

April 8, 2024

The regular meeting of the Chocolay Township Board was held on Monday, April 8, 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

ABSENT: Don Rhein (excused), Judy White (excused), Kendra Symbal

STAFF PRESENT: William De Groot, Suzanne Sundell

APPROVAL OF AGENDA.

Lynch moved, Engle supported to approve the agenda as modified, adding the Treasurer's Report after the Clerk's Report.

MOTION CARRIED

PUBLIC COMMENT - NONE

CONSENT AGENDA

- A. Approve Minutes of Previous Meeting – Regular Meeting, March 11, 2024.
- B. Approve Revenue and Expenditure Reports – March 2024.
- C. Approve Bills Payable, Check Register Reports – March 6, 2024 (Check #'s 26718 – 26736, in the amount of \$26,340.34), March 6, 2024 (ACH 8A) in the amount of \$30,600.00, March 14, 2024 (Check #'s 26737 – 26755, in the amount of \$170,015.16), and March 28, 2024 (Check #'s 26756 – 26781, in the amount of \$90,629.08).
- D. Approve Bills Payable, Tax Disbursement Check Register Reports – March 18, 2024 (Check #'s 5066 – 5070, in the amount of \$1,666,375.01), and March 28, 2024 (Check #'s 5071 - 5079, in the amount of \$7,481.06
- E. Approve Bills Payable – Regular Payroll of March 14, 2024 (Check #'s DD4013 – DD4073 and Check #'s 11490 – 11495, Voided 11489), Federal, State, and MERS in the amount of \$59,000.37), and Regular Payroll of March 28, 2024 (Check #'s DD4074 – DD4107 and Check #'s 11496 – 11501. Federal, State, and MERS in the amount of \$52,237.92).

Zyburt moved, Lynch supported to approve the consent agenda as presented.

MOTION CARRIED

SUPERVISOR'S REPORT

Supervisor Bohjanen indicated we have been approved for two grants:

1. Feasibility study for solving the problem at the mouth of the Chocolay River. This grant is for \$112,000. RFP's for the study will be going out.
2. A \$15,000 grant for art in the tunnel under US 41 / M28, which will hopefully include artwork from local artists.

Supervisor Bohjanen also indicated that April 23<sup>rd</sup> is the deadline for submitting petitions for running for office on the August 6<sup>th</sup> primary. Packets are available at the office from Lisa Perry.

#### CLERK'S REPORT

Clerk Engle stated he had nothing to add.

#### TREASURER'S REPORT

Treasurer Zyburt stated that over the last quarter there were two CD's that matured. The first one was for \$250,000 at a rate of 3.15%, which was reinvested into a CD at 4.2% for two years. This results in an increase of \$2,875 in interest. The second one was for \$150,000 at a rate of 0.25%, which was reinvested for one year at 4.75%. This results in an increase of \$6,750. Total increase is \$9,625.

#### PUBLIC HEARING – FEMA FLOOD INSURANCE PROGRAM ORDINANCE

Public Hearing opened at 5:36 p.m. by Supervisor Bohjanen.

Supervisor Bohjanen stated that we have been participating in the FEMA Flood Insurance program for many years. There was a recent re-mapping of the areas in question and maps were presented to review. The maps have since been finalized and will take effect on June 6, 2024. One of the conditions is that we have to update our ordinance – this means accepting the map changes and having an agreement with the County building inspectors to monitor the compliance of the buildings and flood plains. Failure to accomplish the upgrading of the ordinance and acceptance of the flood plain maps would result in the program being cancelled, which would mean that FEMA flood insurance would not be available. The people needing flood insurance would be anyone in the danger zones that would want to borrow money from a federal lending institution in order to build.

No comments were received.

Public Hearing was closed at 5:39 p.m.

#### PRESENTATIONS – PETER WHITE LIBRARY

Andrea Ingmire, Library Director of Peter White Public Library gave a presentation of the annual report. In 2021, PWPL went through a strategic planning process, with the outcome being three major strategic priorities – Service, Expertise, and Sustainability. Books are the main thing they do, along with digital offerings, and circulation has increased. Ingmire spoke on the programming that is available. The library has also gone through a rebranding and has returned to the previous logo used in the early 2000's. The website has been redesigned. The library is also working on digitizing

different publications and collections. These are available through UPLINK. Financially, the library has started growing with endowments, which has helped balance the library budget. Upcoming things include the replacing of the front steps and a leaking issue. The library is requesting a renewal millage proposal be put on the ballot for the November election.

