

February 12, 2024

The joint meeting of the Chocolay Township Board and Chocolay Township Planning Commission was held on Monday, February 12, 2024, in the Chocolay Township Fire Hall. 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

ABSENT: Kendra Symbal

PLANNING COMMISSION

PRESENT: Ryan Soucy, Donna Mullen-Campbell, Rebecca Sloan, Kendell Milton, Stephanie Gencheff, Don Rhein

ABSENT: George Meister

STAFF PRESENT: William De Groot, Dale Throenle, Lee Gould, Suzanne Sundell

APPROVAL OF AGENDA.

Zyburt moved, Rhein supported to approve the agenda as presented.

MOTION CARRIED

PUBLIC COMMENT – NONE.

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting, January 8, 2024.
- B. Approve Revenue and Expenditure Reports – December 2023 (Unaudited).
- C. Approve Revenue and Expenditure Reports – January 2024.
- D. Approve Bills Payable, Check Register Reports – 2023 Payables: January 9, 2024 (Check #'s 26593 – 26614, in the amount of \$13,427.52), January 18, 2024 (Check #'s 26623 – 26632, in the amount of \$7,450.56), January 26, 2024 (Check #'s 26645 – 26651, in the amount of \$58,812.97) and 2024 Payables – January 2, 2024 (Check #'s 26575 – 26592, in the amount of \$93,103.61), January 9, 2024 (Check #'s 26615 – 26622, in the amount of \$7,862.67), January 18, 2024 (Check #'s 26633 – 26644, in the amount of \$22,868.20), January 26, 2024 (Check #'s 26652 – 26665, in the amount of \$17,524.73), January 30, 2024 (Check #26666, in the amount of \$770.22), and January 31, 2024 (Check #'s 26667 – 26676, in the amount of \$5,688.89) .
- E. Approve Bills Payable – Regular Payroll of January 4, 2024 (Check #'s DD3868 – DD3903 and Check #'s 11459 – 11464, Federal, State, and MERS in the amount of \$46,903.67), and Regular Payroll of January 18, 2024 (Check #'s DD3904 – DD3926 and Check #'s 11465 - 11470, Federal, State, and MERS in the amount of \$50,257.16).

White moved, Lynch supported to approve the consent agenda as presented.  
MOTION CARRIED

**SUPERVISOR'S REPORT**

Supervisor Bohjanen called the Board's attention to the correspondence in the packet from Jenn Hill, State Representative, regarding renewable energy bills that have been passed. MTA is continuing to work on a sample ordinance.

**CLERK'S REPORT**

Clerk Engle reported that at this time 1,204 ballots have been sent, with 636 returned. Also reminded the Board that Early Voting begins Saturday, February 17<sup>th</sup>. There have been some issues with the new regulations but these are being worked through.

**TREASURER'S REPORT - NONE**

**PUBLIC HEARING – NONE**

**CONSIDER FY 2023 BUDGET ADJUSTMENTS TO FINALIZE SOFT CLOSE (GF BA #10)**

White moved, Rhein supported that:

Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated General Fund expenditures of the Township on December 12, 2022 for fiscal year 2023; and

Whereas, as a result of unanticipated changes in revenues and / or expenditures, it is necessary to modify the aforesaid budget between revenues and expenditures,

Now Therefore, Be It Hereby Resolved, that the FY 2023 budget be modified as follows:

BUDGET AMENDMENT		PREVIOUS	CHANGE (+ / -)	AMENDED
101.258.800	General Fund - Technology - Contractual	\$25,000.00	\$3,000.00	\$28,000.00
101.258.853	General Fund - Technology - Telephones	\$6,720.00	5,000.00	\$11,720.00
101.285.951	General Fund - OGG - Contingency	\$17,000.00	(8,000.00)	\$9,000.00
101.285.925	General Fund - OGG - Health Insurance	\$279,081.00	15,000.00	\$294,081.00
101.285.910	General Fund - OGG - Insurance & Bonds	\$76,480.00	(15,000.00)	\$61,480.00
101.202.705	General Fund - Assessor - Temp / Part Time	\$12,000.00	\$150.00	\$12,150.00
101.253.713	General Fund - Treasurer - Overtime (Deputy)	\$0.00	\$164.00	\$164.00
101.253.702	General Fund - Treasurer - Salary (Deputy)	\$50,836.00	\$100.00	\$50,936.00
101.805.710	General Fund - Zoning / Planning - Per Mtg Comp	\$6,552.00	\$219.00	\$6,771.00
101.285.952	General Fund - OGG - Salary Contingency	\$13,000.00	(633.00)	\$12,367.00
101.000.698	General Fund - Miscellaneous Rev	\$96,086.00	\$1,066.34	\$97,152.34
101.440.956	General Fund - Streets	\$0.00	\$1,066.34	\$1,066.34
571.285.926	Sewer Fund - Pension	\$0.00	\$3,400.00	\$3,400.00
571.571.925	Sewer Fund - Health Insurance	\$12,691.00	\$600.00	\$13,291.00
571.571.951	Sewer Fund Contingency	\$10,000.00	(\$4,000.00)	\$6,000.00

