

MINUTES
REGULAR BOARD MEETING
SILVER CREEK TOWNSHIP
February 12, 2020

Regular Meeting called to order 7:00 PM by Supervisor Saunders; Flag Ceremony
Roll Call – Present: Trustee Glynn, Trustee Zuhl, Supervisor Saunders, Clerk Behnke,
Treasurer Kuriata
Absent: none

Approval of Agenda – Clerk Behnke added approval of the minutes from the 1/22/20 budget workshop (the minutes were included in the board packet but not listed on the original agenda); correction to the agenda the last regular minutes are from January 2020 (not 2019); Motion to approve the agenda with these additions/corrections; motion by Supervisor Saunders, seconded by Treasurer Kuriata, Motion passed by voice vote.

Call for public comment –

Janet Leesberg – represents her mother who lives at 3333 Lakeview Ave – wants to address a rumor that the township plans to purchase property near Indian Lake – she is concerned about the money being spent on this property.

Jan Thrall – she heard a rumor of the township purchasing vacant property on Indian lake and she is concerned about traffic on the lake and if the emails she received from others around the lake were accurate.

Undersheriff Clint Roach – provided the 2019 summary of complaints handed in Silver Creek Township to board members. Animal control is having a rabies clinic 2/22 and 2/29 – cost of the shot is \$20 and can be good for 1 year or 3 years and you can also obtain your license that day. April 17, 2020 – the CCSO will play in a basketball fundraiser against the Detroit Lions at the Cassopolis HS – all proceeds will go to victim services and drug education in schools. This is a fun time for families and in the past has raised \$8,000.

Approval of payment of Bills/Claims–Motion by Clerk Behnke, seconded by Treasurer Kuriata.
Roll call vote: Yes (5) Trustee Zuhl, Supervisor Saunders, Clerk Behnke, Treasurer Kuriata,
Trustee Glynn.

No (0)

Abstain (0) – motion carried

Reading of Communications – a letter from Jan Deschaine was received 2/12/20 at 12:22pm – she wrote to express her concerns about the potential purchase of property at 33348 Lakeview at Indian Lake. She said this could be used as a parking lot for boaters and says it should stay residential as it is a family area, there's no DNR approved access; there is already plenty of access to the lake and she is concerned more boaters would bring safety concerns; she objects to use of tax money for such a purchase and maintenance; she noted she and her husband have been trying to purchase this property for a few years but the sisters who own it don't communicate.

Health and Safety Services Reports

Police Report–12 complaints; 2 assists and 28 new property inspections added to their list; Chief Grice is in the hiring process and expects to have 2 new officers hired soon.

Fire Report

Indian Lake –3 calls in our and 1 in Pokagon.

Sister Lakes- 1 in Silver Creek; 2 in Bainbridge; avg. response time 12:19
Ambulance Report- Pride Care: 4-P1 calls; (avg 9:27); 18-P2 calls (avg. 10:48)

Building/Zoning Inspector's Report

Permits: Mechanical-8; Plumbing-1; electrical-8; Building-12; Demo-1; ZC-6.

Estimated construction costs of \$516,414.00

Zoning Appeals Board Report – Trustee Glynn – they elected officers at their Jan.

Planning Commission Report – Trustee Zuhl 1/22/20 public hearing held on fence definition, Nevins property and Northrup wedding barn; next meeting is 2/13 7pm for a site review.

Treasurer's Report – General Fund Balance \$249,629.24; Indian Lake Sewer \$251,730.11.

Operational Reports

Indian Lake Sewer–SAW grant done & bills should be completed by 3/31/2020

Sister Lakes Area Sewer–board will meet 2/13/20

Parks & Recreation –Trustee Glynn- Russom Park board met 1/14/20 & elected officers.

Public Safety Committee – Chief Grice – nothing new

CONTINUED BUSINESS

28622 Wilson Drive – condemned house removed but there are still 2 or 3 out buildings that need to be removed.

54533 Beechwood Drive – nothing new to report

ORV - Supervisor Saunders advised that at the meeting, the townships were evenly split as to whether or not they supported the county having an ORV policy. The state law allows the county to adopt a policy of allowing ORV's on the roads, but the individual townships can opt out. Supervisor Saunders noted concern of the slower speed of the vehicle and if it would tear up the side of the road. US Roach noted the law indicates the ORV would be driving in the driving portion of the road.

Flag pole replacement – successfully completed.

NEW BUSINESS

Schedule a public hearing/special meeting for the 2020 Budget – it has been scheduled for 2/19/2020 at 12 noon – special meeting beginning with a public hearing and then after any changes, the board may adopt the 2020 budget.

Cass Co Conservation District – sent out a letter asking for support to update the management plan for the Dowagiac River Watershed. Supervisor Saunders explained there is a plan to take the Dowagiac River back to its original path.

