

October 19, 2009

A Regular meeting of the Chocolay Township Board was held on Monday, October 19, 2009 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, Ken Tabor.

ABSENT: None.

STAFF PRESENT: Jennifer Thum, Mary Sanders, Brad Johnson, Gary Johnson, Denny Magadanz, Greg Zybert.

MINUTES –SEPTEMBER 21, 2009.

Greenberg moved, Maki second that the minutes of the September 21, 2009 Township Board meeting be approved.

AYES: 7 **NAYS:** 0 **MOTION CARRIED.**

AGENDA ADDITIONS/DELETIONS.

Tabor moved, Trudeau second to accept the agenda as presented.

AYES: 7 **NAYS:** 0 **MOTION CARRIED.**

PUBLIC HEARING – PROPOSED ZONING AMENDMENT #34-09-17.

Planning Director, Jennifer Thum explained the proposed Height amendment #34-09-17. There was no public comment.

PUBLIC COMMENT.

None.

ACCOUNTS PAYABLE.

Hill moved, Carlson second that bills totaling \$243,969.94 checks numbered 15797– 15823 be approved for payment.

AYES: 7 **NAYS:** 0 **MOTION CARRIED.**

Trudeau moved, Tabor second that bills totaling \$21,471.38 checks numbered 15824– 15872 be approved for payment.

AYES: 7 **NAYS:** 0 **MOTION CARRIED.**

Hill moved, Tabor second that payroll for October 1, 2009 \$25,616.19, October 5, 2009 \$9,216.75 and October 15, 2009 \$26,142.55 are approved for payment.

AYES: 7 **NAYS:** 0 **MOTION CARRIED.**

FINANCIAL AND TREASURER’S REPORTS WERE RECEIVED AND PLACED ON FILE.

Tabor moved, Maki second to accept the financial report as presented by the Treasurer.

AYES: 7 **NAYS:** 0 **MOTION CARRIED.**

PRESENTATION - ANDY SIKKEMA DAY.

Hill moved, Trudeau second

THE CHARTER TOWNSHIP OF CHOCOLAY

ON BEHALF OF ITS CITIZENS DECLARES

THURSDAY, OCTOBER 22, 2009 as
ANDY SIKKEMA DAY

IN THE CHARTER TOWNSHIP OF CHOCOLAY

It is with gratitude that we commend Andy Sikkema on his selection as the Chocolay Area Business Association's 2009 Citizen of the Year for his generous contributions to the township, its citizens, and the many programs he has promoted and encouraged. His selfless spirit and attitude have promoted many good causes. His commitment to the community is evident by serving on the Township Planning Commission and in securing an MDOT Enhancement grant that will help make Chocolay Township more inviting. We thank you for your positive actions in the Township.

Declared this 22nd day of October 2009 in and for the
Charter Township of Chocolay.

AYES: 7

NAYS: 0

MOTION CARRIED.

SUPERVISORS REPORT.

1. Recently attended a meeting with MDOT, DNR, Representative Lindberg and Don Britton on the M-28 bridge and possible business spur for the snowmobile trail.
2. We received notice today that our health insurance will go up 22% in 2010. We are meeting with our insurance representative on Wednesday to discuss ways to lower that percent.
3. We have been notified that our fire hall grant request was denied.

TOWNSHIP INVESTMENT POLICY.

Greenberg moved, Trudeau second that

WHEREAS, the Board of the Charter Township of Chocolay, Marquette County, in exercising its fiduciary responsibilities desires to safeguard the funds of the Township that may be invested from time to time, and

WHEREAS, Public Act 77 of 1989, MCL 41.77, requires that the Township Board designate the banks or depositories for the money belonging to the Township, including the time for which the deposits shall be made and all details for carrying into effect the authority given in this act, and

WHEREAS, Public Act 196 of 1997, MCL 129.91, *et seq.*, requires Townships Boards, in consultation with the Township Treasurer, to adopt an investment policy, now

THEREFORE BE IT RESOLVED, That this policy is applicable to all public funds belonging to the Charter Township of Chocolay and in the custody of the Township Treasurer.