**ROLL CALL VOTE**

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

NAYS: None

ABSENT: Symbal

MOTION APPROVED

**CONSIDER BOILER PLATE LANGUAGE FOR FUTURE TOWNSHIP SOLICITATIONS FOR PURCHASES.**

Lynch moved, Engle supported that the Township Board approve the boiler plate language used for future Requests for Proposals for good and services purchased by the Township per the Township Purchasing Policy.

MOTION CARRIED

## CONSIDER PURCHASE OF WILDLANDS (BRUSH) TRUCK FOR THE FIRE DEPARTMENT

Supervisor Bohjanen explained that this is a proposal to pursue an action, not purchase.

Manager De Groot explained that the Fire Department has worked up an analysis for a vehicle to be used as a quick response vehicle. Historically, we have used a DPW vehicle. This would be a ton and a half type of truck.

White asked about the cost. Fire Chief Gould explained that they are hoping to build it so they can look at just what is needed. They have no final number yet. Manager De Groot stated that we have KBIC funds of \$70,000 and \$120,000 in the budget. Fire Chief Gould stated that brand new these trucks are running in the \$250,000 to \$300,000 range, but they are hoping to keep it in the \$125,000 - \$140,000 range. There may also be a greater need for a brush truck this year because of the lack of snow cover and possible drier conditions.

Zybert moved, Lynch supported authorizing the Township Manager to work with the Fire Department to purchase a new Wildland / Rescue Truck.

MOTION CARRIED

## JOINT MEETING WITH THE PLANNING COMMISSION

Rhein moved, Campbell supported that the Planning Commission join the joint meeting with the Township Board.

MOTION CARRIED

Rhein moved, Milton supported to approve the joint agenda as presented.

Chair Soucy presented the Annual Report of the Planning Commission to the Township Board. Supervisor Bohjanen stated he feels that the Planning Commission has done a good job of getting things through this year.

Chair Soucy went over the background of the proposed zoning ordinance for the Agricultural / Forestry (AF) Zoning District. The process began in June of 2023 by reviewing sizes and proposed land uses for each district. The Commission then reviewed the language and looked at how the town hall meetings would be conducted. Three town hall meetings were conducted in September and October. With the interactions of the public at the work sessions, the Commission then began the work of outlining zoning sections within the current AF district. Along with this, changes were made to the zoning map.

The discussion was then turned over to Township Attorney Roger Zappa. Attorney Zappa complimented the Planning Commission on all the work that has been put into this. At the last meeting he attended he had given the recommendation that this should be taken to the public for their input. He was pleased to see that the public had been given ample opportunity to voice their opinion on this issue. This is important, as a zoning amendment of this magnitude needs to be able to withstand scrutiny. In principle and concept, he is reasonably comfortable. Attorney would like

a little more time to go over the proposed ordinance – this would not be to change what the zones are, but to tweak the language before it goes to Public Hearing. In reference to Generally Accepted Agricultural Management Practices (GAAMP), if the property owner operates / complies with GAAMP, the township would not have the right to regulate. We may need to fine tune the language for the AG1, AG2, etc. It is also unusual to have a minimum acreage of less than 3 acres. Also noted that AG1 is showing that a PUD is permitted – may also need to amend one of the other articles which has a 5 acre minimum for a PUD – may need to modify so there are no inconsistencies.

Attorney Zappa will be giving it another look – strictly from a legal perspective. After that, the next step would be a Public Hearing at the Planning Commission level. This should be anti-climatic as the public has had so many opportunities to voice their input. They have seen it, they have heard about it, so there should be nothing shocking.

Attorney Zappa will forward a copy of a checklist with the steps for changing a zoning ordinance (such as, sending notice to residents within 500 feet, copy of proposed ordinance to County Planning Commission, etc.). Once it has gone through the Public Hearing, it will then go to the Township Board – they can approve as presented, reject, make modifications, or send back to the Planning Commission for reconsideration.

The preferred practice is also to amend the maps and text at the same time, as the maps are a critical part of the zoning ordinance.

Supervisor Bohjanen stated that PUDs are prohibited in AG2 and AG3, and conditional use in AG1.

PC Chair Soucy thanked Attorney Zappa for his review and insight on this. Planning Director Throenle indicated that the Planning Commission was planning on having the public hearing in March, but questioned if that would be enough time if there were changes. Rather than looking at the revisions at the same time as the Public Hearing, Zappa stated it may be advisable for the Planning Commission to schedule the Public Hearing for April. The benefit of having the meeting first is that the public would see the final revision before the Public Hearing.

