

January 14, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, January 14, 2019 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 stated there are three items that he would like the Board to consider adding to the agenda under "Unfinished Business":

1. Reappoint the employee members of the Personnel Committee for a one year term (Dale Throenle and Tony Carrick).
2. Office hours for the Township Assessor.
3. Pay application for the KBIC Water Tower.

White moved, Lynch seconded to move all three additions be added to Unfinished Business, and that the Consent Agenda be approved as modified.

MOTION CARRIED

PUBLIC COMMENT.

Diane Alexander, 205 West Terrace – expressed concerns about the sewer bill. She questioned if there were any usage meters. Bohjanen explained the billing system for the sewer along with the anticipated increase effective January 1, based on Equivalent Users. Alexander feels this is very unfair. She wondered about the cost of putting in meters.

Kendra Symbal, 100 Aspen Drive (and business owner) – she is very concerned about the way the Township communicates to the residents, specifically about the sewer rate change. She does not feel adequate notice was given, and that the means of communication was very old school. There was no time to absorb the information. Bohjanen indicated that the Township has been working at improving the ways of communicating. Township Manager stated that the Township is working diligently to come up with better ways to communicate. Symbal would appreciate the Township being more proactive as these types of things come up.

Public Comment closed at 5:40 pm.

CONSENT AGENDA

AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meeting – December 10, 2018.
- B. Approve Bills Payable, Check Register Reports – December 13 (Check #'s 22917 - 22952, in the amount of \$32,647.61), December 27 (Check #'s 22953 - 22987, in the amount of \$35,936.12) and December 31 (Check #'s 22988 – 23009, in the amount of \$55,460.14).
- C. Approve Bills Payable, Longevity Payroll (Check #'s 25203 – 25210, Federal, State, and MERS for a total of \$2,164.78, Regular Payroll – December 13 (Check #'s 25211 – 25230 and Check #'s 10752 – 10757, Federal, State, and MERS for a total of \$33,003.90), and December 27 (Check #'s 25231 – 25268 and Check #'s 10758 – 10763, Federal, State, and MERS for a total of \$36,609.36).
- D. Approve Financial Reports, Revenues and Expenditures – January 1 through November 30, 2018.
- E. Approve Treasurer's Report, Certificates of Deposit and Investment Reports – November 30, 2018.
- F. Approve Treasurer's Report, Fund Withdrawal and Deposit Report – December 31, 2018.
- G. Reappoint John Trudeau to a Four-Year Term on the Utility Review Committee, Effective January 1, 2019.

Maki moved, Lynch seconded that the Consent Agenda be approved as modified.

SUPERVISOR'S REPORT

Supervisor Bohjanen stated that the KBIC documents have been signed, which brought about the necessity for action on the first payment of the project.

CLERK'S REPORT – None.

PUBLIC HEARING – FIRST READING OF PROPOSED REVISION TO ORDINANCE NO. 39 WASTE WATER COLLECTION SYSTEM.

Manager Kangas explained the changes that are being considered resulted in an addition to Ordinance 39, Waste Water Collection System. The first change would be an addition to the Ordinance that would waive connection requirements along the KBIC sewer extension route until the existing drain field fails or until a property is developed for the first time. The second change would address the billing cycle, with a change from quarterly billing to monthly billing.

Mark Pelkie, M 28 East – he feels that the language waiving the connection makes sense.

Dave Griffin, (on behalf of mother, who owns property on Riverside Road) – questioned where the 200' is measured from. He does not recall his mother receiving any of the letters. Manager Kangas stated that without the address, he would not be able to tell for sure. Griffin indicated it was right across from Prince of Peace church. Griffin was questioning whether the connection fees would be waived at this time. Manager Kangas indicated they would not.

Brian Elenich, 308 West Main – questioned how many people would be joining the sewer system. Elenich quoted from Michigan Health Code, Section 244 regarding regulations. Elenich then addressed the billing from quarterly to monthly, and the cost associated with this. Elenich questioned if the Township would be able to get KBIC 2% money to help people hook into the system.

Boyd Snyder, 311 West Fairbanks – Snyder questioned the breakdown on the sewer bill, and what happens to the amount if not used – does it go back to General Fund. Feels there should be a breakdown on the cost of the pump stations. He feels there are too many open ends. Supervisor Bohjanen stated the current way of doing business is through an Asset Management Plan. Manager Kangas explained the Sewer Fund is an Enterprise Fund and must be used solely for wastewater.

Kendra Symbal, 100 Aspen Drive (and business owner) – question on sewer billing. Manager Kangas explained the bill that was received at the beginning of January was based on the old amount and covered a period of October 1 through December 31. The new billing amount will be on the monthly bill that should be received in the first part of February.

Trustee Maki questioned what type of documents we had received from the MDEQ on the 200' health department rules. Manager Kangas stated he had an email from the MDEQ in this regard, which he would share with the Board.

Public Hearing closed at 6:00 PM.

White moved, and Zyburt seconded that after providing required notification to the public, holding a public hearing and considering public input, the Chocolay Township Board approves the first reading of proposed amendments to Section 5 of *Ordinance 39 Waste Water Collection System* as written and to schedule a second reading for the February 11, 2019 Township Board meeting.

MOTION CARRIED.

Zyburt moved, and Lynch seconded that after providing required notification to the public, holding a public hearing and considering public input, the Chocolay Township Board approves the proposed amendment to Section 9 of *Ordinance 39 Waste Water Collection System* as written and to adopt the proposed change as an emergency amendment to allow monthly billing to commence with the January 2019 billing cycle.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PRESENTATIONS – CERTIFICATES OF APPRECIATION

Supervisor Bohjanen indicated that there are two retiring members on the Boards and Commissions – Eric Meister served on the Planning Commission for 8 years, and Karen Alholm served on the Zoning Board of Appeals for 11 years. Neither was at the meeting. Bohjannen thanked them for their years of dedicated service to the Township.

SCHEDULE JOINT MEETING OF THE TOWNSHIP BOARD AND PLANNING COMMISSION.

Supervisor Bohjanen indicated that at the last Planning Commission meeting, they had decided they would like to meet on Monday, February 18 at 5:30 for the Joint meeting, and the Planning Commission will follow after. There had also been discussion of when the meeting should be held, at the end of the year or the beginning of the year. The general consensus was the beginning of the year to make sure the Township Board and Planning Commission are on the same path for the coming year.

Engle moved, Rhein seconded, that the Joint Meeting of the Planning Commission and the Township Board be held on Monday, February 18 at 5:30.

MOTION CARRIED

ADOPT SANITARY SEWER ASSET MANAGEMENT PLAN.

Lynch moved, Rhein seconded to adopt the Sewer Asset Management Plan as prepared by GEI Consultants, dated August 1, 2018.

MOTION CARRIED

PERSONNEL COMMITTEE APPOINTMENTS

White moved, and Zyburt seconded to reappoint Dale Throenle and Tony Carrick to one-year terms on the Personnel Committee, expiring December 31, 2019.

MOTION CARRIED

PAY APPLICATION #2 – ELEVATED WATER TANK

Manager Kangas indicated that the agreements on the Elevated Water Tank have been signed by all parties. The Contractor is requesting expedited approval, as the sub-contractor completed the work in October of 2018.

Lynch moved, Engle seconded to authorize payment of Pay Application #2 using Capital Improvement Funds from account 401.340.002.972 in the amount of \$70,794.00.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

OFFICE HOURS OF THE TOWNSHIP ASSESSOR

Manager Kangas indicated that this was discussed last month with a request to modify the Assessor's work schedule from five 8-hour days (1-hour lunch) to four 10-hour days (½-hour

lunch). The schedule would be 7:00 – 5:30 Monday thru Thursday one week, and the following week would be Tuesday thru Friday.

Maki indicated he would like to see this go to the Personnel Committee – if it is offered to one, it should be offered to everyone.

Bohjanen felt that the change in hours for the Assessor would be beneficial to the Township, and that this is a management decision, and should be based on the individual job description. Manager Kangas stated the reason that this was coming before the Board was because, at the time of hire, it was indicated that should the Assessor decide to pursue additional townships, it would have to come before the Board for approval.

Lynch indicated that he has no problem with this, but feels it should be based on the position.

White indicated that based on the current Policies and Procedures, the Board is not able to deny this. She will bring it to the Personnel Committee when they meet on January 23rd.

BUDGET AMENDMENTS MOVED TO CONSENT AGENDA.

Supervisor Bohjanen questioned the Board on their feelings about moving Budget Amendments to a Consent Agenda. A roll call vote could be done to cover any amendments requiring this. Manager Kangas stated that going forward, if there were any Budget Amendments that the Board wished to discuss further, that particular item could be removed from the Consent Agenda and discussed separately.

Maki had questions on XII.H on the Sewer Extension Project. He asked that copies of the Gaming Compact be forwarded to the entire Board. Maki asked what benefit the Township was receiving from this project. Kangas indicated three permanent generators and proper pipe material to protect wells.

Maki moved, Rhein seconded that Item XII.H be voted on by itself.

MOTION CARRIED

Engle moved, Rhein seconded to approve Items XII.A through XII.G and Item XII.I as presented.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

Engle moved, Rhein seconded to approve XII.H as presented.

ROLL CALL VOTE

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

NAYS: Maki

MOTION CARRIED

BUDGET AMENDMENT GENERAL FUND NO. 3 – RAP GRANT TASER REPLACEMENT.

Engle moved, Rhein 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, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Department			
Equipment Maintenance			
101.305.778	\$ 9,950.00	+\$1,000.00	\$ 10,950.00

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
101.698	\$ 28,458.49	+\$1,000.00	\$ 29,458.49

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

BUDGET AMENDMENT GENERAL FUND NO. 4 – RAP GRANT BODY WORN CAMERAS.

Engle moved, Rhein 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, it is necessary to modify the aforesaid budget between revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Department			
Equipment Maintenance			
101.305.778	\$ 10,950.00	+\$ 868.00	\$ 11,818.00

REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous			
101.698	\$ 29,458.49	+\$ 868.00	\$ 30326.49

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

BUDGET AMENDMENT GENERAL FUND NO. 5 – ZONING TECHNICIAN WAGES

Engle moved Rhein seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated General Fund expenditures of the Township on December 11, 2017 for fiscal year 2018, 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	PREVIOUS	CHANGE	AMENDED
EXPENDITURE			
Township Board			
Salaries			
101.103.702	\$120,108.00	-\$9,000.00	\$111,108.00
Zoning			
Salary			
101.800.705	\$0	+\$9,000.00	\$ 9,000.00
ROLL CALL VOTE			
AYES: Maki, Rhein, White, Lynch, Zyburt, Engle, Bohjanen			
NAYS: None			
MOTION CARRIED			

BUDGET AMENDMENT CAPITAL IMPROVEMENT FUND – AMENDMENT NO. 5 - RAP GRANT IN CAR CAMERA.

Engle moved, Rhein 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 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, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
Police Department			
Capital Outlay - Vehicles	\$ 65,996.90	+\$823.75	\$ 66,820.65
401.305.981			
REVENUE			
Miscellaneous	\$ 1,904.23	+\$823.75	\$ 2,727.98
401.698			

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

BUDGET AMENDMENT CAPITAL IMPROVEMENT FUND – AMENDMENT NO. 6 – POLICE TRAINING FUNDS

Engle moved. Rhein seconded, Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated capital improvements fund receipts within the township on 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	\$ 1,453.17	\$371.76	\$ 1,824.93
REVENUE	PREVIOUS	CHANGE	AMENDED
State of MI 401.543	\$ 333.08	\$ 371.76	\$ 704.84

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

BUDGET AMENDMENT CAPITAL IMPROVEMENT FUND – AMENDMENT NO. 7 - SALE OF FIREARMS

Engle moved, Rhein seconded, that Whereas a budget was adopted December 11, 2017 by the Chocolay Township Board to govern the expenditures of anticipated capital improvement fund receipts within the township on 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 Department Capital Improvement Equipment 401.305.977	\$ 52,249.80	+\$1,750.00	\$ 53,999.80
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 401.698	\$ 2,727.98	+\$1,750.00	\$ 4,477.98

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

BUDGET AMENDMENT CAPITAL IMPROVEMENT FUND – AMENDMENT NO. 8 – RAP GRANT, SECURITY UPGRADES

Engle moved, Rhein 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 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, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
Police Department Capital Outlay - Equipment 401.305.977	\$ 53,999.80	+\$278.00	\$ 54,277.80
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 401.698	\$ 4,477.98	+\$278.00	\$ 4,755.98

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

BUDGET AMENDMENT CAPITAL IMPROVEMENT FUND – AMENDMENT NO. 9 – DISTRIBUTION OF KBIC 2% FUNDS

Engle moved, Rhein seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund and Wastewater Treatment Fund Sinking Fund receipts within the Township on December 11th, 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:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
KBIC 2% Gaming Money 401.000.582	\$ 70,000.00	+\$138,460.06	\$208,460.06
EXPENDITURE			
Fire Dept. Equipment 401.340.977.000	\$ 59,910.46	+\$ 10,444.38	\$ 70,354.84
Police Dept. Equipment 401.305.977.000	\$ 52,249.80	+\$ 10,300.00	\$ 62,549.80
Water/Wastewater Equipment 401.591.977.000	\$ 21,000.00	+\$ 2,300.00	\$ 23,300.00
Recreation & Properties Equipment 401.756.977.000	\$ 30,637.86	+\$ 8,000.00	\$ 38,637.86
Wastewater Treatment Fund Sinking Fund – Sewer Extension Project 571.571.657.000	\$ 0.00	+\$107,415.68	\$107,415.68

ROLL CALL VOTE

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

NAYS: Maki

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL FUNDS – BS&A SOFTWARE

Engle moved, Rhein seconded to authorize up to \$51,200.00 from Capital Improvement Fund 401.253.977 to purchase BS&A software upgrades.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

MANAGEMENT LETTER FROM AUDITOR

Lynch moved, Rhein seconded to designate Supervisor Bohjanen as signatory on the letter.
MOTION CARRIED

ADOPT REVISED MDOT PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES.

Lynch moved, Zyburt seconded to approve the *Performance Resolution for Governmental Agencies* as presented and to authorize the Township Supervisor to sign the resolution on behalf of the Township.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

ANNUAL REVIEW OF BOARD POLICIES.

Maki suggested that on the agenda, there be an update portion for the liaison to the Planning Commission and the liaison to the Zoning Board of Appeals. Bohjanen questioned if it should be in person or in writing, as the update would then be included in the packet material. The Board thought this would be a good idea.

Manager Kangas asked where this would be located in the agenda – it was indicated that it will be in the same area as the Supervisor Report and the Clerk Report.

White moved, Lynch seconded to accept the Board Policies as presented.

MOTION CARRIED

TOWNSHIP MANAGER'S FIRST ANNUAL PERFORMANCE REVIEW.

Bohjanen stated that at the December meeting the Board members were given evaluation sheets and asked to fill them out prior to the January meeting. Bohjanen then collated the information.

Manager Kangas stated that if any of the Board members were interested in sitting down with him and voicing their thoughts, he would be happy to listen to them. Kangas also indicated that if the Board is thinking about granting a percentage, he would like to request an additional week of vacation.

White moved, Rhein seconded that the Manager be allowed to have one extra week of vacation.

MOTION CARRIED

White moved, Lynch seconded to also give the Manager a 2% raise effective January 1, 2019.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PUBLIC COMMENT

Mark Maki, 370 Karen Road – Short term rentals seem to have gone off the agenda for at least the past 3 months. He feels this issue needs to be resolved. Planning Director Throenle indicated that this is on the Planning Commission meeting on January 21, 2019.

Lynch moved Rhein seconded to adjourn the meeting.
MOTION CARRIED

The meeting was adjourned at 6:50 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Correspondence – Jude Catallo, Lakewood Lane, Sewer Ordinance Revisions.
- B. Correspondence – Ann LaChance, M 28 #, Sewer Ordinance Revisions.
- C. Correspondence – Darwin & Sue Britton, Lakewood Lane, Sewer Ordinance Revisions.
- D. Correspondence – Mariann DeRosia, Bayou Street, Private Road Garbage Collection.
- E. Correspondence – Marquette Area Fourth of July Celebration
- F. Minutes – Chocolay Township Planning Commission, Regular Meeting of December 17, 2018, Draft.
- G. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of November 8, 2018, Draft.
- H. Minutes – US-41 Corridor Advisory Group, Regular Meetings of November 13, 2018 and December 11, 2018.
- I. Information – January 2019 Chocolay Township Newsletter.
- J. Information – Notice of Intent to Apply for MDEQ SRF Funding, December 19, 2018.
- K. Information – Iron Ore Heritage Recreation Authority 2018 Municipal Updates, December 2018.
- L. Information – Marquette County Solid Waste Management Authority, Single Stream Recycling Packet, December 6, 2018.
- M. Information – MDOT Ishpeming TSC 2019 Construction Program and 2020 – 2023 Construction Programs.

Max Engle, Clerk

Richard Bohjanen, Supervisor

February 11, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, February 11, 2019 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, Don Rhein, Judy White, Mark Maki.

ABSENT: David Lynch (excused).

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Scott Jennings, Brad Johnson, Dale Throenle, Lee Gould

APPROVAL OF AGENDA.

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

MOTION CARRIED

PUBLIC COMMENT. NONE

CONSENT AGENDA

AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meeting – January 14, 2019.
- B. Approve Bills Payable, Check Register Reports – January 14 (Check #'s 23010 - 23023, in the amount of \$36,335.99), January 15 (Check #'s 23024 - 23043, in the amount of \$23,236.38), January 17 (Check #'s 23044 - 23048, in the amount of \$73,906.56) and January 30 (Check #'s 23049 – 23072, in the amount of \$30,843.30).
- C. Approve Bills Payable, Regular Payroll – January 10 (Check #'s 25269 - 25307 and Check #'s 10764 - 10768, Federal, State, and MERS for a total of \$41,124.87), and January 24 (Check #'s 25308 - 25331 and Check #'s 10769 - 10773, Federal, State, and MERS for a total of \$36,908.78).
- D. Approve Financial Reports, Revenues and Expenditures – January 1 through December 31, 2018 (unaudited).
- E. Approve Treasurer's Report, Certificates of Deposit and Investment Reports – December 31, 2018.
- F. Approve Treasurer's Report, Fund Withdrawal and Deposit Report – January 31, 2019.

Trustee Maki asked that Item A (Meeting Minutes from January 14, 2019) be removed from the Consent Agenda for questions.

Maki moved, Rhein seconded that the Consent Agenda be approved as modified (exception of Item A removed for discussion).

MOTION CARRIED

Discussion of Item A – Minutes from Meeting of January 14, 2019.

Maki suggested that on the bottom of page 5, on the motion that he voted “Nay” on, that there be a clarification on what XII.H referred to.

Manager Kangas indicated that in the minutes, 3 paragraphs up from the motion, there was a reference to XII.H – Sewer Extension Project.

Maki moved, White seconded that there be a clarification added on the XII.H reference. Maki felt this clarification was no longer needed. Motion to approve.

MOTION CARRIED

SUPERVISOR’S REPORT

Supervisor Bohjanen indicated he has an appointment on February 18 (date of Joint Meeting) and felt it was very unlikely that he would be back in time for the meeting. Bohjanen asked that Clerk Engle call the meeting to order on February 18, and a chair be selected at that time.

Supervisor Bohjanen also indicated that there had been some complaints on snowmobiles in Chocolay Township, as the STOP signs on driveways have been replaced with YIELD signs and they are traveling through at a high rate of speed. This is especially true with the Raptor Center, as the driveway is partially hidden. The problem is being worked on.

CLERK’S REPORT

Clerk Engle indicated that there is some reorganizing happening in the vault, so that everyone will be able to locate the records they need.

TREASURER’S REPORT

Treasurer Zyburt stated there had been a couple CD’s that matured within the last month. A \$250,000 Mbank CD matured at a rate of 1.3% and was reinvested into the same bank for one year at 2.5%. There was also a \$250,000 First Bank CD at 1.8% that was reinvested with First Bank for 18 months at 2.8%. There was also an extra \$100,000 from taxes that was invested in the Mercantile Bank at 2.6% for 18 months. For the month of January, the Township made \$12,140 in interest in CD’s.

PLANNING COMMISSION REPORT

Trustee Rhein indicated the Planning Commission has been working on getting priorities set for the coming year and had a couple of re-zonings. Also took a look at the Marijuana laws and are planning on waiting to work on any type of ordinance until the State has figured out how they are handling it.

ZONING BOARD OF APPEALS REPORT

Trustee Maki indicated that the ZBA has not met very much – the last time they met would have been with the Casino and a height issue for the proposed casino expansion.

PUBLIC HEARING – NONE.

PRESENTATIONS – NONE.

SECOND READING OF PROPOSED REVISIONS TO ORDINANCE NO. 39 WASTE WATER COLLECTION SYSTEM.

White moved, Rhein seconded, that after providing required notification to the public, holding a public hearing and considering public input, the Chocolay Township Board approves the Second Reading of proposed amendments to Section 5 of *Ordinance 39 Waste Water Collection System* as written.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Lynch

MOTION CARRIED

2019 TOWNSHIP MANAGER COMPENSATION.

Kangas indicated that this was brought back to the Board because of some wrong numbers which were mentioned at the last meeting. He has included a table that shows the value of vacation and salary increase based on different percentages.