BE IT RESOLVED, That the Board approves the following financial institutions as depositories of township funds:

1st National Bank of St. Ignace
5th 3rd Bank
Bay Bank
CDARS
Citizens Bank
Ishpeming Communitize Federal Credit Union

M Bank
Marquette Community Federal Credit Union
Miners State Bank of Iron River
Northern Michigan Bank
Peninsula Bank
Peoples State Bank
Range Bank
River Valley Bank
Wells Fargo

BE IT FURTHER RESOLVED, That the Treasurer may invest Township funds in certificates of deposit, savings accounts, deposit accounts, or depository receipts of any bank, savings and loan association, or credit union but only if the bank, savings and loan association, or credit union meets all criteria as a depository of public funds contained in state law. The standard of prudence to be used shall be the "fiduciary" standard and shall be applied in context of managing an overall portfolio.

BE IT FURTHER RESOLVED, That the prior approval of the Township Board, shall be required for the Treasurer to invest in any other lawful investment instruments. The Township Board's standard of prudence shall be the "fiduciary" standard, which shall be applied in context of managing an overall portfolio.

The Township Board may authorize the Treasurer to invest in the following:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase.
- (b) Repurchase agreements consisting of instruments listed in subdivision (a).
- (c) Bankers' acceptances of United States banks.
- (d) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.
- (e) Mutual funds registered under the Investment Company Act of 1940, Title I of chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:
 - I. The purchase of securities on a when-issued or delayed delivery basis.
 - II. The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.
 - III. The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.
- (f) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Cooperation Act of 1967, Public Act 7 of 1967 (*Ex Sess*), MCL 124.501, *et seq.*
- (g) Investment pools organized under the Surplus Funds Investment Pool Act, Public Act 367 of 1982, MCL 129.111, *et seq.*
- (h) The investment pools organized under the Local Government Investment Pool Act, Public Act 121 of 1985, MCL 129.141, *et seq.*

BE IT FURTHER RESOLVED, That decisions and actions involving the Township's investment portfolio shall be meet the following criteria:

Safety: Safety of principle is the foremost objective of the Charter Township of Chocolay investment practices.

Diversification: The investments shall be diversified by avoiding over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities and insured certificates of deposits).

Liquidity: The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investment: Return of investment is of secondary importance compared to safety and liquidity objectives. Investments shall be selected to obtain a market average rate of return. The core of investments is limited to relatively low risk securities.

BE IT FURTHER RESOLVED, That the Treasurer may elect to have certificates and other evidence of investments held by a financial institution, provided that the financial institution presents to the Township Treasurer **on a quarterly basis**, sufficient documentation and acknowledgment of the investment instruments held on behalf of the Township. **(PA 213 of 2007 updated)**

BE IT FURTHER RESOLVED, That the Township will comply with all applicable statutes related to public fund investments. Any provisions of this resolution in conflict with applicable statutes are void.

AYES: 7

NAYS: 0

MOTION CARRIED.

CHOCOLAY TOWNSHIP BOARD POLICIES.

Maki moved, Trudeau second that

MEETINGS

Regular meetings:

- The Chocolay Township Board will hold their regular meeting on the third Monday of each month. These meetings will be held at the Chocolay Township Hall and will start at 7:00p.m. unless otherwise designated. **Regular meetings are scheduled, noticed, and posted at beginning of each year as mandated by law.**

Township board agenda

- The Supervisor and the Clerk will create the agenda for all monthly meetings.
- Tentative agendas will be distributed to the Board members one week before the meeting for their review. Final review of the agenda will be made by the Clerk and Supervisor or their designee on the Wednesdays before the scheduled Board meeting.
- The Clerk and/or Supervisor will handle the publishing and printing for any scheduled public hearings.
- The Clerk will post the agenda on the Township's website.

Special meetings

- The Clerk's department will be responsible for creating the agenda and publishing and printing the notice in the newspaper. The notice of the date, time, and location will be posted at least 18 hours prior to the meetings (Open Meetings Act requirement).
- The Supervisor or Clerk's department will notify the Board members **of a special meeting along with the date and time as required by law.**

- The Clerk **shall notice** a special meeting by a written request from the Supervisor or any two Board members with at least 24 hours written notice given to each Township Board member. The notice must indicate the time, place and purpose of the meeting.

Joint meetings

- Will be called by the Township Board under the direction of the Supervisor. The Supervisor will contact the Planning Commission chair concerning the meeting and setting a date. The Planning Director will put the notice in the paper and on the web about the joint meeting **no less than** two weeks **before** the joint meeting.
- There will be at least one joint meeting a year, and the Supervisor **shall** create the agenda.

Board Appointments

- The Clerk's department will **review** the annual Board **and Commission** appointments with the Supervisor **and** his/her department.
- **Board and Commission** appointments will be made at the November Township Board meeting each year.

Public Comment

- **Public comment must await recognition of the speaker by the moderator. Comments are to be directed to the Board or Commission, not other members of the public.**
- **The speaker recognized shall first state his or her name and address before comment.**
- Comments, opinions or questions **should be directed to the** issue being discussed.
- To ensure that everyone has time to speak, three minutes **is allowed** per person. **The chair** may or may not allow each person one additional time period to present questions or comments.
- Board **and Commission** members will take comments, but may or may not respond. If a written request is made, the response will be sent **in writing** to the requestor within 14 days.

Annual Calendar

- The annual calendar will be proposed by the Clerk's department. The calendar will be presented to the Township Board at their December meeting each year. Once the calendar has been approved by the Township Board, the Clerk and/or the Supervisor will publish the calendar on the Township website and the newspaper.

Per Diem and Mileage

- Mileage is payable for any travel determined by the Township Board to be "Township Business." Mileage is payable at the current rate allowed by Internal Revenue Service Regulations. Mileage should be properly recorded on the mileage log sheet showing the date, destination, reason for the trip and mileage, and be submitted to Clerk's department. Since funds are limited, every effort to economize should be made, such as carpooling, keeping meals expenses reasonable.

Ethics

- A public official, **Board or Commission member** shall make public any conflict of interest the member has with respect to any issue under consideration or **potential vote on a motion** by the Board/Commission. The nature of such conflict should be described in terms that make clear the existence of a conflict. **A motion should then be offered to excuse the official, Board or Commission member from acting or voting on said issue. The motion should clearly state the conflict of interest. The Board or Commission member shall be relieved of voting only with the unanimous consent of the other members present. See Township Powers Act; MCL 42.7(6).**

AYES: 7

NAYS: 0

MOTION CARRIED.

ZONING AMENDMENT #34-09-17 HEIGHT FOR DETACHED ACCESSORY STRUCTURES – FIRST READING.

Bob Cambensy – Does not think that sun being blocked from a neighbor’s yard should influence the height amendment.

Stephanie Genscheff - Is against the height increase for structures in Chocoday.

Wayne Dees - What is the Board trying to accomplish by increasing height allowance for structures in Chocoday Township? We do not need the increase in height for structures in the Township.

Trudeau moved, Tabor second to approve zoning amendment # 34-09-17 to raise the maximum height of a detached accessory structure to 16’-6”. The overall height of the detached accessory structure shall not exceed the height of the principal residence on the property. Detached accessory structures shall not be occupied for dwelling purposes. In order to prevent blocking any sun, the following formula will be attached to any building with a height over 15ft.

R-1 District – Side and rear yard setbacks for accessory structures must be increased 2’ for every foot over 15’.

R-2 District (Harvey) - Side and rear yard setbacks for accessory structures must be increased 3’ for every foot over 15’.

AYES: 4

NAYS: 3

MOTION CARRIED.

REZONING #144 – STABILE – 39.25 ACRES OF VISTA HILLS FROM AF TO PUD.

Tabor moved, Greenberg second, that following the review of Rezoning Request #144, and the Staff/File Review, holding a public hearing and the applicant receiving preliminary approval from both the Planning Commission and the Township Board and final approval from the Planning Commission, the Township Board concurs with the Planning Commissions and grants Final Development approval to Rezoning #144, with the following conditions.

1. The 3.42 acres of open space and the various easements and 15’ buffers shall be recorded with the Marquette County Register of Deeds.
2. The eastern lots if ever developed shall not be allowed access to Vista Hills Trail. The applicant will have to go through the PUD process again to see if the lots would be allowed to use either Vista Hills Trail or the driveway to Lot F.
3. The applicant must obtain all local and county permits that are required before construction.

AYES:7

NAYS: 0

MOTION CARRIED.

RESOLUTION AMENDING ROAD FUND BUDGET FY 2009 AMENDMENT NO. 1 – 2ND YEAR ROAD PAYMENT INCLUDING CARMEN DRIVE.