Attorney Zappa will do a red line version and will have it back before the public hearing.

Supervisor Bohjanen indicated there were other discussion items:

1. Housing in the Township
2. FlashVote
3. Accessory housing
4. Determining base zoning for State land
5. Solar / wind

PC Chair Soucy asked the Board what the vision is for housing – Accessory dwelling units, tiny homes, multiple family. Supervisor Bohjanen talked about a place in Dubai called “Box Car Park” where all the services are built in box cars that look good. One thing the Township should look at

is the sizing requirements. Trustee Rhein indicated that he doesn't feel we should drop lower than 700 sq. ft. Commissioner Gencheff that ADU's encourage more rentals. Corporations come in and buy and then there is not adequate housing for the people that live and work here. Doesn't understand why there is such a housing crunch when the population has not increased. Aging in place is important, but what do you do when no longer needed?

Supervisor Bohjanen thought this may be a good subject to put on FlashVote to find out the opinion of the community. Manager De Groot indicated that when contract was developed over a year ago, the utilization was for at least the Master Plan and Zoning Ordinance.

PC Chair Soucy indicated that there is currently a grant program through MSHDA for activities such as Master Plan, Zoning Ordinances, updates on housing, etc. Would this be something to be pursued?

Commissioner Mullen-Campbell stated she thought it was a good idea to work on aging in place with things such as ramps and other improvements to allow them to stay in their homes. She thinks there are MSHDA grants for this. Commissioner Gencheff asked if the dollars would go to the Township. Manager De Groot explained that there is no policy established yet on how redevelopment can happen. This may be a bit premature, as there may be other things that need to happen.

Manager De Groot introduced the subject of base zoning for State lands. Approximately 35% of the land in Chocoday Township is State land. As the State starts selling these lands, there is a need to have established a base zoning to reduce the need for a rezoning hearing. The State lands are in several different zoning areas, so they are not able to be reverted to the same zoning. Commission Milton asked if the adjoining townships would have input into this. Manager De Groot stated they would be notified.

Mullen-Campbell moved, Sloan supported to close the Planning Commission portion of the Joint Meeting.

MOTION CARRIED

NOTICE OF SUMMONS IN A CIVIL ACTION – CASE NO. 2:24 -cv-00007, MULCAHEY v. CHOCOLAY TOWNSHIP, JENNINGS, CARTER, THROENLE, DE GROOT, HILLSTROM.

Supervisor Bohjanen stated that he just wanted to inform the Board that a civil action has been served upon the Township. This information has been submitted to our insurance company (MMRMA) and lawyers have been assigned.

MANAGER UPDATE OF WORK PLAN AND CORPORATE STATUS

Work Plan – the auditors have started their audit of FY 2023. They were in last week (Feb 7 and 8) to gather information and will be back the week of March 4 – 8. At that time, we will also be reviewing our capital projects accounting and setting up accounts. Staff will be releasing sewer

RFP's to get on their summer schedule. We will also be replacing the bathroom at Beaver Grove due to age and vandalism – the new bathroom will be relocated for better lighting.

For the public hearing on the zoning for the AF districts, we may be setting up in the Apparatus Bay of the Fire Hall.

#### BOARD MEMBER COMMENTS

Don Rhein – None.

Kendra Symbal – absent

Judy White – complimented the Planning Commission on the work they did on the zoning ordinance. Concerned about the stress to employees.

Dave Lynch – None.

Ben Zyburt – None.

Max Engle – None.

Richard Bohjanen – None.

Rebecca Sloan – nice to see everyone.

Donna Campbell – good meeting.

Ryan Soucy – none

Stephanie Gencheff – none

Kendell Milton – would like to see work done on a municipal water system. Look at a 20-year plan.

#### PUBLIC COMMENT

Jill Bradford, Little Lake Road – felt it was prudent to push the Public Hearing on the proposed zoning districts to April – will provide full disclosure. Likes the idea of aging in place. Need senior friendly ideas for accessory dwelling units. Found the boxcar idea intriguing.

Rhein moved, Lynch supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:58 p.m.

#### INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of December 18, 2023.
- B. Minutes – Chocolay Township Planning Commission; Regular Meeting of January 22, 2024, Draft.
- C. Minutes - Marquette County Solid Waste Management Authority, Regular Meeting of December 20, 2023.
- D. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of January 17, 2024, Draft.

- E. Minutes – Marquette Area Wastewater Advisory Board; Regular Meeting of December 14, 2023.
- F. Minutes – US 41 Corridor Advisory Group; Regular Meeting of December 12, 2023.
- G. Information – Chocolay Township Newsletter – January 2024.
- H. Correspondence – Jenn Hill, State Representative
- I. Correspondence – Toys for Tots.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor