CALL.

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

PROPOSED SEASONAL FIELD TECHNICIAN.

Manager Kangas proposed staffing adjustments to include a seasonal field technician. The field technician would have a primary focus on Zoning Enforcement, under Planning Director Throenle's supervision. It is also recommend that we allow this employee to perform additional assessing fieldwork at properties where he/she is already performing Zoning activities, assuming those properties are in the 20% of parcels scheduled for reassessment this year. This arrangement increases staff efficiency by completing multiple tasks in one visit. Finally, there are multiple other tasks related to Planning, Zoning and Community Development that could be assigned to this person if time permits, to best utilize the additional staff. It is also recommended we post this position internally first, with the expectation that we may be able to hire the same individual that performed the work last year.

Lynch moved White seconded that the Township Board authorizes the Township Manager to hire a Seasonal, Part-Time Field Technician to assist in zoning enforcement and other tasks as needed, with funds coming from unused portions of the Community Development Coordinator salary, not to exceed \$9,000.00.

ROLL CALL.

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

Trustee Maki reminded the board that when we hired the Assessor he said that he would do his own field work. He asked that we fund this position at 400 hours instead of 600.

Trustee White asked who will supervise this part time person. Manager Kangas answered that the direct supervisor will be Planning Director Throenle.

PUBLIC COMMENT.

Trustee Maki congratulated Lee Gould as Fire Chief and Mary Sanders on her retirement.



Manager Kangas reported to the Board that he will bring to the Planning Commission next week, information on the asset management plan for roads. He and DPW Foreman Johnson will attend PASER training next week.

The meeting was adjourned at 6:30 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of February 19<sup>th</sup>, 2018.
- B. Minutes – Chocolay Township Zoning Board of Appeals, Regular Meeting of March 22<sup>nd</sup>, 2018, Draft
- C. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of February 15<sup>th</sup>, 2018.
- D. Minutes – Marquette County Road Commission, Regular Meeting of January 15th, 2018 and February 19th, 2018.
- E. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of March 21<sup>st</sup>, 2018, Draft.
- F. Press Release - MCSWMA Regarding Recycling.
- G. Correspondence - Final Road Asset Management Plan, GEI, March 15<sup>th</sup>, 2018.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

May 14, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, May 14, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: Ben Zyburt.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Dale Throenle, Scott Jennings, Lisa Perry.

MINUTES –APRIL 9, 2018 REGULAR MEETING.

Lynch moved Rhein seconded to approve the minutes of the Regular meeting of April 9, 2018 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Manager Kangas indicated that due to the timeliness of permitting with the KBIC project, MDOT has indicated they have some requirements that were not known at the time of permitting. This could be added under either New or Unfinished Business.

Engle moved Lynch seconded that the addition to the agenda be added under Unfinished Business.

MOTION CARRIED.

PUBLIC COMMENT.

Jennifer Bruggink, 673 Lakewood Lane – concerned about the first reading of the zoning changes, particularly the addition of rentals without qualification or description to all the zoning districts except Industrial. Lives in a residential district and has both types of rentals next door. She feels there is considerable difference. She is concerned that if this change goes through the Board has exceeded its authority to regulate.

Dan Trotochaud, 439 Lakewood Lane – would like to address the issue of recycling in Chocolay Township. Lots of trash along Lakewood Lane as the containers used for recycling are usually very lightweight and things blow out of them. Was wondering if the Township could require a regular recycling bin with a cover.

Scott Emerson, 119 Lakewood Lane – respectfully asking the Board to reject all proposed ordinance language on rental dwellings. He would also ask that the Board direct the Planning Commission to begin work on a more comprehensive ordinance specifically addressing short term

rentals. Feels that there is a lack of full transparency. The change lumps all rentals together. Marquette County Planning Commission was not in support of this change.

William Ezo, 781 Lakewood Lane – concerned about short term rentals. Communities are not able to enforce, and renters have no concern for their neighbors. Residents do not deserve to have behavior that diminishes their quality of life. Cited Madeira Beach as an example. Much easier to prevent problems than to try to solve the problems later.

Ruth Ziel, 734 Lakewood Lane – went online to look for changes that Chocolay Township was proposing for short term rentals. Marquette Township has a list of things required for a short term rental (permit, fire code review, business license, etc.). She would suggest Chocolay's require a PERK test for septic. She has utilized Airbnb and VRO in other areas, and those in the best repair are when there is the presence of a landlord. Also have identifying information as a rental, with a contact number.

June Rydholm, 221 Lakewood Lane – she spoke on this issue last year. What happened to the petition. Not in favor of short term rentals. Feels that Chocolay is making a big mistake.

Stephanie Gencheff, 597 Lakewood Lane – agrees with what has been said. She contacted similar communities to Chocolay Township (Acme Township and Garfield Township in the Traverse Bay area). Both communities have enforced their Zoning Ordinance concerning short term rentals, and would be happy to share with our Township.

Jude Catello, 119 Lakewood Lane – she is disturbed by the Zoning language change. This is a very hot button issue. She feels this should be pushed back to the Planning Commission – advertise clearly and go slowly.

Sally May, 425 Lakewood Lane – she echoes what the others have said. Urges the Board to tighten up the language so there are some conditions.

Mark Maki, 370 Karen Road – concerned about the public notice, as it says nothing about short term rentals, just changes to the zoning ordinance – inadequate notice. When the Planning Commission voted on this members were not present, with two of the members that were present being fairly new. The Master Plan makes reference to short term rentals in residential areas. Marquette County Planning Commission did not support.

Amadeo Sturla, 685 Lakewood Lane – recently purchased a home that was used as a rental. During his cleanup of the property, and was able to tell what type of things went on there, and would not want his children around that. Short term rentals need to be regulated.

Deborah Mulcahey, 633 Lakewood Lane – agrees with everything that has been said in regard to the opposition. Public notice was unclear on what was being discussed – no mention of short term rentals. She raised the issue of safety, especially with fires – high risk area, no dry hydrants,

dune grass, jack pine. The residents do not want commercial development, and short term rentals are commercial. Follow the Master Plan.

#### ACCOUNTS PAYABLE.

White moved Rhein seconded that bills totaling \$8,960.57 including checks numbered 22429-22458 and bills totaling \$56,163.60 including checks numbered 22459-22497 are approved for payment.

MOTION CARRIED.

#### PAYROLL.

White moved Lynch seconded that payroll for April 5, 2018 for \$42,349.21 including checks numbered 24655-24695 and 10634-10639 and ACH payments for Federal tax, State tax and MERS and April 19, 2018 for \$38,808.14 including checks numbered 24696-24733 and 10640-10645 and ACH payments for Federal tax, State tax and MERS and special payrolls for April 20, 2018 for \$3,654.24, including checks 24734 and 10646 and ACH payments for Federal tax, State tax and MERS, and special payroll for April 23, 2018 for \$8,837.09 including checks numbered 24735 and 10647 are approved for payment.

MOTION CARRIED.

#### FINANCIAL REPORT – MARCH 2018.

Lynch moved Rhein seconded to approve the March Financial Report.

MOTION CARRIED.

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

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

MOTION CARRIED.

Rhein moved Lynch seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

#### PRESENTATION - LAKESTATE INDUSTRIES.

Andrea Walsh, Director of Development – Lakestate Industries is a vocational training and job development for adults with disabilities. Lots of changes will be taking place with an organizational transformation called Employment First, which is a push for more training and jobs in the community. They will also be implementing community living supports. In order to achieve these objectives, they will need money. She is requesting Choccolay Township support and act as a pass-through agency for KBIC 2% money, in exchange for some type of community service.

Mike Grentz, Anderson Tachman - concern with pass-through monies, it still needs to be a legal Township expenditure with a benefit to the Township. Would need to look at details, and all requests are different.

Trustee Lynch suggested there be additional information to make sure it is legal before agreeing to act as a pass-through.

## PRESENTATION - SPECIAL EVENT REQUEST FOR SILVER CREEK RECREATION AREA

Rita Savola, General Manager of America's Best Value Inn, M-28 and Cody Marki, Assistant Manager of America's Best Value Inn and lives at 1010 East M-28.

They made a special request to the Board on a celebration called "Harvey Dayz" that they would like to have this summer. Cody grew up in the Harvey area at the time this type of celebration existed in Harvey, and they are looking to bring this back to the area. After looking at several options, it was felt that Silver Creek Recreation area would be the best location. The day would include things such as fat tire bikes, disc golf, a car show, bounce houses, music, food vendors, display Chocoley police and fire vehicles. The hotel would cover the insurance for the event. No date has been set at this time.

Dale Throenle, Planning Director went over the logistics of how things would be set up at Silver Creek, and also looking at the parking situation for overflow. No admission would be charged.

Lynch moved White seconded to endorse the special event plan.

MOTION CARRIED

Trustee Maki would like to see a final layout once the plan is done.

## PRESENTATION – 2017 AUDIT

Mike Greutz from Anderson Tachman and Company PLC presented the FY2017 audit. He indicated that this was an unmodified audit. The change in net position was \$550,000 (with \$142,000 from enterprise funds and the rest from governmental funds) and the total net position on the whole is 9.7 million. The net pension liability – most communities have a liability for their pension, but we have benefit for the plan of about \$74,000. The Township exceeded budgeted revenues and kept expenses below what was budgeted. We did not find any material weaknesses or significant deficiencies with internal control. According to auditing standards we do have to report to the State 2017-001 Assist in preparing financial statements and footnotes. There were no other significant issues.

Lynch moved Engle seconded to accept the 2017 audit report.

MOTION CARRIED

## APPOINTMENTS / RESIGNATIONS – NONE.

## SUPERVISOR'S REPORT – PROCLAMATION OF NATIONAL BEACH SAFETY WEEK

The Board has received a request from the Fire Department to proclaim the week of May 21-28, 2018 as National Beach Safety Week.

Lynch moved Rhein seconded to proclaim the week of May 21-28, 2018 as National Beach Safety Week.

MOTION CARRIED.

**KBIC SEWER PROJECT**

Manager Kangas explained that plans for permitting had been submitted to all the agencies. MDOT responded with comments regarding lift stations in the right-of-way. When official response was received, MDOT had recommended placing the lift stations out of the right-of-way, or as far away from roadway as possible. MDOT requires as a condition that if the lift stations would need to be moved at a later date, the expense would be the Townships.

There was discussion of current rate structure, and the ability to cover maintenance and future capital improvements.

Lynch moved, White seconded, to direct the Township to send a letter to MDOT agreeing that, as with most public utilities, the cost of relocation of those in case of road construction would be borne by the owner of the utility.

AYES: 5

NAYS: 1 (Maki)

ABSENT: Zyburt

MOTION CARRIED

**FIRST READING OF PROPOSED ZONING ORDINANCE UPDATES.**

Dale Throenle, Planning Director / Zoning Administrator, went through a lengthy discussion / timeline of rental units beginning in 2006. Throenle also explained how the language for the proposed zoning ordinance updates have been presented in the packet.

After much discussion by the Board, there was agreement that the language for short term rentals needs more work.

Maki moved, that the short term rental issue be separated from the ordinance changes, that the short term rental issue be rejected, and that at some future date the Board gives the Planning Commission specific direction.

NO SUPPORT

MOTION FAILED

Lynch moved, Engle seconded, that the Township Board approve all language changes in the proposed zoning ordinance language updates, with exception of anything relating to the rental issue, and send that back to the Planning Commission for further clarification and strengthening to allow the Township to have better control.

AYES: 5

NAYS: 1 (Maki)

ABSENT: Zyburt

MOTION CARRIED.

PROPOSED MERS HCSP AGREEMENT

Maki moved, Rhein seconded to approve the MERS Health Care Savings Program Participation Agreement for the group title "Patrolman".

MOTION CARRIED.

PROPOSED AMERICAN TOWER LEASE OPTIONS.

Lynch moved, White seconded, that the Township Board accept the one-time signing bonus of \$3,750.00 in exchange for an additional five (5) years beyond the current expiration date and options to renew for seven (7) additional five (5) year terms. This recommendation assumes all rental payments and escalations remain in full force according to the current lease terms and through the expiration of the extended term, and all revisions to the current lease agreement are approved by the Township Attorney. In addition, the Township Supervisor and Clerk are authorized to execute the revised lease agreement.

ROLL CALL.

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

NAYS: None.

ABSENT: Zyburt

MOTION CARRIED.

PROPOSED POLICY UPDATE FOR RECORDING OF MEETINGS.

Maki moved that the recordings for all Boards and Commissions meetings be posted on the website, kept for one year, and then deleted.

NO SUPPORT

MOTION FAILED

White moved, Lynch seconded, that the recordings for all Boards and Commissions meetings be posted on the website, then upon approval of the minutes they will be removed from the website and be deleted from the server.

AYES: 5

NAYS: 1 (Maki)

MOTION CARRIED.

Trustee Maki indicated that the reason for the recordings was to have something to go back on if there was a question on minutes. Clerk Engle stated that once the minutes are approved, that becomes the official record.

PROPOSED CAPITAL IMPROVEMENT EXPENDITURES FOR POLICE DEPARTMENT TRAINING.

White moved, Rhein seconded, to expend \$675 for the NMU Public Safety Institute for year 2018. This would come from the Capital Improvement Police Training Fund, 401.306.957.

ROLL CALL.

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

NAYS: None.

ABSENT: Zyburt

MOTION CARRIED.

#### PUBLIC COMMENT.

Scott Emerson, 119 Lakewood Lane – he would strongly advise that we take a look at short term rental ordinances in Acme Township. The Township needs to get ready and needs to learn from others. He also felt that the legal ads were very obscure – need to be very definite with these ads. He loves the community and liked the idea of Chocoday Days.

Mark Maki, 370 Karen Road – feels the ad was clearly improper. Ads used to be in the classified section, now they are in the legal section.

Stephanie Gencheff, 597 Lakewood Lane – if the Board really wants to know what the people think, it should be put on a ballot. She feels there are complaints about short term rentals, but there is no documentation. On the issue of enforcement, she cited how Garfield Township in the Traverse Bay area handle this.

Deborah Mulcahey, 633 Lakewood Lane – thanked the Board for sending the short term rental language back to the Planning Commission, but wishes they would have given a little more guidance on how to proceed. She then read an excerpt from J. Thum’s letter of 2011. WFR has a lot of property, and that is why they asked the Board to remove from short term rentals. She had talked with Police Department – no names documented on police calls.

Perry Laing, 625 Lakewood Lane – feels the discussion is not about short term rentals, but about the enforcement of short term rentals.

Ruth Ziel, 734 Lakewood Lane - she feels there are ways to deal with short term rentals, such as a permitting process. She feels that the statement that there are no issues / complaints is not true – it’s just that there isn’t ongoing mayhem when the police arrive.