Budget requests from building department – letter read by Clerk Behnke. Requests include upgrading to a server so that all inspectors can access and enter information while at the site or from home (not having to return to the office); increase in hours paid to building clerical due to an increase in hours worked to meet the needs of our area; clarification on holidays or list of days they will be closed as they work on Monday. Discussion. Supervisor Saunders suggested the building administrator coordinate with the clerk and treasurer to provide an annual schedule for that department and for the public.

Motion

by/seconded

Motion to adopt Resolution 20-03 – Board of Review Resolution to allow Residents to protest in writing.	<i>Saunders /Behnke</i>
Roll call vote: Yes (5) Supervisor Saunders, Clerk Behnke, Treasurer Kuriata, Trustee Glynn, Trustee Zuhl. No (0); Motion carried	
Motion to approve and have the Supervisor sign the engagement letter from Kruggel Lawton CPA.	<i>Behnke/Saunders</i>
Roll call vote: Yes (5) Clerk Behnke, Treasurer Kuriata, Trustee Glynn, Trustee Zuhl, Supervisor Saunders No (0); Motion carried	
Motion to approve double time pay for emergency and holiday Miss Dig tickets. (As previously approved by the sewer board.)	<i>Kuriata/Glynn</i>
Roll call vote: Yes (5) Treasurer Kuriata, Trustee Glynn, Trustee Zuhl, Supervisor Saunders, Clerk Behnke No (0); Motion carried	
Motion to approve and sign the 2020 contract between RLS and Magician Lake Improvement Association Board with the financial pay schedule as amended in Part II (1) to conform to the township’s pay schedule.	<i>Glynn / Zuhl</i>
Motion carried by voice vote.	
Motion to approve the supervisor to sign a letter to be sent to the 3 lake association who had SAD, along with the Lake SAD-Summary 2020 explaining the SAD process.	<i>Zuhl/Behnke</i>
Motion carried by voice vote.	
Motion to approve R20-05 – to Establish an Absent Voter Counting Board for 2020.	<i>Behnke/Kuriata</i>
Roll call vote: Yes (5) Trustee Glynn, Trustee Zuhl, Supervisor Saunders, Clerk Behnke, Treasurer Kuriata No (0); Motion carried	
Motion to approve R20-04 – to require signatures of 51% for SAD	<i>Glynn/Kuriata</i>
Discussion; amend paragraph 5 to state “signed by owners representing at last 51% of the land mass of the properties in the proposed districts” to make this consistent throughout the document. Roll call vote on amendment: Yes (5) Trustee Zuhl, Supervisor Saunders, Clerk Behnke, Treasurer Kuriata, Trustee Glynn. No (0); Motion carried Motion to approve R20-04 as amended: Yes (5) Supervisor Saunders, Clerk Behnke, Treasurer Kuriata, Trustee Glynn, Trustee Zuhl. No (0); Motion carried; Resolution adopted	

Other Business – none

Public Comment

Brian McNeary – wants to address the upcoming closed session and if the board is going into closed session to purchase or lease property on Indian Lake – he wants to know why it is in closed session and not public session? Supervisor Saunders explained there are no decisions made in a closed session and this is the advice of our attorney to discuss this in a closed session. McNeary asked if that is what is going into closed session – why? Is it something that the Silver Creek Township Board is trying to hide? Supervisor Saunders explained there are no decisions made in a closed session, there is just discussion and this was the instructions from our attorney in compliance with the law. Brian McNeary stated he on ILIA and they strive to make their lake the golden gem of the state of Michigan and we spend a lot of money to do this and we strive to for partnership with the township with all of these things, we just don't want these things done behind closed doors. Supervisor Saunders explained there is nothing done/no decisions made behind closed doors. Closed session allows discussion and then we will come back and reopen the meeting but this is part of the process we have to go through.

Jan Thrall – just to clarify, no decision will be made by the board in closed session? Supervisor Saunders stated that is correct. She noted several people are out of town at this time and this could impact everyone on the lake. She stated they have worked to keep the lake clean. She concerned about zoning and wants people who have an investment on their lake. Supervisor Saunders noted it is a public lake, Michigan taxpayers and the DNR have a right to be on it. Supervisor Saunders said his concern is from a safety standpoint, where this would get the cars off of School street and give them a place to park.

