

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR BOARD MEETING HELD ON JUNE 10, 2015**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, June 10, 2015. The Pledge of Allegiance to the Flag of the United States of America was led by Trustee Joel Moore.

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

OTHERS PRESENT: Attorney John Magyar.

**APPROVAL OF AGENDA**

Trustee Glynn moved, seconded by Trustee Glynn, to approve the June 10, 2015 Silver Creek Township Agenda. Motion carried by voice vote.

**PUBLIC COMMENT**

Jerry Donley requested that the manhole cover at 33153 Lakeview Avenue be repaired. Treasurer Kuriata will contact the City of Dowagiac to take care of it.

Walter Lehmann questioned whether the Magician Lake Weed Control District Special Assessment Renewal would have public hearings before adoption. Supervisor Saunders advised that there would be public hearings.

**APPROVAL OF MINUTES**

Trustee Moore moved, seconded by Treasurer Kuriata, to approve the May 13, 2015 Regular Meeting Minutes. Motion carried by voice vote.

**APPROVAL OF BILLS AND CLAIMS**

Treasurer Kuriata reported the bills and claims for June 10, 2015. Supervisor Saunders moved, seconded by Clerk Runyon, to approve the following bills and claims in the total amount of \$191,833.45 as follows:

FROM THE GENERAL FUND	\$169,546.81
FROM THE INDIAN LAKE SEWER FUND	\$ 9,335.12
FROM THE PUBLIC SAFETY FUND	\$ 2,229.77
FROM THE PARKS & RECREATION	\$ 3,522.50
FROM THE BUILDING DEPARTMENT FUND	\$ 5,561.75
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 636.78
FROM THE MAGICIAN LAKE WEED CONTROL FUND	\$ 875.00
 GRAND TOTAL OF DISBURSEMENTS:	 \$191,883.45

The Supervisor directed the Clerk to take roll, and the motion carried by unanimous vote.

**READING OF COMMUNICATION**

No communication received.

**POLICE REPORT**

18 complaints; 7 warnings, 1 accidents policed; 5 arrests; 3 assist other police agencies, 1 assisted motorists and pedestrians.

**HEALTH & SERVICE REPORTS**

**Indian Lake Fire Department:** 4 calls total, 3 in Silver Creek Township. Chief Huggins reported the department is in the process of purchasing a used fire truck.

**Sister Lakes Fire Department:** 10 calls in the entire response area, 7 in Silver Creek Township.

**Pride Care Ambulance Report:** May 6 9 calls with an average response time of 5:52 minutes.

**TOWNSHIP ATTORNEY'S REPORT**

Attorney Magyar reported that he met with the Indian Lake Improvement Association regarding an Agreement for the Indian Lake Special Assessment District for Aquatic Weed Control. He provided a copy of the proposed Agreement for review and consideration at the next meeting. He also indicated that he has a proposed Agreement on the Dewey Lake Special Assessment District for board consideration.

He further advised that he met with the Magician Lake Improvement Association regarding the renewal of the Magician Lake Special Assessment District.

**BUILDING/ZONING INSPECTOR'S REPORT**

Building/Zoning Inspector Todd Herter reported 9 building permits with a projected cost of \$132,970.00 and 4 zoning permits.

**BLIGHT ADMINISTRATOR'S REPORT**

Patrolman Kenneth Wray reported 5 blight checks for improvement; 2 blight improvements made (one still in violation of zoning); 1 blight partial release on site cleanup (building still needs to be demolished); 9 blight reported; 2 letters sent for violations, with a total monthly time spent of 13.15 hours. He also reported 6 liquor inspections with no violations.

**APPEALS BOARD REPORT**

No report given.

