

**MINUTES SILVER CREEK TOWNSHIP
PUBLIC HEARING AND REGULAR BOARD MEETING
OCTOBER 10, 2018**

**PUBLIC HEARING ON INDIAN LAKE, DEWEY LAKE, LITTLE CROOKED LAKE
AND MAGICIAN LAKE WEED CONTROL SPECIAL ASSESSMENT**

The Public Hearing on Indian Lake, Dewey Lake, Little Crooked Lake and Magician Lake Weed Control Special Assessment District was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, October 10, 2018. The Pledge of Allegiance to the Flag of the United States of America was recited.

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

MEMBERS ABSENT: None.

Supervisor Saunders stated the purpose of the meeting was to hear objections to the proposed Weed Control Assessments for Indian Lake, Dewey Lake, Little Crooked Lake and Magician Lake for 2018.

Clerk Runyon reported that a notice of this public hearing has been published in the Dowagiac Daily news on September 24 and 26, 2018. The township assessor has prepared and filed in her office for public examination a special assessment roll covering all properties within Dewey Lake Weed Control Special Assessment District, Indian Lake Weed Control Special Assessment District, Little Crooked Lake Weed Control Special Assessment District and Magician Lake Weed Control Special Assessment District. The roll for Dewey Lake Weed Control District is in the total amount of \$22,000.13 with a proposed special assessment of up to \$100.00 per parcel unit and Sandy Beach backlot owners at the rate of \$5.27. Indian Lake Weed Control District is in the total amount of \$121,753.53 with a proposed special assessment of up to \$5.85 per foot. Little Crooked Lake Weed Control is in the total amount of \$2,712.06 with a proposed special assessment of up to \$47.58 per parcel. Magician Lake Weed Control District is in the total amount of \$17,160.00 with a proposed special assessment of up to \$40.00 per occupied parcel and \$20.00 per unoccupied parcel.

Supervisor Saunders called for public comment on Dewey Lake Weed Control District Special Assessment. Clerk Runyon noted that there was no change in the assessment from last year. There was no public comment.

He called for public comment on Indian Lake Weed Control District Special Assessment. Clerk Runyon noted it was a 10% increase from last year. There was no public comment.

He called for public comment on Little Crooked Weed Control Special Assessment. Clerk Runyon noted that there was no change in the assessment from last year.

He called for public comment on Magician Lake Weed Control Special Assessment. Clerk Runyon noted that there was no change in the assessment from last year.

MOTION TO ADJOURN

Clerk Runyon moved, seconded by Treasurer Kuriata, to adjourn the public hearing. Motion carried by voice vote.

The public hearing was adjourned at 7:07 p.m.

REGULAR BOARD MEETING

The Regular Board meeting was called to order by Supervisor Saunders at 7:07 p.m.

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

MEMBERS ABSENT: None.

APPROVAL OF AGENDA

Treasurer Kuriata moved, seconded by Trustee Glynn, to approve the October 10, 2018 Regular Meeting Agenda. Motion carried by voice vote.

PUBLIC COMMENT

Brad Paquette, Republican Candidate for Representative in the 78th District introduced himself and talked about his qualifications and his plans if elected.

County Commissioner Terry Ausra reported the county is doing a classification compensation study for employees; updating the county website with an outside vendor; and working on the future of the historical courthouse. Questions and comments followed.

Commission Ausra also questioned the Board on the Noxious Weed and Uncontrolled Plant Growth Ordinance which is on the Agenda. Why is it needed? Who is enforcing? How is agriculture affected? He does not believe it is something that is needed.

John Joossen also had questions on its adoption, asking what to keep it from neighbors using one another; who identifies it as a weed, et cetera.

Supervisor Saunders noted a letter is sent first to give the owner a chance to comply. He also noted that Keeler Township has the same ordinance with no problems.

Bruce Nevins questioned whether there is a paper trail on the complaints or if it is based on a verbal complaint.

Ken Wray replied that he looks at the property, researches to see if it's legitimate, and sends a letter to the owner. A complaint number and written report is written.

Joel Layman, farmer and property owner, stated his objections to the ordinance, and remarked that whatever is adopted will be in effect for years to come.

