

**MINUTES SILVER CREEK TOWNSHIP
REGULAR BOARD MEETING HELD ON AUGUST 9, 2017**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, August 9, 2017.

MEMBERS PRESENT: Supervisor Bill Saunders, Clerk Barbara Runyon, Treasurer Maureen Kuriata, Trustee Bill Zuhl and Trustee Mike Glynn.

MEMBERS ABSENT: None.

OTHERS PRESENT: Attorney John Magyar.

APPROVAL OF AGENDA

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the August 9, 2017 Agenda with the addition of R17-21. Motion carried by voice vote.

CALL FOR PUBLIC COMMENT

No public comment received.

APPROVAL OF MINUTES

Supervisor Saunders moved, seconded by Trustee Glynn, to approve the July 12, 2017 Regular Board Meeting Minutes with a correction of the heading from July 14th to July 12, 2017. Motion carried by voice vote.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims for August 9, 2017. Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the following bills and claims in the total amount of \$67,345.59 as follows:

FROM THE GENERAL FUND	\$ 25,869.40
FROM THE INDIAN LAKE SEWER FUND	\$ 23,485.47
FROM THE PUBLIC SAFETY FUND	\$ 5,736.15
FROM THE BUILDING DEPARTMENT FUND	\$ 6,331.98
FROM THE PARKS & RECS FUND	\$ 185.00
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 5,737.59
 GRAND TOTAL OF DISBURSEMENTS:	 \$ 67,345.59

Trustee Glynn questioned a lunch charge. Supervisor Saunders noted that it was for a business luncheon with the City Manager and an architect. The motion carried by unanimous roll call vote.

COMMUNICATION

Clerk Runyon read a letter received from Tim Hull regarding teleconference equipment being an essential action for the township to continue business operations in the 21st century.

No other communication was received.

POLICE REPORT

43 complaints, 8 warnings, 7 tickets, 2 accident policed, 9 assist other police agencies, 4 assist fire and ambulance departments, 3 assist motorist & pedestrians.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department: 4 calls with 3 in Silver Creek Township

Sister Lakes Fire Department: 18 calls with 8 in Silver Creek Township

Pride Care Ambulance Report: 5 priority one calls with an average response time of 6:33 minutes; 20 priority two calls with an average response time of 8:01 minutes, no priority 3 calls. Total calls 25 with an average response time of 7:44 minutes.

TOWNSHIP ATTORNEY'S REPORT

Attorney Magyar reported the only pending action is regarding the case in tax tribunal which we will be going into closed session tonight to discuss.

BUILDING/ZONING INSPECTOR'S REPORT

Clerk Runyon reported 12 building permits at a total projected cost of \$389,531.00, and six zoning permits for the month of July.

BLIGHT AND LIQUOR INSPECTION REPORT

Officer Wray reported 6 open blight complaints beginning in July; 3 new blight complaints filed; 3 blight residents notified; 4 blight issues resolved. Total time spent on blight 17.5 hours. Five liquor inspections with no violations.

APPEALS BOARD REPORT

Nothing to report.

PLANNING/ZONING COMMISSION REPORT

Tom Lehrer reported that a public hearing was held on a special use permit on a food park which was granted. He also reported that Tim Hull had questioned the status of a teleconferencing system. Tom went on to remark that they have tried this in the past; it doesn't work, and disrupts the meeting.

STANDING INSPECTORS REPORT

Electrical Inspector: 3 permits

Plumbing Inspector: 3 permits

Mechanical Inspector: 9 permits

CLERK'S REPORT

Clerk Runyon provided a copy of the P&L Statements to the Board in their packet. She indicated 1/3 of the way through the fiscal year. Nothing looks out of the ordinary and asked if the board had any questions.

TREASURER'S REPORT

Treasurer Kuriata reported \$434,580.61 as the General Fund balance and \$218,357.93 as the Indian Lake Sewer fund balance.