White moved, Maki seconded to increase the Township Manager's annual salary by 1.0%, effective January 1, 2019.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Lynch

MOTION CARRIED

2018 PLANNING COMMISSION ANNUAL REPORT.

Zyburt moved, Rhein seconded, that the *2018 Planning Commission Annual Report* be accepted as written.

MOTION CARRIED

DISCUSSION OF PLANNING COMMISSION PRIORITIES FOR 2019 / 2020.

White moved, Zyburt seconded, that the priorities for the Planning Commission for 2019 – 2020 be published as written and added to the agenda for the joint meeting scheduled on February 18, 2019 for discussion with the Planning Commission.

MOTION CARRIED

PROPOSED REZONING FROM WATERFRONT TO RESIDENTIAL – KAWBAWGAM ROAD.

Zyburt moved, and Engle seconded, that after providing required notification to the public, holding a public hearing and considering public input, the Board waives the second reading and approves changing the zoning district for twenty-seven parcels located on the south side of Kawbawgam Road above Lake Kawbawgam from Waterfront Residential (WFR) to Residential (R-

1), and file the amendment with the Township Clerk to publish a notice in the local newspaper and on the Township website within 15 days of adoption, and to record the amendment in the Township *Zoning Ordinance* book within one week after publication.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Lynch

MOTION CARRIED

PROPOSED REZONING FROM RESIDENTIAL TO WATERFRONT – CHOCOLAY RIVER CORRIDOR.

White moved, and Rhein seconded, that after providing required notification to the public, holding a public hearing and considering public input, the Board waives the second reading and approves changing the zoning district for one hundred twenty-one parcels located along the Chocolay River and a portion of Cherry Creek from Residential (R-1) to Waterfront Residential (WFR), and file the amendment with the Township Clerk to publish a notice in the local newspaper and on the Township website within 15 days of adoption, and to record the amendment in the Township *Zoning Ordinance* book within one week after publication.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Lynch

MOTION CARRIED

PROPOSED REZONING FROM MULTI-FAMILY RESIDENTIAL TO COMMERCIAL – KAWBAWGAM ROAD AT M28 EAST.

Maki moved, White seconded that this be tabled until further review can be done on the entire area.

AYES: 1 (Maki)

NAYS: 5

MOTION FAILED

Engle moved, Zyburt seconded that after providing required notification to the public, holding a public hearing and considering public input, the Board waives the second reading and approves changing the zoning district for two parcels located at the intersection of M-28 and Kawbawgam Road from Multi-Family Residential (MFR) to Commercial (C), and file the amendment with the Township Clerk to publish a notice in the local newspaper and on the Township website within 15 days of adoption, and to record the amendment in the Township *Zoning Ordinance* book within one week after publication.

Maki moved, Rhein seconded to NOT waive the second reading as an amendment to Engle's motion.

AYES: 5

NAYS: 1 (Engle)

MOTION CARRIED

Engle moved, Zyburt seconded that after providing required notification to the public, holding a public hearing and considering public input, the Board approves the first reading and recommends scheduling a second reading for the March, 2019 meeting.

AYES: 5

NAYS: 1 (Maki)

MOTION CARRIED

PROPOSED EXTENSION OF MIXED USE OVERLAY DISTRICT.

Planner Throenle asked the Board to table this item, as this would go along with the previous discussion related to the multi-family to commercial rezoning request.

Maki moved, Zyburt seconded that this item be tabled until the March, 2019 meeting.

MOTION CARRIED

AUTHORIZATION TO ENTER INTO CONTRACT WITH MCRC FOR 2019 ROAD PAVING.

Zyburt moved, Rhein seconded to enter into an agreement with Marquette County Road Commission for the 2019 Chocolay Township paving project based on the low bid price of \$428,632.50 by Bacco Construction. This agreement will also include standard administration fees charged by MCRC anticipated to equal 3% of the construction cost, or \$12,858.98.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Lynch

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – VAULT STORAGE.

Rhein moved, White seconded that the Clerk expend up to \$3,000 from the Clerk Capital Improvement Fund 401.215.977 for reorganization of vault materials.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Lynch

MOTION CARRIED

CONSENT AGENDA

Engle moved, Zyburt seconded that *Item I through Item M* be moved to a Consent Agenda, and that a Roll Call Vote be taken.

ROLL CALL VOTE

AYES: Maki, Rhein, Zyburt, Engle, Bohjanen

NAYS: White

ABSENT: Lynch

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – NMU PUBLIC SAFETY INSTITUTE.
Expend \$675 for the NMU Public Safety Institutes for year 2018. This would come from the Capital Improvement Police Training Fund, 401.306.957.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – TACTICAL ENCOUNTERS FOR PATROL OFFICERS.
Expend \$470 for the Tactical Encounters for Patrol Officers training. This would come from the Capital Improvement Police Training Fund, 401.306.957.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – GRADING SCRAPER.
Expenditure of \$1,500 to U.P. Kubota for the purchase of a grading scraper. This is to be paid out of Capital Improvements 401.756.977.000.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – EQUIPMENT HAULER / TRAILER.
Expenditure of \$3,704.08 and the trade in for our 16 ft. Maclander trailer to Bay Trailer Depot for the purchase of a new equipment hauler. This is to be paid out of Capital Improvements 401.756.977.000.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – FIRE DEPARTMENT TRAILER UPGRADES.
Authorize the Fire Department to purchase equipment for the rescue trailer in the amount of \$10,444.38 using Capital Improvement funds.

NOT ON CONSENT AGENDA

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS – KBIC WATER TOWER PAY REQUESTS 1 AND 3.
Zyburd moved, White seconded to authorize the Financial Records Clerk to pay Gundlach Champion, Inc. Pay Requests 1 and 3 in the amounts of \$215,668.05 and \$39,956.75, respectively. This authorization shall be contingent upon receipt and deposit of the remaining \$620,000 payment of 2% funds from KBIC. These expenditures shall be applied to the Capital Improvement Fund, Account 340.972.002, Ojibwa Water Reservoir.

ROLL CALL VOTE

AYES: Zyburd, Engle, Bohjanen

NAYS: Maki, Rhein, White

ABSENT: Lynch

MOTION FAILED

RECOMMENDATIONS FROM PERSONNEL COMMITTEE

White moved, Zyburd seconded to change the first sentence of Section 5.4 in the *Township Policies and Procedures* to read: “The Manager, or Department Heads with the consent of the Manager, will **temporarily** determine starting times, quitting times, and work hours for Township positions **pending Township Board approval..**”

MOTION CARRIED

Zyburt moved, White seconded to accept the draft proposal for the Financial Records Clerk to assume **all** financial responsibilities of the Utility Review Committee with compensation reimbursed by the Utility Review Committee.

MOTION CARRIED

Engle moved, White seconded to add \$2,000 into the Technology Salary, create an IT Technician job description based on the IT duties enumerated in the vacated Community Development Coordinator position, reduce Planning and Zoning Temp Employee salary by \$2,000 and retroactively apply this salary to the Planning Director and Zoning Administrator's compensation effective January 1, 2019.

ROLL CALL VOTE

AYES: Rhein, White, Zyburt, Engle, Bohjanen

NAYS: Maki

ABSENT: Lynch

MOTION CARRIED

Zyburt moved, Rhein seconded to change the last line of the Job Description for the DPW Supervisor position summary to state: "This position is expected to assist in performing the essential duties listed in General Maintenance Worker job description and will be eligible for overtime compensation for these duties as budgeted."

MOTION CARRIED

White moved, Zyburt seconded to promote Brad Johnson, DPW Foreman to DPW Supervisor, increase the salary for DPW Foreman (Supervisor) in account 756.702 by \$2,443, decrease recreation overtime in account 756.702 by \$2,443, and retroactively apply this salary to January 1, 2019.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Lynch

MOTION CARRIED

RESOLUTION TO WAIVE PENALTIES FOR NON-FILING OF PROPERTY TRANSFER AFFIDAVITS UNDER MCL 211.27B

Maki moved, Rhein seconded to adopt the Resolution to Waive Penalties for Non-Filing of Property Transfer Affidavits under MCL 211.27b, as presented.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Lynch

MOTION CARRIED

**RESOLUTION TO WAIVE PENALTIES FOR NON-
FILING OF PROPERTY TRANSFER AFFIDAVITS
UNDER MCL 211.27b**

WHEREAS, MCL 211.27a(10) requires the buyer, grantee, or other transferee of the property to notify the appropriate assessing office in the local unit of government in which the property is located of the transfer of ownership of the property within 45 days of the transfer of ownership, on a form prescribed by the state tax commission that states the parties to the transfer, the date of the transfer, the actual consideration for the transfer, and the property’s parcel identification number or legal description, and

WHEREAS, MCL 211.27b(1) requires that if the buyer, grantee, or other transferee in the immediately preceding transfer of ownership of property do not notify the appropriate assessing office of the transfer, then penalties as described in MCL 211.27b(1)(c) or (d) are levied, and

WHEREAS, MCL 211.27b(5) provides that the governing body of a local tax collecting unit may waive, by resolution, the penalty levied under MCL 211.27b(1)(c) or (d).

NOW THEREFORE BE IT RESOLVED, that the Charter Township of Chocolay waives the penalty for failure to file the Property Transfer Affidavit following a transfer of ownership pursuant to the local unit’s authority contained in MCL 211.27b.

Vote:	Trustee Maki	<u> X </u>	YES	<u> </u>	NO
	Trustee Rhein	<u> X </u>	YES	<u> </u>	NO
	Trustee White	<u> X </u>	YES	<u> </u>	NO
	Trustee Lynch	<u> </u>	ABSENT	<u> </u>	NO
	Treasurer Zyburt	<u> X </u>	YES	<u> </u>	NO
	Clerk Engle	<u> X </u>	YES	<u> </u>	NO
	Supervisor Bohjanen	<u> X </u>	YES	<u> </u>	NO

Certification: _____ Max Engle, Clerk

PUBLIC COMMENT – NONE.

Zyburt moved Rhein seconded to adjourn the meeting.
MOTION CARRIED

The meeting was adjourned at 7:10 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of January 21, 2019, Draft.
- B. Minutes – Marquette County Solid Waste Management Authority, Informational Meeting of January 16, 2019, Draft.
- C. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of December 20, 2018, Draft.
- D. Minutes – US-41 Corridor Advisory Group, Regular Meeting of January 8, 2019.
- E. Minutes – Marquette County Township Association, Regular Meeting of October 24, 2018.
- F. Information – February 2019 Chocolay Township Newsletter.
- G. Information – LARA Notice for Electrical Plan Review and Inspection Staff (Applies to Marquette County Building Codes).

Max Engle, Clerk

Richard Bohjanen, Supervisor

February 18, 2019

A Joint meeting of the Chocolay Township Board of Trustees and Planning Commission was held on Monday, February 18, 2019 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. In the absence of Supervisor Bohjanen, the meeting was called to order by Clerk Max Engle at 5:30 pm. Appointment of Chair for the meeting was first order of discussion.

White moved, Lynch seconded that Clerk Engle be appointed chair.
MOTION CARRIED

TOWNSHIP BOARD.

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

ABSENT: Richard Bohjanen (excused)

Planning Commission Chair, Tom Mahaney, called the meeting of the Planning Commission for the Joint Meeting to order at 5:35 pm.

PLANNING COMMISSION.

PRESENT: Tom Mahaney, Susan Maynard, Donna Mullen-Campbell, Cory Bushong, Don Rhein, Kendell Milton, Ryan Soucy

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Dale Throenle

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA.

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

MOTION CARRIED

PUBLIC COMMENT

Stephanie Gencheff, 597 Lakewood Lane – had questions concerning the zoning maps that were presented in the February 11, 2019 Board packet, as the maps show the future rezoning of the residential along M-28 (north and south sides) to mixed-use residential. Voted down last summer – does not think it can be brought before the Board without proper notification. Seems to be a disconnect between the Master Plan and the residents of Chocolay Township.

Brian Miller, 217 Judy Street – addressed the quarterly to monthly billing on the sewer bills. He feels this does not make any sense – more cost overall. Spoke on vacation and pay raises for the Township Manager and all employees - doesn't see why anyone working at the Township should be receiving pay raises. Feels the Township should be proactive instead of reactive. Questioned the retirement plan and how the Township was handling their investments.

Mark Maki, Trustee – addressed some of Miller’s concerns. Also asked questions of S. Gencheff regarding the maps – current zoning map and the proposed zoning map (which was voted down last summer). She was questioning what is being voted on.

Dale Throenle, Staff – Planning Director Throenle indicated that the maps were not part of the discussion – the only portion that was discussed was the property on the corner of Kawbawgam and M-28. He explained they were in the packet for reference purposes only.

Public comment closed at 5:46 pm.

PUBLIC HEARING – NONE

PRESENTATIONS – NONE

UNFINISHED BUSINESS – NONE

DISCUSSION OF PLANNING COMMISSION PRIORITIES FOR 2019 / 2020.

Throenle introduced the priorities to the Board – this is the same list that was brought before the Board at regular meeting of the Board on February 11.

Trustee Maki questioned the status and strategy of the language for short term rental. Planning Commission Chair Mahaney indicated there have been several meetings regarding this, and there is language that will be brought before the Planning Commission at their meeting following the Joint Meeting. Commissioner Maynard indicated the changes made reference to all rentals without distinction between short term and long term rentals. Throenle described the process of registration of a rental. He indicated there would also be a list of rules and regulations that would be distributed to renters. This would be a yearly registration.

Trustee White asked about the review and update of the Master Plan, and when this was due. Throenle indicated that the update is required in 2020.

Clerk Engle asked about the Recreation Plan due date – Manager Kangas indicated that the Recreation Plan is being worked on. This would need to be done before we are eligible to apply for DNR grants (none are anticipated this year).

Trustee Maki questioned the update of the Township Zoning Ordinance – wondered what the problems were. Throenle indicated that an example would be some of the footnotes that are buried in the Ordinance.

Trustee Maki questioned the priority for addressing non-conformities regarding properties in the Agricultural / Forestry district. Throenle indicated this would be focusing on minimum lot sizes, and what makes sense in the long term for the Township.

Planning Commission Chair Mahaney indicated that the Planning Commission had input in putting together the list and establishing what they felt were the priorities for the Township.

Trustee Maki also voiced concern on re-zonings in the Kawbawgam area.

Zyburt moved, Lynch seconded that the priorities for the Planning Commission be forwarded to the Planning Commission as written as the recommended Planning Commission priorities for the 2019 through 2020 calendar year.

MOTION CARRIED

PUBLIC COMMENT – NONE.

Brian Miller, 217 Judy Street – feels growth is good to a point. How much is too much?

Stephanie Gencheff, 597 Lakewood Lane – brought up the rezoning of the parcels that was on the agenda for the February 11 Board meeting. She is confused about what is proposed to be rezoned along M-28. Planning Director Throenle indicated he would clarify this after the meeting with the resident.

Zyburt moved Lynch seconded to adjourn the meeting.

MOTION CARRIED

The meeting was adjourned at 6:46 pm.

Max Engle, Clerk

Richard Bohjanen, Supervisor

March 11, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, March 11, 2019 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, Mark Maki.

ABSENT: Judy White (excused).

STAFF PRESENT: Jon Kangas, Lisa Perry, Scott Jennings, Brad Johnson, Dale Throenle, Lee Gould.

APPROVAL OF AGENDA.

Supervisor Bohjanen requested that an item be added to the agenda under New Business, Item I. Request from City of Marquette for a letter of support for a DNR Trust Fund Grant for building universally acceptable playground equipment at Mattson Lower Harbor Park.

Lynch moved, Zyburt seconded that the agenda be approved as modified by adding the letter from the City of Marquette.

MOTION CARRIED

PUBLIC COMMENT.

Brian Miller, 217 Judy – questioned the jump in the Township Manager’s salary from \$45,000 to \$75,000. Discussed the type of pension program the Township is in. Need to be proactive.

Supervisor Bohjanen indicated the jump was because of a change in the manager position from part time to full time. He also indicated that the Township has been looking at the pension plan and gathering information on this.

CONSENT AGENDA

AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meetings – February 11, 2019 Regular Meeting and February 18, 2019 Joint Meeting.
- B. Approve Bills Payable, Check Register Reports – February 12 (Check #'s 23073 - 23105, in the amount of \$38,146.51) and February 27 (Check #'s 23105 - 23135, in the amount of \$30,528.23).
- C. Approve Bills Payable, Regular Payroll – February 7 (Check #'s 25332 - 25346 and Check #'s 10774 - 10778, Federal, State, and MERS for a total of \$35,103.12), and February 21 (Check #'s 25347 - 25376 and Check #'s 10779 - 10783, Federal, State, and MERS for a total of \$40,221.95).
- D. Approve Treasurer’s Report, Certificates of Deposit and Investment Reports – January 31, 2019.

E. Approve Treasurer’s Report, Fund Withdrawal and Deposit Report – February 28, 2019.

Zybert moved, Lynch seconded that the Consent Agenda be approved as presented.

MOTION CARRIED

SUPERVISOR’S REPORT

None.

CLERK’S REPORT

None.

TREASURER’S REPORT

Treasurer Zybert stated there were no maturing CDs for the month – nothing to report.

PLANNING COMMISSION REPORT

Trustee Rhein indicated at last meeting the Planning Commission went over the rental agreement.

Trustee Maki felt there could be problems – rentals versus ownership. They are not held to same standard. Supervisor Bohjanen indicated that most issues are with ordinances, and everyone is held to that same standard.

PUBLIC HEARING – NONE.

PRESENTATIONS – FIRE DEPARTMENT RETIREMENT PRESENTATION

Lee Gould, Fire Chief, presented Brad Johnson with a plaque for his 16 years of service in the fire department.

PRESENTATIONS – FIRE DEPARTMENT APPARATUS PRESENTATION

Lee Gould, Fire Chief, discussed the need for replacement of the main front line pumper due to its age. Total replacement cost would be approximately \$650,000, and it is all custom built, so build and delivery time is approximately 2 years. Manager Kangas indicated he would like to wait until the audit is completed for 2018, and go forward from there.

Trustee Maki stated it would be good to have some financing options.

Board consensus was to proceed with exploring the options.

SECOND READING OF PROPOSED REZONING FROM MULTI-FAMILY RESIDENTIAL TO COMMERCIAL – KAWBAWGAM ROAD AT M-28 EAST.

Engle moved, Lynch seconded that after providing required notification to the public, holding a public hearing, providing a first and second reading of the material and considering public input, the Board approves changes to the zoning district for two parcels located at the intersection of M-28 and Kawbawgam Road from Multi-Family Residential (MFR) to Commercial (C) as *Zoning*

Ordinance Amendment 34-19-02. The Board files the amendment with the Township Clerk to publish a notice in the local newspaper and on the Township website within 15 days of adoption, and to record the amendment in the Township *Zoning Ordinance* book within one week after publication.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki

ABSENT: White

MOTION CARRIED

PROPOSED ZONING ORDINANCE AMENDMENT 343-19-03 – MIXED USE OVERLAY DISTRICT EXTENSION.

Lynch moved, Rhein seconded that after providing required notification to the public, holding a public hearing and considering public input, the Board waives the second reading and approves applying the mixed use overlay district to five commercial parcels located at the intersection of M-28 and Kawbawgam Road, two commercial parcels located at the intersection of County Road 480 and US 41 South, and six commercial parcels located at the intersection of Mangum Road and US 41 South as *Zoning Ordinance* amendment 34-19-03. The Board files the amendment with the Township Clerk to publish a notice in the local newspaper and on the Township website within 15 days of adoption, and to record the amendment in the Township *Zoning Ordinance* book within one week after publication.

ROLL CALL VOTE

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

NAYS: None

ABSENT: White

MOTION CARRIED

2019 GENERAL FUND BUDGET AMENDMENT TO REFLECT RECEIPT OF DEPARTMENT OF JUSTICE BALLISTIC VEST PROGRAM FUNDS

Lynch moved, Zyburt seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the expenditures of anticipated general fund receipts within the township on November 12, 2018 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 General Fund-Uniforms 101.305.745	\$ 3,150.00	+\$1,374.50	\$ 4,524.50
REVENUE	PREVIOUS	CHANGE	AMENDED
Miscellaneous 101.698	\$ 25,000.00	+\$1,374.50	\$ 26,374.50

ROLL CALL VOTE

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

NAYS: None

ABSENT: White

MOTION CARRIED

2019 GENERAL FUND BUDGET AMENDMENT TO REFLECT ADJUSTMENT TO TOWNSHIP MANAGER SALARY.

Zyburt moved, Rhein seconded that whereas, a budget adopted by the Chocolay Township Board to govern the anticipated General Fund expenditures within the Township on November 12, 2018 for fiscal year 2019, 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	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
EXPENDITURE			
Township Board Salaries, Township Manager 101.103.702	\$75,000.00	+\$750.00	\$75,750.00
EXPENDITURE			
Other General Government, Contingency 101.285.951	\$20,000.00	-\$750.00	\$19,250.00

ROLL CALL VOTE

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

NAYS: None

ABSENT: White

MOTION CARRIED

2019 CAPITAL IMPROVEMENT BUDGET AMENDMENT TO REFLECT RECEIPT OF KBIC 2% FUNDS FOR ELEVATED WATER STORAGE TANK.

Lynch moved, and Zyburt seconded that whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on November 12, 2018 for fiscal year 2019, and whereas, as a result 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 Funds 401.000.582	\$0.00	+\$620,000.00	\$620,000.00
EXPENDITURE			
Ojibwa Water Reservoir 401.340.002.972	\$75,000.00	+\$620,000.00	\$695,000.00

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki

ABSENT: White

MOTION CARRIED

2019 SEWER CAPITAL IMPROVEMENT BUDGET AMENDMENT TO REFLECT RECEIPT OF KBIC WWTP CAPACITY PURCHASE FUNDS

Zyburt moved, and Lynch seconded that whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Wastewater Treatment (Sewer) Fund receipts within the Township on November 12, 2018 for fiscal year 2019, and whereas, as a result 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			
Plant Capacity Cost Reimbursement 571.658	\$0.00	+\$114,120.24	\$114,120.24
EXPENDITURE			
Sewer Capital Improvements, Plant Purchase 571.970	\$0.00	+\$114,120.24	\$114,120.24

ROLL CALL VOTE

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

NAYS: None

ABSENT: White

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR PAY REQUESTS 1, 3, AND 4 FOR THE ELEVATED WATER STORAGE TANK.