## PLANNING/ZONING COMMISSION REPORT

Walter Lehmann provided the planning commission report. The planning commission met on May 27<sup>th</sup> for a public hearing on amending Section 6.04C ó Front Yard Averaging. There was no public comment received and the planning commission passed the amendment which is now being sent to the County Planning Commission for their review and then to the township board for consideration. The ad hoc capital improvement committee met and will present their findings at the July Planning Commission Meeting. The June planning commission meeting is rescheduled to June 20, 2015 at 10:00 a.m. to coordinate with the township's public hearing on proposed zoning and boating ordinance changes.

## STANDING INSPECTORS REPORT

**Electrical Inspector:** 7 permits  
**Plumbing Inspector:** 5 permits  
**Mechanical Inspector:** 2 permits

## TREASURER'S REPORT

Treasurer Kuriata reported fund balances as follows:

General Fund	\$418,654.36
Indian Lake Sewer Maintenance Fund	\$184,168.46

## OPERATIONAL REPORTS

**Indian Lake Sewer:** Treasurer Kuriata reported that she met with the City on the Tice Beach action. Attorney Magyar commented that he would be amending his complaint.

**Sister Lakes Area Sewer:** Treasurer Kuriata reported that A1 Building is completed.

**Parks and Recreation Committee:** Trustee Moore reported that the next township park board meeting is tentatively scheduled for June 25<sup>th</sup>. He reported that the fence around the retainage pond has been installed and thanked Clerk Runyon for applying and receiving the 3,500 grant to help offset the cost.

**Public Safety Committee:** Trustee Moore reported the next meeting will be held on July 23rd at 7:00 p.m. at the Township Hall.

## UNFINISHED BUSINESS

None.

**NEW BUSINESS**

**RESOLUTION R15-11 TO APPOINT CLERK RUNYON AS FOIA COORDINATOR**

Trustee Moore moved, seconded by Treasurer Kuriata, to approve Resolution R15-11 appointing Clerk Barbara Runyon FOIA Coordinator as follows:

**Resolution R15-11  
Silver Creek Township  
County of Cass  
State of Michigan**

**FREEDOM OF INFORMATION ACT COORDINATOR RESOLUTION**

WHEREAS, the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq., provides for public access to certain public records of public bodies and prescribes the powers and duties of certain public officers and public bodies; and

WHEREAS, it is the public policy of this state that all persons, except those persons incarcerated in state or local correctional facilities, are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, and that the people shall be informed so that they may fully participate in the democratic process; and

WHEREAS, section 6 of the Act requires that a township shall designate an individual as the public body's Freedom of Information Act Coordinator, who shall be responsible for accepting and processing requests for the township's public records, and for approving a denial under section 5 of the Act;

NOW, THEREFORE, BE IT RESOLVED that on June 10, 2015, the Silver Creek Township Board designates Barbara Runyon, Silver Creek Township Clerk, to serve as the Township FOIA Coordinator.

Discussion was held. Resolution R15-11 passed by unanimous roll call vote.

**MOTION TO ADOPT FOIA FORMS**

Supervisor Saunders moved, seconded by Clerk Runyon, to adopt Silver Creek Township FOIA Procedures & Guidelines, Public Summary of Procedures and Guidelines, Inspection of Public Records, and the following forms: FOIA Request for Public Records; Freedom of Information Act Request Detailed Cost Itemization; Notice to Extend Response Time for FOIA Request; Notice of Denial of FOIA Request; FOIA Appeal Form ó To Appeal a Denial of Records; and FOIA Appeal Form ó To Appeal an Excess Fee. Motion carried by voice vote.

**MOTION FOR APPROVAL OF 2015 TAX RATE REQUEST**

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the 2015 Tax Rate Request for Silver Creek Township at:

0.6963 mills allocated for operating expense  
1.00 mill for Police/Fire  
and to authorize the Clerk and The supervisor to sign the L-4029

Discussion followed. Motion carried unanimously by roll call vote.