OPERATIONAL REPORTS

Indian Lake and Sister Lakes Sewer: Treasurer Kuriata reported that the sewer bill has gone out in July reflecting the new rates.

Parks and Recreation Committee: Trustee Glynn reported that the balusters which were recently placed on the walking paths had been broken. Also the berm placement is not working, people were driving over them. Rebar has been caution taped off. Soccer officials will conclude construction before fall. Next meeting is October 17th at 6:00 p.m. at City Hall.

Public Safety Committee: John Joossen reported that the committee recently met and were pleased with the increase in man hours. He mentioned he has witnessed increased police coverage in his area.

OLD BUSINESS

Generator

Clerk Runyon reported that she had sent out Invitations to Bid on the Standby Generator to 6 separate electrical companies and published in the newspaper. The deadline was August 2nd and she received zero bids.

Discussion was held. It was decided that Clerk Runyon would call the 6 electrical companies to see if they were interested in bidding.

NEW BUSINESS

MOTION TO CHANGE BUILDING DEPARTMENT HOURS

Trustee Glynn moved, seconded by Trustee Zuhl, to change the building department hours to: April through October: Tuesday from 6pm to 8pm and Friday 6pm to 9pm
November through March: Tuesday from 6pm to 8pm and Friday 6pm to 8pm

Clerk Runyon asked Inspector Herter if he was busy April and October. He responded it is slow in October.

Clerk Runyon moved, seconded by Trustee Zuhl, to amend the motion to read: April through September: Tuesday from 6pm to 8pm and Friday from 6pm to 9pm
October through March: Tuesday from 6pm to 8pm and Friday from 6pm to 8pm
Motion to amend carried by voice vote.

Trustee Glynn moved, seconded by Trustee Zuhl, to approve the motion as amended.
Motion carried by voice vote.

MOTION TO REIMBURSE SLAUA

Supervisor Saunders moved, seconded by Clerk Runyon, to reimburse Sister Lakes Area Utility Authority \$8.75 per month from Indian Lake Sewer for 1/4 of monthly Internet fees and \$16.25 for a one-time setup fee for Treasurer Maureen Kuriata's home computer for Miss Digg and Indian Lake Sewer Billing.

Trustee Glynn asked Treasurer Kuriata if she had checked if SLAUA about a Policy for Working at Home. Treasurer Kuriata said they had discussed it at their last meeting and they did not think it was necessary.

Motion carried by unanimous roll call vote.

MOTION TO PURCHASE ABSENTEE VOTING EQUIPMENT

Treasurer Kuriata moved, seconded Supervisor Saunders, to purchase voting equipment from Dominion Voting for an Absentee Counting Board in the amount of \$5,295.00 and to allow Clerk Runyon to sign the agreement.

Clerk Runyon explained that new election equipment has to be purchased this year and that the State of Michigan would be paying for the equipment for the polling location but would not pay for the absentee counting board equipment. She noted that it has been included in this year's budget. Motion carried by unanimous roll call vote.

**RESOLUTION R17-19 ESTABLISHING DEWEY LAKE WEED CONTROL
SPECIAL ASSESSMENT DISTRICT**

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve Resolution R17-19 as follows:

RESOLUTION R17-19
SILVER CREEK TOWNSHIP, CASS COUNTY
DEWEY LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT

Whereas, Dewey Lake Improvement Association requested a five year Dewey Lake Weed Control Special Assessment District effective 2017 for the 2018 program year, and accordingly, the township board determined to proceed under the provisions of PA 188 of 1954, as amended, (MCL 41.171 et seq.) to secure plans and estimates of cost together with a proposed special assessment district for assessing the cost of the proposed weed control assessment and to schedule a public hearing upon the same for this date, and

WHEREAS, the plans, estimates of cost and proposed special assessment district were filed with the township clerk for public examination and notice of the within hearing upon the same was published and mailed in accordance with the law and statute provided as shown by affidavits pertaining thereto on file with the township clerk, and

WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 9th day of August, 2017 commencing at 6:30 o'clock p.m. and all persons given the opportunity to be heard in the matter, and

