

**MINUTES SILVER CREEK TOWNSHIP
REGULAR BOARD MEETING HELD ON MAY 10, 2017**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, May 10, 2017. The Pledge of Allegiance to the Flag of the United States of America was led by Trustee Zuhl.

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 Agenda with the additions of Resolution R17-15 regarding Metro Act Permit for KEPS Technologies, and Ordinance 17-05 enacting a code of ordinance. Motion carried by voice vote.

PUBLIC COMMENT

No public comment.

APPROVAL OF MINUTES

Trustee Glynn moved, seconded by Treasurer Kuriata, to approve the April 5, 2017 Special Meeting and Regular Board Meeting Minutes. Motion carried by voice vote.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims for May 2017. Clerk Runyon moved, seconded by Supervisor Saunders, to approve the following bills and claims in the total amount of \$70,544.85 as follows:

| | |
|--|-----------------|
| FROM THE GENERAL FUND | \$ 30,596.80 |
| FROM THE INDIAN LAKE SEWER FUND | \$12,167.69 |
| FROM THE PUBLIC SAFETY FUND | \$ 5,070.43 |
| FROM THE BUILDING DEPARTMENT FUND | \$ 8,109.12 |
| FROM THE PARKS & RECS FUND | \$ 185.00 |
| FROM THE INDIAN LAKE WEED CONTROL FUND | \$ 12,665.81 |
| FROM THE MAGICIAN LAKE WEED CONTROL FUND | \$ 1,750.00 |
| GRAND TOTAL OF DISBURSEMENTS: | \$70,544.85 |

The motion carried by unanimous roll call vote with no member being absent

READING OF COMMUNICATION

Clerk Runyon reported on an e-mail received from Doug Pearson, President of Dewey Lake Property Owners Association, requesting a meeting to discuss the process to renew Dewey Lakeø SAD District. She also reported on an e-mail received from Tim Hull regarding a meeting being scheduled with the Indian Lake Improvement Association and the township representatives to discuss a new version of their weed control agreement.

Discussion.

POLICE REPORT

24 complaints, 13 warning, 6 tickets, 3 arrests, 1 assist other agencies; 1 assist other police agencies, 1 motorist & pedestrian, 17 property inspections. Five liquor inspections with no violations.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department: April 6 5 calls with 3 in Silver Creek Township. Chief Huggins reported on their purchase of a 6x6 ATV, and also advised they have obtained a new used boat for diving.

Sister Lakes Fire Department: March 6 11 calls with 5 in Silver Creek Township
April 6 12 calls with 3 in Silver Creek Township.

Pride Care Ambulance Report: March 6 6 priority one calls with an average response time of 4:04 minutes.

April 6 6 priority one calls with an average response time of 5:49 minutes. There were 8 priority two calls with an average response time of 9:14 minutes; one priority three calls with an average response time of 8:47 minutes. There were a total of 15 calls in April with an average response time of 7:50 minutes.

TOWNSHIP ATTORNEY'S REPORT

Attorney Magyar reported on a special use permit inquiry he received, and advised him to talk to Zoning/Building Inspector Todd Herter. He went on to report that Ordinance 17-05 on tonightø agenda was regarding the codification of township ordinances, and that he had tweaked the resolution American Legal had provided. He also reported that he has been invited to the Sewer Authorityø meeting on Thursday to discuss past connections. He has not been able to connect with Chase Bank on the Allen property.

BUILDING/ZONING INSPECTOR'S REPORT

Building/Zoning Inspector Herter gave the building/zoning report: Eleven building permits at a total projected cost of \$201,385.73, and seven zoning permit for the month of April. Discussion

was held regarding a special use permit. Attorney Magyar advised the planning commission should determine.

BLIGHT AND LIQUOR INSPECTION REPORT

Officer Wray reported 6 open blight complaints in April; 6 new blight complaints filed in April; 5 blight residents notified; 3 blight issues resolved. Total time spent on blight 19.5 hours.

APPEALS BOARD REPORT

No report.

PLANNING/ZONING COMMISSION REPORT

Trustee Zuhl reported the planning commission met on April 16, 2017, and their next meeting will be on May 24, 2017 at 7:00 p.m. on the food truck park.

STANDING INSPECTORS REPORT

Electrical Inspector: 6 permits

Plumbing Inspector: March -5 permits; April - 2 permits

Mechanical Inspector: March - 8 permits; April 6 3 permits

TREASURER'S REPORT

Treasurer Kuriata reported \$402,083.30 as the General Fund balance and \$243,609.35 as the Indian Lake Sewer fund balance. She also provided the CD Fund Detailed Report.

OPERATIONAL REPORTS

Indian Lake and Sister Lakes Sewer: Treasurer Kurita provided the sewer report indicating the work from the SAW Grant has begun. Air release valves are being worked on for Indian Lake Sewer.