Lynch moved, and Rhein seconded to authorize payment of Pay Application 1 in the amount of \$215,668.05, Pay Application 3 in the amount of \$39,956.75 and Pay Application 4 in the amount of \$91,450.91 using Capital Improvement Funds from Fire Account 401.340.972.002, Ojibwa Water Reservoir.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki

ABSENT: White

MOTION CARRIED

AUTHORIZATION TO EXPEND SEWER CAPITAL IMPROVEMENT FUNDS FOR THE PURCHASE OF WASTEWATER TREATMENT CAPACITY.

Zyburt moved, and Rhein seconded that having received payment from KBIC for the necessary wastewater treatment capacity purchase, the Township Board approves payment of invoices received from the City of Marquette and Marquette Township, each in the amount of \$57,060.12 (totaling \$114,120.24) utilizing Sewer Capital Improvement funds budgeted through amendment in account 571.970, Plant Purchase.

ROLL CALL VOTE

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

NAYS: None

ABSENT: White

MOTION CARRIED

AUTHORIZATION TO AMEND SEWER USER CHARGES FOR 4025 US 41 SOUTH.

Motion by Lynch, supported by Engle that the Equivalent User Fee for 4025 US 41 South be lowered from 1.0 down to 0.0 as of February 1, 2019, as provided for in section 9.C.2.e, of Wastewater Ordinance #39.

MOTION CARRIED

DISCUSSION OF ORDINANCE 39, SECTION 9.E.1, BILLING AND PAYMENT OF CHARGES.

Lynch moved, and Zyburt seconded to reduce the billing period in Section 9.E.1 of Ordinance 39 from 30 days to 25 days and to schedule a public hearing for the April 8, 2019 Township Board Meeting.

MOTION CARRIED

REQUEST FROM CITY OF MARQUETTE FOR LETTER OF SUPPORT FOR TRUST FUND GRANT.

Maki moved, Engle seconded that the Township send a letter of support to the City of Marquette for the playground equipment at Mattson Park to be signed by the Township Supervisor.

MOTION CARRIED

PUBLIC COMMENT – NONE.

Lynch moved Zybert seconded to adjourn the meeting.

MOTION CARRIED

The meeting was adjourned at 6:18 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Correspondence – E. Delene, 232 Kawbawgam Road, Casino Light and Generator Concerns.
- B. Correspondence – D. Weide, 357 Mangum Road, Garbage Collection Issues.
- C. Minutes – Chocolay Township Planning Commission, Regular Meeting of February 18, 2019, Draft.
- D. Minutes – Marquette County Solid Waste Management Authority, Informational Meeting of February 20, 2019, Draft.
- E. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of January 17, 2019, Final.
- F. Information – March 2019 Chocolay Township Newsletter.
- G. Information – MCSWMA Solid Waste Tipping Fees – 10 Year Plan.
- H. Information – MMRMA Distributions of Excess Net Assets (2 Letters).

Max Engle, Clerk

Richard Bohjanen, Supervisor

April 8, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, April 8, 2019 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, Judy White, Don Rhein, Mark Maki.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Brad Johnson, Dale Throenle, Tony Carrick

APPROVAL OF AGENDA.

Lynch moved, Rhein seconded that the agenda be approved as presented.

MOTION CARRIED

PUBLIC COMMENT.

None.

CONSENT AGENDA

AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meeting – March 11, 2019.
- B. Approve Bills Payable, Check Register Reports – March 7 (Check #'s 23136 - 23155, in the amount of \$15,848.91), March 21 (Check #'s 23156 - 23182, in the amount of \$504,100.85), and March 30 (Check #'s 23183 – 23201, in the amount of \$26,197.76).
- C. Approve Bills Payable, Regular Payroll – March 7 (Check #'s 25377 - 25392 and Check #'s 10784 - 10788, Federal, State, and MERS for a total of \$33,939.98), and March 21 (Check #'s 25393 - 25424 and Check #'s 10789 - 10793, Federal, State, and MERS for a total of \$39,471.96).
- D. Approve Treasurer's Report, Certificates of Deposit and Investment Reports – February 28, 2019.
- E. Approve Treasurer's Report, Fund Withdrawal and Deposit Report – February 28, 2019.

Zyburt moved, Lynch seconded that the Consent Agenda be approved as presented.

MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen stated two items that will be addressed at the next Planning Commission meeting – the Fireworks Ordinance and a possible amendment to the ATV Ordinance.

CLERK'S REPORT

Clerk Engle reported that he had attended the MTA conference the previous week – three sessions that he attended were on the new legislation on elections – lots of changes.

TREASURER'S REPORT

Treasurer Zyburt reported a CD matured on April 4 for \$225,000 at First National of East Lansing at 2.5% - reinvested in a First National Bank of Howell 6-month CD at 2.30%.

PLANNING COMMISSION REPORT

Trustee Rhein reported that the Planning Commission had taken a look at the new Fireworks laws the State had put into place and also finalized the Marijuana proposal and the Rentals proposal. The PC also took a preliminary look at the Sign Ordinance.

ZONING BOARD OF APPEALS REPORT – NONE

PUBLIC HEARING – FIRST READING OF PROPOSED REVISION TO ORDINANCE 39 WASTE WATER COLLECTION SYSTEM, SECTION 9.E.1, BILLING AND PAYMENT OF CHARGES.

Manager Kangas stated that this issue with the current wording is that it states, *“The bill shall be payable within **30** days of the date of billing, and any bill not paid within said **30** day period shall be deemed delinquent and a penalty of ten percent (10%) of the amount of such billing shall be added thereto and shall be due and owing as part of said billing.”* As we have started billing on a monthly basis, this creates confusion on the part of the penalty. He is recommending that the wording be changed to read **25 days**, instead of the 30 days.

Zyburt moved, Lynch seconded that after providing required notification to the public, holding a public hearing and considering public input, the Chocoy Township Board approves the first reading of proposed amendments to Section 9.E.1 of Ordinance 39 Waste Water Collection System as revised and to schedule a second reading for the May 13, 2019 Township Board Meeting.

Clerk Engle suggested that the wording be changed to *“The bill shall be payable **by the 25th day of said month ... and any bill not paid by the 25th day of the month shall be deemed delinquent ...**”* to avoid any confusion on the actual due date. Manager Kangas stated that this would make it consistent.

Zyburt moved, Lynch seconded that change in the motion.

MOTION CARRIED

PRESENTATIONS – NONE.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR PAY REQUEST 5 FOR THE ELEVATED WATER STORAGE TANK.

Lynch moved, Zyburt seconded to authorized payment of Pay Application 5 in the amount of \$15,351.27 using Capital Improvement Funds from Fire Account 401.340.002.972, Ojibwa Water Reservoir.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki, White

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR THE PURCHASE OF A LAWN MOWER.

Zyburt moved, Rhein seconded that the Chocolay Township Board approves the trade in of our John Deere X475 and the purchase of the Gravely PT 460 Zero Turn Mower from Northgate Equipment in the amount of \$7,938.00 to be paid out of the capital improvement fund 401.756.977.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

PROPOSED CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT 2-2019 TO REFLECT TRANSFER OF FUNDS TO TOWNSHIP SIGN.

Engle moved, Zyburt seconded that whereas, a budget adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund expenditures within the Township on November 12, 2018 for fiscal year 2019, and whereas, as a result of unanticipated authorization to reallocate Capital Improvement Funds, 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
EXPENDITURE			
Community Center, Center Development 401.722.977	\$5,215.42	-\$5,215.42	\$0
EXPENDITURE			
Township Hall & Grounds, Township Sign Replacement 401.265.972	\$5,000.00	+\$5,215.42	\$10,215.42

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

Trustee Maki asked about the possibility of getting water in the meeting room. White agreed that a little kitchenette would be good. DPW Supervisor Johnson will look into this, as there are already water lines coming into the meeting room. No change will be needed for the above amendment.

PROPOSED RESOLUTION IN SUPPORT OF / OPPOSITION TO NONPARTISAN LOCAL OFFICE ELECTIONS.

RESOLUTION

At a meeting of the Charter Township of Chocolay Board, the following resolution was offered by Trustee Maki and supported by Trustee Lynch:

*Be it resolved, that the township board is on record **in opposition to** legislation that would allow township boards the option to have its elected offices appear as nonpartisan on the ballot.*

Roll call vote:

- Supervisor Bohjanen: NO*
- Clerk Engle: NO*
- Treasurer Zyburt: NO*
- Trustee Lynch: YES*
- Trustee White: NO*
- Trustee Rhein: YES*
- Trustee Maki: YES*

*The motion was declared **not adopted**.*

Clerk's Certification

I hereby certify that the forgoing is a true statement of an action taken by the Charter Township of Chocolay Board at an official meeting of said Board on April 8, 2018.

Max Engle, Clerk

Date

PROPOSED ORDINANCE 67, MARIJUANA ESTABLISHMENTS.

Planning Director/Zoning Administrator Throenle introduced this item, and went over the background of the proposed ordinance.

Sgt. Carrick also went over the issues that law enforcement would have.

White moved, Lynch seconded that after providing required notification to the public, holding a public hearing and considering recommendations of the Township Planning Commission and the Township Attorney, the Board schedule a second reading on the proposed language as written for Ordinance 47 *Marijuana Establishments*, at its May 2019 meeting.

Supervisor Bohjanen commented that he feels that the decision is based on incomplete ideology, with reasons as follows: (1) the concept of it protecting the health, safety and welfare is fallacious as it will not prevent the use of marijuana in the community; (2) for the purpose of law enforcement having a licensed facility would make the ordinance enforceable; (3) there are several facilities that are included in the ordinance that may be an advantage to the township, such as extraction facilities, safety compliance facilities, and growing facilities; (4) income to the township should not be considered until the USDA deals with it appropriately; (5) the voters favored legalizing marijuana by a margin of 8 - 7; (6) the concept of drug sniffing dogs – the problem was already created when the law was passed; (7) he feels we should not immediately pass this ordinance.

Clerk Engle stated that if the State does not come out with legislation or rules by January 1, and we have not “opted out”, the State can license those establishments in Chocolay Township immediately without any direction on where they can be located. We are automatically “opted in” if we do not “opt out”.

Sgt. Carrick indicated that if we do not opt out, we lose control on what type, where and how many facilities are in Chocolay Township.

ROLL CALL VOTE

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

NAYS: Bohjanen

MOTION CARRIED

PROPOSED ORDINANCE 68, RENTALS, PROPOSED ZONING ORDINANCE AMENDMENT 34-19-04 AND PROPOSED RENTAL PROPERTY REGISTRATION FORM.

Trustee Maki indicated he would like to see the letter from the Marquette Planning Commission. He is also concerned about the “No Fee” registration, and the fine seems excessive at \$500.00. He would also like to see the language that was adopted by City of Marquette and Marquette Township. He is also concerned about the density issue.

Maki moved to table this for 30 days to get additional information – letter from the County, copy of City of Marquette ordinance, and a copy of Marquette Township ordinance.

No Support

MOTION FAILED

White moved, Rhein seconded to change the penalty in *Section 8 of Ordinance 68* from \$500.00 to **\$250.00.**

AYES: 6

NAYS: 1 – Maki

MOTION CARRIED

Rhein moved, White seconded to establish a cap of 6% of residential property in the Township to be rented.

AYES: 2 – Rhein, White

NAYS: 5 – Maki, Lynch, Zyburt, Engle, Bohjanen

MOTION FAILED

White moved, Rhein seconded that after providing required notification to the public, holding a public hearing and considering recommendations of the Township Planning Commission, Marquette County Planning Commission, and the Township Attorney, the Board schedule a second reading on the proposed language as revised for Ordinance 68 *Rentals* for its May 2019 meeting.

AYES: 6

NAYS: 1 - Maki

MOTION CARRIED

Zyburt moved, and Lynch seconded that after providing required notification to the public, holding a public hearing and considering recommendations of the Township Planning Commission, Marquette County Planning Commission, and the Township Attorney, the Board schedule a second reading on the proposed language as revised for *Zoning Ordinance* Amendment 34-19-04 at its May 2019 Meeting.

AYES: 6

NAYS: 1 – Maki

MOTION CARRIED

Lynch moved, and Zyburt seconded that after providing required notification to the public, holding a public hearing and considering recommendations of the Township Planning Commission, Marquette County Planning Commission, and the Township Attorney, the Board schedule a second reading on the proposed *Rental Property Registration* form as written at its May 2019 meeting.

AYES: 5

NAYS: 2 – Maki, White

MOTION CARRIED

Engle moved, and Rhein seconded that after providing required notification to the public, holding a public hearing and considering recommendations of the Township Planning Commission, Marquette County Planning Commission, and the Township Attorney, the Board schedule a second reading on the proposed *Township Information* document as written at its May 2019 meeting.

AYES: 6

NAYS: 1 – Maki

MOTION CARRIED

PUBLIC COMMENT.

Stephanie Gencheff, 597 Lakewood Lane – appreciates the diligence on waiting for more information on retail marijuana sales and ATV trails. Feels ignored on comments they have provided on short term rentals.

Mark Maki, 370 Karen Road – Spoke on instances that he feels are not addressing the health, safety, and welfare of the Township.

Lynch moved Zyburt seconded to adjourn the meeting.

MOTION CARRIED

The meeting was adjourned at 7:20 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Correspondence – Sands Township Board, Regional Recycling Project; March 19, 2018.
- B. Minutes – Chocolay Township Planning Commission, Regular Meeting of March 18, 2019, Draft.
- C. Minutes – US 41 Corridor Group, Regular Meeting of February 12, 2019; Final.
- D. Minutes – Marquette County Township Assn (MCTA), Regular Meeting of February 27, 2019; Final.
- E. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of February 21, 2019, Final.
- F. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of February 20, 2019, Draft and Special Meeting of March 27, 2019, Draft.
- G. Information – April 2019 Chocolay Township Newsletter.
- H. Information – CUPPAD Rural Transportation Planning Process Notice.
- I. Information – US 41 Corridor 2019 Law Enforcement Meeting Notice.

Max Engle, Clerk

Richard Bohjanen, Supervisor

May 13, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, May 13, 2019 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, Judy White, Don Rhein, Mark Maki.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Dale Throenle, Lisa Perry, Pat Beck, Lee Gould, Tony Carrick, Scott Jennings

APPROVAL OF AGENDA.

White moved, Lynch seconded that the agenda be approved as presented.

MOTION CARRIED

PUBLIC COMMENT.

June Rydholm, 221 Lakewood Lane – spoke against short term rentals. Short term rentals change the character of the neighborhood and Chocolay Township. Also spoke on the petition that had been submitted to the Board.

Howard Harding, 169 East Main – he is opposed to short term rentals. He used the analogy that “nobody washes a rental car”. He suggested that whatever is decided, it be revisited in a year and see what’s working and what’s not. Also suggested there be no grandfather clause.

Chris Hendrick, 470 Lakewood Lane – she feels that a property that is bought to make money makes it a commercial property and not a residential property. Also concerned about the lack of accountability for the owners of the properties. Asked why the Board is so interested in pressing on with this ordinance when there seems to be so much concern from residents.

Pat Black, 3015 M-28 – has lived there for 30 years, and landowners have been doing short term rentals all the time. Has always had good experience with short term renters. When she and her husband travel, they use short term rentals. The contracts for these make you aware of what you can and can’t do. If she was doing a short term rental on her property, she would expect that she would need to come to the Township and fill out a permit for both the Township and law enforcement. This is a new part of tourism. All comes down to accountability.

Stephanie Gencheff, 597 Lakewood Lane – she is a short term renter when she travels. Once short term rentals are allowed, there is no going back. Opposed to short term rentals – okay with long term rentals and B&B’s. She also expressed concern on the retail sales of marijuana.

Connie Barto, 1951 M-28 East – has lived there since the mid-70's, and it is very peaceful. A couple of years ago, there was a short term renter next door. Does not feel that she should have to be the police and watch / stop what they may be doing – fireworks, walking on her beach, making fires in her sand – and she ends up having to clean up after them. Opposed to short term rentals.

Hal Pawley, 643 Lakewood Lane – has had bad experiences with short term renters – confrontations. Most recently, there was a fire pit on the dune with a fire going and nobody watching it. He has seen this more than once. He is opposed to short term rentals.

Tim Trowbridge, no address given – resident in Chocolay for 5 years – previously from Manitowac - has rented his home out as a short term rental and uses short term rentals when he travels. Does not have a problem with short term rentals and feels that people have some rights on what they can do on their own property. In Manitowac County, they have requirements that focus on the health, safety, and welfare of the residents. They require yearly water testing, yearly inspections, smoke detectors and carbon monoxide detectors. They also needed to get a permit. Urged the Board to be concerned about the health, safety and welfare.

Carl Lindquist, 496 County Road 550 – previous 10-year resident of Lakewood Lane. For many decades there were more short term rentals on Lakewood Lane than anywhere else in the Township. We are fortunate to have miles of sand beach. Feels we should not discourage tourists from coming here. Tourism is a crucial component of our local sustainable economy. He feels that some of the opinions that he is hearing border on xenophobic (unwarranted fears and exaggerations). He applauds the Planning Commission on taking the whole Township into account on this issue. Fully supports the Board on this.

Sally May, Lakewood Lane – have lived there for 50 years. Opposed to short term rentals for reasons that have previously been stated. Her concern is privacy, and treating her private property as access to the beach. People may not understand the rules / regulations. If passed, the Township should provide something that lists where the public access to the beach are.

Bruce Ward, 137 County Line Road, Skandia – has four rental units in Chocolay Township that are on one-year leases. He feels that the Township Board has over reached – this is not what the small group of people is asking for. He feels the fines are extreme, and should not be levied against the owner until reasonable time has been given to correct the situation. He feels the article in the paper is grasping for straws. Chocolay has mutual aid agreements with other emergency personnel (police and fire). He spoke on special interest groups and how the authors of the article in the paper could also be considered a special interest group.

Mark Maki, 370 Karen Road – Feels there is a lot of confusion in the community. Petition was ignored. Stated that short term rentals not allowed during the time he was Zoning Administrator (1977 – 2002). Also spoke on signs in the Township.

Deborah Mulcahey, 633 Lakewood Lane – Questioned that she was part of the “special interest group”. Would like the Board to get microphones. She has had continue objections since 2010, both written and oral. Feels that the Board chooses to ignore what the residents want. Questioned how the residents receive notice on issues. She would like 4 issues addressed: (1) animal control / reasonable control, (2) outdoor and open burning, (3) fireworks, and (4) noise.

Sally May’s husband, Lakewood Lane – in past years he has had to go down to the beach to quiet people. Questioned the distinction between short term and long term rentals.

PUBLIC COMMENT CLOSED.

CONSENT AGENDA

AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meeting – April 8, 2019 Regular Meeting.
- B. Approve Revenue and Expenditure Reports – January 2, 2019 through March 31, 2019.
- C. Approve Bills Payable, Check Register Reports – April 11 (Check #'s 23202 - 23221, in the amount of \$15,905.11), and April 23 (Check #'s 23222 - 23248, in the amount of \$62,430.77).
- D. Approve Bills Payable, Regular Payroll – April 4 (Check #'s 25425 – 25460 and Check #'s 10794 - 10798, Federal, State, and MERS for a total of \$43,729.03), and April 18 (Check #'s DD37 – DD64 and Check #'s 10799 - 10803, Federal, State, and MERS for a total of 35,856.02).
- E. Approve Treasurer’s Report, Certificates of Deposit and Investment Reports – April 30, 2019.
- F. Approve Treasurer’s Report, Fund Withdrawal and Deposit Report – April 30, 2019.

Maki had questions on the minutes (page 6) – would like to motions (4) to read: “... after considering recommendations of the Township Planning Commission, **and not considering recommendations** of the Marquette County Planning Commission, **and not considering recommendations** of the Township Attorney,”

Maki moved, White seconded that the changes be made to the minutes.

AYES: 3

NAYS: 4

MOTION FAILED

Lynch moved, Rhein seconded that the Consent Agenda be approved as presented.

