

**MINUTES SILVER CREEK TOWNSHIP
REGULAR BOARD MEETING HELD ON SEPTEMBER 12, 2018**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, September 12, 2018. The Pledge of Allegiance to the Flag of the United States of America was recited.

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

MEMBERS ABSENT: None.

APPROVAL OF AGENDA

Trustee Zuhl moved, seconded by Trustee Glynn, to approve the September 12, 2018 Agenda. Motion carried by voice vote.

CALL FOR PUBLIC COMMENT

Bruce Nevins questioned why the automatic door was not working. Supervisor Saunders responded that we forgot to switch it on tonight.

Marcie Boyd asked questions relating to the Indian Lake Weed Control District and whose responsibility it was to inform tax payers on how the money is spent on treatment. She also stated her concern with the amount of monies expended for attorney fees. She asked where she could view documents. The Board responded that documents could be obtained in the township clerk's office. It was explained that invoices are sent by the Indian Lake Improvement Association to the township for review and payment. If she had specific questions regarding treatment, she should contact the Indian Lake Improvement Association. She was also informed that attorney fees submitted are no longer being paid through the special assessment district.

Tim Hull asked that waterfront districts be adequately represented with lake owners being appointed to the Planning Commission and Zoning Board of Appeals. Supervisor Saunders advised that his new appointee is a lakefront resident, and that his last appointee was from Priest Lake. He's selecting a diverse group of members from all areas of the township.

2017/18 AUDIT PRESENTATION BY KYLE PLETCHER, CPA

Kyle Pletcher, CPA from Kruggel Lawton presented the 2017/18 Silver Creek Township Audit noting no issues. It's an unmodified opinion. Silver Creek has a strong general fund balance which would accommodate a deficit, with sound and effective budgeting.

INDIAN LAKE WEED DISTRICT ANNUAL REPORT BY TIM HULL

Tim Hull from the Indian Lake Improvement Association provided the Annual Report on the Indian Lake Weed Control District via a Power Point presentation. A lengthy discussion and questions followed.

APPROVAL OF MINUTES

Trustee Glynn moved, seconded by Supervisor Saunders, to approve the Minutes of the August 8, 2018 Regular Board Meeting. Motion carried by voice vote.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims for September 12, 2018. Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the following bills and claims in the total amount of \$161,916.85 as follows:

FROM THE GENERAL FUND	\$105,556.04
FROM THE INDIAN LAKE SEWER FUND	\$ 43,151.01
FROM THE PUBLIC SAFETY FUND	\$ 6,699.99
FROM THE BUILDING DEPARTMENT FUND	\$ 5,093.91
FROM THE PARKS & RECS FUND	\$ 277.50
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 1,078.40
FROM THE MAGICIAN LAKE WEED CONTROL FUND	\$ 60.00
 GRAND TOTAL OF DISBURSEMENTS:	 \$ 161,916.85

Motion carried by unanimous roll call vote.

READING OF COMMUNICATION

No communication reported.

POLICE REPORT

Chief Grice reported: 29 complaints, 11 warnings, 0 tickets issued, 0 accident policed, 0 arrest handled, 1 assist other agency, 5 assist other police agencies, 0 in Township , 4 in City of Dowagiac, 1 County assists, 0 out of county assist, 1 assist fire and ambulance departments, and 2 assist motorist & pedestrians.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department: 3 calls in August. Fire Department is marking roads for water access for fire trucks. Also in the process of working with state for new ISO rating.
Sister Lakes Fire Department: 12 calls in July with 5 in Silver Creek Township
Pride Care: No report.

BUILDING/ZONING INSPECTOR'S REPORT

Inspector Herter reported 11 building permits at a total projected cost of \$306,840.00 and one zoning permits for the month of August.

BLIGHT AND LIQUOR REPORT

Deputy Wray reported 6 liquor inspections; 17 open blight complaints beginning of August; 6 new blight complaints filed in August; 20 blight issues resolved; 3 open at the end of August. Total time spent on blight 26 hours.

APPEALS BOARD REPORT

Nothing to report.

PLANNING/ZONING COMMISSION REPORT

Trustee Zuhl reported that the Planning Commission held a meeting on August 22, 2018 and discussed the solar energy ordinance draft. The draft has been sent to the attorney for review. The next meeting will be on September 26, 2018 at 7:00 p.m.

STANDING INSPECTORS REPORT

For the month of August:

Electrical permits issued: 6
Plumbing permits issued: 1
Mechanical permits issued: 3

TREASURER'S REPORT

Treasurer Kuriata reported a \$174,150.05 General Fund balance and \$291,041.41 as the Indian Lake Sewer Fund balance.