The meeting was adjourned at 8:08 pm.

#### INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocoday Township Planning Commission, Regular Meeting of April 19<sup>th</sup>, 2018, Draft.
- B. Minutes – US 41 Corridor Group, Regular Meetings of February 13<sup>th</sup>, 2018, March 13<sup>th</sup>, 2018, and April 10<sup>th</sup>, 2018.
- C. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of March 15<sup>th</sup>, 2018.
- D. Minutes – Marquette County Township Association, Regular Meeting of March 20<sup>th</sup>, 2018.



- E. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of April 18<sup>th</sup>, 2018, Draft; Stockholders Meeting of April 18<sup>th</sup>, 2018, Draft and Special Meeting of April 26<sup>th</sup>, 2018, Draft.
- F. Notice of Special Meeting, Marquette County Solid Waste Management Authority, May 30<sup>th</sup>, 2018.
- G. Notice of Tipping Fees Increase, Marquette County Solid Waste Management Authority, April 27<sup>th</sup>, 2018, effective July 1<sup>st</sup>, 2018..
- H. Notice of Construction Project(s), Marquette County Solid Waste Management Authority, May 4<sup>th</sup>, 2018.
- I. Correspondence – P. Ollila – Zoning Ordinance Changes.
- J. Correspondence – D. Mulcahey – Zoning Ordinance Changes.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

June 11, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, June 11, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Max Engle, Ben Zyburt, David Lynch, Don Rhein, Judy White, Mark Maki (arrived at 5:47).

ABSENT: None.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Dale Throenle, Scott Jennings, Jennifer Stanaway, Tony Carrick.

MINUTES –MAY 14, 2018 REGULAR MEETING.

Lynch moved Rhein seconded to approve the minutes of the Regular meeting of May 14, 2018 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Rhein moved Engle seconded that the agenda be approved as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – spoke on the subject of leadership – feels the Board is constantly fighting with Trustee Maki on various issues. She feels the Board is still not dealing with short term rentals. She had submitted a letter to Supervisor Bohjanen concerning a Planning Commissioner. Asking the Board to address her concerns put forth in the letter.

ACCOUNTS PAYABLE.

White moved Lynch seconded that bills totaling \$12,802.58 including checks numbered 22498-22529, bills totaling \$2,557.80 including checks numbered 22530-22532, and bills totaling \$34,811.12 including checks numbered 22533-22552 are approved for payment.

MOTION CARRIED.

PAYROLL.

Zyburt moved Engle seconded that payroll for May 3, 2018 for \$32,185.09 including checks numbered 24736-24754 and 10648-10654 and ACH payments for Federal tax, State tax and MERS and May 17, 2018 for \$32,593.87 including checks numbered 24755-24773 and 10655-10661 and ACH payments for Federal tax, State tax and MERS and May 31, 2018 for \$36,240.91 including checks 24774-24801 and 10662-10668 and ACH payments for Federal tax, State tax and MERS, are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT – APRIL 2018.

White moved Rhein seconded to approve the April Financial Report.

MOTION CARRIED.

TREASURER’S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported that two CDs had matured – one for \$250,000 which was a government agency paying 0.75%. This was moved to a Northpointe Bank CD at 2.5% maturing in March 2021. The second CD was a \$150,000 First Bank CD paying 0.90%. This was used to purchase a \$150,000 UP State Bank CD at 2.7%, maturing in November 2020.

Engle moved Rhein seconded to accept the Treasurer’s report.

MOTION CARRIED.

Zyburt moved Lynch seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

PRESENTATION – LETTER OF COMMENDATION.

Police Chief Scott Jennings read a letter of commendation addressed to Sgt. Anthony Carrick concerning an assist provided on saving a family pet that had ventured on thin ice at 109 Chocoday River Trail.

PRESENTATION – VOTERS INSTEAD OF POLITICIANS – GERRYMANDERING BALLOT INITIATIVE

Ruth Ziel spoke to the Board on the organization called “Voters Instead of Politicians”. The proposal transfers the authority for drawing our voting districts from the legislature and the government to an independent citizen’s commission. With this proposal, there would be an open application system where you would request an application through the Secretary of State’s office. The Secretary of State’s office would also randomly issue 10,000 applications across the entire state to ensure that all demographic and geographic areas are in the pool. Once the commission is formed, it will consist of 4 Democrats, 4 Republicans, and 5 Independents. She then went over how the district maps will be drawn, and the criteria they will be based on. Ziel was looking for an endorsement from the Township Board on this proposal.

APPOINTMENTS / RESIGNATIONS

Supervisor Bohjanen indicated that there was one resignation – Officer Jeff Czarny. No action is required by the Board, but he would like to take the opportunity to wish him well in his new position and express our regrets to see him leave.

Lynch moved, White seconded to appoint Sergeant Tony Carrick to serve the remainder of Officer Jeff Czarny’s term on the Personnel Committee, term expiring December 31, 2019.

MOTION CARRIED

Zyburt moved, Lynch seconded to appoint Deputy Clerk, Suzanne Sundell to serve the remainder of Mary Sanders' term on the Pension Committee, term expiring December 31, 2018.

MOTION CARRIED

White moved, Rhein seconded to appoint Township Manager, Jon Kangas to serve the remainder of Mary Sanders' term as an Alternate on the Utility Review Committee, term expiring December 31, 2019.

MOTION CARRIED

SUPERVISOR'S REPORT – SCHEDULE 2018 JOINT MEETING OF TOWNSHIP BOARD AND PLANNING COMMISSION.

Supervisor Bohjanen suggested that the Joint meeting be scheduled on the same day as the July Planning Commission Meeting, Monday, July 16, with the joint meeting beginning at 5:30 PM and the Planning Commission to follow.

White moved, Lynch seconded to have a joint meeting with the Planning Commission and Township Board on Monday, July 16 starting at 5:30 PM.

MOTION CARRIED.

SECOND READING OF PROPOSED ZONING ORDINANCE UPDATES.

White moved, and Lynch seconded that after reviewing the input from a public hearing, the recommendations of the Township Planning Commission and the second reading of proposed *Text Amendment 34-18-02 Zoning Ordinance Updates*, that the Board adopt the language of the proposed updates as modified with the updates to take effect July 10, 2018, and that the Board file a 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 revised *Zoning Ordinance* in the Township *Book of Ordinances* within one week after publication.

ROLL CALL

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

MOTION CARRIED.

Trustee Maki asked for clarification on various items, with "retail store" in the definition of "Resort" being one of them. After discussion, it was decided the language be changed to "and other retail activities". This is a minor change in wording – no need to go back for another reading.

CONSIDERATION OF DIRECTIVES TO PLANNING COMMISSION REGARDING RENTAL DWELLINGS

Lynch moved, White seconded that Item XIV.B be put on the agenda for the Joint Meeting on Monday, July 16 at 5:30 PM.

MOTION CARRIED.

APPROVAL OF AMENDMENT TO MDNR RECREATION PASSPORT GRANT FOR SILVER CREEK TENNIS COURTS.

White moved, Rhein seconded to approve the Recreation Passport Grant Program Agreement Amendment for the Silver Creek Recreation Area Multisport Court Complex project.

MOTION CARRIED.

AUTHORIZATION TO ENTER AGREEMENT WITH MARQUETTE COUNTY ROAD COMMISSION FOR 2018 OVERBAND CRACK FILLING

Lynch moved, Zyburt seconded to approve the Agreement with Marquette County Road Commission for Overband Crack Filling in the amount of \$53,961.70 with funds coming from the voter-approved Road Fund, account 204.440.957.

ROLL CALL

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

MOTION CARRIED.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR FUND BALANCE SOFTWARE TRAINING

Engle moved, White seconded, that the Clerk expend \$1,250 from the Clerk Capital Improvement Fund 401.215.977 for training for the Deputy Clerk on the Fund Balance accounting programs.

ROLL CALL.

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

MOTION CARRIED.

REQUEST TO EXPEND FROM CAPITAL IMPROVEMENT FUNDS

Zyburt moved, Lynch seconded that the Clerk expend up to \$300.00 from the Elections Department in the Capital Improvements Fund 401.190.977 for 8 stanchions with 78" Black Retractable Belt.

ROLL CALL

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

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR IN-CAR CAMERA

Rhein moved, Zyburt seconded to approve the purchase of the DMV-800 In-Car Camera system from Digital-Ally in the amount of \$3,295. This will be paid from the Capital Improvement Fund – Vehicles, Account #401.305.981.

ROLL CALL

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

MOTION CARRIED.

2018 CAPITAL IMPROVEMENT FUND BUDGET AMEND  
TRAINING FUNDS RECEIVED FROM STATE OF MICHIGAN

MENT #1 TO REFLECT POLICE

Motion by White, supported by Maki, Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township on December 11, 2017 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	\$ 1,120.09	\$333.08	\$ 1,453.17
REVENUE	PREVIOUS	CHANGE	AMENDED
State of MI 401.543	\$0	\$333.08	\$ 333.08

ROLL CALL

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

ADOPT RESOLUTION FOR OPENING AND USING DEPOSIT ACCOUNTS

Zyburt moved, Rhein seconded to rescind the Resolution of the Township Board to Authorize Opening and Using Deposit Accounts as adopted July 6, 2016 and adopt the revised Resolution of the Township Board to Authorize Opening and Using Deposit Accounts. This action replaces Mary Sanders with Suzanne Sundell as Deputy Clerk.

MOTION CARRIED

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – expressed her displeasure with the inaction of the Board. She feels that the short term rental issue is being delayed again. Wondering who runs the Township. She feels the meeting time of 5:30 is too early. Would like to know what type of action will be taken on her concerns with a Planning Commissioner. Feels people are continuing to buy elsewhere because of the issue with short term rentals.

Cody Monty 1010 M-28 East – gave an update of Harvey Daze preparation. The date has been set for July 21. Travel Marquette will be helping with the promotions. Plans include geocache, disc golf tournament, bouncy houses from Double Trouble (they will have their own insurance to cover these). The Americas Best Value Inn will be covering the insurance, Forever Green lawn care will do the clean up after the event. There are many different games that have been incorporated. Plans are also underway for a Classic car show. Food will be providing by various food trucks. The goal of the event is to have fun and showcase Harvey. There will also be a kick ball tournament game. Trustee White issued a challenge to other Board members to join her in participating at the dunk tank.

The meeting was adjourned at 6:30 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of April 19<sup>th</sup>, 2018.
- B. Minutes – US 41 Corridor Group, Regular Meetings of May 8<sup>th</sup>, 2018.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of May 23<sup>rd</sup>, 2018.
- D. Notice - Marquette County Solid Waste Management Authority, Recycling Rebates, June 1<sup>st</sup>, 2018.
- E. Communication – S. Emerson – Rental Dwellings / Short Term Rentals, May 14<sup>th</sup>, 2018.
- F. Communication – D. Mulcahey – Planning Commissioner Concerns, June 4<sup>th</sup>, 2018.
- G. Communication – Supervisor Bohjanen Response to D. Mulcahey, June 5<sup>th</sup>, 2018.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

July 9, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, July 9, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Dale Throenle, Scott Jennings.

MINUTES –JUNE 11, 2018 REGULAR MEETING.

Zyburt moved Lynch seconded to approve the minutes of the Regular meeting of June 11, 2018 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

White moved Rhein seconded that the agenda be approved as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Dave Mowen, 475 Lakewood Lane – would like to see Chocolay Township recognized for the improvements made in the Township, along with specific businesses that have contributed to this. Feels the changes made to the property that Lutey’s occupies contribute to this. He recommends that there be recognition for people / businesses that are doing things to improve the area. He feels that it is good to recognize these efforts with a plaque and would like to volunteer to do this.

Deborah Mulcahey, 633 Lakewood Lane – thanked the Board for the new fireworks ordinance. Still feels that the public needs to be educated on this ordinance. The Township needs to find ways to reach out to the community to do this. She has an issue with timely notice on the Board agendas – should be a week before the meeting. She questioned other meetings / groups that were meeting at the Township (recreation and zoning). Brought up some garbage-related issues on the July 4<sup>th</sup> holiday.

Trustee Maki asked about the “recreation advisory committee” - Planner Throenle indicated that this was a group of people from the Township that were guiding the planner on the recreation plan update. No minutes, not subject to Open Meetings Act. Trustee Maki also asked about the “zoning committee”. Throenle clarified this was the committee that was looking at the ordinances, not a “zoning” committee.



Trustee White asked about the garbage collection – Manager Kangas indicated that GAD had put some ads on television, and that the Township had published it on the Message Board and the website. Manager Kangas indicated the Township is currently working with GAD to address the holiday issue.

#### ACCOUNTS PAYABLE.

Lynch moved Rhein seconded that bills totaling \$25,341.88 including checks numbered 22553-22579 and bills totaling \$42,944.86 including checks numbered 22580-22610 are approved for payment.

MOTION CARRIED.

#### PAYROLL.

Rhein moved Engle seconded that payroll for June 14, 2018 for \$36,376.97 including checks numbered 24802-24819 and 10669-10675 and ACH payments for Federal tax, State tax and MERS and June 28, 2018 for \$35,302.24 including checks numbered 24820-24853 and 10676-10682 and ACH payments for Federal tax, State tax and MERS, are approved for payment.

MOTION CARRIED.

#### FINANCIAL REPORT – MAY 2018.

White moved Zybur seconded to approve the May Financial Report.

MOTION CARRIED.

#### TREASURER’S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zybur reported there were no maturing CDs in the past month, however they did move \$275,000 excess funds from checking to the Fidelity Government Money Market fund, which is yielding 1.80%.

Lynch moved White seconded to accept the Treasurer’s report.

MOTION CARRIED.

Zybur moved Rhein seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

#### PRESENTATIONS – NONE.

#### APPOINTMENTS / RESIGNATIONS – NONE.

#### SUPERVISOR’S REPORT

- Presentation from Voters Not Politicians at last meeting. Asked the Board if they would want to give an endorsement. The Board declined.
- Harvey Daze is coming up on Saturday, July 21<sup>st</sup> from 10:00 AM to 4:00 PM. This is a community event sponsored by America’s Best Value Inn. He would encourage participation.

- Committee for review of ordinances – this committee has only met once – it was suggested by the Township attorney that there needed to be more structure and this would be subject to the Open Meetings Act.
- Joint Meeting between the Township Board and the Planning Commission is scheduled for Monday, July 16<sup>th</sup> at 5:30 PM. This meeting is to have discussion and give direction to the Planning Commission for the rest of the year. It has been suggested that this meeting would be better done at the beginning of the year.
- Business recognition / award – once CABA is established, this may be something that would fall under them. This could be done on either a quarterly or annual basis.
- D. Mulcahey has submitted a letter demanding a public hearing for the purpose of removing a member of the Planning Commission for malfeasance or misfeasance. She had cited case law, which was given to the Township attorney. There were no specifics on the charge. In order to have a public hearing, there would need to be approval by the Board. After discussion, there was no support from the Board to hold a public hearing on this matter.