AYES: 5

NAYS: 2 (Rhein, Maki)

MOTION CARRIED

SUPERVISOR’S REPORT

Proposed Alternate Marijuana Ordinance – suggested that if we are absolutely against any type of marijuana establishments in the Township, then the amendment we have covers it.

Maki moved, Zyburt seconded that this be sent to the Planning Commission for review and comment.

AYES: 6

NAYS: 1

MOTION CARRIED

CLERK'S REPORT

Clerk Engle reported that there will be an election in August for a renewal millage for the Marquette County Medical Care Facility (Valenti Center).

TREASURER'S REPORT

Treasurer Zyburt reported there were no CD's that matured this month.

ZONING BOARD OF APPEALS REPORT

Trustee Maki indicated that the Zoning Board of Appeals had not met.

PRESENTATIONS – NONE.

SECOND READING OF PROPOSED REVISION TO ORDINANCE 39 WASTE WATER COLLECTION SYSTEM, SECTION 9.E.1, BILLING AND PAYMENT OF CHARGES..

White moved, Rhein seconded that after providing required notification to the public, holding a public hearing and considering the public input, the Chocoy Township Board approves the second reading of proposed amendments to Section 9.E.1 of Ordinance 39 Waste Water Collection System as written and to publish said revisions in the Mining Journal.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

SECOND READING OF PROPOSED ORDINANCE 67, MARIJUANA ESTABLISHMENTS.

Throenle indicated that this proposed ordinance would allow the Township to "opt out" at this time, which would allow the Planning Commission to discuss the alternate ordinance presented by Supervisor Bohjanen.

Lynch moved, Zyburt seconded that after a second reading on the proposed language for Ordinance 67 *Marijuana Establishments* the Board adopt the language of the proposed ordinance as written, 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 Ordinance in the Township *Book of Ordinances* within one week after publication. **The ordinance will take effect seven days after publication.**

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki, White

MOTION CARRIED

Supervisor Bohjanen suggested that it was not necessary for the ordinance to take effect immediately, and that it be changed to publication within 15 days and adoption 7 days after publication. This was accepted as a modification by both Lynch and Zyburt.

SECOND READING OF PROPOSED ORDINANCE 68, RENTALS; AND PROPOSED ZONING ORDINANCE AMENDMENT 34-19-04.

Engle moved and Zyburt seconded that after second reading on the proposed language for Ordinance 68 *Rentals*, the Board adopt the language of the proposed ordinance as written with the ordinance to take effect June 13, 2019, 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 Ordinance in the Township *Book of Ordinances* within one week after publication.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki, White

MOTION CARRIED

Lynch moved and Rhein seconded that after second reading on the proposed *Zoning Ordinance* Amendment 34-19-04, the Board adopt the language of the proposed amendment as written, with the amendment to take effect June 13, 2019, 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 VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki, White

MOTION CARRIED

Zyburt moved and Lynch seconded that after second reading on the proposed *Rental Property Registration* form, the Board adopt the language of the proposed registration form as written.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki, White

MOTION CARRIED

Lynch moved and Rhein seconded that after second reading on the proposed *Township Information* document, the Board adopt the language of the proposed document as written.

ROLL CALL VOTE

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

NAYS: Maki

MOTION CARRIED

FIRST READING OF PROPOSED REVISIONS TO ORDINANCE 65, FIREWORKS.

Planning Director Throenle explained the changes to the ordinance are based on bills passed by the State Legislature.

White moved and Zyburt seconded that after providing required notification to the public, holding a public hearing and considering recommendations of the Township Planning Commission and the Township Attorney, the Board waive the second reading of the ordinance and adopt the language of proposed Ordinance 65 *Fireworks* as written, with the ordinance to take effect upon publication, 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 Ordinance in the Township *Book of Ordinances* within one week after publication.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

AWARD BID FOR SOLID WASTE RECYCLING COLLECTION SERVICES CURBSIDE RESIDENTIAL.

Zyburt moved and Lynch seconded to award the seven-year Solid Waste Collection Services Curbside Residential contract to Waste Management of Michigan and to select the alternate bid proposed which eliminates the current tag system and replaces it with a combination bag and / or cart system. First year customer costs would be \$2.85 / bag without carts, or \$13.00 / month for the cart system.

ROLL CALL VOTE

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

NAYS: Maki

MOTION CARRIED

At the end of May, the Township will be holding two informational meetings for residents.

APPROVE EXPENDITURE OF CAPITAL IMPROVEMENT FUNDS FOR PAY REQUEST NO. 6 FOR THE ELEVATED WATER STORAGE TANK.

Engle moved and Zyburt seconded to authorize payment of Pay Application 6 in the amount of \$105,757.33 using Capital Improvement Funds from Fire Account 401.340.972.002, Ojibwa Water Reservoir.

ROLL CALL VOTE

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

NAYS: Maki

MOTION CARRIED

APPPROVE EXPENDITURE OF CAPITAL IMPROVEMENT FUNDS FOIR THE REMOVAL OF DANGEROUS TREES ON TOWNSHIP HALL PROPERTY.

Lynch moved and Rhein seconded that the Chocolay Township Board approves the expenditure of \$1,200.00 to have the trees removed. This is to be paid out of Capital Improvements 401.265.972.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

DECLARE 12Kw GENERATOR AND 56 GALLON PROPANE TANK AS SURPLUS AND AUTHORIZE DONATION TO FORSYTH THOWNSHIP FIRE DEPARTMENT FOR EMERGENCY SHELTER USE.

Zyburt moved and Lynch seconded to authorize the Fire Department to donate our 12 kw generator and 56 gallon propane tank to run the generator to Forsyth Township Fire Department for their use as a backup power in the event of an emergency shelter situation.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

APPROVE WASTEWATER TREATMENT FUND BUDGET AMENDMENT 2-2019 TO REFLECT TRANSFER OF REVENUES FROM USER FEES TO SINKING FUND FEES.

White moved, Zyburt seconded that whereas, a budget adopted by the Chocolay Township Board to govern the anticipated Revenues of the Wastewater Treatment Fund within the Township on November 12, 2018 for fiscal year 2019, and whereas, as a result of delayed construction of the Lift Station Rehabilitation project, it is necessary to modify User Fee Revenues and Sinking Fund Revenues in the aforesaid budget.

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

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
User Fees			
571.656	\$500,000.00	-\$220,000.00	\$280,000.00
REVENUE			
Sinking Fund Fees			
571.657	\$0.00	\$220,000.00	\$220,000.00

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

APPROVE SEWER USER FEE REFUND FOR HARVEY OIL.

Zyburt moved and White seconded that Harvey Oil Company be reimbursed \$2,475.54 in overpaid sewer user fees for the vacant parcel that the Township billed the Company for the past six years, as limited by the statute of limitations for a claim of Unjust Enrichment.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

CONSIDERATION OF RECOMMENDATIONS FROM PERSONNEL COMMITTEE.

White moved, Rhein seconded to approve the increased longevity rate for the fiscal year 2020, as proposed.

AYES: 7

NAYS: 0

MOTION CARRIED

White moved, Engle seconded to approve the hiring of a part-time employee (#2) as proposed. *(If a supervisor / manager is made aware that an employee is vacating his / her position, either by resignation or retirement, the supervisor / manager has an option to hire a part time employee for training purposes up to 30 days prior to the employee's end date. Extenuating circumstances beyond 30 days may be approved by the manager. Section 10.1.5 of Manual.)*

AYES: 7

NAYS: 0

MOTION CARRIED

White moved, Rhein seconded to approve the requirement to physically work the last two weeks of employment (#3) as proposed. *(That all employees that give notice of resignation or retirement shall work their last two weeks of employment unless otherwise approved by the supervisor / manager. Section 10.1.6 of Manual.)*

AYES: 7

NAYS: 0

MOTION CARRIED

Lynch moved, Zyburt seconded to approve the removal of the phrase "and the public" from sections 2.20 and 2.21 of the Policy and Procedures Manual.

AYES: 7

NAYS: 0

MOTION CARRIED

CONSIDERATION OF LETTER OF SUPPORT FOR COUNTY-WIDE SINGLE STREAM RECYCLING, INCLUDING GLASS.

Lynch moved, Zyburt seconded to send a letter of support to Marquette County Solid Waste Management Authority to proceed in their efforts to secure grant funding and addition cost options for the single stream recycling system with the sample letter provided.

AYES: 7

NAYS: 0

MOTION CARRIED

SCHEDULE SRF PUBLIC HEARING FOR A SPECIAL TOWNSHIP BOARD MEETING PROPOSED FOR JUNE 25, 2019.

Sean Beckman, GEI Consultants, explained the timeline that is necessary to meet the final deadline for the SRF application of July 1, 2019.

White moved, Lynch seconded to schedule a Township Board Special Meeting and Public Hearing regarding the SRF Project Plan (Lift Station Rehabilitation Project) for Tuesday, June 25th at 5:30 pm in the Board room.

AYES: 7

NAYS: 0

MOTION CARRIED

Lynch moved, Zyburt seconded to move Public Comment prior to the Closed Session.

AYES: 7

NAYS: 0

MOTION CARRIED

PUBLIC COMMENT.

Carol Peterson, 281 Lakewood Lane – lives on Lakewood Lane during the summer. Voiced concerns on violations. How do you deal with advertising on the internet, without being registered? Is it considered offering to rent? Must be enforceable.

Stephanie Gencheff, 597 Lakewood Lane – the decision that the Board made on rentals is unconscionable. She supports tourism – she is not xenophobic. Just does not want short term rentals in residential zones.

Elizabeth Delene, 232 Kawbawgam Road – wanted a clarification on if she is afforded the same luxuries as others in the Township. When fireworks are going off, who should she call? Sgt. Carrick indicated that she could call 911, and the Tribal Police would be able to respond. She is still getting garbage in her yard and is not able to use her easement.

Mark Maki, 370 Karen Road – spoke on the junk vehicle ordinance.

Pat Black, 3015 M-28 – wanted to clarify that her statements earlier were not in the interest of tourism (as related to her previous job), but to the fact that she is a property owner and feels that if she is not going to be in her house for 6 months that she should be able to rent it. She feels that short term rentals done right with the proper rules and regulations work. She does not want to rent it and then have to worry about neighbors getting all riled up. Short term rentals are never going to go away.

Janice Simpson, 231 Kawbawgam Road – feels that Kawbawgam is starting to look like a junk yard with cars without license plates. Feels that nothing is being done. This is a real problem.

Nancy Holdwick, 1419 M-28 – complimented the Township on their response whenever she voice a problem. With the construction of the sewer project, there were times when they were not able to get through. Regarding the garbage bag fees – she feels this is a good thing, and hopes it will get more people to recycle. On the rental issue – she has a long term renter that has junk cars and dumpsters in the yard.

Bruce Ward, 137 County Line Road, Skandia – minutes are a matter public record and should be accurate. He feels that the Board over-reacted to the rental ordinance. Doesn't know for sure how violations on rentals will affect him – has long term rentals.

Perry Laing, 635 Lakewood Lane – short term rentals are a contentious issue. He has property that he would like to rent (there is a second residence on his property and was there when he bought the property). Does not want a long term rental, but would like the option to be able to rent at his option throughout the year to help with his taxes. The real problem is enforcement, and the problems are not just renters, most are people that actually live there. He thinks the Township has a good start on regulating rentals. Property owners need to be responsible for anyone that they are renting to.

Sunday Walden, 2052 M-28 – wanted to know if there are any penalties on the new regulations for rentals. People who don't own something don't always treat things with respect.

Zyburtt moved, and White seconded to enter into Closed Session under Section 8(h) of the Open Meetings Act and Section 13(1)(g) of the Freedom of Information Act to discuss Attorney-Client privileged information.

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

NAYS: None

MOTION CARRIED

Went into closed session at 8:45 PM.

Zyburtt moved, White seconded to return to regular meeting.

AYES: 7

NAYS: 0

MOTION CARRIED

Zyburt moved White seconded to adjourn the meeting.

MOTION CARRIED

The meeting was adjourned at 8:50 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Correspondence – M. Maki, 370 Karen Road, Rental Registration Fees
- B. Correspondence – E. Gencheff, 597 Lakewood Lane, Short Term Rental Concerns.
- C. Correspondence – S. Gencheff, 597 Lakewood Lane, Short Term Rental Concerns.
- D. Correspondence – A. Gencheff, 597 Lakewood Lane, Short Term Rental Concerns.
- E. Correspondence – G. Feliz, No address provided, Short Term Rental Concerns.
- F. Correspondence – D. Mulcahey, 633 Lakewood Lane, Rental Zoning/Ordinance Changes.
- G. Correspondence – P. Ollila, 633 Lakewood Lane, Rental Zoning / Ordinance Changes.
- H. Minutes – Chocolay Township Planning Commission, Regular Meeting of April 15, 2019, Draft.
- I. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of March 21, 2019, Final.
- J. Minutes – Marquette County Township Assn (MCTA), Regular Meeting of March 27, 2019; Final.
- K. Minutes – US 41 Corridor Group, Regular Meeting of March 12 and April 9, 2019, Final.
- L. Information – May 2019 Chocolay Township Newsletter.
- M. Information – Cover Letter, Marquette County Solid Waste Management Authority Annual Report, April 22, 2019. (Full report available in front office.
- N. Information – MDEQ Letter Confirming SESC Program Status Change, April 4, 2019
- O. Information – Transportation Funding Data from Representative Cambensy's Office.

Max Engle, Clerk

Richard Bohjanen, Supervisor

June 10, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, June 10, 2019 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, Judy White, Don Rhein, Mark Maki.

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

APPROVAL OF AGENDA.

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

MOTION CARRIED

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – has three issues she would like to address – (1) sign ordinance – not in support of it becoming a police enforceable ordinance; (2) minutes – has a strong concern that there is no record of the letter from the Marquette County Planning Commission regarding rentals and she feels it needs to be part of the record; and (3) Master Plan and its relation to rentals and the Marquette County Planning Commission.

Mark Maki, 370 Karen Road – spoke on the sign ordinance language. Maki also addressed the minutes and his public comment not being in detail. Also commented on the Marquette County Planning Commission letter.

Elizabeth Delene, 232 Kawbawgam Road – she still is having issues with the casino about garbage in her yard. Has tried dealing with the casino with no success. Called the Township and was not satisfied with the answers she received from the Zoning Administrator, and felt he was rude to her. Delene gave a handwritten note to Manager Kangas explaining the comments.

Tom Mahaney, Ortman Road – commented on the road construction on Ortman Road. Has a parcel of property that he is not able to access due to the drainage ditch. He would like to request a culvert. Manager Kangas spoke on the cost to do this (approximately \$3,000). This is an undeveloped lot, so there is not an official driveway. Trustee Maki suggested this be added to the agenda for the special meeting on June 25.

White moved and Rhein seconded to put this item on the agenda for the June 25, 2019 Special Meeting, to be presented with a cost analysis and a budget amendment.

MOTION CARRIED

Mahaney also addressed the issue of speeding on Ortman Road – there are a lot of people that walk and bike on this road, and it is a residential area.

Paul Daignault, 136 Brewer Drive – he is a new home owner in the Township. Asked about the Association By-laws, and one home not meeting the conditions. He has also noticed a new road that's being built, and wondered if the Township was aware. He has made a significant investment, and is not looking for a trailer park / campground situation. Concerned about the length of stay at the campground and if this area is being policed. Supervisor Bohjanen stated they would need to research the issues. Planner Throenle explained the zoning and permitting process, and stated the campground is not a year round facility. Chief Jennings indicated that policing of the area is happening.

Dave Mowan, 475 Lakewood Lane – starting preparation for Harvey Daze. They are looking at holding this on September 14 at Silver Creek Recreation Area. He also thanked the Board for their participation. The Board decided this item could be added to the agenda for the June 25 Special Meeting.

PUBLIC COMMENT CLOSED AT 5:55 pm.

CONSENT AGENDA

AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meeting – May 13, 2019 Regular Meeting.
- B. Approve Revenue and Expenditure Reports – January 2, 2019 through April 30, 2019.
- C. Approve Bills Payable, Check Register Reports – May 8, 2019 (Check #'s 23249 - 23268, in the amount of \$17,383.04), and May 22, 2019 (Check #'s 23269, in the amount of \$105,757.33).
- D. Approve Bills Payable, Regular Payroll – May 2, 2019 (Check #'s DD65 – DD80 and Check #'s 10804 - 10808, Federal, State, and MERS for a total of \$32,465.61), May 16, 2019 (Check #'s DD81 – DD98 and Check #'s 10809 - 10813, Federal, State, and MERS for a total of 33,286.72), and May 30, 2019 (Check #'s DD99 – DD129 and Check #'s 10814 – 10818, Federal, State, and MERS for a total of \$38,432.14).
- E. Approve Treasurer's Report, Certificates of Deposit and Investment Reports – April 30, 2019.
- F. Approve Treasurer's Report, Fund Withdrawal and Deposit Report – May 31, 2019.

Trustee Maki had questions on the minutes and his comments on three different issues and how they were reflected in the minutes. Supervisor Bohjanen explained there are certain things that cannot be changed.

Trustee Maki also had a question on the attorney bill. Supervisor Bohjanen stated that he reviews the bills and most recently it would involve the review of ordinances by the attorney.

White moved, Lynch seconded that the Consent Agenda be approved as presented.

AYES: 5

NAYS: 2 (Rhein, Maki)

MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen indicated he will be attending the U.P. Energy Summit on Friday, June 14 at Northern. He will also be attending a professional development seminar for township supervisors on July 11 and 12.

CLERK'S REPORT

None.

TREASURER'S REPORT

Treasurer Zyburt reported a \$250,000 CD matured at Southern MI Bank at 2.1%. With the proceeds a 2-year CD was purchased at Flagstar Bank at 2.45%.

PLANNING COMMISSION REPORT

Trustee Rhein indicated that the Planning Commission had started to look at the Sign Ordinance.

ZONING BOARD OF APPEALS REPORT

Trustee Maki indicated that the Zoning Board of Appeals has not met, but there is an upcoming meeting on June 27. He has asked for follow up on past decisions.

LIBRARY ADVISORY COMMITTEE – Trustee White reported last Wednesday there was a ribbon cutting at the library on the new renovations.

PRESENTATIONS – 2019 AUDIT.

Mike Greutz from Anderson Tachman and Company PLC presented the FY2018 audit. He indicated that this was an unmodified audit. The change in net position was \$404,574 (with \$147,817 from enterprise funds and the rest from governmental funds) and the total net position on the whole is 9.79 million. The net pension liability is at \$132,150, which is 93% funded. 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 2018-001 Assist in preparing financial statements and footnotes. There was one instance of non-compliance, with a budget amendment not made in a timely manner. This will be more closely monitored. There were no other significant issues.

Greutz also discussed upcoming changes on how some transactions are handled (especially with the Trust and Agency account).

Trustee Maki questioned the underfunding on the pension plan. Greutz explained that it has to do with ups and downs in the market, and that at 93% funded, we are still in a good position,

even though our liability is \$132,150. Engle asked what percentage should be going into the pension at this point. Grentz indicated 11% - 12% would be ideal.

APPROVE ADDENDUM FOR SOLID WASTE / RECYCLING COLLECTION SERVICES CURBSIDE RESIDENTIAL TO REFLECT SELECTED BID ALTERNATE AND NOVEMBER 1, 2019 INCREASE IN LANDFILL TIPPING FEES.

Lynch moved, Zyburt seconded to approve the bid addendum for the July 2019 through June 2026 Curbside Residential Solid Waste Collection contract to reflect price increases caused by the \$6.00/ton tipping fee increase at the county landfill and to authorize the Township Supervisor to sign the provided Addendum.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

APPROVE BUDGET AMENDMENT 3-2019, CAPITAL IMPROVEMENTS TO REFLECT RECEIPT OF MCOLES FUNDING.

Motion by White, supported by Rhein, Whereas, a budget was adopted by the Chocoley Township Board to govern the expenditures of anticipated capital improvements fund receipts within the Township on November 12, 2018 for the next fiscal year, and Whereas, as a result of unanticipated changes in revenues and/or revenues and expenditures, Now Therefore, Be It Hereby Resolved, that the aforesaid budget be hereby modified as follows:

EXPENDITURE	PREVIOUS	CHANGE	AMENDED
Police Training			
Capital Outlay	\$ 1,529.69	\$395.75	\$ 1,925.44
401.306.957			
REVENUE	PREVIOUS	CHANGE	AMENDED
State of MI			
401.543	\$ 0	\$395.75	\$ 395.75

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR PAY REQUESTS 7 AND 8 FOR THE ELEVATED WATER STORAGE TANK.

Lynch moved and Zyburt seconded to authorize payment of Pay Applications 7 and 8 in the amounts of \$26,527.56 and \$78,707.17, respectively, using Capital Improvement Funds from Fire Account 401.340.002.972, Ojibwa Water Reservoir

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki, White
MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR ENGINEERING ANALYSIS AND DESIGN OF REPAIRS TO MARINA BOARDWALK.

Engle moved and Rhein seconded that the Chocolay Township Board approves the expenditure of no more than \$4,200.00 to GEI Consultants for the design details to have the boardwalk repaired to today's standards. This is to be paid out of Marina Capital Improvements 401.544.972.000.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

AUTHORIZATION TO EXPEND WASTEWATER CAPITAL IMPROVEMENT FUNDS FOR PAY REQUEST 1 FOR SEWER SYSTEM EXPANSION (USING 2% FUNDS PREVIOUSLY RECEIVED).