OPERATIONAL REPORTS

Indian Lake Sewer: Treasurer Kuriata reported the September-December sewer maintenance billing will be going out next week for both Indian Lake Sewer and Sister Lakes Sewer. She also said that we are in year two of the SAW Grant for Indian Lake Sewer.

Sister Lakes Sewer: Treasurer Kuriata reported Sister Lakes Sewer will begin their new SAW grant ó year one.

Parks and Recreation Committee: Trustee Glynn reported the next meeting is on October 16th at City Hall. He received an e-mail from Tim Feirick regarding beginning installation of

the Rocket Football Field at Russom Park and requisite permits. Trustee Glynn noted that the field will be in Silver Creek Township of Russom Park and permits would be from Silver Creek Township. Inspector Herter commented that he and Trustee Glynn had looked at the project and that bleachers and a press box were also included. A soil erosion permit would have to be obtained and building permits. Discussion held.

MOTION TO APPROVE YOUTH FOOTBALL FIELD PROJECT

Trustee Glynn moved, seconded by Supervisor Saunders, to approve the Youth Football Field Project at Russom Park after obtaining necessary permits.

Public Safety Committee: No report.

OLD BUSINESS

None.

NEW BUSINESS

MOTION TO APPROVE CULVERT CONTRACT

Supervisor Saunders moved, seconded by Clerk Runyon, to approve Cass County Road Commission contract for Sink Road culvert design in the amount of \$12,975.00. Supervisor Saunders noted that this is only for the engineering design and not for the cost of repair to the culvert.

A member of the audience questioned the location of the culvert. Supervisor Saunders also noted that he has questioned the expense but has gotten nowhere with the road commission. Further discussion.

The Supervisor requested a roll call vote.

Yes (4): Supervisor Saunders, Clerk Runyon, Treasurer Kuriata, Trustee Zuhl

No (1): Trustee Glynn

Absent (0): None.

Motion carried by roll call vote.

MOTION TO APPROVE 2017/18 AUDIT

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the 2017/18 Silver Creek Township Audit as prepared by Kruggel Lawton CPA. Motion carried by unanimous roll call vote.

RESOLUTION R18-12

Treasurer Kuriata moved, seconded by Clerk Runyon, to approve Resolution R18-12 as follows:

**SILVER CREEK TOWNSHIP
CASS COUNTY, MICHIGAN
RESOLUTION R18-12**

**ADOPTION OF POLICY AND PROCEDURE FOR THE GRANTING, AUDITING
AND REMOVAL OF PROPERTY TAX EXEMPTION AND
APPLICATION FOR EXEMPTION FROM PROPERTY TAXES**

WHEREAS, the Township Board is required by Section 7o of the General Property Tax Act, Public Act 206 1893 (MCL 211.7o) to adopt a Policy and Procedure for Granting, Auditing and Removal of Property Tax Exemption and an Application for Exemption from Property Taxes;

NOW THEREFORE BE IT RESOLVED, pursuant to MCL 211.7o, the Township of Silver Creek, Cass County, adopts the following Policy and Procedure for the Granting, Auditing and Removal of Property Exemptions:

**POLICY AND PROCEDURE FOR THE GRANTING, AUDITING AND
REMOVAL OF PROPERTY EXEMPTIONS**

Granting of Exemption

1. Requests for property exemption will be made to the township verbally and/or in writing. Upon a request for the exemption, the township will provide an application to the applicant for completion.
2. Upon the receipt of the completed application, the assessor will verify that the application and requested information submitted is complete.
3. The assessor will verify that all of the information submitted is accurate.
4. Upon determination of exemption qualification, the assessor will notify the applicant if said exemption meets the requirements and if so, apply the exemption to the year of the applications assessment roll whether by March, July or December Board of Review.

Auditing of Exempt Status

1. The assessor will audit all properties once every five (5) years that currently have an exempt status. This audit will consist of but is not limited to:
 - a. A physical inspection of the property will also be made to be sure the use stated on the original application is still the current use.
 - b. An updated application verifying the original information submitted still holds true.

2. If the use of the property has changed, additional information pertaining to the change will be requested from the property owner and a new application must be completed and approved for the exemption to continue.

Revoking of the Exemption

1. Upon the determination for the removal of the exemption as the result of an audit, the property owner will be notified by US Mail of the decision to revoke the exemption by the assessor. The property owner will have a designated time to dispute the removal of the exemption as stated in the letter sent to the property owner.
2. If the property owner does not dispute the removal of the exemption, the assessor will, depending upon the time of year the exemption is denied, apply a value to the property as of the March Board of Review or file a 211.154 to the State Tax Commission
3. If prior years are also in violation, the assessor will file a 211.154 petition for those years as well.