Greenberg moved, Carlson second that Whereas, a budget was adopted by the Chocoday Township Board to govern the expenditures of anticipated road fund receipts within the Township on December 15, 2008, 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 |
|--|------------|-------------|------------|
| Road Fund Capital Outlay 204,440.957 | 0 | +225,812.27 | 225,812.27 |
| Road Fund Fund Balance 204.390 | 371,040.17 | -225,812.27 | 145,227.90 |

ROLL CALL.

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

NAYS: None

MOTION CARRIED.

2009/2010 ROAD RANKING.

Carlson moved, Hill second to accept the Planning Commission recommendation and approve the 2009-2010 road rankings as presented.

AYES: 7 NAYS: 0

MOTION CARRIED.

MARQUETTE BOARD OF LIGHT & POWER FRANCHISE AGREEMENT/BY-LAWS/INTER-LOCAL AGREEMENT.

The Board discussed all three contracts and made changes; all three contracts will be brought back to the November 9, 2009 Board meeting.

2010 BUDGET WORKSHOP.

The Board discussed the concept of a Township Manager/Deputy Supervisor to be included in the 2010 budget.

Trudeau – Would consider a part time manager; we are not ready for a full time manager. Does not want to rush into this in January, but would support this happening in 2010.

Maki – Feels that the Township is in need of a manager. Would consider a part-time or contract manager for the 2010 budget.

Greenberg – The Personnel Committee made a recommendation of a part-time Deputy Supervisor for the 2010 budget. We would not be in compliance with the IRS if we use an independent contractor and have this person keep regular hours, although we could consider a contract for this position. Feels that re-organization in 2010 is appropriate and would be in favor of a part-time manager or Deputy Supervisor.

Hill – We are too small for a manager right now. The revenues are questionable for the next few years and we should not be considering hiring an additional person. We should look at hiring a Deputy Supervisor for the future when the economy is more stable.

Carlson – We need some type of regular supervision/leadership at the Township. Is in favor of a manager.

Seppanen – Is not interested in a part time person for the position of manager. Would prefer to hire a manager over a Deputy Supervisor.

The Board agreed to work on a 2010 budget including a part-time manager working 24 hours a week. The position may not be filled at the beginning of the year, but the funding will be for the full year.

GENERAL FUND

Township Board – Change Township Manager Salary to \$36,000.00

Supervisor – No change.

Election – No change.

Assessor –No change.

Clerk – No change.

Board of Review – Check on the legality of meals for Board of Review members.

Treasurer – No change.

Township Hall – No change.

Other General Government – Transfer to Capital Improvements Fund change to \$146,968.00

Police – No change.

Fire Department – No change.

Streets – No change.

Sanitation – No change.

Recreation & Properties – Capital Outlay Township playground equipment upgrade -0-

Zoning – No change.

Planning Commission – No change.

Zoning Board of Appeals – No change.

Revenues – Offset the expenditure changes in Transfer from Fund Balance.

SEWER FUND

Sewer - No change.

CAPITAL IMPROVEMENT FUND

Election –No change.

Assessor – No change.

Clerk – No change.

Computers – No change.

Township Hall & Grounds – No change.

Buildings – No change.

Police - \$65,000.00 (purchase of replacement 4wd SUV will come from current balance).

Fire Department – \$22,000.00 (delete fire hall replacement \$300,000.00).

Marina – No change.

Recreation & Grants – No change.

Economic Development – No change.

Recreation & Properties - \$9,800.00 (the irrigation system for Lion's field \$8,000.00 will come from current balance).

PUBLIC COMMENT.

Clerk Hill commented on Ruth Solinski, Northern Initiatives.

Trustee Trudeau – Asked when the MERS pension meeting would be.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Board update from employee staff meeting
- B. Marquette Area Wastewater Treatment Facility Advisory Board minutes
- C. Resignation letter from Zoning Administrator

- D. Marquette County Solid Waste Management Article of Incorporation Communication
- E. Letter from a township resident
- F. Correspondence from Mr. Wayne Dees with regards to Board Policies

Supervisor Seppanen adjourned the meeting at 10:15 pm.

Arlene E. Hill, CMC
Clerk

Mary L. Sanders, CMC
Deputy Clerk