Lynch moved and Zyburt seconded to approve Pay Application 1 for the additional sewer costs due to permit review in the amount of \$5,761.53 with funds coming from account 571.571.657.000.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

AUTHORIZATION TO ENTER INTO CONTRACT WITH MCRC FOR 2019 CRACK FILLING (RIVERSIDE ROAD AREA).

Zyburt moved and Lynch seconded to enter into a contract with MCRC to perform overband crack filling utilizing the low bidder, Wolverine Sealcoating LLC, for the bid amount of \$5,355.00 and with funds coming from the road millage account 204.440.957.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

DISCUSSION OF 2% PASS-THROUGH FUNDS REQUEST FOR THE NEW FREE STORE.

White moved and Lynch seconded to not approve the request to serve as a 2% pass-through for the New Free Store, because of the fact that although it does provide benefit to the people of the Township and also others in the County, it does not provide a direct benefit to Chocolay Township.

MOTION CARRIED

DISCUSSION OF TOWNSHIP ORGANIZATIONAL CHART / CHAIN OF COMMAND.

Supervisor Bohjanen indicated the reason for this was to go over the chain of command when it comes to who gets to direct who on what to do. The feeling is that since there is a Township Manager, directives should be going through him. In some cases, this is tending to be overlooked

by certain members of the Board. Manager Kangas indicated that he needed to know that the Board was sending the directive and not individual Board members.

Lynch moved and White seconded to utilize and enforce the chain of command as presented.

AYES: 6

NAYS: 1 (Maki)

MOTION CARRIED

Supervisor Bohjanen indicated that at some time in the future, there will be a directive coming to the Board on the chain of command.

PUBLIC COMMENT

None

Lynch moved Engle seconded to adjourn the meeting.

MOTION CARRIED

The meeting was adjourned at 7:06 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of May 20, 2019, Draft.
- B. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of April 18, 2019, Final.
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of May 22, 2019, Draft.
- D. Information – June 2019 Chocolay Township Newsletter.

Max Engle, Clerk

Richard Bohjanen, Supervisor

June 25, 2019

A Special meeting of the Chocolay Township Board was held on Tuesday, June 25, 2019 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, Judy White, Don Rhein, Mark Maki.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Dale Throenle, Brad Johnson, Tony Carrick, Lee Gould

OTHERS: Natalia Rutkowski, Rutkowski Court Reporting, LLC

APPROVAL OF AGENDA.

Lynch moved, Engle seconded that the agenda be approved as presented.

MOTION CARRIED

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – feels that the Board needs to set policy on public comment and what gets included in the packet. This is in reference to a letter she sent to the Board last week regarding her opposition to the culvert request on undeveloped land by T. Mahaney. Mulcahey read her comments to the Board, and also showed the Board a picture of the property. She feels there should also be a policy regarding these types of requests and how taxpayer money is spent. In regards to the Township Manager vacancy, she questioned where the letter of resignation was, as it was not in the packet. Urged the Board to decide what they really need in a manager. Board needs to make decisions on issues.

PUBLIC COMMENT CLOSED AT 5:55 pm.

PRESENTATIONS – EGLE SRF PROJECT PLAN – LIFT STATION REPLACEMENT PROJECT.

Sean Beckman, GEI Consultants, Project Manager for the Lift Station Replacement Project.

Beckman stated that the presentation is a requirement for application for the funding that is necessary to proceed with the project. Beckman will present a brief background, plan improvements, project funding, and anticipated project schedule.

Background: originally constructed in 1975 and is almost 45 years old. Usual life for a sewer system is 20 years. In 2018, Chocolay Township undertook a Sewer Asset Management Plan performed by GEI Consultants. GEI performed an inventory of the entire system, an assessment of the assets, and condition ratings.

As part of the Asset Management Plan, GEI identified capital improvements, which included replacement of the five existing lift stations, the three existing grinder stations, required addition

of SCATA (Supervisory Control and Data Acquisition) real time reporting, and addition of 5 standby (permanent) generators at the lift stations and 3 portable generators for the grinder stations.

Alternatives to consider: Rehabilitation, Replacement, or do nothing. The estimate for the project is \$2.9 million

Project funding – evaluated three types of funding:
Open market bonds, which is the most expensive.
US Rural Utility Service Rural Loan Program
EGLE (former DEQ) State Revolving

The EGLE State Revolving was the best option. After a meeting with Township Staff, the Township Treasurer, and the Township Auditor, the plan is to use \$1 million from the Sewer Fund (current Fund Balance amount is approximately \$1.75 million and anticipate borrowing \$1 million from the General Fund and pay the interest to the General Fund, rather than paying the State. The terms of the loan from the State are 2% for 20 years, and we would be borrowing \$910,000.

Anticipated Schedule: The paperwork is to be submitted to EGLE July 1. Based on EGLE review, GEI should be able to start design work in the Summer / Fall of 2019, with bid documents prepared around January 2020, loan closing in the first quarter of 2020, and construction would begin Spring of 2020.

PUBLIC HEARING – EGLE SRF PROJECT PLAN – LIFT STATION REPLACEMENT PROJECT

Public Hearing was opened at 6:50 pm.

Deborah Mulcahey, 633 Lakewood Lane – asked that the pictures that were included in the packet be pulled up on screen. She felt it was confusing on how it was presented, as all the lift stations were showing (old and new), which makes it seem like all the stations are in need of repair. She also addressed the issue of user fees, the increase, and base fees. Feels that upgrading the sewer system is a prudent thing to do, but does not want everyone to bear the cost when not all receive the benefit.

Trustee Maki indicated that his understanding was that the cost of the project is being paid by the sewer fund and users. He also asked about a letter from public health – Beckman indicated that this was not available at time of publication, but they have received a letter from EGLE saying they are in support of the replacement, based on the age of the stations.

Jill Vessels, 646 Cherry Creek Road - wondered if global warming had been taken into account.

RESOLUTION ADOPTING FINAL PROJECT PLAN FOR WASTEWATER SYSTEM IMPROVEMENTS AND DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE.

1. PROJECT PLAN

Lynch moved, and Zyburt seconded that having presented the Project Plan to the public and conducted a Public Hearing, the Project Plan be adopted as presented.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

2. AUTHORIZED REPRESENTATIVE

Zyburt moved, and White seconded that the Township Manager be designated as the Authorized Representative for the proposed project and to authorize the representative to sign all required documents for the funding application and subsequent loan.

ROLL CALL VOTE

AYES: Maki, White, Lynch

NAYS: Rhein, Zyburt, Engle, Bohjanen

MOTION FAILED

Alternate Motion:

Zyburt moved, and Rhein seconded that the Township Supervisor be designated as the Authorized Representative for the proposed project and to authorize the representative to sign all required documents for the funding application and subsequent loan.

ROLL CALL VOTE

AYES: Maki, Rhein, yburt, Engle, Bohjanen

NAYS: White, Lynch

MOTION CARRIED

3. RESOLUTION

White moved, and Lynch seconded to adopt the Resolution Adopting a Final Project Plan for Wastewater System Improvements, as presented, and to authorize GEI Consultants to submit the plan to EGLE on behalf of the Township.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

CONSIDER PURCHASE AND PLACEMENT OF DRIVEWAY CULVERT AT UNDEVELOPED LOT ON ORTMAN ROAD.

White moved, and Engle seconded to deny payment for the culvert for an undeveloped lot on Ortman Road owned by Tom Mahaney.

MOTION CARRIED

ACCEPT LETTER OF RESIGNATION FROM TOWNSHIP MANAGER AND CONSIDER REPLACEMENT SEARCH OPTIONS.

Engle moved, and Lynch seconded to accept the Township Manager's letter of resignation.

MOTION CARRIED

White moved, and Lynch seconded that applications for the Township Manager position be received by July 31, 2019 at 4:00 p.m.

MOTION CARRIED

PUBLIC COMMENT

Deborah Mulcahey, 633 Lakewood Lane – questions on general supervision versus direct supervision.

Lynch moved Zybert seconded to adjourn the meeting.

MOTION CARRIED

The meeting was adjourned at 6:28 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. MPSC Notice of Hearing for the Gas Customers of Semco Energy Gas Company
(included due to deadlines prior to regular July meeting).

Max Engle, Clerk

Richard Bohjanen, Supervisor

July 8, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, July 8, 2019 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Township Clerk Engle called the meeting to order at 5:30 p.m.

White moved, Rhein seconded to have Clerk Engle chair the meeting in the absence of Supervisor Bohjanen.

MOTION CARRIED

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen (arrived at 5:37p.m.), Ben Zyburt, Max Engle, David Lynch, Judy White, Don Rhein, Mark Maki.

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Brad Johnson

APPROVAL OF AGENDA.

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

MOTION CARRIED

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – disappointed on communications and how they are handled for the packet. Read Township policy – stated there is not a word about correspondence. Documents on website are not dated, which makes it very hard to know if there has been any type of change. In regards to meeting time and dates for all boards and commissions, it makes it difficult to plan when the Township is changing times and dates.

Supervisor Bohjanen arrived and took over chair responsibilities.

Scott Emerson, 119 Lakewood Lane - presented material that is informational for Board, and would ask that it be included in the next Planning Commission packet. He is concerned with the proposed firearms range in the commercial zone. Read toxicology review to Township Board regarding lead. He asks that the Board carefully consider before allowing any firing ranges in Chocolay Township. Feels this is a public health and safety issue.

Jude Catello, 119 Lakewood Lane – concerned about the new sewer rates. She feels that things are being done with no notification to the residents. Allowing for ACH payments may make it easier for some people.

Mark Maki, 370 Karen Road – feels the Planning Commission is making things up to allow people to do things. If there is a question on the zoning ordinance, it should be going to the Zoning Board of Appeals, as they interpret the Zoning Ordinance.

PUBLIC COMMENT CLOSED AT 5:49 pm.

CONSENT AGENDA

AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meeting – June 10, 2019 Regular Meeting.
- B. Approve Minutes of Previous Meeting – June 25, 2019 Special Meeting.
- C. Approve Revenue and Expenditure Reports – January 1, 2019 through May 31, 2019.
- D. Approve Bills Payable, Check Register Reports – May 25, 2019 (Check #'s 23270 - 23306, in the amount of \$65,260.87), June 4, 2019 (Check #'s 23307 – 23326, in the amount of \$19,211.77), June 18, 2019 (Check #'s 23327 – 23354, in the amount of \$154,688.37), and June 28, 2019 (Check #'s 23355 – 23374, in the amount of \$22,748.42).
- E. Approve Bills Payable, Regular Payroll – June 13, 2019 (Check #'s DD130 – DD145 and Check #'s 10819 - 10823, Federal, State, and MERS for a total of \$34,026.85), and June 27, 2019 (Check #'s DD146 – DD174 and Check #'s 10824 - 10828, Federal, State, and MERS for a total of 37,662.56).
- F. Approve Treasurer's Report, Certificates of Deposit and Investment Reports – May 31, 2019.
- G. Approve Treasurer's Report, Fund Withdrawal and Deposit Report – June 27, 2019.

Lynch moved, Rhein seconded that the Consent Agenda be approved as presented.

MOTION CARRIED

SUPERVISOR'S REPORT

None.

CLERK'S REPORT

Clerk Engle reported there is an election coming up on Tuesday, August 6. At this time, we have sent out 1,100 absentee voter applications, and have issued 794 ballots, which is pretty normal. Asked about discussion the Board had at the June meeting on moving the date of the meeting to August 8, as we will have to use the Board Room for Precinct 1, since the fire hall will not be available.

Lynch moved, White seconded to move the August Board meeting from August 5 to August 8 at 5:30, due to the Election.

AYES: 5

NAYS: 2 (Maki, Rhein)

MOTION CARRIED

TREASURER'S REPORT

Treasurer Zyburt reported a \$250,000 CD matured at Northstar Bank at 1.5%. This was redeemed and transferred to the Money Market fund in anticipation of the sewer reparations.

PLANNING COMMISSION REPORT

Trustee Rhein indicated that the Planning Commission discussed the gun range, with major concerns being the lead content and the zoning issue. The resident was given the option of

requesting a Site Plan review and bringing it before the Planning Commission. The Planning Commission also started going through the Fence Ordinance.

ZONING BOARD OF APPEALS REPORT

Trustee Maki indicated that the Zoning Board of Appeals did meet, and spent a considerable amount of time talking about the minutes. The issue before the ZBA was very complicated, and it was not clear on what the ZBA was being asked to consider. There were setback issues. The issue was tabled, and will be looked at again at the ZBA meeting on July 25.

PUBLIC HEARINGS – NONE.

PRESENTATIONS – NONE.

APPROVE BUDGET AMENDMENT 4-2019, CAPITAL IMPROVEMENTS TO REFLECT RECEIPT OF KBIC 2% FUNDS.

Maki moved, and Lynch seconded that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on November 12, 2018 for fiscal year 2019, 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
REVENUES			
KBIC 2% Gaming Money 401.000.582	\$0.00	+\$45,000.00	\$45,000.00
EXPENDITURES			
Fire Department Equipment 401.340.977.000	\$59,910.46	+\$17,000.00	\$76,910.46
Police Department Vehicles 401.305.981.000	\$62,701.90	+\$17,000.00	\$79,701.90
Township Hall and Grounds 401.265.976.000	\$6,975.07	+\$11,000.00	\$17,975.07

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

DECLARE TOWNSHIP PROPERTY SURPLUS AND AUTHORIZE STAFF TO SELL SURPLUS PROPERTY TO HIGHEST BIDDER.

Lynch moved, Rhein seconded to declare the attached list of Township property as “surplus” and to sell the items to the highest bidder at a location, time and date to be determined. Any items not receiving a bid shall then be recycled or sent to the landfill.

MOTION CARRIED

Manager Kangas discussed Municibid – he does not feel that this would be appropriate for the few things that we have on surplus. May consider this in the future.

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS FOR PAY REQUEST 9 FOR THE ELEVATED WATER STORAGE TANK.

Zyburt moved and Engle seconded to authorize payment of Pay Application 9 in the amount of \$16,036.94, using Capital Improvement Funds from Fire Account 401.340.002.972, Ojibwa Water Reservoir.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki, White

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS, REPLACEMENT OF TOWNSHIP SIGN.

Engle moved, Lynch seconded that the Chocolay Township Board approve the purchase of a new Township sign and electronic message board from Cook Sign for no more than \$19,000. \$10,000 will be paid out of Township Hall and Grounds Capital Improvements 401.265.972, and up to \$9,000 out of Economic Development Capital Improvements 401.729.972.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki, White

MOTION CARRIED

AUTHORIZATION TO EXPEND CAPITAL IMPROVEMENT FUNDS, SEWER ORDINANCE REWRITE.

White moved, Zyburt seconded that the Chocolay Township Board approve the expenditure of no more than \$9,250 to Davis & Davis Law Firm to prepare a new sewer use ordinance. This is to be paid out of Waste Water Treatment Fund, Professional Services, 571.801.000.

ROLL CALL VOTE

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

NAYS: Maki

MOTION CARRIED

Trustee Maki questioned if it was possible to take a look at Marquette City or Marquette Township’s Sewer Ordinance, as theirs had just been redone. DPW Supervisor Brad Johnson stated that this would be the same firm doing ours, and that there are many different laws that have to be met in the wastewater industry. The rewrite of our ordinance would reflect standards for the City’s Wastewater Treatment Plant.

CONSIDERATION OF BID RECEIVED FOR SILVER CREEK RECREATION AREA PROJECT.

Manager Kangas stated that the project was bid out, only one bid was received, and it was significantly over budget. He believes we can possibly get this lowered by sacrificing some of the "extras". Lynch asked if the reason for only one bid was due to the contractors being so busy. Manager Kangas stated that it was a late bid and a small project. Trustee Maki asked about the rent money that is being received from the tower. Manager Kangas will check into this.

Lynch moved, Zyburt seconded to authorize staff to negotiate a reduced project scope with Oberstar, Inc., such that project costs will not exceed the budgeted amount of \$75,000 and required project scope items are not eliminated. Upon successful completion of negotiations, the Supervisor shall be authorized to sign the contract with Oberstar, Inc.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

CONSIDERATION OF CUPPAD MEMBERSHIP.

Maki moved, White seconded to authorize membership in CUPPAD for 2020, and to authorize staff to include the required \$1,181 in the 2020 Budget.

AYES: 5

NAYS: 2 (Rhein, White)

MOTION CARRIED

PUBLIC COMMENT

None

Lynch moved Engle seconded to adjourn the meeting.

MOTION CARRIED

The meeting was adjourned at 6:27 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocoy Township Planning Commission, Regular Meeting of June 17, 2019, Draft.
- B. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meeting of May 16, 2019, Final.
- C. Minutes – US 41 Corridor Advisory Group, May 14, 2019, Final.
- D. Minutes – Marquette County Solid Waste Management Authority, Special Meeting of June 6, 2019, Draft.

- E. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of June 19, 2019, Draft.
- F. Minutes – Marquette County Planning Commission, Regular Meeting of April 3, 2019, Final.
- G. Information – MCSWMA Single Stream Recycling Business Plan.
- H. Information – MCSWMA Response to MCTA Regarding Single Stream Plan.
- I. Information – MCSWMA Response to Michigamme Township Regarding Single Stream Plan.
- J. Information – MCSWMA New Fee Schedule.
- K. Information – July 2019 Chocolay Township Newsletter.
- L. Correspondence – Elizabeth Delene, July 2, 2019
- M. Correspondence – Deborah Mulcahey, July 3 and June 9, 2019.

Max Engle, Clerk

Richard Bohjanen, Supervisor

August 8, 2019

A Regular meeting of the Chocolay Township Board was held on Thursday, August 8, 2019 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, Judy White, Don Rhein

ABSENT: Mark Maki

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Brad Johnson, Lee Gould, Chad Laurich

APPROVAL OF AGENDA.

Lynch moved, Zyburt seconded that the agenda be approved with the deletion of *Item XV.C Interview Township Manager Candidate 3* and the addition of *Schedule a second meeting for the purpose of interview two other candidates.*

MOTION CARRIED

PUBLIC COMMENT.

Barney Banton, 148 Poplar Trail – lives at the end of Poplar Trail. Also known as County Road BA. Spoke on the agreement with the County Road Commission to maintain the road. The last 1/10 of the road is now very bad and has become a safety issue. Emergency vehicles would be unable to get down the road. Looking for help on this issue.

PUBLIC COMMENT CLOSED AT 5:36 pm.

CONSENT AGENDA

AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meeting – July 8, 2019 Regular Meeting.
- B. Approve Revenue and Expenditure Reports – January 1, 2019 through June 30, 2019.
- C. Approve Bills Payable, Check Register Reports – July 15, 2019 (Check #'s 23375 - 23400, in the amount of \$39,232.39), and July 27, 2019 (Check #'s 23401 – 23423, in the amount of \$22,939.56).
- D. Approve Bills Payable, Regular Payroll – July 11, 2019 (Check #'s DD175 – DD211 and Check #'s 10829 - 10833, Federal, State, and MERS for a total of \$43,177.10), and July 25, 2019 (Check #'s DD212 – DD246 and Check #'s 10834 - 10838, Federal, State, and MERS for a total of \$38,126.96).
- E. Approve Treasurer's Report, Certificates of Deposit and Investment Reports – June 30, 2019.
- F. Approve Treasurer's Report, Fund Withdrawal and Deposit Report – June 30, 2019.

White moved, Rhein seconded that the Consent Agenda be approved as presented.

MOTION CARRIED

SUPERVISOR'S REPORT – NONE.

CLERK'S REPORT

Clerk Engle reported that there had been a county-wide election on August 6 for the millage renewal for the Marquette County Medical Care Facility (Valente Center). Precinct 1 had a vote of 316 yes and 60 no, and Precinct 2 had a vote of 382 yes and 71 no. Most of these were due to the absentee voters. Walk in voters on Election Day were 47 for each precinct. Total of 17% turnout for the election.

TREASURER'S REPORT

Treasurer Zybert reported that over the past month there have been 3 maturities of CDs, for a total of \$695,000. This has been put into a money market fund and will be used on improvements for the sewer.

PLANNING COMMISSION REPORT

Trustee Rhein reported that the Planning Commission has been pretty busy – (1) O'Reilly's has been approved and will be on the old Wahlstrom's site, (2) Lake Michigan Armory was looking at putting in an indoor gun range, which was denied, and (3) storage units on Kawbawgam Road, which will be coming back to the Commission at the next meeting for updates to the site plan.

ZONING BOARD OF APPEALS REPORT – NONE.

PUBLIC HEARINGS – NONE.

PRESENTATIONS – CHOCOLAY AREA GIRL SCOUTS – POLLINATOR GARDENS.

As part of their Silver Award project, Elaina Lundquist and Isabella Forslund of Chocoday Township Troop 5081 gave a presentation on the gardens they have been taking care of for seven years at the corner of US 41 and M-28. There were a lot of issues with the previous gardens, such as the weeding and watering. Two years ago, they were approached by the Marquette Conservation District on the idea of turning the beds into pollinator gardens. They have now been turned into pollinator gardens with a variety of native plants that attract butterflies, bees & hummingbirds.

INTERVIEW WITH TOWNSHIP MANAGER CANDIDATE # 1.