BE IT FURTHER RESOLVED, that the Silver Creek Township Board of Trustees, Cass County, adopts the following Application for Exemption from Property Taxes:

Application for Exemption from Property Taxes

Instructions: Please file this application along with copies of documents listed on page 2 of this form. Property must be owned and used for the stated exemption purpose as of **December 31 of the year prior** to the year for which exemption is claimed. Application must be received by the Assessor's Office no later than **February 15** of the year in which this exemption is being sought. Your application may be on the attached forms or you may use an alternate equivalent format.

The following is the four-part test that Michigan courts have established to determine if a property is exempt:

- 1) The real estate must be owned and occupied by the exempt claimant;
- 2) The exemption qualifies under all 6 of the *Wexford* factors as a nonprofit charitable institution; (Those are as follows):
 - a. *The claimant must be a nonprofit institution;*
 - b. *The claimant must be organized chiefly, if not solely for charity;*
 - c. *The claimant must not offer its charity on a discriminatory basis by choosing who among the group it purports to serve deserves its services, but rather must serve any person who needs the particular type of charity being offered;*
 - d. *The claimant must bring people's minds or hearts under the influence of education or religion; relieve people's bodies from disease, suffering, or constraint; assist people to establish themselves for life; erect or maintain public buildings or works; or otherwise lessen the burdens of government;*
 - e. *The claimant may charge for its services as long as its charges are not more than what is needed for its successful maintenance; and*
 - f. *The claimant need not meet any monetary threshold of charity; rather, if the overall nature of the claimant is charitable, it is a charitable institution.*

- 3) The claimant must have been incorporated under the laws of a state;
- 4) The exemption only exists when the buildings or other property thereon are occupied by the claimant solely for the purpose for which it was incorporated, or as further limited by the applicable statute.

Our policies are set by State of Michigan law and court decisions, and not by the Township. We will use these criteria to determine your tax status. If you have any questions, please feel free to contact the Township Assessor.

DOCUMENTS REQUESTED

Processing this exemption request application is facilitated by your providing copies of **as many** of the following documents as possible:

- 1) Articles of incorporation and all amendments, which should include the following information:
 - a. The names of directors of the corporation
 - b. Whether the applicant operates on a profit or non-profit status
 - c. The purpose of corporation
 - d. A copy of the articles of incorporation
 - e. Assumed name(s), if applicable, along with the name of governmental agency where the assumed name is recorded
 - f. A copy of the annual non-profit corporation report or for organizations other than corporations, and the most recent balance sheet
- 2) Exemption applicant entity's "By Laws" and "Constitution," if these items exist.
- 3) Evidence of ownership of (or interest in) subject property
 - a. Transfer instrument to applicant; typically warranty deed or land contract
 - b. Lease
- 4) Governmental approval/certification (if applicable) to operate for stated purpose
 - a. IRS exemption determination for assessment years in question
 - b. State/County license, if any
 - c. City approval form: Permits_____ License_____ Other_____
 - d. License from Attorney General to solicit or receive contributions
- 5) Budget documents for either:
 - a. The operation of charitable, educational, religious organization
 - b. The operation of real estate and/or personal property for which exemption is sought.
- 6) Signed statement as to actual use(s). If more than one use exists, please state percentage each use is to a total 100%.
- 7) Inclusive list of **ALL** salaries, fees, payments, rent, repayments of loans, etc., as well as transfers, current or deferred, from the exemption applicant to its directors, officers, consultants, agents, and/or employees.

8) List of all clients served that are in any way related to: any director, officers, consultant, agent and/or employees of applicant. Please include an explanation of any above relationships.

Application

NAME OF ORGANIZATION:

ADDRESS OF PROPERTY:

PARCEL NUMBER (from Assessment notice or tax bill):

LEGAL DESCRIPTION (if application is for less than the entire parcel):

We request exemption of property located in Milton Township, Cass County MI. We own the property and are using it for:

Religious_____, Charitable_____, Scientific_____, Educational_____,
Benevolent_____, Memorial Home_____, Library_____, or
_____, purposes of our organization.

PROPERTY TAX LAW SECTION UNDER WHICH YOU ARE CLAIMING EXEMPTION (**Note: Internal Revenue Code Sec. 501 (c) 3 is NOT a property tax exemption law, but rather deals with exemption from Federal Income Tax**):

DATE OF ACQUISITION: _____ PRICE: \$ _____

DOWN PAYMENT: _____ @ _____ %

MONTHLY PAYMENT: \$ _____ BASED ON _____ MONTHS AMORT. BALLOONS:
/ / .