**ADOPT RESOLUTION TO APPROVE LIBRARY BALLOT PROPOSAL**

White moved, Zyburt seconded to adopt the Resolution to Approve Library Ballot Proposal presented and read aloud, such that the Library Millage Proposal provided may be included on the Chocolay Township November 6, 2018 ballot.

**ROLL CALL**

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

MOTION CARRIED.

**2018 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #2 TO REFLECT RECEIPT OF KEWEENAW BAY INDIAN COMMUNITY 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 receipts within the Township on December 11<sup>th</sup>, 2017 for fiscal year 2018, 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:

<b>ACCOUNT</b>	<b>PREVIOUS BUDGET</b>	<b>CHANGE</b>	<b>AMENDED BUDGET</b>
<b>REVENUE</b>			
KBIC 2% Gaming Money			
401.000.582	\$ 0.00	+\$ 70,000.00	\$ 70,000.00

**EXPENDITURE**

Fire Department

Land Improvements

Ojibwa Water Reservoir

401.340.002.972	\$ 50,000.00	+\$ 25,000.00	\$ 75,000.00
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Fire Dept. Vehicles

401.340.981.000	\$150,358.14	+\$ 10,000.00	\$160,358.14
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Fire Dept. Equipment

401.340.977.000	\$ 48,910.46	+\$ 11,000.00	\$ 59,910.46
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Police Dept. Equipment

401.305.977.000	\$ 42,749.80	+\$ 9,500.00	\$ 52,249.80
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Water/Wastewater

Equipment

401.591.977.000	\$ 9,000.00	+\$ 12,000.00	\$ 21,000.00
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Recreation & Properties

Equipment

401.756.977	\$ 28,127.86	+\$ 2,500.00	\$ 30,627.86
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**ROLL CALL**

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

MOTION CARRIED.

**PROPOSED CAPITAL IMPROVEMENT EXPENDITURE FOR ALL-IN-ONE PRINTER**

Lynch moved, Engle seconded to approve the purchase of All-in-One Printer, Copier, Scanner, Fax machine for the Police Department. Cost will not exceed \$500. This will be paid from the Capital Improvement Fund – Equipment, Account #401.305.977.

**ROLL CALL**

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

MOTION CARRIED.

**PUBLIC COMMENT.**

Deborah Mulcahey, 633 Lakewood Lane – thanked the Board for supporting library ballot proposal. She was disappointed with the Board’s decision to not have a public hearing on the issues she had cited against a Planning Commissioner.

The meeting was adjourned at 6:20 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of June 28, 2018, Draft.
- B. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of May 17<sup>th</sup>, 2018.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of June 20, 2018, Draft.
- D. 2018 Fee Schedule – Marquette County Solid Waste Management Authority, July 1<sup>st</sup>, 2018.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

July 16, 2018

A Joint meeting of the Chocolay Township Board of Trustees and Planning Commission was held on Monday, July 16, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

PLANNING COMMISSION.

PRESENT: Tom Mahaney, Eric Meister, Donna Mullen-Campbell, Kendell Milton, Susan Maynard.

ABSENT: Andy Smith

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Dale Throenle, Scott Jennings, Brad Johnson, Lisa Perry.

AGENDA ADDITIONS/DELETIONS.

Maki moved to add item E. Discussion of multi-use overlay district to the agenda. No support.

MOTION FAILED.

Zyburt moved Lynch seconded that the agenda be approved as presented.

TOWNSHIP BOARD – AYES: 6 NAYS: 1 (Maki)

Meister moved Mahaney seconded that the agenda be approved as presented.

PLANNING COMMISSION – AYES: 5 NAYS: 0

MOTION CARRIED.

Maki asked whether short term rentals were going to be included in the discussion of VI.D. Discussion of Ordinance Updates. Manager Kangas stated that this would fall under VI.B. Discussion of Priorities for Remainder of 2018, as it is the number one priority on the list.

PUBLIC COMMENT.

Scott Emerson, 119 Lakewood Lane – He read Chapter 7 of the Master Plan with the new zoning designations – he feels this is very forward thinking. In regards to the Waterfront Residential, the Township needs to be careful going forward, as this is the highest property value residential area. Need to be careful not to degrade that by expanding agricultural activities on it. Also need to be careful about unregulated short term rentals, which would classify as a commercial activity. These should be in the mixed use areas. In regards to TEAM (ORV club), they have been saying they want to do a presentation for a few months – if they have something to present that hasn't been rejected, they should do it. He is opposed to any expanded use of residential streets and non-motorized trails. Should try some muscle power sports on the Iron Ore Heritage Trail.

Deborah Mulcahey, 633 Lakewood Lane – her wish list for Chocolay Township is that the Township would provide transparency, accountability, and honesty. We live in a zoning enabled community. She feels that the agendas are not timely. Would like to have the Township use money to promote the Firewise program, and deal with the issue of the brush drop off. She would like there to be a brush deposit spot that would be open from early spring to fall. She would also like the Planning Commission and Township Board to address short term rentals. She also addressed the closure of MDOT's stairwells. The Township should be working with MDOT to secure funding to make these removable. Whenever the Township creates a new ordinance or revise ordinances, they need to provide education to the public. The July 4<sup>th</sup> garbage day was confusing – there should be better communication when the day changes. Feels the Township needs to set up a schedule for the rest of the year.

Peter Ollila, 633 Lakewood Lane – spoke on short term rentals – he is opposed to them in the waterfront residential district. They need to be regulated. If the Township is not going to regulate, need to abolish the zoning ordinance.

#### CONSIDERATION OF CHOCOLAY BUSINESS OF THE YEAR FOR PRESENTATION AT HARVEY DAZE.

Supervisor Bohjanen stated that this type of thing used to be a function of the Chocolay Area Business Association (CABA). There are efforts at this time to revive CABA. A resident of Chocolay Township spoke to the Township Board on the improvements that Lutey's Heritage Motors had made to the property, and felt that they should be recognized. He suggested that this should be an ongoing event – either by the Township Board or CABA.

Lynch moved, White seconded to organize an annual program to recognize a business in the community for excellence in service and improvement to the community.

TOWNSHIP BOARD – AYES: 7 NAYS: 0

PLANNING COMMISSION – AYES: 5 NAYS: 0

MOTION CARRIED.

Dave Mowan spoke on the improvements and positive changes that are happening in the community. Lutey's will be at Harvey Daze for the presentation of the plaque.

#### DISCUSSION OF PRIORITIES FOR THE REMAINDER OF 2018

Supervisor Bohjanen suggested that there be a complaint form for short term rentals. He also felt that if this is going to be at the top of the list there needs to be a good definition. Also, if they are going to look at short term rentals, long term rentals needs to be part of the discussion.

Commissioner Maynard feels there is a lot of community concern on short term rentals. Feels there should be a separate ordinance, and maybe follow Acme Township's lead.

Planner Throenle read the beginning of the Acme Township ordinance on short term rentals, which was written in response to complaints. To date, we have had no complaints on short term rentals on Lakewood Lane. Trustee Maki commented that he feels there have been numerous

complaints, not only in Chocolay Township but in neighboring townships. Trustee White suggested that the Planning Commission come up with a definition of short term rentals. Supervisor Bohjanen suggested that the Planning Commission amend Section 3.1 in the Zoning Ordinance, which is a statement that has opposite meanings in the same paragraph. Clerk Engle felt that there needs to be a permitting process with both short term and long term rentals.

Planning Commission Chair Mahaney stated that the subject needs to be put to rest. No complaints seem to exist. The Planning Commission asked for a list of points from the Township Board that they feel need to be included in the ordinance. The Planning Commission would like this by their August meeting on August 20<sup>th</sup>, so they would need comments no later than noon on August 15<sup>th</sup>. Supervisor Bohjanen stated that the next Township Board meeting is August 6<sup>th</sup>, so there should be no issue with getting the information to the Planning Commission. Trustee Lynch asked for a clean copy of the document that the Township Board had turned down regarding short term rentals. Commissioner Meister asked if these points will come as a consensus from the Township Board. Supervisor Bohjanen stated it will.

Maki moved to amend the Zoning Ordinance to include short term rentals in all zones except for the R-1 zones as a conditional use, and that Lakewood Lane be rezoned from WFR back to R-1.

No Support

MOTION FAILED

Throenle asked if there are any more changes to the priorities listed for the Planning Commission. Manager Kangas stepped through the priority list, with #1 on short term rentals being in process, #2 being completed, #3 will need to be done before the end of the year, and #4 the Planning Commission will be working on Chapters 7 and 8.

#### DISCUSSION OF RECREATION PLAN AND MASTER PLAN UPDATES

The Planning Commission is in the process of updating the Recreation Plan and will be looking at Master Plan, focusing on Chapters 7 and 8.

#### DISCUSSION OF ORDINANCE UPDATES

Planning Commission Chair Mahaney commented that the Planning Commission had updated the Fireworks ordinance and the Noise ordinance. Mahaney commented that it always seems like it should be a rather quick process, but it does take time to work through. Mahaney thanked the Board for their support on those ordinances.

Trustee White suggested that the Planning Commission revisit the Sign ordinance.

Supervisor Bohjanen stated that there had been an ad hoc committee set up to review ordinances, not rewriting them, and then bringing them to the Planning Commission to look at. This committee met once. They were informed that they were usurping the role of the Planning Commission, and that if they were to continue with this ad hoc committee, it would fall under the

rules of the Open Meetings Act. There have been no other meetings. He feels it would be a good idea for the Planning Commission to look at, not as a priority, but review over the course of time.

**PUBLIC COMMENT.**

Laurie Krzymowski, 741 Lakewood Lane – was not pleased with the conflict during the meeting – felt it was a terrible representation of government. She felt a priority should be to be civil.

Peter Ollila, 633 Lakewood Lane – thanked the Board for passing an ordinance that worked. He stated that the Board should never pass an ordinance that they are not willing to enforce.

Stephanie Gencheff, 597 Lakewood Lane – she goes to a lot of the Board meetings, so she was surprised to hear that the rental dwellings language had been adopted – she thought that this had been excluded. She feels there is a difference between long term and short term rentals. Long term rentals have more of a vested interest in the community. She wondered if when the police show up at a property if they ask if the person is the owner of the property. On Lakewood Lane, there are corporations buying property for the sole purpose of short term rentals.

Perry Laing, 625 Lakewood Lane – he finds it amazing and troubling that a few people feel they have the right to demand their will be forced on others. The premise seems to be that short term rentals bring about irresponsible behavior. Complaints do not seem to be exclusively for short term rentals, as with garbage left on the curb over the July 4<sup>th</sup> holiday. These were not casual renters. He feels there is more leverage to control short term rentals than long term rentals. He also feels that landlords should either live onsite or in the area. Property owners need to be held accountable. He feels that there is a target on his back for having an opposing view as some of his neighbors.

Mark Maki, 370 Karen Road – predicted that the Board would amend the ordinance to allow short term rentals, but they have done nothing yet. First mistake was to rezone Lakewood Lane from R1 to WFR, and short term rentals should not be allowed in Residential. The Master Plan that was adopted 3 years ago doesn't seem to exist on the webpage. He also feels the Planning Commission did not follow the plan on short term rentals or mixed use district. Public ad didn't reference short term rentals. He brought up the issue of the sign at Lakenenland. He also felt there was an illegal closed session.

Sheila Laing, 625 Lakewood Lane – Lakewood Lane started as camps and small cottages. It has evolved to a very eclectic community. For many generations the camps have been rented out. Feels a select few have taken on issues, such as short term rentals, and have become the squeaky wheel, with trying to impose their own rules on the entire community. This has become a time waster and created chaos. She feels there need to be rules that make sense to the majority, and not the chosen few. There will always be differences, but issues need to be identified by both sides. The meetings have become chaotic and unproductive. Suggested the Township send out a questionnaire – feels that the map is not correct. She has talked with many on Lakewood Lane that felt pressured to sign the petition. She is against commercial companies coming in.



Deborah Mulcahey, 633 Lakewood Lane – she addressed fireworks ordinance. She stated she was one of the people that collected signatures on the petition, but never represented herself as being an employee of the Township. She does not feel that anyone was pressured. She has had some people thank her. Short term rentals are about community. She agrees the short term rental needs to be finished. She feels the Planning Commission is paralyzed.

Dale Throenle, Chocolay Township – would like to clear the record. Trustee Maki has made accusations that are false. Publication of legal ad in paper was a reference to multiple changes. There have been accusations of not responding to questions – this information has been emailed to his Township email address. The accusations made are not accurate – he is not hiding anything.

Trustee Maki asked Throenle for a hard copy of the information requested.

Lynch moved, Zyburt seconded to adjourn the meeting.  
MOTION CARRIED

The meeting was adjourned at 7:26 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Communication – Jennifer Engstrom – Iron Ore Heritage Trail Concerns, 07.09.18

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

August 6, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, August 6, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Dale Throenle, Scott Jennings, Lisa Perry, Brad Johnson.

MINUTES –JULY 9, 2018 REGULAR MEETING.

Engle moved Lynch seconded to approve the minutes of the Regular meeting of July 9, 2018 as presented.

MOTION CARRIED.

MINUTES – JULY 16, 2018 JOINT MEETING WITH PLANNING COMMISSION

Engle moved Lynch seconded to approve the minutes of the Joint meeting of July 16, 2018 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Rhein moved Zyburt seconded that the agenda be approved as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – objects to the proposed contract with MDOT. She is concerned about the cost that the community may incur as a result of this contract. She feels that if there is not a contract between the Township, MDOT and the Casino, that there should be a back contract signed with the Casino. Mulcahey objects to the resolution to the wastewater collection ordinance – she feels that the public was not informed and that there wasn't an opportunity for public input. Feels short term rentals and long term rentals should not be lumped together. Concerned about fires – need to be progressive and protect our community. Joint meeting was ugly, accusations not substantiated, no police reports. Not opposed to the sewer project, opposed to the way notice was given.

Gerald Waite, 278 Riverside Road – spoke in reference to Item XV.B. He feels he should not have to connect to the sewer system when the public has not been asked if they even wanted a sewer system. Just put in a new drain field last fall.

Dale Freeman, 401 Riverside Road – the Mining Journal reported how the Township had gone to residents' homes and gave notice to residents. He did not get any kind of notice. He feels that this was planned out perfectly so that no one was notified and cannot do anything to stop it.