Lois Bressette introduced herself to the Board. Ms. Bressette has a MPA in Public Administration and a B.S. in Health Education, both from Northern Michigan University. She is employed by the City of Clintonville, WI as the Mayor, and also is self-employed as owner and race director for Great Lakes Endurance, LLC. She responded to a set of questions from the Board.

INTERVIEW TOWNSHIP MANAGER CANDIDATE 2 – DAVID BOYLE

David Boyle introduced himself to the Board. Mr. Boyle has a BSCE in Civil Engineering and an AASCE in Civil Engineering Technology, both from Michigan Technological University. He is currently employed by OHM – Advisors/Northwest Design Group in Petosky, MI, as Project

Manager / Sr. Engineer / Civil, Municipal, Transportation Section. He responded to a set of questions from the Board.

DISCUSS TOWNSHIP MANAGER INTERVIEWS, EMPLOYMENT AGREEMENT AND PROPOSED COMPENSATION

Manager Kangas discussed the Manager Employment agreement, and the need to have a formal action in the minutes that would adopt this agreement as the formal document.

Lynch moved and Rhein seconded to approve and adopt the agreement as the official contract with the Township Manager.

MOTION CARRIED

SCHEDULE SPECIAL MEETING FOR THE PURPOSE OF INTERVIEW THE REMAINING TWO CANDIDATES

Manager Kangas stated that only two of the four candidates would be interviewed at this meeting, with the remaining two being interviewed at a special meeting, which would need to be scheduled. One of the candidates would be via Skype.

Zybert moved and Lynch seconded that a meeting be scheduled for Monday, August 19 to interview the remaining two candidates.

Supervisor Bohjanen called for a Special Meeting of the Board on August 19, 2019 at 6:00 PM.

MOTION CARRIED.

PRELIMINARY DISCUSSION OF 2020 BUDGET

Manager Kangas presented the budget discussion in the form of a memo to the Board. This discussion included (1) Revenues (with the biggest impact being the elimination of the Refuse Collection revenues); (2) Fees (no significant changes projected); (3) Wages (CPI for past 12 months was 1.6%, recommending a \$0.40 / hour increase for full time employees, along with changes in the Fire Department hourly pay and officer pay); (4) Expenses (budget for three elections, departure of Police Department administrative assistance mid-year and the need to be double staffed for 6 months, changes in other governmental which includes health insurance, and the projected shortfall); (5) Road Fund; (6) Capital Improvements; and (7) Sewer Fund (lift station reconstruction / rehabilitation project).

Kangas intends to present a final budget to the Board in September.

CONSIDER CONTRACT PROPOSAL FOR ASSESSOR POSITION

Supervisor Bohjanen stated that the Township Assessor has presented to him a proposal for going forward in a contract position. Supervisor Bohjanen feels that the options are limited. Jackie Lykins, County Equalization Director, spoke on behalf of Mr. Gehres. The County is not able to take on another township, and assessors are limited. Full time assessors are a thing of the past, as more have gone to contracting. Lykins stated that contract assessors can be more flexible with their time, and tend to accomplish more.

Paul Charboneau, 174 Riverside Road – Chair of Board of Review. Charboneau feels the Township would lose if we lost John Gehres. Feels that the Board should make this accommodation and retain Mr. Gehres.

Manager Kangas indicated that the agreement is a draft for consideration. His recommendation is that the agreement be reviewed by our attorney. Instead of paying benefits, it is suggested that we hire a field person.

The subject of remote access was discussed. Officer Carrick indicated that the Police Department needs to be taken into account, and make sure that the remote access is not connected to the Police in any form.

Lynch moved and Zyburt seconded to execute an appropriate agreement with Mr. Gehres, including a legal assessment.

AYES: 5

NAYS: 1 (Engle)

MOTION CARRIED

CONSIDER FUNDING OPTIONS FOR REPLACEMENT OF FIRE DEPARTMENT PUMPER NO. 2142, 1998 PIERCE SABER.

Manager Kangas introduced the topic of funding options of Pumper No. 2142. He feels that what the Fire Department is asking for is a modern version of their current truck.

Lee Gould, Fire Chief, stated that trucks are usually replaced every 20 years. The trucks are built specific (customized) to each fire department, and have a delivery time of 2 years.

Kangas indicated that we are already behind, and the next replacement will be coming up in 3 years. One of the suggestions is to propose a millage. Lynch feels there needs to be a plan in place for future purchases. Engle suggested that there be a millage out there for a 15 – 20 year period.

The Board instructed Kangas to proceed with looking at options for financing, and be prepared to present them at the September meeting.

CONSIDER NOMINATIONS FOR CHOCOLAY TOWNSHIP 2019 BUSINESS OF THE YEAR.

Lynch moved and Zyburt seconded to name Kassel's Korner in Beaver Grove as the 2019 Chocolay Township Business of the Year and award their plaque at the 2019 Chocolay Area Days festival.

MOTION CARRIED

CONSIDER EXPENDITURE OF ROAD MILLAGE FUNDS FOR GRAVEL ROAD IMPROVEMENTS.

Manager Kangas stated that all property owners in the township are currently paying the road millage, however the Road Asset Management Plan does not address gravel roads. In order to be able to improve gravel roads, the Road Asset Management Plan would need to be updated.

Lynch asked if there were any other funds that could be used to update Poplar Trail. Kangas indicated that there would be money in the General Fund Contingency that would be able to be used.

White moved and Zyburt seconded that funds from the Contingency Fund (101.285.951) be used to repair the section of Poplar Trail. No more than ½ of the existing funds will be used (limited to \$10,000).

ROLL CALL VOTE

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

NAYS: None

ABSENT: Maki

MOTION CARRIED

APPROVE EXPENDITURE OF SEWER FUNDS FOR PAY APPLICATION NO. 2 FOR KBIC SANITARY SEWER EXTENSION.

Lynch moved and Zyburt seconded to approve Pay Application 2 for the additional sewer costs due to permit review in the amount of \$90,912.58 with funds coming from account 571.571.957.000.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: White

ABSENT: Maki

MOTION CARRIED

APPROVE EXPENDITURE OF CAPITAL IMPROVEMENT FUNDS FOR THE PURCHASE OF 2-WAY RADIOS FOR FIRE DEPARTMENT.

Zyburt moved and Lynch seconded to authorize the Fire Department to spend \$17,000 of 2% funding for 800mz radios with funds from Capital Improvement Fund 401.340.977.000.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: White

ABSENT: Maki

MOTION CARRIED

APPROVE EXPENDITURE OF CAPITAL IMPROVEMENT FUNDS FOR THE INSTALLATION OF MAN DOOR ON DPW GARAGE, DRINKING FOUNTAIN IN TOWNSHIP HALL, AND PURCHASE OF REPLACEMENT DPW TOOLS.

Engle moved and Zyburt seconded that the Chocolay Township Board approves the installation of a man door in the DPW garage, a drinking fountain installed in the Township Hall and the purchase of new tools. This is to be paid out of Township Hall and Grounds Capital Improvement Fund 401.265.976 at a cost of no more than \$11,000.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Maki
MOTION CARRIED

PUBLIC COMMENT

Kendra Symbal, 100 Aspen Drive – feels it is very important for the Board to ask how much the fire department is spending on repairs. Ask the questions. She is not against millages.

Public comment closed 8:32 pm.

Engle moved and Zyburt seconded to go into Closed Session.

MOTION CARRIED

REQUEST FOR CLOSED SESSION UNDER SECTION 8(h) OF THE OPEN MEETINGS ACT AND SECTION 13(1)(g) OF THE FREEDOM OF INFORMATION ACT TO DISCUSS ATTORNEY-CLIENT PRIVILEGED INFORMATION.

Reopened regular session.

Zyburt moved and Lynch seconded to assign to Michigan Municipal Management Risk Authority (MMRMA) the right and ability to assert and recover all available amounts relative to a loss that occurred February 28, 2019, resulting in damages to the Chocolay Township Fire Hall located at 5010 US 41 South, Marquette, Michigan 49855, including any deductible and uncovered amounts. This assignment is given for good and valuable consideration, including, but not limited to, MMRMA including any Township amounts in any claim or lawsuit made by MMRMA against Associated Contractors, IDI, or Wendricks Truss Company. Township Manager, Jon Kangas, will sign on behalf of Chocolay Township.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Maki

MOTION CARRIED

Lynch moved Engle seconded to adjourn the meeting.

MOTION CARRIED

The meeting was adjourned at 8:40 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of June 27, 2019, Final.
- B. Minutes – US 41 Corridor Advisory Group, June 11, 2019, Final.

- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of July 17, 2019, Draft.
- D. Information – August 2019 Chocolay Township Newsletter.
- E. Information – MPSC Semco Rate Hearing for August 12, 2019.
- F. Correspondence – Jean Morrison, regarding Sewer Bill Due Date.

Max Engle, Clerk

Richard Bohjanen, Supervisor

September 9, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, September 9, 2019 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, Judy White, Don Rhein, Mark Maki (arrived at 5:32)

ABSENT: None

STAFF PRESENT: Jon Kangas, Suzanne Sundell, Brad Johnson, Scott Jennings, Dale Throenle, Mary Jo Buckett, Tony Carrick, Janelle Ruff (Firefighter), Chad Laurich (Firefighter), Tom Mahaney (Planning Commission), Susan Maynard (Planning Commission)

APPROVAL OF AGENDA.

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

MOTION CARRIED

PUBLIC COMMENT.

Tom Mahaney, 1175 Ortman Road and Chair of Planning Commission – received an email last week from Supervisor Bohjanen in regards to charging Mahaney with malfeasance as chair. Mahaney stated he would like to be included in that conversation when the issue is discussed to defend himself and his character. Trustee Maki questioned if that was a part of the agenda, and Supervisor Bohjanen stated it was not. Supervisor Bohjanen indicated that in order to take any action in regard to malfeasance, misfeasance, or nonfeasance there would have to be a public hearing, and he would defer the decision of the public hearing to the Board, and this would not be before the next meeting. Supervisor Bohjanen clarified that there were several votes of the Planning Commission regarding storage units, and it was felt that the Planning Commission chair should have recused himself from those votes, and it has been suggested that he be charged with nonfeasance (failure or omission to do something that should be done, or something that someone is under a duty or obligation to do). Bohjanen went on to say that the Zoning Enabling Act that the legislative body shall provide for the removal of a member for misfeasance, malfeasance, or nonfeasance in an office upon written charges and a public hearing. Trustee Maki asked if there were any written charges. Supervisor Bohjanen indicated that what he is bringing to the Board at this time is whether there is desire or interest in pursuing this. PC Chair Mahaney asked what the charges were. Supervisor Bohjanen indicated it was “nonfeasance”, because of failure to recuse himself in the votes. PC Chair Mahaney indicated that he feels that this is not totally true.

Mark Maki, 370 Karen Road – stated that there are no written charges, but yet PC Chair Mahaney is being charged with this. He feels that this is unprecedented. He also questioned the way the

minutes reflected his comments at the August 19 Board meeting, and requested a copy of the minutes on a CD so that he can review his comments.

Dave Mowen, Chocolay Area Festival – commented that it was great to see so many people in the audience. He reminded everyone that the Chocolay Area Festival is on Saturday, September 14, and they are still looking for volunteers. He also thanked the Board for approving money in the budget to help make this happen.

Kendra Symbal, 100 Aspen Drive – on the shirt tails of the Chocolay Area Festival, she felt this would be a great opportunity to utilize email and send out a blast to Township residents to invite them.

Mark Maki stated he had a “Point of Order”. On the agenda, there is nothing about the charges against PC Chair Mahaney, so he wondered how the Board is allowed to talk about the charge. Supervisor Bohjanen indicated that the agenda was approved with the Supervisor’s report. Maki questioned what could be added under the Supervisor’s report, and protested adding this to the agenda and that he considers it a secretive item. Bohjanen indicated that whatever falls under the Supervisor’s report is not considered an “action item”. This is just to decide whether or not there is any interest in pursuing a public hearing based on the charge.

PUBLIC COMMENT CLOSED AT 5:41 pm.

CONSENT AGENDA

AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meetings – August 8, 2019 Regular Meeting and August 19, 2019 Special Meeting.
- B. Approve Revenue and Expenditure Reports – January 1, 2019 through July 31, 2019.
- C. Approve Bills Payable, Check Register Reports – August 14, 2019 (Check #'s 23424 - 23456, in the amount of \$134,594.88), and August 28, 2019 (Check #'s 23457 - 23472, in the amount of \$21,207.49).
- D. Approve Bills Payable, Regular Payroll – August 8, 2019 (Check #'s DD247 – DD264 and Check #'s 10839 - 10843, Federal, State, and MERS for a total of \$33,402.90), and August 22, 2019 (Check #'s DD265 – DD316 and Check #'s 10844 - 10848, Federal, State, and MERS for a total of \$42,375.45).
- E. Approve Treasurer’s Report, Certificates of Deposit and Investment Reports – July 31, 2019.
- F. Approve Treasurer’s Report, Fund Withdrawal and Deposit Report – July 31, 2019.

Zyburt moved, Rhein seconded to approve the Consent Agenda as changed.

Maki requested, Lynch supported that “A. Approve Minutes of Previous Meetings – August 8, 2019 Regular Meeting and August 19, 2019 Special Meeting” be removed from the consent agenda for specific action.

MOTION CARRIED

Lynch moved, Rhein seconded to approve the August 8, 2019 Regular Meeting minutes and the August 19, 2019 Special Meeting minutes as presented.

Trustee Maki indicated that he was not here on the August 8 meeting so did not know for sure what happened, so he will vote no on those minutes and he does not feel that the August 19 minutes reflect what he said. He will vote no, but will come back to the next meeting with a written copy of what he actually said.

AYES: 6

NAYS: 1 (Maki)

MOTION CARRIED

SUPERVISOR'S REPORT

There was a request / demand from one of the applicants of the storage units that PC Chair Mahaney be removed from Planning Commission for not recusing himself. Bohjanen indicated that one allegation is not enough reason to take that kind of action. Bohjanen indicated that in the minutes from the August 26 Planning Commission, Mahaney had asked if he should recuse himself and was told that it was too late at that point, as he had already participated in the discussion. PC Chair Mahaney was also asked to have a Special Meeting of the Planning Commission so that the projects could move forward. The reason for this was because of further information derived from the Zoning Ordinance which indicated that Access Management Plan for the US 41 / M-28 Corridor showed that the properties in question were not in the zone. Mahaney refused, was given the further information from Bohjanen, and indicated that he would think about it. There was no response received from Mahaney, even after several phone calls. After an email to Mahaney, he declined. Mahaney is the only person that can call a Special Meeting of the Planning Commission.

PC Chair Mahaney indicated that he had conversation with Manager Kangas, and at that time he indicated that his answer was no. Mahaney also feels that he was pressured by the Supervisor to call a Special Meeting.

Maki indicated he cannot believe this is even being discussed without any documentation or written complaint. Lynch felt this should not be pursued. Rhein indicated that the Planning Commission will be meeting on September 16, and hopefully these issues will be taken care of. White indicated that without a written complaint, it would be hard to pursue. Zyburt felt it should not be pursued. Engle stated that he felt there needs to be a written complaint to pursue. Bohjanen stated that the Zoning Enabling Act states "*...upon written charges, and after public hearing...*".

Mahaney indicated that he thought this was a waste of time and petty.

CLERK'S REPORT

Clerk Engle indicated that the next election will be on March 10, 2020. This will be Presidential Primary Election.

TREASURER'S REPORT

Treasurer Zybert reported that no securities matured.

PLANNING COMMISSION REPORT

Trustee Rhein reported that he was not able to make the meeting.

ZONING BOARD OF APPEALS REPORT

Trustee Maki indicated that the ZBA had met on a variance on a house to add a second story. It was a 3 – 2 vote. He is afraid that the impact is that anyone who wants a second floor can basically get around ordinance requirements by this decision. He feels that the Zoning Administrator has become an advocate of the applicant, rather than of the Zoning Ordinance. Has asked for documentation on past decisions, along with follow up on these decisions.

PUBLIC HEARING – LAKE MICHIGAN ARMORY APPEAL OF JULY 22, 2019 PLANNING COMMISSION DECISION.

Planning Director / Zoning Administrator Throenle gave a synopsis of the reason for the public hearing. The July 22, 2019 Planning Commission Site Plan Review for Lake Michigan Armory for a proposed shooting range was presented to the Planning Commission for consideration. After discussion, the Planning Commission denied the Site Plan on a 4-3 vote based on concerns about public health and zoning compliance.

The appeal is based on 9.3(c) of the Zoning Ordinance, under Site Plan Review Appeals, which states, "If any person shall be aggrieved by the action of the Planning commission, appeal in writing to the Township Board may be taken within five (5) days after the date of such action. The Township Board shall set a time and place for a public hearing. The appellant shall be notified in writing of the hearing and a notice shall be published in a newspaper of general circulation ten (10) days prior to the hearing. All interested parties shall be afforded the opportunity to be heard thereat. After such hearing, the Board shall affirm or reverse the action of the Planning Commission, stating its findings and the reasons for its action. A written copy of such findings, reasons, and action shall be given to the appellant."

On July 25, 2019, a letter requesting an appeal was delivered to the Township, and on August 29, 2019 the notice was published in the Mining Journal regarding the public hearing, which was consistent with the ten day notice.

Public Comment

Scott Emerson, 119 Lakewood Lane – stated he was at the July 22 meeting of the Planning Commission where this was considered, and his recollection of events is quite different, and felt that Throenle was being disingenuous. The reasons that the Planning Commission denied this

were twofold – Zoning Ordinance and public health and safety in regard to lead poisoning. He feels that the Planning Commission made the right decision. He feels that this issue should be a ZBA issue. Emerson stated that he is the lead expert in the room, as a medical toxicologist. Emerson stated he is actually supportive of allowing the shooting range, with some proposed zoning changes. He feels that the Zoning Ordinance would need to be amended to add this within **Mixed Use Commercial and Industrial Overlay Zones – Enclosed Indoor Firing Ranges**. Make it specific. In Section 1.5 of the Mixed Use Overlay Zone in the preamble part, **Relationship to Other Laws**, should remain unchanged, as this refers to the Firearms Ordinance 61. In Section 5, Exceptions, it states, **“The prohibitions against discharge of firearms contained in Section 4 hereof shall not apply to: ... (C) Firearms discharged within indoor, totally enclosed, noise mitigated, & lead free, firing ranges located within Commercial or Industrial Mixed Use Overlay Zones.”** (Italic and Bolded language is proposed by Emerson). Emerson would be willing to work with Throenle or the Board on this change in the Ordinance. Kolinsky would then need to make sure that his range was 100% lead free. Emerson stated that lead dust will continue to be a problem – would need to have an operating room scenario. There is no safe level of lead. Emerson feels that this is a complicated issue, and the rational solution would be to change the language as he has proposed.

Gary Stevens, 220 Timber Lane – he is in support of the project. He is a National Rifle Association certified CPL instructor and range safety officer. He feels that the Lake Michigan Armory proposed state of the art facility is a step in the right direction in providing a safe and environmentally sound space for individuals to shoot.

Bessie Olson, 121 Lakewood Lane – she has a rental property that is next to the proposed firing range. She is concerned about the noise, and very opposed to this project.

Jerry Maynard, 146 Lakewood Lane, Chocoley Raptor Center – they have two missions at the Chocoley Raptor Center – education (60 – 80 programs per year to educate people on raptors and the environment in general), and the second is raptor rescue and rehab. Maynard feels that he is the expert when it comes to eagle lead toxicity. Anytime you shoot, the lead is going out into the environment. A tiny fleck of lead can kill a 10 – 15 lb. eagle. A study conducted by the DNR on lead toxicity in eagles shows that the instances peak during deer hunting season. Maynard is not against hunting, not against guns, just against lead.

Mark Wert, 200 Oakbrook Lane – agrees with everything said so far. He would like a local shooting range where he could take his children in a controlled environment.

Tom Mahaney, 1175 Ortman Road – When this was first brought up at the Planning Commission, it was brought up as a permitted use under “Amusement and Entertainment”. Mahaney does not feel that discharging firearms fits under this type of use. It is very important on how this issue goes forward. This is dangerous for the future of Chocoley Township.

Jude Catello, 119 Lakewood Lane – she supports the Planning Commission having denied the firing range. The denial was based on two things – to protect the health and safety of the residents

(you cannot remove lead dust) and the Firearms Ordinance (no discharge of firearms in a commercial district).

Jordan Tachlow, 184 Krieger Drive – has done business with Lake Michigan Armory. He is a big supporter of small business. He comes from a small family owned business (Swales). He enjoys all the facts that he has learned today, and feels it is important to promote lead free if possible.

Dave Mowen, 475 Lakewood Lane – has found the comments very interesting so far. He does have concerns for safety, lead, and zoning. In regards to safety, he feels there is a real need to have a place for people to go to receive some instruction and training. The range would have a range marshall with all the credentials. It is a big advantage to have a place that people can target shoot in a closed environment. He would challenge people to go to the State level if there is a concern. In regards to the environment, the noise level has been shown to be about the same as a lawnmower. On contamination, maybe the first step is to reduce lead contamination by having enclosed shooting ranges. He feels that this is entertainment for people that shoot. He supports the proposed project.