Bob Jones-DNR does not regulate the county road that ends at the lake as a lake access. He said everyone knows it is there but don't really use it. He said it is not a boat ramp and it is not DNR listed or regulated as a boat ramp. He stated if the township puts in parking, then we would be responsible if someone slips and falls and hits their head and we are encouraging putting boats in the lake at that location. He stated the cars on School street can be ticked more and they won't park there or he would pay to have a barrier put in. He is concerned that no one will regulate that ramp. Supervisor Saunders noted no one regulates it now. He stated if the township puts in parking, the township needs to regulate the ramp. Supervisor Saunders noted it is a county road that ends at a lake and everyone can use it. He stated by putting in the parking now makes it a boat ramp (non DNR regulated). He stated they are concerned for their kids; the public can go through the yacht club and pay \$80 to get on the lake. He says there are ways to stop them from parking there. Supervisor Saunders noted you can't stop people from putting in their boats at that location because it is a county road that leads to the lake. He wants to know who is going to regulate the ramp? Supervisor Saunders noted no one regulates it now. He objects to a parking spot for fisherman to use a ramp that is not a regulated ramp.

Janet Leesberg – concern as property owner at 33326 Lakeview ave is right next door to the property in question – she wants to build and doesn't want to building next to a parking lot or hear fisherman at 5am launching their boats on a regular basis and trailering their vehicle on concrete adjacent to my master bedroom window in a residential area and that is my concern.

Zach McNeary – as a fisherman in Silver Creek Township, we do have he best lake in southwest Michigan in Cass County. If this does pass, we will weeds transferred back and forth from other lakes. We pay all kinds of money to keep the lake clean, away from eurasion milfoil and starry

stone wart weeds that I see in other lakes like Magician. So this decision could impact what we have to spend to keep our lake clean.

Brian McNeary – we have been here for 50 years, the law says anywhere in the state of Michigan where you have a public boat launch, you are supposed to have a place to hose down your boat to keep out the zebra mussels, etc and is the township going to pay for that too? You can't do part of it and not the whole thing. Supervisor Saunders noted there is nothing that says the township has to pay for that. McNeary said if you make it public parking and public launching there, then you have to cover the rest of the package, otherwise the spread of zebra mussels and milfoil in the lake. Supervisor Saunders noted it is already public launching area and Magician lake has treated for milfoil and they are down to 2 acres for treatment each year.

Zach McNeary stated that the law passed that requires you to wash you boat before and after putting it in the water but it doesn't take effect until 2022. He gave examples of other lakes that have boat washing stations and where the DNR owns a ramp and the lake association donated the boat wash equipment and the DNR hired someone to be onsite. He encourages us to do research, he stated he has been fishing for 20 years and he knows starry stone wart can and does ruin a lake, like Diamond lake. He would like to see the township pay for someone pay to have someone there to make sure that the boats are sprayed before and after. Supervisor Saunders noted that isn't being done now. Zach noted he has fished all over the state, including the Michigan college bass circuit, and College Bass tour. Supervisor Saunders noted Zach does not have property on those lakes? Zach noted he does not. Supervisor Saunders asked how he would feel if there was only one lake he could fish. Zach said when he travels for fishing, the DNR requires the boat to be sprayed down before and after, and you can't have your boat in the water in the last 36 hours because Eurasian milfoil can live out of the water for 10 days. It only takes one little seed to ruin a lake. He noted they have spent hundreds of thousands of dollars a year to spray for the milfoil. He noted they sprayed 4 times on Magician lake, Supervisor Saunders noted small areas.

Dave Delgado – wanted clarification – he understands people are using the lake now and parking along the road. Is the intent to make an official boat ramp? He understands the previous positions from both sides. Or are we creating a defacto boat ramp by putting available parking there to try to relieve a safety problem? Or are we creating a bigger safety problem for some of the kids? Are we weighing all of this? Supervisor Saunders noted the lot is 70x72 and you could only park probably 3 vehicles with trailers there. He understands that, his concern is they want to have a voice in this and understand that our voices will be heard.

Trustee Glynn asked does the Indian Lake have a boat wash station? Answer: no they don't but it has been talked about.

Janet Leesberg – she understands the township is looking at a safety issue of getting vehicles off school street, but they are concerned about homeowners and kids on that street.

Motion for this board to go into <i>Closed Session</i> in accordance with Section 8(d) of the Open Meetings Act to consider the purchase or lease of real property. (Roll call vote required) Roll call vote: Yes (5) Clerk Behnke, Treasurer Kuriata, Trustee Glynn, Trustee Zuhl, Supervisor Saunders No (0); Motion carried 8:20 pm	<i>Saunders/Kuriata</i>
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Return from closed session - 8:44 pm – meeting called to order	<i>Saunders</i>
Motion: no further action on the purchase or lease of real property as discussed in closed session. Roll call vote: Yes (5) Trustee Zuhl, Supervisor Saunders, Clerk Behnke, Treasurer Kuriata, Trustee Glynn No (0); Motion carried (no further action on this issue)	<i>Glynn/Saunders</i>

Adjourned 8:45 pm

Prepared by: Clerk Lorri Behnke 2/13/20

To be approved: 3/11/20