Rhonda Luce, 315 Riverside Road – there was a concern, and all the neighbors met last week. She talked with Brad Johnson and Jason Ayres. Why is the sewer not being put in the street? Some residents have their wells in the front and the line will be pretty close. How will the manholes be accessed when snow is covering them? Everyone is losing prized trees, flower beds and some wells. Residents did not know about this until it was too late to stop anything, and they have been told they are not stopping it now. There should have been some type of public meeting to let the residents provide input.

Maki moved to have item XV.B of the agenda discussed at this time.

NO SUPPORT

MOTION FAILED

#### ACCOUNTS PAYABLE.

Maki questioned the amount of legal fees. Supervisor Bohjanen stated there was a wide array of topics, including a sit down with the attorney to go over some issues, the American Tower lease as there were some issues with the amendment, and KBIC agreement regarding 2% funds.

White questioned Check no. 22616, John E. Reid and Associates, for interrogation and interview training for police. Chief Jennings stated this was a good training – new police officer will be going.

Maki asked about the Verizon bill – this includes one cell phone for DPW, two cell phones for Police, and the modems in the police cars.

Lynch moved Zybert seconded that bills totaling \$17,484.26 including checks numbered 22611-22632 and bills totaling \$41,843.35 including checks numbered 22633-22667 are approved for payment.

MOTION CARRIED.

#### PAYROLL.

White moved Rhein seconded that payroll for July 12, 2018 for \$42,240.50 including checks numbered 24854-24894 and 10683-10689 and ACH payments for Federal tax, State tax and MERS and July 26, 2018 for \$37,934.72 including checks numbered 24895-24930 and 10690-10695 and ACH payments for Federal tax, State tax and MERS, are approved for payment.

MOTION CARRIED.

#### FINANCIAL REPORT – JUNE 2018.

Zybert moved White seconded to approve the June Financial Report.

MOTION CARRIED.

TREASURER'S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zybert reported there were no maturing CDs in the month of July, however, there was excess revenue for roads of \$200,000 which was invested into a one-year Flagstar CD at 2.15%.

Lynch moved Rhein seconded to accept the Treasurer's report.

MOTION CARRIED.

Zybert moved Engle seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

PRESENTATIONS – SANITARY SEWER ASSET MANAGEMENT PLAN – GEI CONSULTANTS.

Scott Richards, GEI presented the sanitary sewer asset management plan. The sewer system is comprised of 60,000 lineal feet of sewer, 202 manholes, 5 lift station pumping systems and 3 grinder station pumping systems. The goal of an asset management plan is to maintain a level of service. The Township's overall condition was determined to be in good health. The focus is on the pump stations / lift stations which were constructed in the 1975 era. GEI performed a vibration analysis – it is time to be considering replacing them. They have outlived their life expectancy – it now comes down to an issue of reliability. It is felt that replacing the grinder stations would be a sound investment for the Township. Replacement cost for the lift stations is approximately \$3 million. Another recommendation is to go from a pump in a dry well to a submersible pump to eliminate the confined space entry. He also discussed some of the funding alternatives.

Maki questioned if there was any kind of projection on what the maintenance costs and long term repair costs would be on this system after construction when it is turned over to the Township.

Manager Kangas stated that the service is paid for by the rates that are charged per equivalent units. Everyone would get the same increase. Flow meters will also be established at each lift station, with the first one at KBIC Casino. \$54 per equivalent user would fully fund the sewer system. If a \$50 rate was added on top of this, it would fund the depreciation.

Lynch stated that best practice suggest that every three years the Township perform a cost of service study so that you know your rates are in line.

It was also stated that the rates will need to go up whether there's a sewer project with the Casino or not.

Lynch asked if we currently have a bond rating – Manager Kangas will check.

APPOINTMENTS / RESIGNATIONS – NONE.

SUPERVISOR'S REPORT

- Harvey Daze was rained out in August – postponed until September 8 due to rain. The Committee has made a request for \$500 support. Bohjanen stated we have the funds

available if the Board. Maki questioned if we should be spending money on this type of thing. After discussion, the Board decided not to pay for this out of Township funds – Board members made individual donations.

At this point, Trustee Maki asked if Items XIV.C, XV.A, and XV.B could be discussed to accommodate the residents that had showed up for that purpose.

#### SEWER EXTENSION PROJECT UPDATE.

Maki indicated that he was not aware of the sewer going down Riverside Road.

Manager Kangas indicated that there was concern during the permitting process that the proposed route would be approved. Riverside Road was determined to be the best point as a connector to the existing sewer system. Once this was decided, there were two options – either go down the old railroad grade, which would not be a good option in the winter, or go down Riverside Road. This provided three options – the north right-of-way, the south right-of-way, or the middle of the road. KBIC has a permit to install the sewer down the north right-of-way from the Marquette County Road Commission. KBIC is currently paying for a system larger than what they need. There will be three lift stations – Lift Station 6 will be at the corner of Superior, Lift Station 7 will be across from Riverland, and Lift Station 8 will be across from the Casino entrance. Connection to the sewer system will be easier for residents on the north side. Kangas addressed the issue of notice to the residents. He received notice two weeks ago, and still do not have the permits in hand from MDOT and MDEQ. When Kangas and DPW Foreman, Brad Johnson, went door to door, they were not able to talk with everyone – tried to make sure they made contact with those that will be most impacted.

Maki asked if there were any provisions for helping residents restore their property. Kangas indicated that if it is beyond normal landscaping the Township is trying to give homeowners as much time as possible to do what they wish. The Township cannot guarantee anything once the contractor has started.

Manager Kangas went over the timeline – cutting of trees is probably in progress. The contractor will be starting the stripping of black top later this week, then start laying pipe next week. Assuming all permits go through, it will move pretty fast.

Zybert asked how many residents on Riverside this would affect – Kangas figured three dozen or so. Kangas also stated there have been several residents that have requested to connect.

#### CONSIDERATION OF RESOLUTION AUTHORIZING THE TOWNSHIP SUPERVISOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH MDOT FOR CONSTRUCTION OF THE PROPOSED SANITARY SEWER EXTENSION ALONG M28.

Lynch moved White seconded to authorize the Supervisor and Clerk to execute the attached contract with MDOT on behalf of Chocolay Township.

AYES: 5

NAYS: 2 (Maki, Rhein)

MOTION CARRIED

CONSIDERATION OF WAIVER TO ORDINANCE NO. 39, SECTIONS 5 AND 6 FOR PROPERTIES ABUTTING PROPOSED SEWER EXTENSION.

White moved Zybert seconded that the Chocolay Township Board authorizes staff to draft a resolution for the Township Attorney to review that waives the connection requirements of sections 5 and 6 of Ordinance No. 39 for the areas that will be affected by the new sanitary sewer line.

MOTION CARRIED

Maki suggested that there be a requirement to have approval from the MDEQ also.

REFLECTIONS OF JULY 16<sup>TH</sup>, 2018 JOINT MEETING

Throenle presented a synopsis of the joint meeting, based on his observations. Throenle went through his background and experiences in his lifetime that have shaped his decisions. He proceeded to inform the Board / audience on what his job entails, what type of training he had going into the position, and what he sees as the role of the Planning Commission. Throenle went through the Organization Chart, and the chain of command for staff reporting. Throenle also went through a discussion of the projects that he is working on for 2018 / 2019 – update Recreation Plan, Master Plan review, simplification of Zoning Ordinance, Cyber Security planning, Business Continuity Planning, website update, community communication, business corridor and tourism development, environmental assessments and position documentation. (Some projects are related to Throenle’s role as Technology Administrator.) Throenle had additional suggestions such as scheduling meeting with concerned citizens to discuss issues and find solutions. He also requested that all Board related requests be through electronic communication only.

CONTINUATION OF RENTAL DWELLING / SHORT TERM RENTAL DISCUSSION.

Supervisor Bohjanen requested written comments from Board members on rentals. He felt there were three ways the Board could go:

- Abolish rentals - Board members were not in favor of abolishing rentals
- Regulate rentals – there were mixed feelings on this
- Do nothing – Board members were not in favor of this

Suggestions regarding rentals:

- Require rentals to be registered – Board was in favor of this – Engle felt it should be a permitted use, but not a Conditional Use - YES
- Require surety deposit from renters – this is usually a requirement of the owner – YES
- Establish number of occupants in unit – YES
- Require guest registry and present to the Township office periodically – NO
- Require off-street parking and maximum vehicles on site – NO
- Post rules for garbage disposal, date of collection, garbage tags, secure storage of garbage for off days – YES
- Post a synopsis of the outdoor burning ordinance – YES

- Post a synopsis of the noise ordinance – YES
- Post a synopsis of the fireworks ordinance – YES
- Post pet rules – YES
- Fines for infractions to be the ultimate responsibility of the owner / agent – YES
- Owner / agent must have local availability to deal with problems in a timely manner – YES
- Charge a fee for paperwork – YES – minimal fee to cover administration

Rhein questioned if the Board is looking at just short term rentals, or both short and long term rentals. The Board is looking at both. The issue was brought up of trailer parks and apartment complexes – these would be registered as such. Engle also suggested there be a time frame on the permits.

Lynch moved Zyburt seconded that the list be presented to the Planning Commission for rewriting and amending the ordinance to cover the aspects on the list.

AYES: 6

NAYS: 1 (Maki)

MOTION CARRIED.

#### DISCUSSION OF TOWNSHIP MANAGER’S ROLE IN MICHIGAN INFRASTRUCTURE COMMISSION AND IMPACTS ON TOWNSHIP OBLIGATIONS.

Manager Kangas indicated that he is asking for the Board’s guidance on how this should be handled.

Lynch indicated that in his career he was on several boards, and there was always knowledge to be gained. Lynch felt it would be a benefit to the Township. The other Board members agreed that this would be a benefit to the Township.

White moved Lynch seconded that the Township Manager be allowed to attend the Governor’s Infrastructure Commission without taking vacation or personal time.

AYES: 7

NAYS: 0

MOTION CARRIED

#### PROPOSED CAPITAL IMPROVEMENT EXPENDITURE FOR POLICE DEPARTMENT – EXTERNAL DOOR KEYPAD.

Lynch moved Rhein seconded to approve the purchase of the keypad with installation from Wolverine Door Service for \$833.99. This will be paid from the Capital Improvement Fund – Equipment, Account #401.305.977.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PROPOSED CAPITAL IMPROVEMENT EXPENDITURE FOR POLICE DEPARTMENT – GUN SAFE.

Zyburt moved Engle seconded to approve the purchase of a gun safe for a cost of not more than \$1,000. This will be paid from the Capital Improvement Fund – Equipment, Account #401.305.977.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PROPOSED CAPITAL IMPROVEMENT EXPENDITURE FOR DRILLING EXTENSION OF SILVER CREEK WELL.

Engle moved Zyburt seconded that the Chocolate Township Board approves to reallocate the \$10,800 for the permaculture park, and to use up to \$5,500 on the deepening of the well at Silver Creek and the remainder of the money to be set aside for the replacement of the Township Sign. This money will remain in account #401.756.972.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PUBLIC COMMENT.

Nancy Holdwick, 1419 M-28 East – she has a neighbor who is a rental. There are vehicles in front and back yard. She also was not informed about the sewer, but with all the red and yellow flags she assumes it will be going through her yard.

Deborah Mulcahey, 633 Lakewood Lane – stated that the reason for the Board meeting time / date was because then supervisor, Gary Walker, had been appointed to a Governor’s committee for Indigent Defense. She would like to have the GEI presentation put online – cost of \$3 million and discussion of bond, but would like to know who’s paying – millage or bond that all pay for, or bond that just the people on the sewer system pay for? Township should make sure there is proper protection for the trees and root systems that are not cut down. Would like to know why the old rail grade is not feasible. Does the casino have the money to build? On rental issue, Maki is the lone wolf. Data on the map was marginalized. Residents did not concern themselves with long term rentals – not a weekly event.

Peter Ollila, 633 Lakewood Lane – permitting for rentals is an interesting idea. If there’s a problem, how do you revoke the permit? Under state law it is a long process.

Rhonda Luce, 315 Riverside Road – the meeting was very enlightening. In regards to the decision on where to place the sewer line, it seems like the Township is sympathetic to KBIC on the cost. She feels that KBIC does not have a problem with paying for this. Homeowners should be given more consideration. Wondered if there was a survey done to establish the right-of-way. Wondered if there could be a compromise of putting the trench next to pavement and wouldn’t



destroy so much vegetation. This is when an archeological dig was mentioned. Sewer lines belong in the road. Driveway will be torn up and then patched.

Mark Maki, 370 Karen Road – permits have not been enforced for years. Laws have been ignored – he feels that the Township is obstructing justice.

The meeting was adjourned at 7:55 pm.

#### INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of July 26<sup>th</sup>, 2018, Draft.
- B. Minutes – Marquette County Road Commission, Regular Meeting of June 18<sup>th</sup>, 2018.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of July 18<sup>th</sup>, 2018, Draft.
- D. Minutes – US 41 Corridor Group, Regular Meeting of June 12<sup>th</sup>, 2018.
- E. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of June 21<sup>st</sup>, 2018, Draft.
- F. Committee Packet – Utility Review Committee, Annual Meeting of July 25<sup>th</sup>, 2018.
- G. Communication – Letter from Marquette County Board of Commissioners Regarding Redistricting / “Voters Not Politicians”, July 17<sup>th</sup>, 2018.
- H. Communication – Letter from William and Kath Ezo regarding “Short-term rentals”, July 12<sup>th</sup>, 2018.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

September 10, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, September 10, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Scott Jennings, Lisa Perry, Brad Johnson, Tony Carrick

MINUTES –AUGUST 6, 2018 REGULAR MEETING.

Lynch moved Zyburt seconded to approve the minutes of the Regular meeting of August 6, 2018 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Request was made by Public Works to remove Item XV.B from New Business.

White moved Rhein seconded that the agenda be approved as revised.

MOTION CARRIED.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – regarding short term rentals, since the Board is the final say, she wondered why they would want to change a residential community to commercial. Spoke about the difference between short term and long term rentals. Next issue was inclusiveness and transparency regarding the July 16, 2016 Planning Commission meeting where Andy Smith gave his verbal resignation, and to this date, there has been no reappointment to the Planning Commission to fill the vacancy. Mulcahey also feels that the budget for 2019 is a little late coming, and also feels that the Township has too much money, which shows in the proposal to have an MCOLES police officer to do zoning and other tasks. Also questioned the KBIC water tower, and the use of 2% money to build, using the Township as a conduit to make the payment. Wonders about the legality of this, need to make sure we are compliant.

Tammy Korp, Chocolay Coed Softball League – they have ended up with a surplus of funds and they would like to donate this money to the Township for improvements at Lions Field and Beaver Grove. She commended the staff on the good job that is done on the fields. Donated \$3,000 for field improvements.

Tensi Parsons, 300 Little Lake Road – would like to address short term rentals. She has a short term rental – took a house that was dilapidated and made improvements – and now they rent it out as a short term rental. She stated there are no raucous vacationers, no flophouses – the reviews are good. She feels short term rentals are a benefit to the community – they have had no issues with neighbors complaining about renters.

Marie Jordan, 275 Riverside Road – would like to address the sewer system going through the residential neighborhood. No one was notified about the project – they had no say in the decision. Smith Company sent out a letter stating whatever was torn up would be put back to the natural state. There have been some trees that were damaged on her personal property – she would like to know who is ultimately liable for this damage?

Stephanie Gencheff, 597 Lakewood Lane – the issue of short term rentals seems in direct opposition to the data they collected. She feels like the Township Board and Planning Commission really want to have short

term rentals in residential districts. Why do we need to change the ordinance to allow STR in a residential neighborhood. She handed out her email address to the Board members and asked that they send an email to her as to why they feel they need to allow STR in residential.

Jill Bradford, 555 Little Lake Road – she feels most people want what’s best for their neighbors – if they succeed, we succeed. No one in her family has a short term rental, but she feels if people are doing things to survive and not bothering anybody, it should be okay. Would like balance, where there doesn’t have to be rules all the time – already have enough rules on the books. Just be good neighbors!!!

David Mowen, 475 Lakewood Lane – would like to thank everyone who assisted in putting on Harvey Daze. He feels it was a great outreach to the community. It was such a positive experience. There were over 250 people that attended. Over \$4,000 was spent individuals and businesses to make this happen. He would like to ask the Board, as they go into their budgeting cycle, the possibility of making this a line item for next year in the amount of \$6,000.

Melody Wagner, 400 Mustang St., Gwinn – introduced herself as the Republican candidate for the 109<sup>th</sup> District State Representative. She briefly described how she decided to pursue seeking public office.

#### ACCOUNTS PAYABLE.

White moved Lynch seconded that bills totaling \$13,729.86 including checks numbered 22668-22684, bills totaling \$23,568.46 including checks numbered 22685-22710 and bills totaling \$21,686.49 including checks numbered 22711-22729 are approved for payment.

MOTION CARRIED.

#### PAYROLL.

Rhein moved Zyburt seconded that payroll for August 9, 2018 for \$33,508.13 including checks numbered 24931-24948 and 10696-10701 and ACH payments for Federal tax, State tax and MERS and August 23, 2018 for \$38,777.60 including checks numbered 24949-24990 and 10702-10707 and ACH payments for Federal tax, State tax and MERS, are approved for payment.

MOTION CARRIED.

White moved Engle seconded that Special payrolls for August 30, 2018 for 3,074.56 and \$5,788.37 including checks numbered 24991 and 10709 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED

#### FINANCIAL REPORT – JULY 2018.

Zyburt moved Lynch seconded to approve the July Financial Report.

MOTION CARRIED.

#### TREASURER’S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburt reported there were no maturing CDs or government agencies in the month of August. Report is submitted as listed.

Engle moved Rhein seconded to accept the Treasurer’s report.

MOTION CARRIED.

Lynch moved Zyburt seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

#### PRESENTATIONS – NONE.

#### APPOINTMENTS / RESIGNATIONS – NONE.

Supervisor Bohjanen stated there had been a verbal resignation from Planning Commissioner Andy Smith. Smith was asked to submit a written resignation, but we still have not received this. There is some concern with having to have a written resignation, but Supervisor Bohjanen's understanding is that this is for elected officials. Clerk Engle stated there has always been a written resignation in the past. There are also Planning Commission By-Laws that state once the Commissioner has missed at least three meetings, he can be removed from the Planning Commission. The law also allows for one member of the Planning Commission to be a non-resident of the Township.

White moved Lynch seconded to accept Planning Commissioner Andy Smith's verbal resignation.

AYES: 6

NAYS: 1 (Engle)

MOTION CARRIED

Supervisor Bohjanen handed out the application form for Planning Commission from Cory Bushong. Trustee Maki asked if there were other applications. Supervisor Bohjanen indicated this was not the only application, but this is his choice. White stated he looked very qualified.

Zybert moved Lynch seconded to approve the appointment of Cory Bushong to the Planning Commission.

AYES: 5

NAYS: 2 (Engle, Maki)

MOTION CARRIED

#### SUPERVISOR'S REPORT

Supervisor Bohjanen stated that Harvey Daze was a success and he hopes it is the beginning of an annual event. He feels the Board should consider budgeting for this in the future, as it has enough community building qualities.

#### CLERK'S REPORT.

Clerk Engle stated he had received a request for information on the 2016 general election (all ballots with breakdown on in person and absentee, all envelopes for the absentee ballots which we would need to redact – this amounts to around 3300 ballots, voter list, and miscellaneous ballots). There is a second request that others have received, but Chocolay has not received yet. Clerk Engle has responded for the 10-day extension, along with an estimate of the cost to prepare the information. He plans to partially redact the signatures, so they cannot be copied and used for fraudulent purposes. He is also requesting that they wait until after the November election to be able to complete the response. At this point, he has not received anything back from them. We would not start anything until we have received 50% of the cost estimate.

#### UPDATE REGARDING PROPOSED WAIVER TO ORDINANCE NO. 39.

Manager Kangas stated that at the last meeting he was directed by the Board to draft a Resolution that would waive connection requirements to the new sewer extension. Kangas has been advised by the Township Attorney that adopting the proposed Resolution would not be a legally defensive way to accomplish the proposed waiver since the Sewer Ordinance would take precedence. The only option would be to amend the Ordinance (#39, Section 5).

#### CONSIDERATION OF CONSULTANT SELECTION PROCESS FOR SANITARY SEWER CAPITAL IMPROVMENTS.

Manager Kangas stated that because of the magnitude of the project possibly exceeding \$300,000, he was asking for direction on moving forward.

Engle moved Lynch seconded to authorize the Township Manager to prepare an RFP for submittal to local consultants for the Sanitary Sewer Capital Improvement Project. This RFP would rank all proposals received by price, scope of services and assigned personnel. The final ranking of proposals would be submitted for Board review in October or November.

MOTION CARRIED

ADOPT RESOLUTION APPROVING SECOND AMENDMENT TO SEWAGE TREATMENT PLANT CAPACITY AGREEMENT.

Lynch moved Zyburt seconded to adopt the Resolution Approving the Second Amendment to the Waste Water Treatment Plant Capacity Agreement.

MOTION CARRIED

RESOLUTION APPROVING SECOND AMENDMENT TO AGREEMENT

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Charter Township of Chocolay  
County of Marquette, Michigan

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Minutes of a regular meeting of the Township Board of the Charter Township of Chocolay, County of Marquette, Michigan (the "Township"), held in the Township on the 10<sup>th</sup> day of September, 2018, at 5:30 p.m., prevailing Eastern Time.

PRESENT: Supervisor Bohjanen, Clerk Engle, Treasurer Zyburt, Trustee Lynch  
Trustee White, Trustee Rhein, Trustee Maki

ABSENT: None

The following preamble and resolution were offered by Trustee Lynch  
and supported by Treasurer Zyburt:

WHEREAS, the City of Marquette, County of Marquette (the "City"), the Charter Township of Marquette, County of Marquette ("Marquette Township"), and the Township entered into a certain agreement dated July 1, 1993 (the "Agreement"), which, among other things, set forth the parties' respective and mutual rights and obligations relating to the financing, ownership and operation of a wastewater treatment facility (the "Facility") in the City; and

WHEREAS, the parties to the Agreement entered into an amendment to the Agreement on November 13, 2006 (the "First Amendment") to provide for the allocation of Facility costs and initiation of the process of securing financing for certain improvements to the Facility; and

WHEREAS, an amendment to the First Amendment (the "Second Amendment") between the City, Marquette Township and the Township to modify the allocation of Facility costs to reflect the sale by the City and Marquette Township of a portion of their respective shares of capacity in the Facility to the Township has been prepared and presented to this Board for its approval, a copy of which Second Amendment is attached to this resolution and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The attached Second Amendment to Agreement is hereby approved.
2. The Township Supervisor and Clerk are authorized and directed to execute the

Second Amendment to Agreement for and on behalf of the Township.

3. The drafting of the Second Amendment to Agreement by Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield") is hereby acknowledged, ratified and approved, notwithstanding Miller Canfield's periodic representation of other parties to the Second Amendment.

4. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Supervisor Bohjanen, Clerk Engle, Treasurer Zyburt, Trustee Lynch,  
Trustee White, Trustee Rhein, Trustee Maki

NAYS: None

RESOLUTION DECLARED ADOPTED.

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Max L. Engle, Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Charter Township of Chocolay, County of Marquette, Michigan, at a regular meeting held on September 10, 2018 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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Max L. Engle, Clerk

## CONSIDERATION OF 2019 BUDGET PRIORITIES

Items discussed:

- Possibility of budgeting for Harvey Daze, with a minimum of \$2,000.
- BS&A Accounting Programs (General Ledger, Payroll, Accounts Payable, Utility Billing, and Cash Receipting) in the amount of approximately \$50,000 – **Board was in favor of attempting to fund this in the 2019 Budget**
- Investigator position in Police Department – Chief Jennings pointed out some of the positives (would be an officer, would also do zoning and inspections, investigator, more flexibility for police, this has been a discussion item for the past 5 years, with the elimination of Community Development Coordinator position and part time personnel in police department there would be money to support) **The Board had mixed feelings on this – they would like to see how it fits in the budget.**
- Township Message Board – **The Board did not feel that this was a priority item – may want to look into KBIC funding for this.**
- Sewer system upgrade at a cost of \$3,000,000. Funding will need to come from an external source, and also a rate adjustment for 2019. **The Board felt this was a priority.**
- Manager Kangas also discussed the possibility of employees paying 20% of their health care premium in the hopes of being able to offset the expense with a raise in pay. This would eliminate the requirement to opt out.

## AUTHORIZE EXPENDITURE OF CAPITAL IMPROVEMENT FUNDS FOR BALLFIELD FENCE IMPROVEMENTS AT BEAVER GROVE BALL FIELD.

Lynch moved White seconded that the Chocolay Township Board approves the expenditure of up to \$5,000 to the Marquette Fence Company Inc. to have the fence height extended to 8 feet along the 1<sup>st</sup> and 3<sup>rd</sup> base lines at Beaver Grove. This is to be paid out of Capital Improvements 401.708.972.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

## AUTHORIZE EXPENDITURE OF CAPITAL IMPROVEMENT FUNDS FOR FIRE DEPARTMENT AIR CHISEL.

Zyburt moved Lynch seconded that the Chocolay Township Board authorizes the expenditure of up to \$2,000 of Capital Improvement Funds from account 401.340.977 for the purchase of a new high pressure air chisel.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED



AUTHORIZE EXPENDITURE OF CAPITAL IMPROVEMENT FUNDS FOR FIRE DEPARTMENT  
FLAMMABLE LIQUID STORAGE CABINET

Rhein moved Lynch seconded that the Chocolay Township Board authorizes the expenditure of up to \$1,000 of Capital Improvement Funds from account 401.340.977 for the purchase of a new flammable liquids storage cabinet.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – feels that it is difficult for residents to obtain email addresses for staff and Board members. Does not understand how an elected official can have his contact information redacted. She does not feel that the Township is short staffed. In reference to the message board, it would be nice to have the same information on both sides. Sewer issue – this will be a concern if KBIC were to put all their land in trust. Short term rental – the woman that spoke about having one is in the ag/forest area. This is different that living on Lakewood Lane.

The meeting was adjourned at 7:15 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of August 20<sup>th</sup>, 2018, Draft.
- B. Minutes – Marquette County Road Commission, Regular Meeting of July 23<sup>rd</sup>, 2018.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of August 15<sup>th</sup>, 2018, Draft.
- D. Minutes – US 41 Corridor Group, Regular Meeting of July 10<sup>th</sup>, 2018.
- E. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of July 19<sup>th</sup>, 2018.
- F. Correspondence – Marquette County Solid Waste Management Authority, Plastic Recyclables Agreement and Update of July 31<sup>st</sup>, 2018.

G. Correspondence – Landick, 271 Riverside Road.

H. Information – Notice of Hearing for Natural Gas Customers of Semco Energy Gas Company.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

October 8, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, October 8, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Dale Throenle, Scott Jennings, Lisa Perry, Brad Johnson, Nick Carter, Zane Weaver

MINUTES – September 10, 2018 REGULAR MEETING.

Lynch moved Zyburt seconded to approve the minutes of the Regular meeting of September 10, 2018 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Rhein moved Zyburt seconded that the agenda be approved as presented.

MOTION CARRIED.

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – suggested that the Township Board read the book “WAMPUM” on how the Indian gaming empire was created. She also felt that the Township should be keeping the 2% funds for the Township, and not other communities. Mulcahey also feels there appears to be financial improprieties in relation to the water tank being built at the casino – is this a pass thru? In regards to the 2019 budget, she was concerned to learn the police department needs additional police, although there is a likelihood for this need with the increased activity that will be associated with the Casino. She was happy to see that the police officer budget does not include zoning. Also does not feel that there is a need to have one or more police officers at the Board Meeting. She feels the Township would benefit from a police bike patrol. Mulcahey also brought up the public safety issue of the rate of speed along M-28. She is looking to the Board to support changes for the reduction of speed. Also questioned road millage money and what work has been done. Mulcahey would also like the Board to support the County Road Commission’s resolution to fight against Senator Casperson’s proposed Senate Bill.

Police Chief Scott Jennings, Chocolay Township – introduced the two new police officers – Zane Weaver and Nick Carter – to the Township Board.

ACCOUNTS PAYABLE.

Zyburdt moved Engle seconded that bills totaling \$23,064.16 including checks numbered 22730-22763 and bills totaling \$36,813.16 including checks numbered 22764-22787 are approved for payment.

MOTION CARRIED.

PAYROLL.

Rhein moved Zyburdt seconded that payroll for September 6, 2018 for \$34,386.24 including checks numbered 24993-25012 and 10710-10715 and ACH payments for Federal tax, State tax and MERS and September 20, 2018 for \$36,579.51 including checks numbered 25013-25041 and 10716-10721 and ACH payments for Federal tax, State tax and MERS, are approved for payment.

MOTION CARRIED.

FINANCIAL REPORT – AUGUST 2018.

Lynch moved Rhein seconded to approve the August Financial Report.

MOTION CARRIED.

TREASURER'S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zyburdt stated there were two fixed income investments mature – the first being at 1.35%, \$250,000, Flagstar Bank. This was reinvested in a 4-year government agency call a Step-Up, where the coupons bump up each year, beginning with 2.6% the first year, 3.0% the second year, 3.5% in 2021, and 4.5% in 2022. Secondly, there was a \$225,000 agency that matured at 1.05%, and a 6-month First National Bank of East Lansing at 2.5%.