Susan Maynard, 146 Lakewood Lane – sits on the Planning Commission, but her comments are based on being a mother and grandmother. She supports the notion of getting all the lead out everywhere, but she does not support the notion that if we can't get it all out, we do nothing. She sees this as an opportunity. The movement is away from lead. She supports hunting, but also supports public health. Maynard suggested that by the shooting range going lead free, they could be a leader by letting the process begin there.

Mark Wert, 200 Oakbrook Lane – indicated that his brother has been a police officer for many years, and that he himself checks ID all day long, and they are shocked at how many people have a concealed carry permit. From a safety standpoint, if the person with the concealed carry does not have proper training, it could do more harm than good in an emergency situation. He feels that there is a need to have somewhere to go for practice.

Gary Stevens, 220 Timber Lane – He is concealed arms instructor. He stated that anyone that is going for their permit has to take a minimum 12 hour class, which includes not only classroom training, but also time at a firing range to teach safe pistol management.

Kendra Symbal, 100 Aspen Drive – she questioned on whether a range can be considered an educational school? Also, could the container be buried?

Allan Olsen, 121 Lakewood Lane – he owns rental property that is two doors down from Lake Michigan Armory. Briefly revisited what has been said so far – would like to emphasize the fact that lead does not go away and lead does not break down. If noise is compared to a lawnmower, he would not want to listen to a lawnmower for an extended period of time. It seems like there are a number of issues to be resolved, and recommendations that are well founded. Should not be rushing to make a decision on this.

Scott Emerson, 119 Lakewood Lane – stated that the Planning Commission did question the definition of an amusement, and he feels that this is hard to qualify as an amusement. Lead presents a potential threat to public health.

Jill Bradford, 555 Little Lake Road – she feels there has been a wealth of information presented. She comes from a hospital where years ago she used to work in Hazmat inside Petosky Chemicals, with an airflow system to keep them safe. It is her understanding that the firing range will have some type of filtration system, lead trap, and other precautions. This is not just some little box. Bradford feels that she is probably going to need some chelation therapy, because after skeet shooting yesterday she feels that she is going to fall over dead based on the comments she has heard. She would rather see something controlled, and a step toward lead reduction is the indoor ranges with the ventilation systems. She stated that she thought she would drop dead from making chemotherapy IV's, but figures now it will be from lead.

Maki interjected with point of order. Usually the applicant would make a presentation, and thus far he has not.

Supervisor Bohjanen indicated that if the applicant does not wish to make a presentation he does not have to. The Board has been presented with the facts.

Kolinsky (Lake Michigan Armory) handed out information packets on who the speakers were, and then introduced those people that were on the phone to answer any questions that the Board may have. They are: Jason Smith, Firing Range Services, who is a certified professional hygienist, and Zach Snow, National Shooting Sports Foundation. They are on the line to help assist, educate, debunk myths, and try to put things in perspective regarding lead mitigation risks and education and safety and benefits of an indoor shooting range. Kolinsky is pursuing the shooting range because he wants to educate and preserve the environment. In regards to raptors, an indoor shooting range would detract from the lead poisoning. Kolinsky is putting in a state of the art apparatus.

Jason Smith stated he had sent some data to Kolinsky. They have done studies of properly managed shooting ranges, and the evidence is conclusive that there are no dangers to the customers. Shooting ranges, when properly maintained, are far below the exposure levels. Emissions are controlled by HEPA filters, mandatory controls, and the operation of the range would be subject to EPA and OSHA.

Zach Snow also stated that once you have multi-stage ventilation that includes a HEPA filter, the air being emitted is cleaner than the air coming in. It should also be noted that the design of the indoor range pushes everything towards the filtration system.

Trustee Maki asked if Kolinsky had any thoughts on the suggestion to change the zoning ordinance. Kolinsky indicated that lead free is a very complex issue. There is a considerable cost. You can mitigate by using jacketed bullets. Kolinsky also referred to a memo from Chief Jennings regarding the Firearms Ordinance. Chief Jennings stated that he feels the shooting range was

designed with the intent of the Ordinance in mind. Scott Emerson feels that pricing of lead free is very comparable to jacketed. Gary Stevens indicated that he has shot hundreds of rounds, and fully enclosed copper jacketed bullets will not disintegrate. Kolinsky argued that lead free bullets are not the same price as copper jacketed. They are more expensive. Regarding the copper jacketed bullets, they have deceleration traps for minimal lead dispersing at the end of the range. The engineering control and the ventilation system keeps the exposure down range. Emerson argued that blood lead levels are the new standard.

Public Hearing closed at 7:16 pm.

Board Discussion

Lynch indicated that when the Firearms Ordinance was written, it was for outdoor shooting, not an indoor shooting range. He supports the shooting range.

White agreed with Lynch, and supports the shooting range. She does feel that there should be something in the Ordinance that addresses the indoor shooting range.

Rhein feels there were issues on whether this was recreational. He feels that it is in a building, it's self-contained, and it's better than shooting into a hill. He is in support.

Zyburt has been a trap and skeet shooter for most of his life. He feels that this educates and allows people the ability to handle firearms in the correct way with a supervised individual overlooking.

Engle indicated that if you shoot waterfowl, you are supposed to be shooting unleaded shot. But that is only for waterfowl.

Maki indicated that in the Planning Commission minutes, it indicates that Soucy asked if this was a permitted use, and Throenle explained it was in the mixed use district and would fall under entertainment. He feels that it is not up to the Planning Commission or the Zoning Administrator to make up rules – interpretation should be going to the Zoning Board of Appeals. Maki also stated they do not have the Planning Commission minutes to look at. He wondered why the Public Hearing did not happen until September. Maki also feels that there is a need to change both ordinances.

Maki moved, White seconded that the Planning Commission proceed with amending the Zoning Ordinance and the Firearms Ordinance in accordance with the letter presented by Scott Emerson, which states:

1. Amend Zoning Ordinance: Add as a Conditional Use within **Mixed Use Commercial and Industrial** Overlay Zones – **“Enclosed Indoor Firing Ranges”**. **Section 1.5** of the Mixed Use Overlay Zone – **“Relationship to Other Laws”** that references more restrictive or higher standards referring to the Firearms Ordinance 61 (below), remains **unchanged**.

2. Add to the Firearms Ordinance 61 under "**Section 5 Exceptions: The prohibitions against discharge of firearms contained in Section 4 hereof shall not apply to:**
(C) Firearms discharged within indoor, totally enclosed, noise mitigated and lead mitigated, firing ranges located within Commercial or Industrial Mixed Use Overlay Zones.

AYES: 5

NAYS: 2 (Rhein, Bohjanen)

MOTION CARRIED

Lynch moved, Zyburt seconded to approve the site plan as presented tonight to the Board.

AYES: 5

NAYS: 2 (Maki, Engle)

MOTION CARRIED

PRESENTATIONS – 2020 PROPOSED BUDGET

Manager Kangas went over the highlights of the proposed budget. Revenues will remain relatively the same, with the most significant impact being the elimination of Refuse Collection revenues. The equivalent expenditure goes with this, with the net impact being \$147,000. There is a shortfall in Capital Improvement funding necessary to purchase a replacement fire truck. He is projecting additional interest revenue from a proposed loan from General Fund to Sewer Fund. There are no significant changes in the sewer rates. Wages – proposed would be \$0.40/hour for full-time employees, \$0.25/hour for part-time employees, and a \$5/month increase in Fire Department Officer per diems. Kangas went over the expenditures for each department for the coming year. (Questions were asked about the Assessor contract and the \$0.40/hour indicated in the budget, which was an error. Engle also brought up the possibility that the Sewer Fund should be picking up a portion of the Financial Clerk and the Deputy Clerk wages due to time spent on the sewer billing and payment. There was also a question of re-evaluating the Lasco contract.) Road Fund – paving of Brookfield Village anticipated in 2020. Sewer Fund – busy year projected with Lift Station upgrades.

Zyburt moved, Lynch seconded to schedule the Public Hearing for the 2020 Budget.

MOTION CARRIED

CONSIDER EMPLOYMENT AGREEMENT FOR TOWNSHIP MANAGER

Supervisor Bohjanen indicated that there had been quite a few issues that have risen in the Township, which may be able to be addressed by expanding the responsibilities of the Township Manager to include his Zoning and Planning expertise, especially in terms of completing our Recreation Plan and Master Plan. Bohjanen indicated that the Employment Agreement in the packet has been changed to include a salary of \$90,000 and an increase week of vacation. Bohjanen feels that this candidate would be a real asset to our community and that we should do whatever we can to acquire him. Zyburt asked about the starting date. Both Supervisor Bohjanen and Manager Kangas agreed that he is very committed, and has already been

requesting information, with a starting date at the end of September. Manager Kangas indicated that he feels the qualifications of this candidate are what the Township needs

Lynch moved, Zyburt seconded to approve the employment agreement for William De Groot as presented.

AYES: Lynch, Zyburt, Bohjanen

NAYS: Maki, White, Rhein, Engle

MOTION FAILED

Maki moved that William De Groot be offered \$80,000 per year. No second.

MOTION FAILED

White moved, Rhein seconded to make an offer of \$85,000.

AYES: Rhein, White, Lynch, Zyburt, Bohjanen

NAYS: Maki, Engle

MOTION CARRIED

DISCUSSION OF MANUFACTURER FINANCING OPTION FOR TOWNSHIP FIRE TRUCK

Manager Kangas presented the information regarding financing by the manufacturer. This is informational only, and no action is needed.

Supervisor Bohjanen called for a short recess at 8:30 pm to call Mr. De Groot with the Board's offer on the employment contract for Township Manager.

Supervisor Bohjanen reconvened the Township Board Meeting at 8:45 pm.

Bohjanen indicated that he had talked with Mr. De Groot about the pay, and Mr. De Groot would be willing to have a starting pay of \$87,500, with a stipulation of a performance review at 6 months, and if satisfactory it would go to the \$90,000.

Lynch moved, Rhein seconded that Mr. De Groot's negotiated offer be accepted.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki, White

MOTION CARRIED

RESIDENTIAL BATTERY RECYCLING PROPOSAL

Zyburt moved, Rhein seconded to authorize Township DPW to maintain a collection location at the Township office for residents to drop off used batteries for recycling.

MOTION CARRIED

APPROVE PAY REQUEST NO. 10 (FINAL) FOR ELEVATED WATER STORAGE TANK

Lynch moved, Zyburt seconded to authorize payment of Pay Application 10 in the amount of \$34,750.02, using Capital Improvement Funds from Fire Account 401.340.002.972.

ROLL CALL VOTE

AYES: Rhein, Lynch, Zyburt, Engle, Bohjanen

NAYS: Maki, White

MOTION CARRIED

APPROVE CAPITAL FUND BUDGET AMENDMENT (CI 5-2019) TO REFLECT RECEIPT OF FUNDS FROM THE UTILITY REVIEW COMMITTEE

Zyburt moved, Lynch seconded that Whereas, a budget was adopted by the Chocloy Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on November 12, 2018 for fiscal year 2019, and Whereas, as a result of receipt of unanticipated revenue it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
Miscellaneous Revenue			
401.698.000	\$0	+\$1,925.75	\$1,925.75
EXPENDITURE			
Streets 401.440.972			
-Land Improvements	\$32,556.56	+\$1,925.75	\$34,482.31

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

APPROVE REVISION TO POLICIES AND PROCEDURES TO REQUIRE USE OF PHOTO IDENTIFICATION BY FIELD STAFF IN CERTAIN SITUATIONS

White moved, Rhein seconded that the language requiring photo identification for Township employees be accepted as written and added to the *Policies and Procedures* manual.

MOTION CARRIED

PUBLIC COMMENT

Mark Maki, 370 Karen Road – had a question about the August 8, 2019 Board Minutes, which refers to the comments of Jackie Lykins, “Lykins stated that contract assessors can be more flexible with their time, and tend to accomplish more.” He did not feel that this was a true statement.

Zyburt moved, Lynch seconded that the meeting be adjourned.

The meeting was adjourned at 8:50 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of July 22, 2019, Revised Draft
- B. Minutes – Chocolay Township Planning Commission, Regular Meeting of August 26, 2019, Draft
- C. Minutes – Chocolay Township Zoning Board of Appeals, Regular Meeting of July 25, 2019, Draft.
- D. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meetings of June 20, 2019 and July 18, 2019, Final.
- E. Minutes – US 41 Corridor Advisory Group, July 9, 2019, Final.
- F. Minutes / Information – 2019 Utility Review Committee, Annual Meeting of July 30, 2019, Draft.
- G. Minutes – Marquette County Solid Waste Management Authority, Special Meeting of July 31, 2019.
- H. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of August 31, 2019.
- I. Information – September 2019 Chocolay Township Newsletter.
- J. Information – Marquette County Solid Waste Management Authority, Regional Recycling Facility Action, Special Meeting of August 1, 2019.
- K. Information – Semco Energy Gas Company, Energy Waste Reduction Plan Hearing, September 11, 2019.
- L. Correspondence – Matthew Prevost, 440 Foster Creek Road, Road Improvements, July 30, 2019.

Max Engle, Clerk

Richard Bohjanen, Supervisor

October 14, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, October 14, 2019 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, Judy White, Don Rhein, Mark Maki

ABSENT: None

STAFF PRESENT: William De Groot, Suzanne Sundell, Brad Johnson, Scott Jennings, Dale Throenle, Pat Beck, Lisa Perry, Mary Jo Bucket

APPROVAL OF AGENDA.

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

MOTION CARRIED

PUBLIC COMMENT.

Deborah Mulcahey, 633 Lakewood Lane – welcomed Bill as the new Township Manager. She has a few concerns: (1) would like the Board to remind staff that when contact is made by the community responses are due in 10 days; (2) addressed the issue of recreation spaces (Kawbawgam Pocket Park) being used as parking by contractors; (3) concerns with the 2017 PASER ratings with regard to Lakewood Lane and sequence of when roads will get done; (4) Assessor’s position and the steady decline of in-office days, which is now down to Thursdays from 9:00 AM – 2:00 PM; and (5) the Police Department does not seem to think the contractor parking at the Kawbawgam Pocket Park is an issue.

Stephanie Gencheff, 597 Lakewood Lane – her plan was to come to advocate for the repair of roads. Lakewood Lane is a very bumpy road – urged the Board to not postpone any longer than they need to.

Evelyn Lindsey, 7 Red Fox Trail – her and her husband are new to the area – wondering what is happening on Brewer Road.

PUBLIC COMMENT CLOSED AT 5:38 pm.

CONSENT AGENDA

AGENDA ADDITIONS/DELETIONS.

- A. Approve Minutes of Previous Meeting – September 9, 2019 Regular Meeting.
- B. Approve Revenue and Expenditure Reports – January 1, 2019 through August 31, 2019.

- C. Approve Bills Payable, Check Register Reports – September 13, 2019 (Check #'s 23473 - 23499, in the amount of \$52,728.62), and September 26, 2019 (Check #'s 23500 - 23526, in the amount of \$42,939.97).
- D. Approve Bills Payable, Regular Payroll – September 5, 2019 (Check #'s DD317 – DD332 and Check #'s 10849 - 10853, Federal, State, and MERS for a total of \$33,961.36), and September 19, 2019 (Check #'s DD333 – DD365 and Check #'s 10854 - 10858, Federal, State, and MERS for a total of \$49,742.08).
- E. Approve Treasurer's Report, Certificates of Deposit and Investment Reports – August 31, 2019.
- F. Approve Treasurer's Report, Fund Withdrawal and Deposit Report – September 30, 2019.

Zyburdt moved, Rhein seconded to approve the Consent Agenda as presented.

SUPERVISOR'S REPORT

Supervisor Bohjanen indicated that he had met with Connie Walt from the Census Bureau. She is promoting the complete census committee concept. She feels there should be a committee of 3-5 people, and will be dropping off some materials to explain the project.

CLERK'S REPORT

Clerk Engle indicated the Election Commission met prior to Board meeting – will be moving Precinct 1 (which is now located at the Township Hall / Fire Hall) to Silver Creek Church. There is not enough room at the Township. New ID cards will need to be sent out to change the precinct location for Precinct 1.

TREASURER'S REPORT

Treasurer Zyburdt stated proceeds had come in from two maturing CD's. One was \$225,000 at First National Bank of Howell at 2.18%, which was reinvested \$100,000 into First National Bank of America at 1.7%, and a \$125,000 13-month Government Agency at 1.99%. There was also a \$250,000 Government Agency that was called at 2.6%, and that was reinvested in the Main Street Bank of Birmingham bond at 1.75%.

PLANNING COMMISSION REPORT

Trustee Rhein indicated the Planning Commission had started working on the Recreation Plan. They also approved two storage unit – one on Kawbawgam, and one on Carmen.

ZONING BOARD OF APPEALS REPORT

Trustee Maki reported there is a meeting scheduled for Friday, November 1 at 5:30 PM.

Supervisor Bohjanen introduced Bill De Groot as the new Township Manager.

PUBLIC HEARING –

Manager De Groot introduced the 2020 Budget. He stated there had been a lot of groundwork done prior to his coming.

The Budget shows that the Township is in a strong financial position as staff has been maintaining fiscal conservancy for a long time, which will allow us to partially finance the upcoming sewer project. We have revenue of \$2,705,000, with corresponding expenditures, so the Budget is a balanced budget. There is extra budget money in the road fund, so will look at priorities as the construction season unfolds next season. This fiscal year runs out on December 31, 2019.

Public Comment

Deborah Mulcahey, 633 Lakewood Lane – the Board needs to be mindful of the community and the taxes and fees that are being placed on them. She also discussed roads and priority settings.

Public Hearing Closed 5:55 PM

PRESENTATIONS – NONE

FISCAL YEAR 2020 BUDGETS

Board Discussion

Trustee Maki commented on the road ranking that was supposedly done by the Planning Commission. On fees for the landfill, he feels that we should not be charging the \$15 for the administrative fee. Supervisor Bohjanen indicated that this is a permit fee. Manager De Groot indicated that he will be doing a review with staff of all fees during the first quarter of the year. Trustee Maki also asked about the sink / cabinet for the Meeting Room. DPW Supervisor Johnson said this would be a winter project.

Trustee Maki asked about the overlap in the Police Department. Supervisor Bohjanen indicated that the time from is 6 months.

Trustee White asked about the employee salaries – still need to update Manager De Groot's salary.

Trustee Maki asked about the Assessor – wondered why we are paying for membership and licenses if he is a contract employee. Clerk Engle indicated that the contract that was signed with the Assessor indicates that we will pay for those.

Trustee Maki asked about the Defined Benefit Pension – there seems to be different views on if we are fully funded.

Trustee White asked when the Pension Committee last had a meeting – would like them to look at going from Defined Benefit to Defined Contribution.

GENERAL APPROPRIATIONS ACT

Zyburt moved, seconded by Rhein, that

Whereas, the Township Supervisor has submitted a complete itemized budget proposal for the fiscal year beginning January 1, 2020, and ending December 31, 2020, 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 3, 2019; and

Whereas, a public hearing was held on the proposed budget on October 14, 2019 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 as revised and according to designated accounts for the next fiscal year, to wit, beginning January 1, 2020, and ending on December 31, 2020, in the amount of \$2,705,000.00 for the General Fund, in the amount of \$365,000.00 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 \$220,000.00 in the Library Millage Fund, in the amount of \$81,000.00 in the Capital Improvements Fund, and in the amount of \$3,525,000.00 for the Sewer Fund.
2. The Township Board does hereby appropriate the sum of \$2,786,000.00 for the general operating expenses and capital improvements of the Township to be used for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
3. The Township Board does hereby appropriate the sum of \$3,525,000.00 to defray the expense of the operation and debt retirement of the Sanitary Sewer System for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
4. The Township Board does hereby appropriate the sum of \$365,000.00 for the repairing of the Township Roads to be used for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
5. The Township Board does hereby appropriate the sum of \$0 for the fiscal year beginning January 1, 2020, and ending December 31, 2020 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, 2020, and ending December 31, 2020.

7. The Township Board does hereby appropriate the sum of \$220,000.00 for contractual services with the Peter White Public Library for the fiscal year beginning January 1, 2020, and ending December 31, 2020.
8. The Township Board does hereby levy 3.6284 mills for general operations; extra voted is 0.9974 for library, 1.6840 for roads.
9. All resolutions and parts of resolutions in so far as they conflict with provision of this resolution are rescinded.
10. The budget adoption and appropriation resolution shall now and hereafter also be known as the General Appropriations Act conforming to Public Act No. 621 of 1978, the Michigan Uniform Budgeting Act.

**ROLL CALL VOTE: AYES: Rhein, White, Lynch, Zyburt, Engle, Bohjanen NAYS: Maki
MOTION CARRIED**

RESOLUTION FOR OFFICER' 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 2020, which begins January 1, 2020 and ends December 31, 2020.

**ROLL CALL VOTE: AYES: Maki, Rhein, White, Lynch, Zyburt, Engle, Bohjanen NAYS: None
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 2020, which begins January 1, 2020 and ends December 31, 2020.

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

CLERK'S SALARY

Lynch moved, seconded by Zyburt, that the salary for the office of Clerk shall be set in the amount of \$12,000.00 for the Fiscal Year 2020, which begins January 1, 2020 and ends December 31, 2020.

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

TRUSTEE'S PER DIEM

Zyburt 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 2020, which begins January 1, 2020 and ends December 31, 2020.