**RESOLUTION R15-12 TO APPOINT TEMPORARY MECHANICAL  
AND PLUMBING INSPECTOR**

Treasurer Kuriata moved, seconded by Supervisor Saunders, to adopt Resolution R15-12 to appoint a temporary mechanical and plumbing inspector as follows:

RESOLUTION REGARDING MECHANICAL AND PLUMBING INSPECTOR  
RESOLUTION NO. R15-12

WHEREAS, the Township of Silver Creek is the administering and enforcing agency for the building code provisions of the State Construction Code, State Plumbing Act, the Forbes Mechanical Contractors Act, and provides a local mechanical and plumbing inspector in accordance with the Michigan Department of Licensing and Regulatory Affairs' Construction Code division's "Statewide Jurisdiction List" and the BUILDING OFFICIALS AND INSPECTORS REGISTRATION ACT, STATE PLUMBING ACT and the FORBES MECHANICAL CONTRACTORS ACT; and

WHEREAS the local mechanical and plumbing inspector is responsible for issuing mechanical and plumbing permits, conducting inspections and plan review and enforcing the building code provisions of the STATE CONSTRUCTION CODE, STATE PLUMBING ACT AND THE FORBES MECHANICAL COONTRACTORS ACT; and

WHEREAS, the Silver Creek Township Board has determined that ED WAINWRIGHT is capable of providing said mechanical and plumbing services for the Township of Silver Creek and appointed him as mechanical and plumbing inspector for the Township of Silver Creek; and

WHEREAS, ED WAINWRIGHT is temporarily physically unable to perform the duties of mechanical and plumbing inspector for the Township of Silver Creek; and

WHEREAS, in conjunction with its continuing administration and enforcement responsibilities under the State Construction Code, the State Plumbing Act and the Forbes Mechanical Contractors Act the Silver Creek Township Board has deemed it appropriate to name qualified individuals to temporarily serve the Township of Silver Creek as mechanical and plumbing inspector during WAINWRIGHT's temporary physical incapacity.

NOW THEREFORE IT IS HEREBY RESOLVED as follows:

1. The SILVER CREEK TOWNSHIP BOARD finds that both BILL SPROMBERG and JOHN DOBBERTEEN are qualified mechanical and plumbing inspectors, registered with the State of Michigan in accordance with the BUILDING OFFICIAL AND INSPECTORS REGISTRATION ACT (P.A. 54 OF 1986), both serving in the capacity of mechanical and or plumbing inspector for other local municipal entities in the State of Michigan.
2. The SILVER CREEK TOWNSHIP BOARD hereby appoints BILL SPROMBERG and JOHN DOBBERTEEN as temporary mechanical and plumbing inspectors for the Township of Silver Creek, with all of the powers and duties vested in ED WAINWRIGHT by and through the STATE CONSTRUCTION CODE as administered and enforced by the Township of Silver Creek, Cass County, Michigan.

Discussion followed. Resolution R15-12 passed by unanimous roll call vote.

**MOTION TO SET MAGICIAN LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT RENEWAL PUBLIC HEARING**

Trustee Glynn moved, seconded by Treasurer Kuriata, to set Magician Lake Weed Control Special Assessment District Renewal for public hearing as required by Public Act 188 of 1954 Proceeding on July 8, 2015 at 6:30 p.m. Motion carried by voice vote.

**MOTION DIRECTING PLAN AND COST ESTIMATE OF MAGICIAN LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT BE KEPT ON FILE**

Trustee Moore moved, seconded by Supervisor Saunders, to direct that the Magician Lake Improvement Association file a plan and cost estimate of the Magician Lake Weed Control Special

Assessment District with the Silver Creek Township and to be kept on file with the township clerk for public examination. Motion carried by voice vote.