WHEREAS, as a result of the foregoing, the township board believes the project to be in the best interest of the township and of the district proposed to be established, therefore;

NOW, THEREFORE, BE IT HEREBY RESOLVED, as follows:

1. That this township board does hereby approve the plans from the Dewey Lake Improvement Association for aquatic invasive species treatment on Dewey Lake, Silver Creek Township, at a cost as follows:

DEWEY LAKE SILVER CREEK TOWNSHIP FIVE YEAR PLAN WEED CONTROL		
Tax Year	Program Year	Cost
2017	2018	27,500.00
2018	2019	22,000.00
2019	2020	22,000.00
2020	2021	22,000.0
2021	2022	22,000.00

Estimated Cost for weed treatments 2018 through 2022: \$\$115,500.00.

2. That the township board does hereby create, determine and define as a special district to be known as Dewey Lake Weed Control Special Assessment District within which the costs of such improvements shall be assessed according to benefits, the following described area within said township:

Riparian owners and others who may have riparian rights on Dewey Lake in Silver Creek Township, Cass County, Michigan.

3. That on the basis of the foregoing, this township board does hereby direct the assessing officer to make a special assessment roll in which shall be entered and described all the parcels of land to be assessed with the names of the respective owners thereof, if known, and a total amount to be assessed against each parcel of land which amount shall be the relative portion of the whole sum to be levied against the parcels of land in the special assessment district as the benefit to the parcel of land bears to the total benefit to all the parcels of land in the special assessment district. When the same has been completed, the supervisor or assessing officer shall affix thereto his certificate stating that it was made pursuant to this resolution and that in making such assessment roll, he, according to his best judgment, confirmed in all respects to the direction contained in this resolution and the applicable state statutes.
4. That all resolutions and parts of resolution insofar as they conflict with the provisions of the within resolution be and the same are hereby rescinded.

Resolution R17-19 carried by unanimous roll call vote.

RESOLUTION R17-20 DEWEY LAKE WEED CONTROL SPECIAL ASSESSMENT

Trustee Glynn moved, seconded by Clerk Runyon, to approve Resolution R17-20 as follows:

RESOLUTION R17-20
SILVER CREEK TOWNSHIP, CASS COUNTY
SCHEDULING HEARING ON ASSESSMENT ROLL FOR
DEWEY LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT

WHEREAS, the assessing officer of the township has, in accordance with Resolution R17-19, of the Silver Creek Township Board and the laws and statutes pertinent thereto, been directed to prepare a special assessment roll for a total levy of \$115,500.00 over a five-year period, covering all the parcels of land in the Dewey Lake Weed Control Special Assessment District, according to the relation of the benefit to each parcel of land to the total benefit to all parcels of land in such special assessment district.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. That said special assessment roll shall be filed with the township clerk and shall be available for public examination during regular working hours of regular working days until the public hearing upon the same and shall further be examined at such public hearing.

2. That the township board shall meet at a public hearing at 7:00 p.m. on Wednesday, September 13, 2017, prior to their regular board meeting, at the township hall located at 32764 Dixon Street, Dowagiac, Michigan, to review such special assessment roll and hear any objections thereto.
3. That the township clerk shall cause notice of such hearing and filing of such assessment roll to be published twice in the Dowagiac Daily News, a newspaper of general circulation in the township prior to the date of the hearing with the first publication being not less than 10 days prior to the hearing and shall further cause notice of such hearing to be mailed by first-class mail to all owners of or persons interested in the property within the Dewey Lake Weed Control Special Assessment District as shown on the current assessment roll of the township also at least ten (10) days prior to said hearing, all in accordance with law and statute provided.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of the within resolution are hereby rescinded.

Resolution R17-20 carried by unanimous roll call vote.