APPROVAL OF MINUTES

Clerk Runyon moved, seconded by Trustee Glynn, to approve the September 12, 2018 Regular Board Meeting Minutes with the following corrections: Under *Public Comment*, "Jerry Donley reported that \$4,300 was spent on treating 26 acres largely in three channels and seven years ago \$65,000 was spent." Also change page 4 under "Parks and Recreation Committee" to read "Trustee Glynn noted that permits would be obtained from Silver Creek Township and take out the field will be in Silver Creek Township of Russom Park." Discussion. Motion carried by voice vote.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims for October 10, 2018. Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the following bills and claims in the total amount of \$89,289.69 as follows:

FROM THE GENERAL FUND	\$ 40,759.19
FROM THE INDIAN LAKE SEWER FUND	\$ 13,122.44
FROM THE PUBLIC SAFETY FUND	\$ 16,322.66
FROM THE BUILDING DEPARTMENT FUND	\$ 6,927.18
FROM THE PARKS & RECS FUND	\$ 370.00
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 5,518.14
FROM THE MAGICIAN LAKE WEED CONTROL FUND	\$ 6,170.08
FRO THE DEWEY LAKE WEED CONTROL FUND	\$ 100.00
 GRAND TOTAL OF DISBURSEMENTS:	 \$ 89,289.69

Motion carried by unanimous roll call vote.

COMMUNICATION

No communication reported.

POLICE REPORT

27 complaints, 2 warnings, 3 tickets, 1 accident policed, 0 arrest handled, 0 arrest other agency, 5 arrest other police agency, 4 in the City of Dowagiac, 1 in the County, 1 assist fire and ambulance departments, 1 assist motorist & pedestrians.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department October: 4 calls total, 2 in Silver Creek Township.

Sister Lakes Fire Department August: 15 calls ó 7 in Silver Creek
September: 16 calls ó 6 in Silver Creek

Pride Care Ambulance Report September: 20 overall with an average response time of 8:25 minutes.

BUILDING/ZONING INSPECTOR'S REPORT

Building/Zoning Inspector Todd Herter reported 21 building permits at a total projected cost of \$1,352,750.00, and six zoning permits for the month of October.

BLIGHT AND LIQUOR INSPECTION REPORT

Officer Wray reported 3 open blight complaints beginning in September; 5 new blight complaints filed; 2 blight issues resolved; 5 total end of September that are still open. Total time spent on blight 15 hours. Six liquor inspections with no violations.

APPEALS BOARD REPORT

Trustee Glynn reported one ZBA hearing in September which was denied. They also welcomed new ZBA Board Member Nick Barnes who observed but did not vote.

PLANNING/ZONING COMMISSION REPORT

Trustee Zuhl reported that the planning commission met on September 26th and discussed the Solar Energy Draft Ordinance. A motion was approved to set a public hearing on the Solar Ordinance for October 24, 2018 at 7:00 p.m.

STANDING INSPECTORS REPORT

Electrical Inspector: 6 permits

Plumbing Inspector: 5 permits

Mechanical Inspector: 1 permits

Sewer Inspections: 2 permits

TREASURER'S REPORT

Treasurer Kuriata reported \$141,370.86 as the General Fund balance and \$263,124.85 as the Indian Lake Sewer Fund balance.

OPERATIONAL REPORTS

Indian Lake and Sister Lakes Sewer: Treasurer Kuriata provided the Board with a copy of the sewer maintenance properties that are in arrears.

**MOTION TO PLACE INDIAN LAKE SEWER MAINTENANCE
ARREARS ON TAX BILL**

Treasurer Kuriata moved, seconded by Supervisor Saunders, to place the Indian Lake Sewer Maintenance Arrears of not more than \$21,589.42 on the 2018 winter tax bills. Motion carried by voice vote.

**MOTION TO PLACE SLAUA SEWER MAINTENANCE
ARREARS ON TAX BILL**

Treasurer Kuriata moved, seconded by Supervisor Saunders, to place the Sister Lakes Area Utility Authority Maintenance Arrears of not more than \$33,706.60 on the 2018 winter tax bills. Motion carried by voice vote.

Parks and Recreation Committee: Trustee Glynn reported that he had been out to Russom Park and noticed Wightman putting out stakes. He assumes it is for the rocket football field.

Public Safety Committee: No report.