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

MOTION CARRIED.

Zyburdt moved Lynch seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

PRESENTATIONS – LIFE SAVING AWARD TO OFFICER CARTER

A letter of commendation was read by Police Chief Jennings regarding an assist to EMS by Officer Carter. The Life Saving Award was presented to Officer Carter for his efforts.

PRESENTATIONS – SENATE BILL 396, JIM IWANICKI – MR CR

Jim Iwanicki from the Marquette County Road Commission made a presentation to the Township Board regarding Senate Bill 396. The bill was introduced about 1 ½ years ago by Senator Casperson. This bill would be very detrimental to the road system. Senate Bill 396, Substitute 5 would allow all types of weight exceptions for the logging industry on roads anytime of the year. These things are very dis-concerning to the Road Commission, as it is taking control from the Road Commission. Senate Bill 396 as written is not a good thing for taxpayers. Industry is not paying their fair share, with things such as license plates. Iwanicki is asking for Township support of this Resolution. Similar resolutions have been adopted by the Marquette County Township Association, Marquette County Board, and the Marquette County Road Commission.

PRESENTATIONS – 2019 DRAFT BUDGET

Manager Kangas presented the draft budgeted. There should be an increase in taxable value moving into 2019. He is anticipating increases in some of the fees and garbage tags. Kangas is forecasting a reduction in the fund balance transfer. On the expenditure side, Kangas is recommending a salary increase of 3%. The employee share of the health care premium will go from 17.5% to 20%, which would get the Township to the State-mandated health care portion, without have to Opt-out. Based on things happening in the Township, we do believe that our wages are falling behind. Kangas is also proposing that staffing levels stay the same. Kangas proceeded to go over the rest of the budget. Highlights Kangas was looking at were the BS&A Accounting package, a new telephone system, landscaping and sign improvement, and the sewer fund, which will be the largest anticipated expenditure in the coming year.

White asked about an updated fee schedule – Kangas replied it would be forthcoming in November.

Assuming the Board has no monetary changes, it is planned that the Budget will be going to Public Hearing at the November 12 meeting. The Fee Schedule is planned to go on a separate Public Hearing.

Maki asked for a change in the Assessor budget - Professional Services for \$5,000. He feels it should read, "Professional appraisal services and attorney fees for property tax appeals before the entire Tax Tribunal **as approved by the Township Board.**" Not a change in the budget, just a changed in the narrative.

Zyburt moved Lynch seconded that the Budget be brought forward to Public Hearing and to make the necessary notifications.

MOTION CARRIED

APPOINTMENTS / RESIGNATIONS – NONE.

SUPERVISOR'S REPORT – NONE.

CLERK'S REPORT – NONE.

AWARD ENGINEERING SERVICES FOR LIFT STATION REHABILITATION PROJECT

Lynch moved Rhein seconded to award the Engineering Services for the Lift Station Rehabilitation Project to GEI Consultants of Michigan for the "as recommended" bid amount of \$227,501.00.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

CONSIDERATION OF RESOLUTION IN OPPOSITION TO SENATE BILL 396

**Chocolay  
TOWNSHIP BOARD  
SENATE BILL 396  
RESOLUTION**

**WHEREAS, Roads are the backbone to the social, cultural and economic stability of Marquette County and the Upper Peninsula;and**

**WHEREAS, Senate Bill (SB) 396 (S-5) passed and reported out of the Senate Transportation Committee on September 6, 2018 allows exemptions from seasonal weight restrictions (aka "frost laws") to the forest product industry during the spring thaw when roads are the most vulnerable to damage from heavy loads;and**

**WHEREAS, It is a fact in Marquette County and throughout the northern states that roads become soft in the spring and applying unrestricted 164,000-pound truck loading on soft roads, is fool hardiness that defies common sense and a law allowing such nonsense is poor public policy; and**

**WHEREAS, SB-396 also grants exemptions to the forest industry that will allow the hauling of forest products and transport of equipment on the public road system without obtaining proper permits from road authorities at all times of the year;and**

**WHEREAS, the provisions of SB 396 WILL result in damage to the public road system;and**

**WHEREAS, the provisions of SB 396 WILL negatively impact the traveling public accessing the road system, resulting in burdening road authorities with expensive reactive maintenance repairs and significantly increased taxpayer costs to maintain the public road system;and**

**WHEREAS, the provisions in SB 396 and subsequent impacts to the local road system WILL negatively impact the health, safety and welfare of Marquette County residents and the traveling public;and**

**WHEREAS, the Marquette County Road Commission and the other road commissions throughout the Upper Peninsula work closely with the logging industry to keep the economic vitality of the County and the Upper Peninsula moving by continuously monitoring road conditions and permitting the logging industry to move equipment and material on roads**

when the roads can structurally support such loading without negatively impacting the road system and the traveling public;

**THEREFORE, BE IT RESOLVED, that the Chocolay Township Board hereby STRONGLY opposes SB 396; and**

**BE IT FURTHER RESOLVED, that a vote hereon be taken by aye and nay and spread at large on the minutes of the Board.**

White moved Lynch seconded therefore, be it resolved, that the Chocolay Township Board hereby STRONGLY opposes SB 396; and be it further resolved, that a vote hereon be taken by aye and nay and spread at large on the minutes of the Board.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PROPOSED MERS HEALTH CARE SAVINGS PROGRAM AGREEMENT FOR PATROLMAN HIRED AFTER JULY 2018.

Maki moved, White seconded that the MERS participation agreement for "Patrolman hired after July 2018" be approved.

MOTION CARRIED

2018 CAPITAL IMPROVEMENT FUND, BUDGET AMENDMENT #3 TO REFLECT RECEIPT OF FUNDS FROM THE UTILITY REVIEW COMMITTEE.

Lynch 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 December 11, 2017 for fiscal year 2018, 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:

<b>ACCOUNT</b>	<b>PREVIOUS BUDGET</b>	<b>CHANGE</b>	<b>AMENDED BUDGET</b>
<b>REVENUE</b>			
Miscellaneous Revenue 401.698.000	\$0	+\$1,904.23	\$1,904.23
<b>EXPENDITURE</b>			
Streets 401.440.972 -Land Improvements	\$32,943.23	+\$1,904.23	\$34,847.46

ROLL CALL VOTE

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

NAYS: None  
MOTION CARRIED

**2018 CAPITAL IMPROVEMENT FUND, FUND BUDGET AMENDMENT #4 TO REFLECT DONATION FROM THE CHOCOLAY COED SOFTBALL LEAGUE.**

Zyburt 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 December 11, 2017 for fiscal year 2018, 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:

<b>ACCOUNT</b>	<b>PREVIOUS BUDGET</b>	<b>CHANGE</b>	<b>AMENDED BUDGET</b>
<b>REVENUE</b>			
Miscellaneous Revenue 401.540.000	\$ 45,000.00	+\$3,000.00	\$ 48,000.00
<b>EXPENDITURE</b>			
Recreation 401.708.004.972 -Beaver Grove Ballfield Improvement Project	\$ 6,500.00	+\$3,000.00	\$ 9,500.00

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

**AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – COPY MACHINE.**

Zyburt moved Engle seconded that we purchase a Konica Minolta from Cooper Office Equipment for the price of \$6,578.32 and a Maintenance Agreement for approximately \$261.15 per month. This will be paid for from Capital Improvement Fund 401.215.977.

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

**CONSIDERATION OF 2018 MEETING ROOM AGREEMENT.**

Lynch moved Rhein seconded that the meeting fees be set at \$150 per year for 1 meeting per month or \$12.50 per meeting for additional meetings.

MOTION CARRIED



AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – BIG CREEK DRY HYDRANT.  
Zyburt moved Rhein seconded to award the Big Creek dry hydrant repairs to Associated Constructors, LLC for the bid amount of \$4,185.00 with funds coming from account number 401.340.972 (Water Supply Improvements, Fire water supplies.)

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – 2018 ASSISTANCE TO FIREFIGHTERS GRANT APPLICATION.

White moved Zyburt seconded to authorize the expenditure of Capital Improvement funds from account 401.341.957, Grant Projects in the amount of not-to-exceed \$1,000 for the 2018 Assistance to Firefighters Grant Program, specifically to assist with grant writing per Fire Chief Gould's request.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PUBLIC COMMENT.

Sean Beckman, 120 Little Lake Road – representing GEI Consultants. Thanked everyone for the opportunity to work on the sewer project. With their working knowledge, they will be able to start right away.

The meeting was adjourned at 6:53 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of September 24<sup>th</sup>, 2018, Draft.
- B. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of September 19<sup>th</sup>, 2018, Draft
- C. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of August 16<sup>th</sup>, 2018.
- D. Minutes – US 41 Corridor Group, Regular Meeting of August 14<sup>th</sup>, 2018.
- E. Minutes – Northern Michigan Public Service Academy, May 31<sup>st</sup>, 2018 Final and September 28<sup>th</sup>, 2018 Draft.
- F. Minutes – Marquette County Township Association, April 18<sup>th</sup>, 2018 Final.

- G. Correspondence – Marquette Area Wastewater Treatment Facility Advisory Board, 2019 Meeting Schedule.
- H. Correspondence – Marquette County Planning Commission, Notice to Prepare a Master Plan, September 25<sup>th</sup>, 2018.
- I. Press Release – Michigan Infrastructure Council, September 28<sup>th</sup>, 2018.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

November 12, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, November 12, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: Ben Zyburt.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Scott Jennings, Brad Johnson, Tony Carrick, Lee Gould, Mary Jo Buckett

MINUTES – September 10, 2018 REGULAR MEETING.

Lynch moved Rhein seconded to approve the minutes of the Regular meeting of October 8, 2018 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Rhein moved Engle seconded that the agenda be approved as presented.

MOTION CARRIED.

PUBLIC COMMENT.

None

PUBLIC HEARINGS – 2019 FEE SCHEDULE

Manager Kangas explained the proposed changes to the Fee Schedule, which included eliminating the \$75.00 fee for Combinations and Transfer in the Assessor's schedule, an added fee of \$12.50 per day for any private meeting room used beyond the annual one meeting / month fee, a garbage tag increase of \$0.10 per tag or \$10.00 per sheet, an increase in athletic field rentals, and an increase in the sewer rate (per equivalent unit) from \$33.00 / month to \$54 / month.

Supervisor Bohjanen asked for any public input on the fee schedule.

Stephanie Gencheff, 597 Lakewood Lane, asked if there had been notification to the residents affected by this change.

Manager Kangas replied that there had been no notification at this time. Supervisor Bohjanen indicated that the reason for this increase was due to the fact that there have not been any major increases in the past decades, and due to good stewardship of our sewer facilities we have been able to maintain them for 40 years. Maki questioned if there was a notice on the website concerning this public hearing and the rate increases. Manager Kangas stated there was not – it

had been posted in the Mining Journal. Lynch indicated that this was the same thing that happened with the power plant with electric rates due to not adequately funding the depreciation. Maki suggested a phase in process for the sewer rates as this will be quite a sticker shock for residents.

Stephanie Gencheff indicated there should still be some type of notification, so that residents will understand why the increase is needed.

The Board discussed the possibility of sending out a notice with the tax bill, or possibly an article in the Mining Journal.

Public hearing closed at 5:49.

#### PUBLIC HEARINGS – 2018 MILLAGE RATES AND GENERAL APPROPRIATIONS ACT FOR 2019

Manager Kangas went over the highlights of the proposed 2019 Budget. In the General Fund Revenues, there is a projected increase of \$57,000, which allows for a reduction in the Fund Balance transfer. The majority of the transfer is to allow for the purchase of the BS&A software. There is a proposed 3% salary increase for employees, which will be partially offset by the 2.5% increase in the employee contributions to health care premiums.

The Road Fund Millage was approved by voters last year, and generates approximately \$350,000 per year. Only a portion of the money was spent on roads this year, so it will be combined with the 2019 amount for a planned expenditure amount of \$650,000.

The Fire Station Millage is complete.

The Liquor Law Enforcement Fund is a small fund for reimbursement to our police department for inspect of liquor establishments.

The Library Millage is paid directly to the Peter White Library.

The Capital Improvement Fund proposed a one-time purchase of accounting software in the amount of \$50,000. Other expenditures include a phone system upgrade, landscaping and sign upgrades to the Township Hall / Firehall, Silver Creek Rec Area ADA and privacy improvements to bathroom facilities, non-motorized improvements on Cherry Creek Road, and a riding lawnmower for DPW.

The Wastewater Fund is an enterprise fund and must be self-supporting. A priority for 2019 will be establishing adequate rates to fund a lift station rehabilitation projects, estimated at \$3,000,000.

Public Hearing closed at 5:53.

#### ACCOUNTS PAYABLE

White moved Lynch seconded that bills totaling \$24,354.04 including checks numbered 22788-22818 and bills totaling \$29,823.86 including checks numbered 22819-22850 are approved for payment.

MOTION CARRIED.

#### PAYROLL.

Rhein moved Engle seconded that payroll for October 4, 2018 for \$42,593.58 including checks numbered 25042-25082 and 10722-10727 and ACH payments for Federal tax, State tax and MERS and October 18, 2018 for \$36,547.89 including checks numbered 25083-25119 and 10728-10733 and ACH payments for Federal tax, State tax and MERS, are approved for payment.

MOTION CARRIED.

#### FINANCIAL REPORT – SEPTEMBER 2018.

White moved Rhein seconded to approve the September Financial Report.

MOTION CARRIED.

#### TREASURER’S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Engle moved Lynch seconded to accept the Treasurer’s report.

MOTION CARRIED.

Engle moved Lynch seconded to accept the fund withdrawal and deposit report.

MOTION CARRIED.

#### PRESENTATIONS – NONE

#### APPOINTMENTS / RESIGNATIONS – NONE.

#### SUPERVISOR’S REPORT

Supervisor Bohjanen reported that he had attended an MTA conference in Harris, MI. One of the sessions that he attended was on the proper running of Board meetings. Two things he took away from the meeting were (1) many townships use a consent agenda to cover things such as bills and financial statements as one item. **The Board agreed to try this.** (2) it is in good order to state clearly the motion – most items have a recommended motion which works well, but this deals more with unforeseen motions, and the need to be concise. (The minute taker should asked for clarification, if needed.)

#### CLERK’S REPORT.

Clerk Engle went over a sheet with the election results, which showed a combined precinct voter average of 65.83%. The numbers were very close to the 2016 Presidential election. A large number of absentee ballots went out, and we received a total of 1,216 of those ballots back (98.63%). There was discussion about the effects of “same day voter registration” and the effects it may have on the precincts.

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

Engle moved Lynch seconded that no changes be made in per diem compensation levels at this time.