CONVEYED BY: Land Contract _____, Warranty Deed _____, Other _____ ON / / .

LIBER/PAGE or DOCUMENT # _____

BUYER: _____ SELLER: _____

LIST ALL OCCUPANT(S) OF THIS PROPERTY:

REASON(S) FOR EXEMPTION OF THIS PROPERTY:

LIST ALL USES OF THIS PROPERTY AND PERCENTAGE OF EACH:

_____ %

_____ %

_____ %

_____ %

_____ %

_____ %

Total 100 %

DO YOU RENT OR LEASE ANY PART OF THIS PROPERTY?

IF YES, EXPLAIN:

THIS APPLICATION IS FOR EXEMPTION BEGINNING WITH YEAR 20_____.

THE INFORMATION ON THIS APPLICATION IS, TO THE BEST OF MY KNOWLEDGE AND JUDGEMENT, A TRUE AND CORRECT STATEMENT OF FACTS CONCERNING THE ABOVE DESCRIBED PROPERTY AND ITS USE

Date: _____ Signed: _____

Print or type name and title:

Address:

Phone Number: _____

Email: _____

Discussion held. Resolution R18-12 carried by unanimous roll call vote.

MOTION TO APPOINT PC MEMBER AND ZBA MEMBER

Trustee Zuhl moved, seconded by Supervisor Saunders, to appoint Nick Barnes to the Silver Creek Township Planning Commission and Zoning Board of Appeals to replace Jerry Donley for a term ending December 31, 2018.

Trustee Glynn requested that the process be changed to have the Planning Commission name a representative to the Zoning Board of Appeals, and that possibly each Planning Commission member rotate as a Zoning Board of Appeals member. He noted that the member appointed to the Planning Commission is a liaison to the Zoning Board of Appeals. Supervisor Saunders agreed.

Motion carried by unanimous roll call vote.

MOTION TO AMEND BUILDING DEPARTMENT BUDGET

Trustee Glynn moved, seconded by Treasurer Kuriata, to amend the 2018/19 Building Department Budget to take \$5,000 from Fund Balance and to add it to Computer line item no. 249-933. Clerk Runyon explained this line item adjustment is an estimate for hardware and computer installation for the BS&A Building Department program.

Motion carried by unanimous roll call vote.

MOTION TO APPOINT JOHN JURGENSON AS BACKUP INSPECTOR

Supervisor Saunders moved, seconded by Clerk Runyon, to appoint John Jurgenson as back up Building and Zoning Inspector. Inspector Herter explained the need for a backup inspector when he is absent. He also reported that John Jurgenson has applied and received approval to be a building inspector and plan reviewer. Supervisor Saunders recommended that he gets certified.

DISCUSSION ON UPDATED SILVER CREEK TOWNSHIP PARKS AND RECREATION PLAN

Supervisor Saunders reported that our Parks and Recreation Plan will be expiring, and he has received a quote from Wightman and Associates to prepare a new plan. The cost would be \$5,000 with an additional 4 to 6 percent for reimbursable expenses. Clerk Runyon noted that our Plan expires in April of 2019 and we would have to have a new Plan in place by February 1st in order to request future DNR grants. Discussion. Motion carried by voice vote.

MOTION TO CONTRACT WITH WIGHTMAN FOR PARKS AND RECREATION PLAN

Trustee Glynn moved, seconded by Supervisor Saunders, to approve a contract with Wightman for the preparation of a Parks and Recreation Plan in an amount not to exceed \$6,000.00. Motion carried by unanimous roll call vote.

MOTION TO AMEND PARKS & RECREATION FUND BUDGET

Treasurer Kuriata moved, seconded by Supervisor Saunders, to amend the Parks and Recreation Budget taking \$6,000 from fund balance to fund the updated Parks and Recreation Plan. Motion carried by unanimous roll call vote.

OTHER BUSINESS

None.

PUBLIC COMMENT

Jerry Donley reported that \$4,300 was spent on treating 26 acres largely in three channels and three years ago \$65,000 was spent. He also thanked the Supervisor and the Board of Trustees for the honor of serving the community the past 16 years on the Planning Commission and Zoning Board of Appeals. The Board in turned thanked him for his service.

ADJOURNMENT

Supervisor Saunders adjourned the meeting at 8:31 p.m.

Prepared by: Barbara Runyon
To be approved: October 10, 2018

Dated: September 12, 2018