OLD BUSINESS

None.

NEW BUSINESS

MOTION TO SET INDIAN LAKE WEED CONTROL SPECIAL ASSESSMENT

Treasurer Kuriata moved, seconded by Trustee Glynn, to set the 2018 Indian Lake Weed Control Special Assessment at \$5.85 per foot, for a total amount of \$121,753.53. Trustee Zuhl questioned why Indian Lake is \$100,000 more than the other lakes. Supervisor Saunders responded that they also use aeration. Motion carried by unanimous roll call vote.

**MOTION TO SET LITTLE CROOKED LAKE WEED CONTROL
SPECIAL ASSESSMENT**

Trustee Glynn moved, seconded by Treasurer Kuriata, to set the 2018 Little Crooked Lake Weed Control Special Assessment at \$47.58 per parcel for a total amount of \$2,712.06. Motion carried by unanimous roll call vote.

**MOTION TO SET MAGICIAN LAKE WEED CONTROL
SPECIAL ASSESSMENT**

Trustee Zuhl moved, seconded by Supervisor Saunders, to set the 2018 Magician Lake Weed Control Special Assessment at \$40.00 per occupied parcel and \$20.00 per unoccupied parcel for a total amount of \$17,160.00. Clerk Runyon questioned whether she and Supervisor Saunders could vote since they live on Magician Lake. It was agreed they could vote. Motion carried by unanimous roll call vote.

**MOTION TO SET DEWEY LAKE WEED CONTROL
SPECIAL ASSESSMENT**

Supervisor Saunders moved, seconded by Treasurer Kuriata, to set the 2018 Dewey Lake Weed Control Special Assessment at \$100.00 per parcel unit and Sandy Beach backlot owners at the rate of \$5.27 for a total amount of \$22,000.13. Motion carried by unanimous roll call vote.

MOTION TO PAY 2017/18 PUBLIC SAFETY FUND SURPLUS

Clerk Runyon moved, seconded by Treasurer Kuriata, to pay Indian Lake Volunteer Fire Department, Sister Lakes Volunteer Fire Department and Silver Creek Township Police Department \$5,990.90 each from the 2017/18 Public Safety Surplus. Motion carried by unanimous roll call vote.

RESOLUTION R18-13 CROOKED LAKE MDNR CANADA GOOSE ROUNDUP

Treasurer Kuriata moved, seconded by Clerk Runyon, to approve Resolution R18-13 as follows:

CASS COUNTY, MICHIGAN
RESOLUTION R18-13

Regarding Michigan Department of Natural Resources, Canada Goose Nest Destruction Program and/or Canada Goose Roundup/Removal Program

WHEREAS, the Township Board of Silver Creek has received complaints of overpopulation of Canada geese inhabiting the grounds of Little Crooked Lake within the Township; and

WHEREAS, the Township Board has determined that the DNR Canada Goose Nest Destruction Program and/or Roundup/Removal Program are effective program(s) for the control of site specific problems for our residents; and

WHEREAS, the residents clearly understand that any birds removed and relocated during this program may be killed; and

WHEREAS, the residents, lake associations, businesses, subdivisions, condo associations etc., must apply for a DNR Permit for these program(s), on an annual basis, and must ensure that all lakefront residents, tenants, employees of this site, have been informed that this program is

taking place at their lake/site, and understand if their site is located within more than one government unit, they are responsible to receive resolutions from each township/city/village, and are responsible for adhering to the requirements under their permit;

NOW, THEREFORE LET IS BE RESOLVED that the Township Board of Silver Creek hereby formally requests the assistance of the Michigan DNR on behalf of the requests made in Silver Creek Township by Crooked Lake Association as long as they abide by the DNR permit requirements, in the implementation of the Canada Goose Nest Destruction Program and/or Roundup/Removal Program, for a 5-year period from 2019 through 2023 and additionally, to advise the Department that there shall be no cost to the Township of Silver Creek for these programs.

Discussion followed.

Supervisor Saunders directed the Clerk to take roll.

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

No (1): Trustee Zuhl

Absent (0): None.

Resolution R18-13 carried.