MOTION CARRIED

CONSIDERATION OF EMPLOYEE WAGES AND BENEFITS, EMPLOYEE HEALTH CARE CONTRIBUTION RATES, AND ADOPTION OF REVISIONS TO APPENDIX C OF THE POLICIES AND PROCEDURES MANUAL.

Lynch moved Rhein seconded to amend Appendix C of the *Policies and Procedures Manual* by increasing all steps in the wage grid by 3%. It is further moved and seconded that the employee share of health care coverage, as outlined in PA 152 of 2011 be increased from 17.5% to 20% for the 2019 calendar year.

MOTION CARRIED

White indicated that she would be more in favor of a flat rate increase. Engle indicated that this had been done in the past in an effort to tighten the gaps between wages.

CONSIDERATION OF RESOLUTION TO ADOPT 80 / 20 HEALTH INSURANCE COST SHARE OPTION, PUBLIC ACT 152

White moved, Lynch seconded:

RESOLUTION NO. 2018-\_\_  
November 12, 2018

**RESOLUTION TO ADOPT 80%/20% EMPLOYER/EMPLOYEE HEALTH CARE COST OPTION AS SET FORTH IN 2011 PUBLIC ACT 152, THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT**

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

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

**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 by 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 Township Board has decided to adopt the 80%/20% option as its choice of compliance under the Act;

**NOW, THEREFORE, BE IT RESOLVED** the Township Board 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 80%/20% option for the medical benefit plan coverage year January 1, 2019 through December 31, 2019.

Upon a roll call vote, the vote was as follows:

Ayes: Maki, Rhein, White, Lynch, Engle, Bohjanen  
Nays: None  
Absent: Zyburt

RESOLUTION DECLARED ADOPTED.

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Max Engle, Township Clerk

CONSIDERATION OF GENERAL APPROPRIATIONS ACT FOR 2019 BUDGET

**CHARTER TOWNSHIP OF CHOCOLAY**

**FISCAL YEAR 2019**

**GENERAL FUND BUDGET,  
ROAD FUND  
FIRE DEPARTMENT MILLAGE FUND  
LIQUOR LAW ENFORCEMENT FUND  
LIBRARY MILLAGE FUND  
CAPITAL IMPROVEMENTS FUND  
AND SEWER FUND BUDGETS**

I HEREBY CERTIFY THAT THE FISCAL YEAR 2019  
BUDGETS WERE ADOPTED BY THE CHOCOLAY TOWNSHIP BOARD  
ON NOVEMBER 12, 2018

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MAX L. ENGLE, TOWNSHIP CLERK

## **GENERAL APPROPRIATIONS ACT**

White moved, seconded by Engle, that

Whereas, the Township Supervisor has submitted a complete itemized budget proposal for the fiscal year beginning January 1, 2019, and ending December 31, 2019, 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 October 31, 2018; and

Whereas, a public hearing was held on the proposed budget on November 12, 2018 at the Chocoday 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 according to designated accounts for the next fiscal year, to wit, beginning January 1, 2019, and ending on December 31, 2019, in the amount of \$1,772,400.00 for the General Fund, in the amount of \$360,000.00 in the Road Fund, in the amount of \$0 in the Fire Department Millage Fund, in the amount of \$2,900.00 in the Liquor Law Enforcement Fund, in the amount of \$216,000.00 in the Library Millage Fund, in the amount of \$93,000.00 in the Capital Improvements Fund, and in the amount of \$3,510,000.00 for the Sewer Fund.
2. The Township Board does hereby appropriate the sum of \$1,999,800.00 for general operating expenses and capital improvements of the Township to be used for the fiscal year beginning January 1, 2019, and ending December 31, 2019.
3. The Township Board does hereby appropriate the sum of \$3,510,000.00 to defray the expense of the operation and debt retirement of the Sanitary Sewer System for the fiscal year beginning January 1, 2019, and ending December 31, 2019.



4. The Township Board does hereby appropriate the sum of \$655,000.00 for the repairing of the Township Roads to be used for the fiscal year beginning January 1, 2019, and ending December 31, 2019.
5. The Township Board does hereby appropriate the sum of \$0.00 for the fiscal year beginning January 1, 2019 and ending December 31, 2019 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, 2019, and ending December 31, 2019.
7. The Township Board does hereby appropriate the sum of \$216,000.00 for contractual services with the Peter White Public Library for the fiscal year beginning January 1, 2019, and ending December 31, 2019.
8. The Township Board does hereby levy 3.6056 mills for general operations; extra voted is 1.0000 for library and 1.6886 for roads.
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 VOTE - AYES: 6 NAYS: 0 ABSENT: 1 MOTION CARRIED**

**RESOLUTION FOR OFFICERS' SALARIES**

**SUPERVISOR'S SALARY**

White moved, seconded by Lynch that the salary for the office of Supervisor shall be set in the amount of \$12,000.00 for the Fiscal Year 2019, which begins January 1, 2019, and ends December 31, 2019.

**Roll Call Vote - Ayes: 6 Nays: 0 Absent: 1 Motion Carried**

**TREASURER'S SALARY**

Lynch moved, seconded by Rhein that the salary for the office of Treasurer shall be set in the amount of \$10,000.00 for the Fiscal Year 2019, which begins January 1, 2019, and ends December 31, 2019.

**Roll Call Vote - Ayes: 5 Nays: 1 Absent: 1 Motion Carried**

## **CLERK'S SALARY**

Rhein moved, seconded by Lynch that the salary for the office of Clerk shall be set in the amount of \$12,000.00 for the Fiscal Year 2019, which begins January 1, 2019, and ends December 31, 2019.

**Roll Call Vote - Ayes: 6 Nays: 0 Absent: 1**

**Motion Carried**

## **TRUSTEE'S PER DIEM**

Engle moved, seconded by Lynch that the per diem for the office of Trustee shall be set in the amount of \$75.00 per meeting for the Fiscal Year 2019, which begins January 1, 2019, and ends December 31, 2019.

**Roll Call Vote - Ayes: 4 Nays: 2 Absent: 1**

**Motion Carried**

## **CONSIDERATION OF FUNDING SOURCE FOR LIFT STATION REHABILITATION PROJECT.**

Lynch moved Engle seconded to accept the recommendation of GEI Consultants and authorize the completion of the "Notice of Intent to Apply" for MDEQ SRF funds for the Lift Station Rehabilitation Project.

**MOTION CARRIED**

## **AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – FIRE DEPARTMENT, THERMAL IMAGING CAMERA**

Lynch moved Rhein seconded to authorize the expenditure of Capital Improvement Funds from account 401.340.977, Equipment in the amount of \$8,695.00 for the purchase of a Scott x380 thermal imaging camera.

**ROLL CALL VOTE**

**AYES:** Maki, Rhein, White, Lynch, Engle, Bohjanen

**NAYS:** None

**ABSENT:** Zyburt

**MOTION CARRIED**

## **AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – FIRE DEPARTMENT, TWO-WAY RADIOS**

White moved Lynch seconded to authorize the expenditure of Capital Improvement Funds from account 401.340.977, Equipment in the amount of \$4,796.00 for the purchase of two Kenwood EF Johnson Viking 800mz radios and corresponding State of Michigan fees.

**ROLL CALL VOTE**

**AYES:** Maki, Rhein, White, Lynch, Engle, Bohjanen

**NAYS:** None

**ABSENT:** Zyburt

**MOTION CARRIED**

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – POLICE DEPARTMENT, FIREARMS  
Maki moved Rhein seconded to authorize the expenditure of Capital Improvement Funds from account 401.305.977, Equipment in the amount of \$3,272.00 (\$409 / weapon) for eight Glock Model 22 Gen 4 pistols and to declare the existing weapons surplus to be considered as a trade or for direct sale to the officers. (The Township cannot sell firearms as surplus equipment to the general public.)

ROLL CALL VOTE

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

NAYS: None

ABSENT: Zyburt

MOTION CARRIED

APPLICATION OF DELINQUENT SEWER CHARGES AS TAX LIENS.

White moved Rhein 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 2018 tax roll.

MOTION CARRIED

NOTICE OF BCBS REBATE AND DISTRIBUTION TO HRA.

Informational item – no action required by Board.

SEWER USER FEE CHANGE.

Lynch moved Engle seconded that the Equivalent User Fee for 5057 US 41 South go from 11.9 down to 1 as of October 15, 2018, until the business is reopened in the Spring of 2019, as provided for in Section 9D.3.a of Ordinance 39.

MOTION CARRIED

ELEVATED WATER TANK – FINANCING AND TERMS OF USE AGREEMENT.

Manager Kangas went over the agreement for financing and terms of use the Casino elevated water tower facility. This has been reviewed by attorneys on both sides.

Several Board members expressed their concern over the agreement, and essentially feel that the Township is buying the water tank. Lynch indicated there doesn't appear to be a guarantee of future use – it appears we are using our 2% funds to build the tank and KBIC will be the sole owner. Supervisor Bohjanen indicated that the 2% funds are not considered "ours" until the KBIC grants them to us. KBIC has an obligation to give 2% funds to government organizations in Marquette County.

Maki indicated that he is uncomfortable with the KBIC representatives not being there to explain, and he feels there needs to be a better analysis of the agreement.

Lynch understands their urgency to move this forward, but he wishes it was written in a better manner. Manager Kangas indicated that it is written better than the first version, where it appeared that we were paying for it twice.

Maki moved Rhein seconded that the discussion be tabled until representatives from KBIC and the attorneys can be present.

MOTION CARRIED

#### ELEVATED WATER TANK – TRI-PARTY FUNDING AGREEMENT.

White moved Rhein seconded that this item be tabled until further discussion on the financing agreement.

MOTION CARRIED

#### PUBLIC COMMENT.

Stephanie Gencheff, 597 Lakewood Lane (for Deborah Mulcahey, 633 Lakewood Lane) – both feel public notice was not given on the public hearing that was held, as it was not on the Township’s website. Feel that the Township should add interest to the sewer charges before they are added to the tax lien. Regarding the elevated tank, Deborah has concerns about the potential problems with entering the agreement and acting as a pass through for the casino. She feels that the Township should not be held hostage by KBIC. Is the Tribal president allowed to enter into an agreement that is going to affect existing and future tribal members? Both are requesting that the Township Board deny the elevated water tank agreements as proposed.

Lynch moved White seconded to adjourn the meeting.

MOTION CARRIED

The meeting was adjourned at 6:59 pm.

#### INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. November 2018 Chocolay Township Newsletter.
- B. Minutes – Chocolay Township Planning Commission; Regular Meeting of October 15, 2018, Draft.
- C. Minutes – Chocolay Township Zoning Board of Appeals; September 27, 2017, Final.
- D. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board; Regular Meeting of September 20, 2018, Final.
- E. Minutes – US-41 Corridor Advisory Group; Regular Meeting of September 11, 2018.

- F. Minutes – Marquette County Solid Waste Management Authority; Regular Meeting of October 24, 2018, Draft.
- G. Minutes – Marquette County Township Association; September 26, 2018.
- H. Announcement – MCSWMA Recycling Feasibility Study Meeting.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor

December 10, 2018

A Regular meeting of the Chocolay Township Board was held on Monday, December 10, 2018 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

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

ABSENT: None.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Scott Jennings, Brad Johnson, Lisa Perry, Pat Beck, Dale Throenle

Supervisor Bohjanen indicated that this was the first time a Consent Agenda is being used. As explained the memo, if there are items that the Board feels require more discussion or consideration, they can be removed from the Consent Agenda and be addressed as separate items of discussion.

PUBLIC COMMENT.

Stephanie Gencheff, 597 Lakewood Lane for Deborah Mulcahey, 633 Lakewood Lane – Deborah questioned if the large expenditure for the Tribe was a lawful expenditure. The concept to approve this based on the firefighters would be able to use this is a farce. Under the concept of mutual aid the water would be available anyway. Deborah urged the Board to not allow the Tribe to hold the Township hostage. In regard to Manager Kangas' comment on a verbal agreement – what he reported as a verbal agreement is apparently not what the Tribe is going forward with. Study was done on providing water to help the residents in the area. Deborah was also questioning if there was a Tribal attorney present at this meeting, along with our attorney. (Both were present.)

Robert Mielke, 360 Karen Road – works for Marquette Township water department, so understands the need to upgrade. Contesting the way it is randomly charged. One equivalent user is equal to approximately 5,000 gallons. Has three tenants – two of them are at 1 EU apiece and the other is at 1.5 EU. He does not feel that they are using the amount of gallons this would be equal to. He would like to go to a meter system, so everyone would be charged fairly.

Jennifer Misegan, 16429 Beartown Road, Baraga MI – KBIC – she is here for the Elevated Water Tank discussion. She assured the Board that this will be a win-win situation for the casino, the surrounding residents, and that it will be available for fire protection. The funding and financing for this water tower will be through 2% funds - \$75,000 has already been given to the Township. They will be paying the remainder up front. No funds from the Township will be used on this

project. This does not mean the end to the Township's 2% funds – they plan on continuing the \$45,000 given to the Township bi-annually. She thanked the Board for their continued support.

Darrell Adair, 141 West Terrace Street – was wondering how many residents will be benefiting from the water tank. He feels there are plenty of sources to get water for firefighting. Wondered if everyone was going to have a water bill? Trustee Maki answered there would be no water bills. Adair feels there should be more of a study done on this – from what he's heard the reservation and the casino will get most of the benefit. Supervisor Bohjanen stated that eventually all of the Township will need a water system, but that is not happening now. Adair wondered if we need to start saving now for the water lines. Supervisor Bohjanen stated there would need to be engineering studies and feasibility studies done.

Jason Ayres, 16429 Beartown Road, Baraga MI – KBIC – he is here to answer any questions that he can on the elevated water tank.

Darrell Adair, 141 West Terrace Street – questioned the size of the water tank, how many, and where will they be. Clerk Engle answered that there would only be one at the casino for their use.

Boyd Snyder, 311 West Fairbanks – spoke on the sewer rate hikes. The way this was brought to the attention of the residents was not acceptable. The increase will basically add another 5 months to the annual sewer cost. This should have been done over the course of a few years. He has had major problems with the sewer system since the beginning. He doesn't feel that this all needs to be done in one chunk. The Township is doing no favors for any one.

Brian Miller, 217 Judy Street – agrees with previous comments – the planning was not good. If you have infrastructure you need to save for replacement. How many other increases will there be? Who's responsible for this happening? How are they held accountable? How do we keep this from happening again?

Public Comment closed at 5:50 PM.

#### AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meeting – November 12, 2018.
- B. Approve Bills Payable, Check Register Reports - November 14 (Check #'s 22851 – 22893, in the amount of \$34,233.26) and November 28 (Check #'s 22894 – 22916, in the amount of \$120,539.04).
- C. Approve Bills Payable, Regular Payroll – November 1 (Check #'s 25120 – 25136 and Check #'s 10734 – 10739, Federal, State, and MERS for a total of \$32,202.29), November 15 (Check #'s 25137 – 25169 and Check #'s 10740 – 10745, Federal, State, and MERS for a total of \$35,598.51), and November 29 (Check #'s 25170 – 25202 and Check #'s 10746 – 10751, Federal, State, and MERS for a total of \$35,991.67).
- D. Approve Financial Reports, Revenues and Expenditures – January 1 through October 31, 2018.

- E. Approve Treasurer’s Report, Certificates of Deposit and Investment Reports – October 30, 2018.
- F. Approve Treasurer’s Report, Fund Withdrawal and Deposit Report – November 30, 2018.
- G. Accept Letters of Resignation from Eric Meister (Planning Commission) and Karen Alholm (Zoning Board of Appeals).
- H. Appoint Ryan Soucy to a 3-year term on the Planning Commission, effective January 2019.  
**This item was removed for further discussion.**
- I. Appoint Paul Charboneau to a 3-year term on the Zoning Board of Appeals, effective January 2019.
- J. Appoint Anthony Giorgianni to a 3-year term as the Alternate to the Zoning Board of Appeals, effective January 2019. **This item was removed for further discussion.**
- K. Reappointments to Boards and Commissions.

Maki indicated he would like to remove items H and J for discussion. Engle indicated that no motion would be needed.

White moved Zyburt seconded that the consent agenda be approved as modified, with Item H and Item J being removed for further discussion.

MOTION CARRIED.

Maki asked about additional applications – Bohjanen indicated that he had reviewed the applications and chose Ryan Soucy based on his experience.

Maki asked if Tony Giorgianni was in the audience, and asked him a few questions about Zoning Board of Appeals. Maki indicated that there was training available if he was interested. Giorgianni indicated he would be able to do this.

Lynch moved, Rhein seconded to appoint Ryan Soucy to a 3-year term on the Planning Commission.

AYES: 6

NAYS: 1 (Maki)

MOTION CARRIED

Lynch moved, Rhein seconded to appoint Anthony Giorgianni to a 3-year term as an Alternate to the Zoning Board of Appeals.

MOTION CARRIED

#### SUPERVISOR’S REPORT

In January, the Manager will be completing his first year of employment, and needs to be evaluated. Bohjanen questioned the other Board members of if they would prefer to be involved in the process. The Board agreed that they would like to be involved. Bohjanen handed out an evaluation form to be filled out and brought back for the next meeting – preferably a week prior to the meeting to be able to collate the information.



John Gehres, the Assessor, had indicated when he took the job with Chocolay Township that he would like to be able to pick up extra employment. If our needs are met, Bohjanen feels that this would be a win-win situation, and that the Township should maintain flexibility for him. Bohjanen is looking for Board consensus on Gehres being able to proceed. Maki doesn't think this seems reasonable – we are paying him for 5 days per week. Maki has no objection to him taking on other units, but his first priority is the Township. Lynch agreed that Gehres had signed on as a 40 hour per week person. White agreed that Gehres would still need to put in a 40 hour week (possibly 4 – 10 hour days). If not putting in 40 hours, benefits and wages should be reduced.

#### CLERK'S REPORT.

Clerk Engle reported that the November 6 election was audited by the State, with the County Clerk conducting the audit. Everything went well.

#### PUBLIC HEARING AND RESOLUTION ADOPTION – PUBLIC HEARING AND CONSIDERATION OF 2019 SEWER RATES AND CHARGES.

Darrell Adair, 141 West Terrace Street – asked about the new line that will be running from the casino, and if people along M-28 would be able to hook up to it. Adair also questioned the sewer rate increase, and why it took such a jump. Bohjanen indicated that this increase is needed in order to repair the problems, and it was a rate that was suggested by our engineers. Adair wondered how much was charged for the study, where did the Township get the money to pay for it, and if this was only being done due to the Casino project.

Manager Kangas took this opportunity to explain the sewer rate increase. We are looking at a project that will cost approximately \$3 million dollars. This project is not being looked at because of the casino project, and it will happen no matter what happens with KBIC. We have to do this project. Our system is small and 40 years old, and all the pumping equipment is just as old. These numbers don't come up arbitrarily. We now have an Asset Management Plan, which gives us a look at what it will cost us going forward. The reason for the increase is that we do not have the money to rebuild 5 lift stations and 3 grinder stations. We will probably not qualify for any grant money, but may be able to qualify for low interest loans.

Chris Johnson, 203 Hotel Place – questioned the Casino hooking into the sewer system, and how much they would be charged. He was also wondering if the residents along the sewer line extension would be able to connect into the sewer system, and if that would bring in additional revenue. Manager Kangas indicated that as drain fields fail, anyone within 200' would be required to connect. Johnson stated he is currently paying \$26,000 per year for sewer, which will be raised to \$42,000.

Boyd Snyder, 311 West Fairbanks – what he's hearing is that the Township does not charge as much as surrounding communities. It sounds like the Township is trying to build in a profit because others are charging more. He feels the residents are being charged for something that the Township failed to do at the beginning, which would have been saving for this project, rather than charging all at once.

Manager Kangas indicated that we are not charging based on what everyone else is charging – the Township is charging based on operating cost, our cost of a pending construction project, and our cost of depreciation based on an Asset Management Plan that was submitted in July, 2018.

Darrell Adair, 141 West Fairbanks – questioned how many people are on the sewer system. Also wondered about how the Township was able to pay the consultant.

Bohjanen explained that the consultant fees are added to the total cost of the project. He also explained that what happened 40 years ago, and that the sewer project was necessary. Going forward, the DEQ will not authorize a septic system for people that have access to a sewer system.

Ryan Ellis, 308 East Main – what are the future plans for extending the sewer line, and will it be mandatory for people to connect. He feels you cannot wait for a drain field to fail when you have PVC pipe. Are there more plans to continue to extend the sewer lines each year? He feels there needs to be a plan to get everyone connected in the Township, such as a millage.

Chris Johnson, 203 Hotel Place – wondered if it was possible to see the numbers – it would be nice to have access. Manager Kangas indicated that the Asset Management Plan and Township Budget are available on the website.

C. Johnson was also questioning how the Township is spending the money, and if the Township tax dollars are being used for this. DPW Foreman Brad Johnson indicated that the sewer budget funds itself by sewer user fees.

Rob Mielke, 360 Karen Road – wondered if there is anything in the zoning ordinance that would prevent him from putting in a dry compost system. Manager Kangas stated this would be governed by Public Health Code – Marquette County Public Health. Mielke also asked about where the Township money is invested. Manager Kangas gave an overview based on the Treasurer’s report. Mielke also questioned the believability of the consultants. Maki indicated that Mielke should put the questions in written form and submit to the Township for complete answers.

Public Hearing closed at 6:48 PM.

Maki asked about options to take some money from the General Fund to help reduce the amount. Bohjanen indicated that it is important to keep the General Fund where it is at.

After conducting a public hearing on the proposed rates, White 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 \$33.00 per month is not adequate for the projected 2019 replacement cost of the system, and*

*Whereas, the proposed equivalent user fee of \$54.00 per month will be sufficient to offset the Township debt payments of \$14.50 per equivalent user per month, to pay the construction loan for the pump station rehabilitation project, and*

*Whereas, the proposed equivalent user fee of \$54.00 per month will be sufficient to fully offset the depreciation funding cost of \$6.50 per equivalent user per month, to pay for future operations, maintenance, and replacement costs.*

*Now, therefore be it resolved the Chocolay Township Board established the equivalent user fee of \$54.00 per month and a user connection fee of \$350.00 beginning January 1, 2019 through December 31, 2019, or until amended by resolution.*

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PRESENTATIONS – ELEVATED WATER TANK – FINANCING AND TERMS OF USE AGREEMENT AND TRI-PARTY FUNDING AGREEMENT.

Roger Zappa, Chocolay Township Attorney – there are two contracts that are under discussion. The first contract is a Tri-Party Agreement between Chocolay Township, Gundlach-Champion, and KBIC. This is a legitimate governmental expense, and any municipality can enter into an agreement with another municipality or interlocal agreements. This one is a little more complex as the Township is dealing with a sovereign nation. There is a State statute that permits this. The key issues that the Township Auditor, Mike Grentz, questioned were the financial and legal ramifications of this agreement. In order to engage in this type of transaction, the Township needs to be receiving a benefit. After extensive rewriting of the agreement, the Township will have the right to withdraw water from the tower, and the Township will also have a perpetual easement. In the Tri-Party agreement, the Township is acting as a conduit of funds. KBIC will pay \$695,000 to Chocolay Township, and Chocolay Township will serve as the intermediary of those funds. \$75,000 of this money has been placed in an account with the Township at this point. KBIC will pay the remaining \$620,000 up front, as a lump sum, to avoid any expenses that the Township would have to pay.

The other agreement is a Financing and Terms of Use Agreement, which is between KBIC and Chocolay Township. The general idea is that KBIC would continue to pay to Chocolay Township the 2% KBIC funds. One of the concerns of both the Attorney and the Auditor was that future payments would only consist of the repayment. It is now stated that KBIC's intent is to pay historical 2% funds, which amounts to approximately \$90,000 per year. KBIC will make their best effort to pay this amount, in addition to a repayment of approximately \$62,000 per year. Atty.

Zappa then went through different scenarios on repayments. If, at some point, there are disputes that need to be resolved, it can be arbitrated versus litigated.

Lynch questioned why the possibility of water for residents along Kawbagam Road was left out of the contract. Manager Kangas stated his interpretation was that after the study that GEI conducted, it was determined that it would be too costly and the contract was ended. Lynch felt that it was wrong to not include this in the contract, and that it was a disservice to the residents along Kawbagam Road.

Maki asked for clarification of the money we would receive. He was also questioning the amount that we are entitled to get. Atty. Zappa stated this is not an entitlement question – KBIC gets a myriad of requests and they have to decide where the funds will go based on their gaming compact.

Maki also asked for clarification on the provision stating the Township would be able to use the tank as long as it did not drop below 40,000 gallons.

Bohjanen reminded the Board that the Township is not paying for the water tank. We are getting a benefit from the water tank by cooperating with KBIC to use 2% monies to recover the cost of the tank. He doesn't feel we lose.

Danielle Webb, Attorney for KBIC – the Gaming Compact includes language to give 2% of the gaming revenue to local units of government within the surrounding area. It does not say that it has to go to specific areas of government – it is within the discretion of the Tribe as to where it goes. The actual Gaming Compact is on the State of Michigan website. It does not define the “surrounding area”. In 2022, the Gaming Compact will need to be renegotiated with the State of Michigan.

Jennifer Misegan, KBIC – At the time of the last negotiation, the State was asking for the entire 10% for themselves, but the Tribal Chair at the time stressed that 2% should be going to the local governments. The benefit of the entire project is “growth”.

#### ELEVATED WATER TANK – FINANCING AND TERMS OF USE AGREEMENT.

White moved, Zyburt seconded to approve the Financing and Terms of Use Agreement with KBIC as presented, according to the Township Attorney's review and approval.

AYES: 6

NAYS: 1 (Maki)

MOTION CARRIED

#### ELEVATED WATER TANK – TRI-PARTY FUNDING AGREEMENT.

Engle moved, Rhein seconded to approve the Tri-Party Funding Agreement with KBIC and Gundlach-Champion, Inc. as presented, according to the Township Attorney's review and approval.

AYES: 6

NAYS: 1 (Maki)  
MOTION CARRIED

APPROVAL OF 2019 MEETING SCHEDULE.

Lynch moved, Zyburt seconded that the dates, as amended, for the Chocolay Township Board, Chocolay Township Planning Commission, Chocolay Township Zoning Board of Appeals, Chocolay Township Fire Department and Chocolay Township Tax Board of Review as indicated in document XII.A.2 be approved for 2019.

MOTION CARRIED

APPROVAL OF 2019 HOLIDAY SCHEDULE.

White moved, Rhein seconded that the 2019 Chocolay Township Holiday schedule be adopted as indicated in Item XII.B.2 and placed in a conspicuous location on the Township website, [www.chocolay.org](http://www.chocolay.org).

MOTION CARRIED

APPROVAL OF SEWER USE FEE CHANGE, 2250 US 41 SOUTH, SUITE 1

Zyburt moved, Lynch seconded that the Equivalent User Fee for 2250 US 41 South be reduced down to one (1) equivalent user effective October 1, 2018 until the building is reoccupied.

MOTION CARRIED

CONSIDERATION OF REVISED UTILITY REVIEW COMMITTEE BYLAWS.

Maki moved, White seconded to approve the Utility Review Committee By-laws as amended October 15, 2018, and authorize the Township Supervisor to sign on behalf of the Township.

MOTION CARRIED

APPROVAL OF BUDGET AMENDMENT 2-2018 FOR POLICE DEPARTMENT OVERTIME REIMBURSEMENT REVENUES.

Zyburt moved, White seconded that Whereas a budget was adopted December 11, 2017, by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues, and / or needed expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Salary 101.305.702	\$ 284,040.00	+\$3,458.49	\$ 287,498.49

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 101.698	\$ 25,000.00	+\$3,458.49	\$ 28,458.49

ROLL CALL VOTE

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

NAYS: None  
MOTION CARRIED

CONSIDERTION OF NETWORK FIREWALL REPLACEMENT.

Lynch moved, Rhein seconded to authorize up to \$1,550.00 from Capital Improvement Fund 401.258.977 to purchase a new network firewall device through Lasco.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL FUNDS TO PURCHASE UP TO TWO (2) ELECTIONS TABULATORS.

Clerk Engle stated that an Election Commission meeting was held prior to the Township Board meeting and had recommended the purchase of one (1) tabulator.

Lynch moved, White seconded that the Clerk expend up to \$6,000 from the Election Capital Improvement Fund, 401.190.977, for additional election equipment to be used in the AV County Board.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PUBLIC COMMENT.

None.

Lynch moved White seconded to adjourn the meeting.

MOTION CARRIED

The meeting was adjourned at 8:20 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Great American Disposal Holiday Refuse Collection Schedules for 2019 and Remainder of 2018.
- B. December 2018 Chocolay Township Letter.
- C. UP Insurance Agency / Accident Fund Dividend Notification Letter, November 27, 2018.
- D. Minutes – Chocolay Township Planning Commission, Regular Meeting of November 26, 2018, Draft.

- E. Minutes – Chocolay Township Zoning Board of Appeals, October 25, 2018, Draft.
- F. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of October 18, 2018, Final.
- G. Minutes – US-41 Corridor Advisory Group, Regular Meeting of October 9, 2018

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Max Engle, Clerk

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Richard Bohjanen, Supervisor