Supervisor Saunders moved, seconded Clerk Runyon, to approve Resolution R17-21 as follows:

**RESOLUTION R17-21
SILVER CREEK TOWNSHIP, CASS COUNTY
SUPPORTING CITY OF DOWAGIAC RAP GRANT**

WHEREAS, the City of Dowagiac and Silver Creek Township desire to improve the overall quality of lives of the residents of the City, Township and Cass County; and

WHEREAS, the City of Dowagiac and Silver Creek Township, through an intergovernmental agreement, established Russom Park as a quality of life initiative; and

WHEREAS, the City of Dowagiac desires to implement a retention pond fencing project at Russom Park to improve safety for children at the park, and

WHEREAS, grant funding for this project is available through the Michigan Municipal Risk Management Authority (MMRMA) Risk Avoidance Program (RAP); and

WHEREAS, the City of Dowagiac shall submit an application for the Risk Avoidance Program (RAP) Grant for fencing around one of the retention ponds at Russom Park; and

WHEREAS, the Silver Creek Township Board would like to offer this Resolution of Support to the City of Dowagiac for the submittal of the RAP grant for the retention pond fencing project at Russom Park.

NOW, THEREFORE, BE IT RESOLVED that the Silver Creek Township Board, by the affirmative vote of its members, does hereby offer their support to the City of Dowagiac for the RAP grant for the retention pond fencing project at Russom Park.

Resolution R17-21 carried by unanimous roll call vote.

OTHER BUSINESS

Clerk Runyon reported that Cass County Michigan Community Emergency Response Team is offering a CERT Basic Training Course beginning September 8, 2017 at 6:00 p.m. Information is on our website.

Clerk Runyon stated that there has been discussion on teleconferencing for board and commission members. She spent a lot of time looking into this matter and reported to the board what she had found which included a quote for a Polycom SoundStation2W. She noted that she was not given this task by the Board and that they may or may not act on it. It was for their information and possible discussion.

Attorney Magyar recommended that if the Board considers teleconferencing, the Boards differentiate between the types of proceeding. When they are acting as a finder of fact and judge and jury, such as in a variance or planning commission special use permit which are reviewable by Circuit Court, participants should be physically present and see the parties and see the exhibits -- they are entitled to their day in court.

Clerk Runyon reported that legislation on this matter has been in committee for a long time, with changes made, and is currently in Senate Committee where more changes could be made.

Trustee Glynn noted that HB 4184 suggested changes refer to video conferencing.

A lengthy discussion followed.

Motion to Table

Supervisor Saunders moved, seconded by Treasurer Kuriata, to table the matter.

Further discussion was held, and it was concluded that the Board continue to monitor the law on this matter.

OTHER BUSINESS (CONTINUED)

Supervisor Saunders reported that the Cass County Road Commission has agreed to make repairs to County Road 690 (Sister Lakes Road) this fall. What they can't finish this year, they will finish next year.

PUBLIC COMMENT

John Joossen commented on the poor road conditions around the curves on Middle Crossing Road.

Undersheriff Clint Roach reported that there have been thefts out of cargo trailers and reminded everyone to keep their trailers locked. He provided stats on 911 calls, and reported that the SMART 911 system is up and running. He will come to the next board meeting and present on the SMART 911 system.

MOTION TO GO INTO CLOSED SESSION

Clerk Runyon moved, seconded by Treasurer Kuriata, to go into closed session to discuss pending litigation with Indian Lakes Association, LLC. Motion carried by voice vote.

The Board went into closed session at 8:15 p.m. and returned at 8:24 p.m.

MOTION TO ENTER INTO CONSENT JUDGMENT

Clerk Runyon moved, seconded by Supervisor Saunders, to approve the Stipulation for Consent Judgment and Consent Judgment in the Indian Lake Association, LLC, Petitioner vs. Township of Silver Creek, Respondent, MMT Docket No. 16-003254, and to authorize Attorney Magyar to sign. Motion carried by unanimous roll call vote.

ADJOURNMENT

The meeting was adjourned at 8:26 p.m. by call of the Supervisor.

Prepared by: Clerk Barbara Runyon

Dated August 10, 2017