ROLL CALL VOTE: AYES: Maki, Lynch, Zyburt, Engle, Bohjanen NAYS: Rhein, White
MOTION CARRIED

2019 SERVER DISCUSSION

Manager De Groot stated that this is a staff led project. This has been reviewed, and can be done before the end of the year. The actual equipment will be funded by capital accounts, and the operating and implementation will be funded under our general fund. The cut-over time has not been established, but we do hope to be able to do this after hours, with as little disruption as possible.

Supervisor Bohjanen indicated there is also a possibility of being able to get a 50% grant reimbursement from Michigan Municipal Risk Management Authority – Risk Avoidance Program.

PUBLIC COMMENT

None

Rhein moved, Lynch seconded that the meeting be adjourned.

The meeting was adjourned at 6:25 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of September 16, 2019, Draft
- B. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meetings August 21, 2019, Draft
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of August 21, 2019, Draft
- D. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of September 18, 2019, Draft
- E. Minutes – Marquette County Township Association, Regular Meeting of April 24, 2019, Final
- F. Minutes – Marquette County Township Association, Special Meeting of June 5, 2019, Final

- G. Minutes – US 41 Corridor Advisory Group, Regular Meeting of September 10, 2019, Final
- H. Information – October 2019 Chocolay Township Newsletter.
- I. Correspondence – Bill and Marsha Karas, 195 Lakewood Lane

Max Engle, Clerk

Richard Bohjanen, Supervisor

November 11, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, November 11, 2019 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, Judy White, Don Rhein, Mark Maki

ABSENT: Ben Zyburt (excused)

STAFF PRESENT: William De Groot, Suzanne Sundell, Brad Johnson, Scott Jennings, Dale Throenle, Lee Gould

APPROVAL OF AGENDA.

Lynch moved, Rhein supported that the agenda be approved as presented.

MOTION CARRIED

PUBLIC COMMENT.

None

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – October 14, 2019 Regular Meeting.
- B. Approve Revenue and Expenditure Reports – January 1, 2019 through September 30, 2019.
- C. Approve Bills Payable, Check Register Reports – October 11, 2019 (Check #'s 23527 - 23555, in the amount of 14,475.76), October 24, 2019 (Check #'s 23556 - 23587, in the amount of \$36,609.55), and October 29, 2019 (Check #'s 23588 – 23593, in the amount of \$8,946.20).
- D. Approve Bills Payable, Regular Payroll – October 3, 2019 (Check #'s DD366 – DD399 and Check #'s 10859 - 10863, Federal, State, and MERS for a total of \$40,331.67), October 17, 2019 (Check #'s DD400 – DD415 and Check #'s 10864 - 10868, Federal, State, and MERS for a total of \$33,881.67), and October 31, 2019 (Check #'s DD416 – DD444 and Check #'s 10869 – 10873, Federal, State, and MERS for a total of \$36,990.09).
- E. Approve Treasurer's Report, Certificates of Deposit and Investment Reports – September 30, 2019.
- F. Approve Treasurer's Report, Fund Withdrawal and Deposit Report – October 31, 2019.

Rhein moved, Lynch supported to approve the Consent Agenda as presented.

MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen had passed out information to the Board regarding the 2020 Census. Connie Walt (Census Bureau) had spoke with Supervisor Bohjanen on setting up a "Complete Census Committee" – a working committee to try to get the word out to residents to participate in the census. They are now requesting a partnership. The significance of the uses of the census is for distributing grants to different forms of government. Suggestions were given by the Board.

CLERK'S REPORT

Clerk Engle handed out the Secretary of State's initial list of candidates for the March 10th Presidential Primary. He also handed out a "to scale" drawing of the precinct setup over at the Silver Creek Church. Clerk Engle is planning on moving both precincts to the church for the next election, with the plan of keeping both there if it works out.

TREASURER'S REPORT

None

PLANNING COMMISSION REPORT

Trustee Rhein stated the Planning Commission worked on Ordinance 61, the Recreation Plan, and the Zoning Ordinance revisions. A public hearing is scheduled for November 18.

ZONING BOARD OF APPEALS REPORT

Trustee Maki reported that the Zoning Board of Appeals met on November 1, concerning a small lot in Harvey. The ZBA granted the variance.

PUBLIC HEARING

None

PRESENTATIONS – PETER WHITE LIBRARY – ANDREA INGMIRE

Andrea Ingmire, Peter White Library Director presented a recap on what's been going on at the library. Programming and services are a big part of what goes on at the library. To keep informed on what's going on, you can sign up for the Library Insider, which is an email newsletter that is sent out weekly, along with an edition that is sent out once a month. They have now added text notification to their services. Youth services is an important part and includes the Prime Time program. Music programming is primarily funded through a trust. The library works with many partnerships within Marquette for music, arts, etc. The library meeting room usage is up, children's program attendance is up, and the book drops are well used. Andrea went over the renovations that have been happening at the library, and steps that were taken to preserve the past while updating the present. Capitalized on the great view of Lake Superior by moving things around and opening up windows that had been hidden. PWPL will be on the ballot for the election in 2020.

POTENTIAL CLOSED SESSION – OPEN MEETINGS ACT 267 OF 1976 – ENTER INTO CLOSED SESSION UNDER SECTION 8(e) to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation. Michigan Municipal Risk Management Authority vs.

Associated Constructors, LLC, Integrated Design, Inc., Wendricks Truss, Inc; and Associated Constructors LLC Counter-Plaintiff vs Charter Township of Chocelay Counter-Defendant.

Lynch Moved; White Supported - I, move that the Chocelay Board of Trustees, the Township Manager, Township Public Works Director, and Township Fire Chief, meet in closed session under section 8(e) of the Open Meetings Act, to consult with our Attorney regarding trial or settlement strategy in connection with Michigan Municipal Risk Management Authority vs. Associated Constructors, LLC, Integrated Design, Inc., Wendricks Truss, Inc; and Associated Constructors, LLC Counter-Plaintiff vs. Charter Township of Chocelay Counter-Defendant.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Zyburt

MOTION CARRIED

Township Board entered into Closed Session at 6:07 PM.

White moved, Lynch seconded to close the Closed Session at 6:35 PM.

Motion Carried

FIRE HALL RECONSTRUCTION DISCUSSION

Lynch Moved; Rhein Supported

Whereas, the Township will be moving forward with the reconstruction of the Township Fire Hall, and

Whereas, the Township has reviewed a proper storage location within close proximity to the existing facility, and

Whereas, the Township has worked with the insurance group for full reimbursement as part of the reconstruction project, and

Whereas, the Township Departments has inspected and recommend this facility for short term occupancy of the Township Fire Department, and

Let it be resolved, that the Charter Township Board of Trustees empower to Township Supervisor and Township Clerk to enter into a lease agreement (attached for reference) for six month and then month to month after that time, and

Let it further be resolved, that the Chocelay Supervisor and Township Clerk only enter into the lease agreement if the monthly rental costs do not exceed \$7,500 plus utilities.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Zyburt

MOTION CARRIED

Township Manager De Groot gave a brief summary of the project. Over the winter we sustained some roof damage in the main part of the Fire Hall. We have been working with MMRMA since early spring on determining how to move forward. An engineering solution has been reached, and this will be an insurance claim. The Fire Department will be moving their vehicles across the street. The reconstruction process will start during the week of Thanksgiving. They will be shirring up the building for the winter, and there is not a safety concern at this time. There will be a rebuild of the roof in the spring. There is an internal team consisting of the Manager, DPW Supervisor, Fire Chief and Police Chief. The building across the street has been inspected.

SEWER DELINQUENCY REPORT

White moved, Lynch supported to accept the list of delinquent sewer charges and penalties as allowed in Ordinance 39, Section 9, E.2.c to be added to the Chocoley Township December tax roll.

MOTION CARRIED

2020 PUBLIC ACT 152 RESOLUTION

RESOLUTION NO. 2020-1

November 11, 2019

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 requirement of the Act;

WHEREAS, the three options are as follow:

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, 2020 through December 31, 2020.

Upon a roll call vote, the vote was as follows:
Ayes: Maki, Rhein, White, Lynch, Engle, Bohjanen
Nays: None
Absent: Zyburt

RESOLUTION DECLARED ADOPTED.

Max L. Engle, Township Clerk

UTILITY REVIEW COMMITTEE FINANCIAL RECORDS / SECRETARIAL PROPOSAL

Lynch Moved; Rhein Supported

Whereas, the Township was asked to maintain the financial record keeping for the Utility Review Committee in 2018, and

Whereas, the Township approved a proposal to the Utility Records Committee for additional staff time in the form of an expanded role of the Financial Records Clerk perform the services, and

Whereas, this would not place additional burden on the existing Township Staff, and

Whereas, the Utility Review Committee will be reimbursing the Township for staff time performing the tasks involved in financial record keeping, and

Let it be resolved, That the Charter Township Board of Trustees approve the Utility Review Committee Financial Records Proposal, and

Let it further be resolved, that the Chocolay Township Board empowers the Township Manager to sign the final proposal.

Roll Call Vote:
Ayes: Maki, Rhein, White, Lynch, Engle, Bohjanen
Nays: None
Absent: Zyburt
RESOLUTION CARRIED

BUDGET AMENDMENT 6-2019 – MCOLES TRAINING FUNDS

White moved Engle supported to move \$447.25 from Revenue State of Michigan line item (401.543) to the Police Training Capital Outlay Line Item (401.306.957) for future Police Training.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Zyburt

MOTION CARRIED

SERVER PROJECT – CAPITAL EXPENSE RESOLUTION

Lynch moved, Rhein supported that

Whereas, a budget was adopted by the Chocolay Township Board on November 18, 2018 to govern the anticipated Capital Improvement Fund for 2019, and

Whereas, as a result of changing equipment needs, it is suggested that the aforesaid budget be modified as follows to allow for purchase of server upgrade equipment using funds currently designated for police and technology equipment,

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

Account	Previous Budget	Change	Amended Budget
Expenditure			
Police Department Equipment 401.305.977	\$ 44,488.25	-\$ 11,000.00	\$ 33,488.25
Expenditure			
Technology Equipment 401.258.977	\$ 31,360.10	-\$ 4,000.00	\$ 27,360.10

and that the Board authorize the use of the allocated funds to purchase server equipment, network equipment, and staff replacement desktop personal computers.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Zyburt

REJOINING MICHIGAN ASSOCIATION OF PLANNING

Lynch moved White supported to rejoin the Michigan Association of Planning at the cost of \$800.00. The membership will run from December 2019 until June 30, 2021 allowing our boards, and staff the opportunity to stay current with land use planning education, training, and

resources. The expense will be taken from the FY 2019 Other Government and Township Board training budgets.

ROLL CALL VOTE

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

NAYS: None

ABSENT: Zyburt

MOTION CARRIED

PUBLIC COMMENT

None

Lynch moved, Rhein supported that the meeting be adjourned.

The meeting was adjourned at 6:48 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of October 21, 2019, Draft
- B. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meetings September 19, 2019, Draft
- C. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of October 23, 2019, Draft
- D. Information – November 2019 Chocolay Township Newsletter.
- E. Information – Marquette Area Wastewater Treatment Facility Advisory Board 2020 Meeting Schedule.
- F. Correspondence – Battery Recycling Email
- G. Correspondence – Marquette Township Letter of Non Support for Landfill Urban Cooperation Act Funding.

Max Engle, Clerk

Richard Bohjanen, Supervisor

December 9, 2019

A Regular meeting of the Chocolay Township Board was held on Monday, December 9, 2019 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, Judy White, Don Rhein, Mark Maki

ABSENT: None

STAFF PRESENT: William De Groot, Suzanne Sundell, Brad Johnson, Scott Jennings, Dale Throenle

APPROVAL OF AGENDA.

Lynch moved, Rhein supported that the agenda be approved as amended (*Insert as New Business, XV.H Peter White Public Library Update*).

MOTION CARRIED

PUBLIC COMMENT.

Charles _____, 54 Drive, Onota Township – spoke in support of the enclosed gun range. He feels that having a gun range Chocolay would help the economy, as there are many that would like to shoot in the wintertime. Lead levels are typically below 5% and are being controlled by air systems. There is no such thing as lead free. This would provide a place to shoot in the winter. He is a firearms instructor, and he stated that if you don't shoot on a regular basis, your skills will diminish.

Scott Emerson, 119 Lakewood Lane – wanted to address comments that were made. Lead level of 5% is lethal. Lead free is available on the internet, and the price is only marginally higher. Emerson respectfully requested that the Chocolay Township Board schedule a second reading of Ordinance 61, Firearms at its January 2020 meeting, with some suggested revisions on Section 5(C), which he proceeded to go over. Emerson stated that if anyone has questions concerning lead that he is the expert on toxicology in the room.

Tom Kolinsky, 2288 US 41 South, Lake Michigan Armory – handed out documents to the Board regarding ammunition. There had been language for indoor shooting ranges that was reasonable to all concerned, but now there seems to be language concerning “leadless” or “lead free”. He appreciates the comments from Dr. Emerson on the toxicology discussion, but Kolinsky feels that he (Kolinsky) is the expert in the retail field. He presented information on pricing of “leadless” or “lead free” ammunition from sites on the internet – almost triple the price. Leadless sounds like it should be “lead free”, but it has a solid lead core. Also discussed lead mitigating, and the need to move down range. Kolinsky is not in favor of the language – too restricting and will strangle the industry.

Scott Emerson, 119 Lakewood Lane – asked if he could respond to Kolinsky’s comments. Referred back to the Laidlaw study in an outdoor range – lead dust is a hazard. Federal (ammo manufacturer) is quickly moving to lead free. Feels that being lead free would be an advantage to Lake Michigan Armory.

Tom Kolinsky, 2288 US 41 South, Lake Michigan Armory – asked to be able to respond to Emerson’s comments. He feels Emerson’s reasoning may be a little flawed. With an outdoor range, you are at the mercy at which way the wind is blowing. In an indoor range, it is always a flow forward wind direction.

Bob Lambert, 214 Mesnard St., Marquette – born into a hunting family. As things stand right now, you can go to the gravel pits along County Road 480 and see the mess left by so-called “sportsmen”. In an indoor range, everything is one area and cleaned up. Would love to have an indoor range – if you don’t shoot, you loose your accuracy.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – November 11, 2019 Regular Meeting.
- B. Approve Revenue and Expenditure Reports – January 1, 2019 through October 31, 2019.
- C. Approve Bills Payable, Check Register Reports – November 11, 2019 (Check #'s 23594 - 23613, in the amount of \$18,467.64), and November 25, 2019 (Check #'s 23614 - 23639, in the amount of \$519,556.27).
- D. Approve Bills Payable, Regular Payroll – November 4, 2019 (Check #'s DD44 – DD458 and Check #'s 10874 - 10878, Federal, State, and MERS for a total of \$33,273.09), and November 28, 2019 (Check #'s DD459 – DD488 and Check #'s 10879 - 10883, Federal, State, and MERS for a total of \$36,594.67).
- E. Approve Treasurer’s Report, Certificates of Deposit and Investment Reports – October 31, 2019.
- F. Approve Treasurer’s Report, Fund Withdrawal and Deposit Report – November 30, 2019.

Maki questioned three of the bills payable checks – Check No. 23624 in the amount of \$463,217.30 to the Marquette County Road Commission (Manager De Groot explained that this was for road work done during the past summer), Check No. 23603 in the amount of \$1,035.20 to the Mining Journal (Manager De Groot explained this was for various legal ads placed in the paper, and Check No. 23613 in the amount of \$2,000.00 which was made out to “You People” (Manager De Groot explained that this was a 501(c) 3 that was used for the payment to the Chocloy Area Festival).

Lynch moved, Zyburt supported to approve the Consent Agenda as presented.

AYES: 6 NAYS: 1 (Maki)

MOTION CARRIED

SUPERVISOR’S REPORT

Supervisor Bohjanen brought up the subject of “Proclamation Process” and that the Township does not have a policy for making and reviewing proclamations (such as schools of choice).

CLERK'S REPORT - NONE

TREASURER'S REPORT

Treasurer Zybur reported that over the last two months there have been two maturities in the bond portfolio - \$250,000 Federal Agency bond that matured in October at 1.14%, which was reinvested into a Federal Agency like amount of \$250,000 at 1.875% for a period of two years and a \$250,000 Chemco Bank CD at 2.5%, which was called and reinvested in a Federal Agency bond at 1.6% for two years.

PLANNING COMMISSION REPORT

Trustee Rhein reported that the Planning Commission had been working on Ordinance 61, 34.19.05, and discussion on the marijuana ordinance.

ZONING BOARD OF APPEALS REPORT

Trustee Maki reported there has not been a meeting since November 1.

PUBLIC HEARING

None

PRESENTATIONS – NONE

FIRE HALL RECONSTRUCTION UPDATE

Manager De Groot reported that the shoring process has begun in the fire hall. There has also been work on a rental agreement for the building across the street. The Township is now looking for an opportunity for a snow plowing contract for across the street – we have two quotes so far, but is looking for some leniency in being able to sign a winter long contract. This may be reimbursable by MMRMA, but De Groot will need to discuss this with them. The equipment we have for snow removal is not suitable for across the street. De Groot estimates it will be under \$4,000 for the entire winter.

Lynch moved, Rhein supported to allow Manager De Groot to proceed with the plowing contracts as they come in for the plowing of the temporary firehall.

MOTION CARRIED

APPOINTMENTS TO 2020 BOARDS, COMMISSIONS, AND COMMITTEES

White moved, Engle supported to accept the appointments as presented, with the exception for Planning Commission member Tom Mahaney.

MOTION CARRIED

APPROVE 2020 TOWNSHIP MEETING DATES

Zybur moved, Rhein supported to approve the 2020 Meeting Date schedule as presented.

MOTION CARRIED

APPROVE 2020 TOWNSHIP HOLIDAY SCHEDULE

White moved, Lynch supported to approve the Chocolay Township Holiday schedule as presented.
MOTION CARRIED

REQUEST FROM THE PLANNING COMMISSION TO REVIEW REGULATORY ORDINANCE 67, MARIJUANA ESTABLISHMENTS

Manager De Groot introduced a request for guidance from the Planning Commission regarding Marijuana Establishments. De Groot went over what is happening in other places in the UP (specifically Marquette, Ironwood, and Sands Township) and pointed out that at this point, there are no production or processing facilities to support these establishments. He feels that this may present an opportunity for Chocolay Township.

Zyburt feels it is important to stay on top of this topic as it is not going away. Supervisor Bohjanen feels the ordinance should include all aspects of the licensing.

Lynch moved, White supported to direct the Planning Commission to revisit Ordinance 67 on marijuana establishments, and bring back to the Board.

AYES: 6 NAYS: 1 (Rhein)

MOTION CARRIED

PURCHASE OF DPW UNIT HEATER FOR GARAGE

White moved, Zyburt supported that the Chocolay Township Board approves the expenditure of no more than \$2,500.00 to replace the unit heater in the DPW garage.

ROLL CALL VOTE

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

NAYS: None

MOTION CARRIED

FIRST READING OF ORDINANCE 61 FIREARMS REVISION

Lynch moved, White supported that after providing required notification to the public, holding a public hearing, and considering recommendations of the Township Planning Commission and the Township Attorney, the Board schedule a second reading on the proposed language as revised (***Section 5.C take out the phrase "require the use of ammunition labeled as lead-free")*** for Ordinance 61 *Firearms* at its January 2020 meeting.

MOTION CARRIED

FIRST READING OF ORDINANCE REVISION 34-19-05

Lynch moved, Zyburt supported that after providing required notification to the public, holding a public hearing and consider recommendations of the Township Planning Commission and the Township Attorney, the Board schedule a second reading on the proposed language as written for *Zoning Ordinance* Amendment 34-19-05 at its January 2020 meeting.

MOTION CARRIED

PETER WHITE PUBLIC LIBRARY UPDATE

Trustee White reported on PWPL. There will be a millage on the ballot in 2020. Starting in January, they will be offering “Ident to Go” where residents can go for different types of identification. White also reported that the PWPL has now gone from MERS retirement defined benefit to defined contribution.

PUBLIC COMMENT

Scott Emerson, 119 Lakewood Lane – commented on the correspondence in the packet. He feels that the storage units are a societal disease – he feels that this is a boom and bust thing and not sustainable. We should not enable it. He also addressed the noise and light trespass from the casino into the residential zone which can produce insomnia. He was assured by previous managers that KBIC would comply with our standards. If this is not happening, there needs to be intervention.

Zyburt moved, Lynch supported that the meeting be adjourned.

The meeting was adjourned at 6:40 pm.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission, Regular Meeting of November 18, 2019, Draft
- B. Minutes – Chocolay Township Zoning Board of Appeals, November 1, 2019, Draft
- C. Minutes – Marquette Area Wastewater Treatment Facility Advisory Board, Regular Meetings October 17, 2019, Draft
- D. Minutes – Northern Michigan Public Service Academy (NMPSA) Regular Meeting of November 21, 2019, Draft
- E. Information – December 2019 Chocolay Township Newsletter.
- F. Correspondence – Municipal Group Dividend Check
- G. Correspondence – D. Mulcahey, 633 Lakewood Lane
- H. Correspondence – E. Delene, 232 Kawbawgam Road

Max Engle, Clerk

Richard Bohjanen, Supervisor