**RESOLUTION R15-13 RE. RENEWAL OF MAGICIAN LAKE WEED  
CONTROL SPECIAL ASSESSMENT DISTRICT**

Supervisor Saunders moved, seconded by Clerk Runyon, to approve Resolution R15-13 regarding the Renewal of Magician Lake Weed Control Special Assessment District as follows:

**RESOLUTION R15-13  
SILVER CREEK TOWNSHIP, CASS COUNTY  
MAGICIAN LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT  
RENEWAL**

Whereas, the Magician Lake Improvement Association requests a five-year renewal of the Magician Lake Weed Control Special Assessment District effective 2015; therefore

BE IT HEREBY RESOLVED that the township board does hereby tentatively declare its intent to approve weed control in Magician Lake within the following described area:

Magician Lake

together with other work incidental thereto, all within the proposed district.

BE IT FURTHER RESOLVED that the township board does tentatively designate the special assessment district against which the costs of the improvements is to be assessed as Magician Lake Weed Control Special Assessment District, which shall include the lands and premises more particularly described above.

BE IT FURTHER RESOLVED that a hearing on any objections to the improvement, the estimate of costs, and to the special assessment district proposed to be established for the assessment of the cost of such improvement, shall be held on July 8, 2015; at a special meeting of the township board at Silver Creek Township hall at Dixon St, Dowagiac, Michigan, commencing at 6:30 p.m.

BE IT FURTHER RESOLVED that the clerk is instructed to give the proper notice of such hearing by mailing and publication in accordance with law and statute provided.

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Resolution R15-13 carried by roll call vote.

**OTHER BUSINESS**

Supervisor Saunders reported on the status of the construction code library indicating that MTA has reached an agreement with the Bureau of Construction Codes to allow access to the Essential Standards and Codes at the State Library of Michigan. The County is also putting together a library at the Cass District Library for a current cost of \$1,750.00.

Discussion was held as to whether to go with the Cass District Library or simply use the State Library of Michigan. Trustee Glynn asked who primarily would use the library and asked for insight from our township inspectors. Electrical Inspector Ron Bellaire believed the library would be used primarily by plan reviewers. He maintains his own set of Electrical Codes and Standards. Building/Zoning Inspector Todd Herter recommended that we take advantage of the State Library of Michigan, indicating he rarely has to access the Essential Standard/Construction Codes. Discussion followed. It was the consensus of the township board to use the State Library of Michigan and not to go forward with the District Library.

Clerk Runyon reported that the old police car had sold at the sheriff's auction for \$2,600.

### **PUBLIC COMMENT**

Ron Bellaire reported on an incident at the Indian Lake Yacht Club stating that Wolford Electric has made the repairs; that he has inspected it, and is satisfied that the problem has been taken care of. He stated he also contacted and discussed the matter with the injured party.

Tom Lehrer requested that the township provide copies of the Magician Lake Annual Report from the lake management company to the public at the Magician Lake Weed Assessment District hearing on July 8<sup>th</sup>. He expressed his disapproval of paying for treatment for Keeler Township, and with using chemicals in the lake. He also expressed concern over the lake being treated without prior notice to residents.

Dick Morey responded that treatment is in the newsletter and included in the plan. He also indicated that the consultants will be here for the July 8<sup>th</sup> public hearing to answer questions.

Tim Hull questioned which Boating Ordinance draft September 24, 2014 or January 28, 2015 was going to be considered by the board on June 20<sup>th</sup>. Supervisor Saunders advised the Draft of January 28, 2015 was being addressed. Tim also asked if he could distribute a letter to the board for consideration at the June 20<sup>th</sup> public hearing on the boating and ordinance amendments, giving the board members a chance to review it prior to the hearing.

Attorney Magyar suggested that he wait until the public hearing to distribute his letter. He also recommended the Board only hear public comments on the 20<sup>th</sup>, take time to digest the comments, and not take action until the next board meeting.

### **ADJOURNMENT**

The meeting was adjourned at 7:58 p.m. by call of the Supervisor.

Barbara Runyon  
Silver Creek Township Clerk  
Dated: June 11, 2015  
To be approved at the July 8, 2015 Regular Meeting