MOTION TO ADOPT NOXIOUS WEED ORDINANCE

Supervisor Saunders moved, seconded by Clerk Runyon, to approve the Noxious Weed and Uncontrolled Plant Growth Ordinance (see attached). Trustee Glynn showed the board pictures of the so-called noxious weeds and voiced his objection to the ordinance. A lengthy discussion was held and objections were heard. It was suggested that the administrative procedures and remedial actions to enforce ordinance should be reviewed and included in the International Property Maintenance Code. Trustee Glynn and Officer Wray will work on a revision and will report at the November board meeting.

MOTION TO SET BUILDING/ZONING SUB PAY

Trustee Zuhl moved, seconded by Clerk Runyon, to set the building/zoning sub pay at \$75.00 per inspection and \$40.00 per office hour. Clerk Runyon advised that Inspector Herter receives a two week vacation with pay. Todd has agreed that at any time a sub is used over and above his two weeks allowed, the overage will be paid out of his building/zoning salary. Clerk Runyon noted that the sub will seldom be used. Discussion. Motion carried by unanimous roll call vote.

MOTION TO AMEND BUILDING DEPARTMENT BUDGET

Supervisor Saunders moved, seconded by Treasurer Kuriata, to amend the Building Department Budget to create a line item for Building/Zoning Sub Pay in the amount of \$1,500 coming from

the Building Department Fund Balance. Motion carried by unanimous roll call vote.

**MOTION TO APPROVE 2018-2022 CAPITAL IMPROVEMENT PLAN
AND SUMMARY**

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the 2018-2022 Capital Improvement Plan and Summary List as presented by the Township Planning Commission. Discussion held. Motion carried by unanimous roll call vote.

MOTION TO APPOINT SILVER CREEK PARKS & RECREATION COMMITTEE

Treasurer Kuriata moved, seconded by Clerk Runyon, to appoint Jim Humphreys, Nanette Roach, Joe Moore, Tim Feirick and Bonnie Hague to the Silver Creek Township Parks and Recreation Committee. Trustee Glynn recommended that the current Parks and Recreation Plan be reviewed to see if a board member should be on the committee. Motion carried by voice vote

MOTION TO AMEND GENERAL FUND BUDGET TO REPLACE COPY MACHINE

Trustee Glynn moved, seconded by Supervisor Saunders, to amend the General Fund Office Equipment Line Item to add \$4,000 to replace a copy machine, and to take it out of Contingencies Line Item. Clerk Runyon explained that the current copy machine broke and we are using a loaner. Sourcewell has gone out for bid for public agencies and Sharp was awarded the bid. Parrett Company in St. Joe has provided a quote for new machines. Motion carried by unanimous roll call vote.

MOTION TO PURCHASE COPY MACHINE

Trustee Zuhl moved, seconded by Treasurer Kuriata, to purchase the Sharp Color Copier in the amount of \$3,941.50 and to allow Supervisor Saunders to sign. Motion carried by unanimous roll call vote.

MOTION TO APPROVE BURNHAM & FLOWERS INS. RENEWAL

Supervisor Saunders moved, seconded by Treasurer Kuriata, to approve Silver Creek Townships Insurance renewal with Burnham and Flowers in the amount of \$13,991.00 to include Casualty Limited Terrorism Coverage and Property Limited Terrorism Coverage. Discussion. Motion carried by unanimous roll call vote.

OTHER BUSINESS

**MOTION TO APPROVE ROAD COMMISSION CONTRACT
TO REPLACE BIKE SIGNS**

Supervisor Saunders moved, seconded by Trustee Glynn, to approve a Contract with the Cass County Road Commission to replace bike path route signs in the amount of \$2,200.00 and take it

out of Parks & Receptions Fund. Supervisor Saunders reported that 11 signs needed to be replaced. Discussion followed.

The Supervisor directed the Clerk to take roll:

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

No (1): Trustee Zuhl

Absent (0): None.

Motion carried by roll call vote.

Other Business

Clerk Runyon asked that a cutoff date be established for the agenda. She remarked that the agenda could not be completed until Tuesday because motions were continuously being added. Trustee Zuhl recommended the Wednesday before the Board meeting. It was agreed that that should work.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

The meeting was adjourned at 8:58 p.m. by call of the Supervisor.

Prepared by: Barbara Runyon, Clerk

Dated: October 15, 2018

For Approved at November 14, 2018 Meeting