CONSIDER COUNTY FEMA FLOOD INSURANCE PROGRAM RESOLUTION

**Michigan community resolution and intergovernmental agreement to manage floodplain development for the national flood insurance program**

**Community A (NFIP community): Chocolay Township**

**Community/Entity B (enforcing agency): County of Marquette, Michigan**

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

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

1. Flood or Flooding means:

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

2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.

3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).

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

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

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

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

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

1. Community A and Community/Entity B agree that Community/Entity B’s officially designated enforcing agency for the construction code act, the Marquette County Building Official, be directed to administer, apply, and enforce on Community A’s behalf the following floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:
  - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding (Appendix G103.3), and
  - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Appendix G103.2), and
  - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding (Appendix G103.1). Where it is determined that a

proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:

- i) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
  - ii) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
  - iii) Appendix G of the current Michigan Building Code.
  - iv) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code for Existing Buildings.
- d. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed (Appendix G103.9).
2. Community A and Community/Entity B agree that Community A will retain responsibility for the following:
- a. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations (Appendix G301.2); and

Advising FEMA of any changes in community boundaries, including appropriate maps.

3. Community A and Community/Entity B will split the following responsibilities:
- a. Assisting in the delineation of flood hazard areas (Community A); provide information concerning uses and occupancy of the floodplain or flood-related erosion areas (Community A), maintain flood proofing and lowest floor construction records (Community B), and cooperate with other officials, agencies, and persons for floodplain management (both).
4. Community A assures the Federal Insurance Administrator (Administrator) that it intends to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
5. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

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

1. Community A and Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

**Community A:** \_\_\_\_\_ Date Passed: \_\_\_\_\_  
 Officer Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Witness Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Community/Entity B:** \_\_\_\_\_ Date Passed: \_\_\_\_\_  
 Officer Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Witness Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Lynch moved, Zyburt supported to accept the FEMA Resolution and Intergovernmental Agreement as presented.

ROLL CALL VOTE

AYES: Lynch, Zyburt, Engle, Bohjanen  
 NAYS: None  
 ABSENT: White, Rhein, Symbal  
 RESOLUTION APPROVED

CONSIDER SECOND READ AND ADOPTION OF REVISED FEMA FLOOD INSURANCE PROGRAM ORDINANCE #60.

Zyburt moved, Lynch supported that after a first reading, public hearing, and second reading held April 8, 2024, the Chocolay Township Board approve proposed revised Ordinance #60 FEMA Flood Ordinance. The proposed revised Ordinance #60 shall take effect fifteen (15) days from the publication of the final draft within the Mining Journal and the posting on the Township Website.

ROLL CALL VOTE

AYES: Lynch, Zyburt, Engle, Bohjanen  
 NAYS: None  
 ABSENT: White, Rhein, Symbal  
 MOTION CARRIED

DISCUSSION COUNTY ORV ORDINANCE UPDATE

Supervisor Bohjanen indicated that Chocolay Township is currently opted out of the ORV Ordinance. Marquette County is looking to update their current ordinance and is looking for survey information. There is nothing from the County that is pushing us to opt in or opt out, but we will have to decide before they rewrite the ordinance. Supervisor Bohjanen asked if the consensus at the moment is to remain opted out, or if we should hold a public hearing to make the decision. The Board was fine with opting out. Supervisor Bohjanen asked that the County be notified we would like to remain opted out.

CONSIDER NEW BATHROOM PROJECT AT BEAVER GROVE PARK.

Township Manager De Groot indicated that this is a three-step project. The bathroom facility at Beaver Grove is aged and subject to vandalism due to its location. The new bathroom will be moved closer to activity areas. Three different RFP's have been issued – removal, insert new, and electrical. This project has been budgeted for this year.

Lynch moved, Zyburt supported that the Chocolay Township Board approves staff recommendations to replace the restroom building at the Beaver Grove Park.

To complete this work the Township Board awards the following contracts:

1. The replace Vault Restroom to Boom Concrete, Inc. in the amount of \$44,455.75.
2. The pumping and removal of existing Vault Restroom to Carey-Sodergren, Inc. in the amount of \$8,417.00.
3. All associated electrical work to J. Wright & Co., Inc. in the amount of \$9,745.00.

ROLL CALL VOTE

AYES: Lynch, Zyburt, Engle, Bohjanen

NAYS: None

ABSENT: White, Rhein, Symbal

MOTION CARRIED

CONSIDER POLICE CHIEF PACKET.

Supervisor Bohjanen indicated that a packet has been put together. Legal counsel advises this should be a full Board decision, along with interviews. Board would like a prescreening process with interviews conducted with the top tier.

Township Manager De Groot gave an overview of the Police Chief vacancy. This process may take a month or two. He was seeking guidance from the Board as to timing. The May meeting may be too early – possibly a Special Meeting later in May to prepare for a June discussion. The Board is looking at May 21 or 22. Due to scheduling conflicts with the Fire Hall Meeting Room, this will be in the Township Meeting Room.

Lynch move,d Zyburt supported that a Special Meeting of the Township Board be scheduled for Tuesday, May 21, 2024 at 5:30 p.m. in the Township Hall for the purpose of a screening meeting regarding the Police Chief position. An alternative date will be scheduled for May 22, 2024.

MOTION CARRIED.

Manager De Groot indicated we will work on getting the information/packet out in trade magazines, Lake Superior Community Partnership, and our website.

CONSIDER DONATING THE REMAINING NON-COMPLIANT FIRE DEPARTMENT SCBA'S.

Engle moved, Lynch supported that the Chocolay Township Board approves staff recommendations to donate the remaining Fire Department SCBA's to Build Your Culture Training Company to be used for the training of Fire Fighters.

MOTION CARRIED

CONSIDER THE REPLACEMENT OF A VENTILATION FAN USED DURING FIRES BY THE FIRE DEPARTMENT.

Zyburdt moved, Lynch supported that the Chocolay Township Board approves the Township Manager and Fire Chief to purchase a Super Vac, V18-BL-SP replacement ventilation fan for the Fire Department's use during structure fires. The purchase price is \$4,576.92. The purchase will be drawn from the existing Fire Department Capital budget.

MOTION CARRIED

RECOGNITION OF BI-ANNUAL FIRE DEPARTMENT LEADERSHIP ELECTION.

Lynch moved, Zyburdt supported that the Chocolay Township Board recognize Lee Gould as the Chocolay Township Fire Chief in accordance with the Michigan Charter Township Act and the Chocolay Township Volunteer Fire Department's bi-annual elections.

MOTION CARRIED

CONSIDER MARQUETTE COUNTY ROAD COMMISSION CONTRACT TO RE-PAVE SHOT POINT.

Zyburdt moved, Lynch supported that the Chocolay Township Board formally accept the Marquette County Road Commission Bid recommendation for Bacco Construction to repave Shot Point for the project amount of \$488,117.80.

MOTION CARRIED

MANAGER UPDATE OF WORK PLAN AND CORPORATE STATUS.

Township Manager De Groot indicated that with the Road Commission contract, this will leave approximately \$200,000 in reserves in the Road Fund. With the success of last year, we may be able to consider some chip sealing when we look at our next budget. With Shot Point, we are looking at a layer of Geotech fabric, a layer of gravel, and then the pavement. Everything is on track, as the survey work was done last fall for Shot Point. No construction timeline yet.

Grant structures – we have received over \$375,000 for various projects from 2023 / 2024. This includes reimbursements for the televising of the sewers. We also received reimbursement for generators for the sewer. Passage of 2024 federal budget - \$112,000 for mouth of Chocolay. State budget grant of \$150,000 for radios for Police and Fire departments.

Reviewing grants for park improvements for next year through MDOT and DNR – Silver Creek Park and Chocolay River Park.

Audit – will have information by May or June meeting.

BOARD MEMBER COMMENTS

Don Rhein – Absent

Kendra Symbol – Absent



Judy White – Absent

Dave Lynch – glad we were able to donate the SCBA's

Ben Zyburt – None

Max Engle – None

Richard Bohjanen – None

PUBLIC COMMENT - NONE

Zyburt moved, Lynch supported that the meeting be adjourned.

MOTION CARRIED

The meeting was adjourned at 6:22 p.m.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Chocolay Township Planning Commission; Regular Meeting of March 18, 2024, Draft.
- B. Minutes – Marquette County Solid Waste Management Authority, Regular Meeting of March 20, 2024, Draft.
- C. Information – Chocolay Township Newsletter – March 2024.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor