

March 15, 2010

A Regular meeting of the Chocolay Township Board was held on Monday, March 15, 2010 at the Chocolay Township Office, 5010 U. S. 41 South, Marquette, MI. Supervisor Seppanen called the Township Board meeting to order at 7:00 p.m.

TOWNSHIP BOARD.

PRESENT: Greg Seppanen, Arlene Hill, John Greenberg, John Trudeau, Mark Maki, Susan Carlson.

ABSENT: Ken Tabor.

STAFF PRESENT: Tom Murray, Mary Sanders, Denny Magadanz, Brad Johnson, Jennifer Thum, Gary Johnson.

MINUTES – FEBRUARY 15, 2010, FEBRUARY 18, 2010 AND FEBRUARY 23, 2010.

Maki moved, Trudeau second that the minutes of the February 15, 2010, February 18, 2010 and February 23, 2010 Township Board meeting be approved as presented.

AYES: 6      NAYS: 0      MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Supervisor Seppanen requested that Lakenenland be moved up to the top of the agenda under public comment.

Greenberg moved, Hill second to accept the agenda as presented.

AYES: 6      NAYS: 0      MOTION CARRIED.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT 34-10-01 FIRST READING.

No public comment.

PUBLIC COMMENT.

Pam Christianson, Peter White Public Library – Currently the State of Michigan Library has no legal council and until one is appointed all library millage language will have to be dealt with on the local level.

Chocolay Township library millage does not come up for a vote until 2012. Pam thanked the Board and staff for all the assistance. Library Day in Chocolay Township is March 31, 2010.

Lakenenland Update.

Jennifer Thum, Township Zoning Administrator/Planner updated the Board on the zoning process for the band shell at Lakenenland.

Tom Lakenen 108 Timberlane – Read a rebuttal to the Township response to his Marquette Monthly editorial including information on his outhouse permit, a controlled burn at Lakenenland, letter from Randy Yelle on camping at Lakenenland, a FOIA request from March 2006, Dry Hydrant on Lakenenland and the band shell permit.

Paul Waters 43 Tracie Drive – Has spent many hours at Lakenenland and feels that it is an asset for Chocolay Township.

Tony Lakenen 910 Willow Road – Questioned how many permits has the new zoning administrator revisited since she took over. What is the difference between a zoning compliance permit and a conditional use permit? What type of conditions could the Township Planning Commission place on Lakenenland if they apply for the CUP?

Dave Bradley 151 Fassbender – Was a zoning permit ever issued for the band shell? What is AF zoning district?

Tracey Webber Fairbanks – Is a Lakenenland supporter and feels the Township Board should go to the County and support Tom Lakenen.

Robin Wiggins 239 Fairbanks – Does a signed zoning permit make all of these problems for Tom Lakenen go away?

Kate Crusher 102 Quant Trail – Supports Tom Lakenen and the band shell.

Tony Lakenen 910 Willow Road – Clarify the change in the zoning ordinance allowing parks and kennels in AF zoning district. How does a band shell fit in with parks and kennels?

Tom Lakenen – Thanked all of the people in the audience that came to support him.

Sheila Debman 244 Shot Point Drive – Hopes that the Board will help Tom Lakenen with the paperwork to get the zoning permit.

#### ACCOUNTS PAYABLE.

Trudeau moved, Carlson second that bills totaling \$50,292.35 for checks numbered 15385 – 15429 are approved for payment.

AYES: 5      NAYS: 1 (Maki)      MOTION CARRIED.

Hill moved, Carlson second that bills totaling \$16,974.33 for checks numbered 16120 – 16139 are approved for payment.

AYES: 6      NAYS: 0      MOTION CARRIED.

Trudeau moved, Carlson second that bills totaling \$39,058.28 for checks numbered 16140 – 16173 are approved for payment.

AYES: 6      NAYS: 0      MOTION CARRIED.

#### PAYROLL.

Carlson moved, Trudeau second that the payroll for February 18, 2010 for \$30,744.85, March 4, 2010 for \$26,751.50 are approved.

AYES: 6      NAYS: 0      MOTION CARRIED.

#### FINANCIAL AND TREASURER'S REPORTS.

Carlson moved, Hill second to accept the Financial and Treasurer's Report.

AYES: 6      NAYS: 0      MOTION CARRIED.

#### SUPERVISORS REPORT.

Transition –Report by Jennifer Thum on current zoning issues.

- Mini-warehouses
- Lakenenland
- Holiday gas station sign
- McDonald's signage
- Waselesky storage
- Spodec property
- Illegal signs
- Keough N. Big Creek property
- Sommers property on Timber lane
- Home occupation
- Lighting
- Private roads
- Nonconforming uses
- Planned unit development
- Contractors yards

Trustee Maki requested that street lighting for the U S 41 corridor be added to the list.

#### DISCUSSION 2010-2012 AUDIT.

A proposal from our current auditors will be on the April agenda.

#### PHOTO COPIER/PRINTER/SCANNER.

Hill moved, Carlson second to authorize the Clerk to expend \$6,689.00 from the Clerk Department capital improvement fund 401.215.957 for the purchase of a Sharp MX-4100N color copier/printer/scanner from U. P. Office Equipment Systems.

#### ROLL CALL.

AYES: Carlson, Hill, Trudeau, Maki, Greenberg, Seppanen.

NAYS: None.      Motion Carried.

#### MUNICIPAL EMPLOYEES RETIREMENT SYSTEM – DEFINED BENEFIT PLAN.

Mike Tackett noted that he reviewed the proposed documents, and found them to be in order. It was also discussed with the Boards concurrence that all future employees must participate in the defined benefit program.

Greenberg moved, Carlson second that

WHEREAS, the Charter Township of Chocoday Township has been asked to consider the adoption of a Defined Benefit Retirement Provision for the Chocoday Township Employees; and

WHEREAS, the Charter Township of Chocoday has reviewed provisions that the Board feels applicable to the operation of said Retirement Plan; and

NOW THEREFORE BE IT RESOLVED that the following provisions shall be applicable to the adoption of said retirement plan:

- The Employer will maintain a maximum 10% gross wage contribution rate until the plan is fully funded.
- The Employees will contribute 2.5% of gross wages until the plan is 100% funded, and anytime thereafter should the required contribution rate exceed 10%.
- The unfunded liability will be amortized over a 5 year period with progress reviewed annually.
- Plan changes shall not be made if the change generates an unfunded balance.
- Prior to any future plan change, an actuarial report shall be acquired to ensure affordability and if that assurance is not given, the improved plan will not be approved.
- Plan improvements or enhancements will not be considered if the cost of the plan exceeds (10% Board / 2.5% Employees) of gross payroll.

ROLL CALL.

AYES: Hill, Carlson, Trudeau, Greenberg, Seppanen.

NAYS: Maki

MOTION CARRIED.

Hill moved Carlson second, to authorize the Township Clerk to execute the following MERS documents and resolutions on behalf of the Charter Township of Chocoday.

- Membership Agreement
- Resolution adopting a Defined Benefit program
- Resolution directing electronic payment of invoices
- Resolution to exclude temporary employees
- Resolution for defining Hours per month
- Resolution for adopting ACT 88

ROLL CALL.

AYES: Trudeau, Greenberg, Hill, Maki, Carlson, Seppanen.

NAYS: None.

MOTION CARRIED.

Greenberg moved, Hill second to rescind Chocoday Township Pension Ordinance #54 effective April 1, 2010.

AYES: 6

NAYS: 0

MOTION CARRIED.

SEWER CLEANER PURCHASE.

Bids for the sewer cleaner were presented to the Board by the Department of Public Works.

Maki moved, Greenberg second that Chocoday Township accepts the bid from Superior Equipment for the Obrien sewer cleaner, in the amount of \$17,676.00. The funds for the sewer cleaner will be taken from sewer capital improvements 571.571.970.

ROLL CALL.

AYES: Hill, Carlson, Maki, Trudeau, Greenberg, Seppanen.

NAYS: None.

MOTION CARRIED.

PLANNING COMMISSION TOP PRIORITIES.

Presented To the Board by Jennifer Thum, Zoning Administrator/Planning Director.

1. Sign ordinance
2. Township recreational plan update
3. Township comprehensive plan update
4. MDOT Enhancement grant
5. Intersection at U S 41/M28 (landscaping)
6. Review all the Township properties (started in 2009)
7. Brower property

Trustee Maki asked why we are looking at a sign ordinance. The Board discussed electronic signage and the majority is against flashing signs, but feels that we need to discuss signs and create regulations for them. Supervisor Seppanen requested adding street lighting to the priority list.

ELECTION PRINTER FOR THE QUALIFIED VOTER SYSTEM.

Hill moved, Maki second to authorize the Clerk to expend \$1,462.00 from the Election Department in the Capital Improvement Fund 401.190.957 for the purchase of a HP LaserJet 4015N from Lasco, Inc.

## ROLL CALL.

AYES: Trudeau, Greenberg, Hill, Maki, Carlson, Seppanen.

NAYS: None.

MOTION CARRIED.

## IRRIGATION SYSTEM FOR LIONS, SILVER CREEK AND BEAVER GROVE BALLFIELDS.

Bids were presented to the Board by the Department of Public Works for the three Township Ball fields.

Greenberg moved, Carlson second that Chocolay Township accept the bid from Nimbus Turf Irrigation Inc., for the irrigation at the Lions, Silver Creek and Beaver Grove ball fields in the amount of \$17,737.00 contingent on Nimbus providing proof of liability, work compensation and auto insurance. The funds for the irrigation system will be taken from Recreation and Properties in the capital improvements fund 401.756.957.

## ROLL CALL.

AYES: Hill, Carlson, Maki, Trudeau, Greenberg, Seppanen.

NAYS: None.

MOTION CARRIED.

## WASTEWATER USE CHARGE/308 SILVER CREEK ROAD.

Greenberg moved, Hill second that the equivalent use factor for Mr. & Mrs. Schirtzinger at 308 Silver Creek Road be reduced to 0, effective January 1, 2010, until the property becomes active. This is provided for in Section 9C-2-e of Ordinance #39.

AYES: 6

NAYS: 0

MOTION CARRIED.

## ZONING ORDINANCE AMENDMENT 34-10-01, SECTION 17.2.

This amendment will allow a Township designee to act in the absence of the Zoning Administrator.

Maki moved, Greenberg second to approve the first reading of proposed zoning ordinance #34-10-01 language stating that in the event that the Zoning Administrator is absent from work for a period of more than five (5) consecutive days due to illness, vacation or for any other reason, the authority to issue Zoning Compliance permits in accordance shall devolve upon the Township Board designee and the duties shall remain with the Township Board designee for the duration of such vacancy or absence. The Township Board will hold the second reading at their April 19, 2010 Township Board meeting.

AYES: 6

NAYS: 0

MOTION CARRIED.

## FIRE DEPARTMENT RFP'S FOR FIRE HALL DESIGN AND EQUIPMENT TRAILER.

Maki moved, Trudeau second to authorize the fire department to seek proposals for an architectural firm to design plans for the new fire hall.

AYES: 6

NAYS: 0

MOTION CARRIED.

Maki moved, Trudeau second to authorize the fire department to seek proposals for the purchase of an enclosed equipment trailer.

AYES: 6

NAYS: 0

MOTION CARRIED.

## PUBLIC COMMENT.

Ginger Winn – M-28 – Lives near Lakenenland and has concerns about Lakenenland.

Trustee Trudeau – No one can legally build a structure without a building permit from the County.

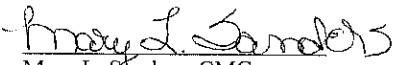
Wayne Dees- Comments on Holiday sign and sign ordinance.

## INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Correspondence – Darrell Gebers
- B. Correspondence – James Thomas, Iron Ore Heritage Trail
- C. Minutes – MCSWA – October 21<sup>st</sup>, November 12<sup>th</sup> & December 16<sup>th</sup>, 2009
- D. Minutes – MAWTFAB – January 21<sup>st</sup>, 2009
- E. 2009 Police Department Statistics
- F. Departmental Reports - February 2010

Supervisor Seppanen adjourned the meeting at 9:35 pm.

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Arlene E. Hill, CMC  
Clerk

  
Mary L. Sanders, CMC  
Deputy Clerk