Parks and Recreation Committee: Trustee Glynn reported on the April 16th meeting. He reported some problems the committee is looking at concerning the brim of the roads through the park and also a rebound wall the ASYO has not completed. Next meeting is July 16, 2017 at Silver Creek Township Hall.

Public Safety Committee: No report.

OLD BUSINESS

TOWNSHIP GENERATOR

Clerk Runyon noted that \$25,000 had been placed in the Public Improvement Fund 2017/18 Budget for a township generator and asked whether the board wanted to go forward with it. Discussion was held and it was agreed to go forward. Clerk Runyon will prepare a Request for Proposal following the township's purchasing policy.

NEW BUSINESS

ORDINANCE 17-01
HAZARDOUS MATERIALS COST RECOVERY ORDINANCE

Trustee Glynn moved, seconded by Trustee Zuhl, to adopt Ordinance 17-01 as follows:

SILVER CREEK TOWNSHIP
CASS COUNTY, MICHIGAN

HAZARDOUS MATERIALS COST RECOVERY ORDINANCE
ORDINANCE NO. 17-01

Adopted:

Effective: Immediately upon publication, after adoption

An Ordinance to establish charges for Township emergency services responding to an incident involving hazardous materials under P.A. 102 of 1990, as amended, (MCL 41.806a); to define hazardous materials subject to such charges; and to provide for the collection of such charges.

SILVER CREEK TOWNSHIP
CASS COUNTY, MICHIGAN

ORDAINS:

SECTION I
PURPOSE

The purpose of the within Ordinance is to provide for defraying a portion of expenses of the Township resulting from the Township responding with emergency equipment and personnel to a hazardous materials accident or incident involving the release or threatened release of hazardous materials into the environment which requires emergency attention to protect the health, safety and general welfare of the public.

SECTION II
DEFINITIONS

a. "Hazardous materials" include, but are not limited to explosives, pyrotechnics, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, liquefied petroleum gas, and other materials customarily considered dangerous to living beings or contaminating to the environment.

b. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or deposit into the environment.

c. "Responsible party" means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials are released.

SECTION III
CHARGES IMPOSED UPON A RESPONSIBLE PARTY OR PARTIES

Where the Township's fire department or designee responds to a release of hazardous materials or a threatened release of such materials, the responsible party or parties shall be liable to the Township for the following costs incident to such Township response:

A. All personnel costs of all personnel attending on behalf of and with the authority of the Township including their current hourly rate, fringe benefits, and salary apportioned to the length of time in attendance, calculated commencing one hour after receipt of the signal to respond and continuing for each personnel until that personnel has concluded his or her incident related responsibilities.

B. The equipment costs of all equipment attending as established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of Township equipment which might be involved in such a response. This resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.

C. Other expenses incurred by the Township, Sister Lakes Volunteer Fire Department, and/or Indian Lake Volunteer Fire Department, including but not limited to rental or purchase of additional machinery or equipment, retention of consultants, medical and hospitalization costs, replacement costs related to disposable personnel protective equipment required to be disposed of, extinguishing chemicals, supplies and water purchased from water systems, and meals and refreshments for emergency personnel while responding to the hazardous materials incident.

D. Additional charges imposed by any other local, state or federal government entities, related to the incident.

E. Administrative costs incurred in accounting for all expenditures and for billing and collection of such expenditures which shall not exceed 25 percent of the foregoing costs.

SECTION IV
BILLING PROCEDURES

Following the conclusion of the hazardous materials incident, the fire chief (Indian Lake Volunteer Fire Department Chief) or Sister Lakes Volunteer Fire Department's chief) shall submit a detailed listing of all known expenses to the Township clerk, who shall prepare an invoice to the responsible party for payment. The clerk's invoice shall demand full payment within forty-five (45) days of the receipt of the bill. Any additional expenses that become known to the Township fire chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after forty-five (45) days, the Township shall impose a late charge of one (1%) percent per month or fraction thereof.

SECTION V
NON-EXCLUSIVE CHARGES

The foregoing rates and charges shall not be exclusive of other charges that may be made by the Township for the costs and expense of maintaining a fire and/or police department, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electors approving the same, or by special assessments established under Michigan statutes pertinent thereto.

SECTION VI
OTHER REMEDIES

The Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this Ordinance. The recovery of charges imposed under this Ordinance does not limit the further liability of responsible parties under local ordinance or state or federal law, rule or regulation.

SECTION VII
SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION VIII
EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication after adoption.

Extensive discussion was held regarding Ordinance 17-01 and Ordinance 17-02 Fire and Emergency Services Fee Ordinance. Ordinance 17-02 Section IV F. will include the language . . . **permitted by Township Ordinance, by State Statute . . .**

Ordinance 17-01 approved by unanimous roll call vote with no members being absent.

ORDINANCE 17-02
FIRE AND EMERGENCY SERVICES FEE ORDINANCE

Trustee Zuhl moved, seconded by Clerk Runyon, to approve Ordinance 17-02 as follows:

SILVER CREEK TOWNSHIP
CASS COUNTY, MICHIGAN

SILVER CREEK TOWNSHIP FIRE AND EMERGENCY SERVICES FEE ORDINANCE
ORDINANCE NO. 17-02

ADOPTED:

EFFECTIVE: IMMEDIATELY UPON
PUBLICATION AFTER ADOPTION

An Ordinance to establish fees for certain Township emergency services; to provide methods for the collection of such fees; to provide for exemptions therefrom; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF SILVER CREEK
CASS COUNTY, MICHIGAN

ORDAINS:

SECTION I
TITLE

This Ordinance shall be entitled the "Silver Creek Township Fire and Emergency Services Fee Ordinance".

SECTION II
PURPOSE

This Ordinance is adopted for the purpose of partially financing certain specified types of fire and emergency services enumerated herein furnished to persons who are neither residents nor owners of real property in Silver Creek Township and therefore not subject to taxes or special assessments and to also help defray the costs of providing certain other specified types of fire and emergency services from those receiving direct benefits from those services.

SECTION III
FIRE AND EMERGENCY SERVICES FEE

A recipient or beneficiary of any of the enumerated fire emergency services set forth in Section IV of this Ordinance rendered in Silver Creek Township by or on behalf of the Indian Lake Volunteer Fire Department or the Sister Lakes Volunteer Fire Department (hereinafter "Fire and Rescue Department")

in Silver Creek Township shall be responsible for payment to Silver Creek Township of a fire and emergency services fee for the actual cost of providing such services in accordance with the provisions of this Ordinance, including, but not limited to, costs incurred for incident abatement, mitigation, clean-up, mutual aid, and stand-by service for the scene or incident. Such costs shall include, but are not limited to:

- A. All personnel costs of all personnel attending on behalf of and with the authority of the Township including their current hourly rate, fringe benefits, and salary apportioned to the length of time in attendance, calculated commencing one (1) hour after receipt of the signal to respond and continuing for each personnel until that personnel has concluded his or her incident related responsibilities.
- B. The equipment costs of all equipment attending as established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of equipment which might be involved in such a response. This resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.
- C. Other expenses incurred by the Township, including but not limited to, rental or purchase of additional machinery or equipment, retention of consultants, medical and hospitalization costs, replacement costs related to disposable personnel protective equipment required to be disposed of, extinguishing chemicals, supplies and water purchased from water systems, and meals and refreshments for emergency personnel while responding to the incident.
- D. Additional charges imposed by any other local, state or federal government entities, related to the incident.
- E. Administrative costs incurred in accounting for all expenditures and for billing and collection of such expenditures, which shall not exceed 25% of the foregoing costs.

SECTION IV

SERVICES FOR WHICH FIRE AND EMERGENCY SERVICES FEE IS IMPOSED

A fire and emergency services fee calculated in accordance with Section III of this Ordinance shall be imposed for Fire and Rescue Departments and other Township services rendered in response to the following types of emergency incidents causing attendance of Fire and Rescue Departments personnel and/or equipment:

- A. False alarm (i.e., an emergency services call to a site when no actual emergency exists), if there have been three (3) or more prior false alarm calls to the same property within the past year.
- B. Incident involving spills onto a public or private road by a vehicle or trailer of non-hazardous materials [i.e., materials that are not "hazardous materials" as defined under the Silver Creek Township Hazardous Materials Cost Recovery Ordinance (Ordinance No. 17-01)] of such quantity as to require Fire and Rescue Department assistance in either removing the material from the road or in limiting access to the road until the material is removed.

- C. Fires caused by the illegal presence at the site of (1) methamphetamine or any other controlled substance as defined under MCL 333.7104(2) or (2) chemicals and/or equipment being used for the illegal production of such a controlled substance.
- D. Emergency Fire and Rescue Department stand-by requested by the Cass County Sheriff's Department or other law enforcement agency at a site where methamphetamine or any other controlled substance as defined under MCL 333.7104(2) is being illegally kept or produced.
- E. A vehicle accident involving a vehicle owned by a party who neither resides in the Township nor owns real property within the Township. Notwithstanding Section VIII, the imposition of a fire emergency services fee for response to this type of incident shall be limited to those beneficiaries that neither own real property within the Township nor reside within the Township.
- F. A grass, brush or debris fire or bonfire not authorized or permitted by Township ordinance, by State Statute or by any required permit from the Fire and Rescue Department.
- G. A fire or potential fire caused by a fireworks display not authorized or permitted by Township ordinance or state statute.
- H. A fire caused by proven or admitted arson by the owner of the premises or item subject to the fire.

SECTION V
BILLING PROCEDURES

Following the conclusion of the emergency incident, the Indian Lake Volunteer Fire Department Chief or the Sister Lakes Volunteer Fire Department Chief shall submit a detailed listing of all known expenses to the Township Clerk, who shall prepare an invoice to the responsible party(ies) for payment. The Clerk's invoice shall demand full payment within forty-five (45) days of the receipt of the bill. Any additional expenses that become known to the Township Fire Chief following the transmittal of the bill to the responsible party(ies) shall be billed in the same manner on a subsequent bill to the responsible party(ies). For any amounts due that remain unpaid after forty-five (45) days, the Township shall impose a late charge of one percent (1%) per month or fraction thereof.

SECTION VI
EXEMPTION

All federal, state, county, municipal and other public bodies shall be exempt from the foregoing fee.

SECTION VII
NON-EXCLUSIVE FEE

The foregoing fee shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining a Fire and Rescue Department, but shall only be supplemental thereto. Monies may additionally be collected by the Township through general taxation after a vote of

the election approving the same or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses. The fees imposed under this Ordinance shall be deemed supplemental to the separate charges imposed under the Silver Creek Township Hazardous Materials Cost Recovery Ordinance (Ordinance No. 17-01) for Fire and Rescue Department responses to incidents involving the release or threatened release of hazardous materials as defined under that ordinance.

SECTION VIII
MULTIPLE BENEFICIARIES

When a particular emergency service of the type enumerated in Section IV benefits more than one person or property, the owner of each property so benefited and each person so benefited shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Fire Chief subject only to appeal, within the time limits for payment, to the Silver Creek Township Board and shall be administered so that fees shall only be collected from the beneficiary(ies) of the service. A "beneficiary" shall be defined for purposes of this Ordinance as any individual, corporation, association, partnership, joint venture or other legal entity that (1) caused the incident requiring Fire and Rescue Department services, (2) is an owner and/or occupant or party in control of property from which the materials involved in the incident were released or spilled, (3) is the owner or lessee of the vehicle or trailer from which the materials involved in the incident were released or spilled, (4) is the owner of the materials involved in the incident which were released or spilled, and (5) in the case of an incident involving a false alarm call, the owner and/or lessee of the property which was the subject of the call.

SECTION IX
VIOLATION AND SANCTIONS

Any person or entity who neglects or refuses to pay the foregoing fire and emergency services fee within forty-five (45) days of the billing for the same shall be deemed to have committed a municipal civil infraction as defined by Michigan statute and shall be punished by a civil fine in addition to the payment of the required fee in accordance with the following schedule:

\$100.00 for each day that the aforesaid fee remains unpaid after the due date thereof but not to exceed \$500.

Additionally, the violator shall pay costs which may include all expenses direct and indirect which the Township of Silver Creek has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

In addition to the above, the Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect fees imposed under this Ordinance. The recovery of fees imposed under this Ordinance does not limit the further liability of responsible parties under local ordinance or state or federal law, rule or regulation.

SECTION X
SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION XI
REPEAL

All ordinances or parts of ordinances in conflict herewith, are hereby repealed. This Ordinance shall be deemed supplementary to the Silver Creek Township Hazardous Materials Cost Recovery Ordinance (Ordinance No. 17-01).

SECTION XII
EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication after adoption.

Ordinance 17-02 carried by Unanimous roll call vote with no member absent

R17-13 HAZARDOUS MATERIALS FEE SCHEDULE

Supervisor Saunders moved, seconded by Treasurer Kuriata, to approve Resolution R17-13 as follows:

SILVER CREEK TOWNSHIP
Cass County, Michigan

RESOLUTION R17-13
Indian Lake Volunteer Fire Department
Sister Lakes Volunteer Fire Department
Hazardous Materials Services Fee Schedule

WHEREAS, Silver Creek Township Ordinance No. 17-01 Hazardous Materials Cost Recovery Ordinance establishes charges for Township emergency services responding to an incident involving hazardous materials under P.A. 102 of 1990, as amended, (MCL 41.806a); to define hazardous materials subject to charges and to provide for the collection of such charges.

WHEREAS, the equipment costs of all equipment attending must be established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of Township equipment which might be involved in such a response. The resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.

NOW THEREFORE BE IT RESOLVED, that Silver Creek Township Board of Trustees approves the attached itemized chart of services provided by the Indian Lake and Sister Lakes Volunteer Fire Departments dated May 10, 2017.

FURTHER, that this itemized charge of services may be amended from time to time to reflect changes in equipment, inflation factor, and account records of past occurrences upon resolution of the Township Board.

Discussion held. Resolution R17-13 carried by unanimous roll call vote, with no member absent.

RESOLUTION R17-14
FIRE AND EMERGENCY SERVICES FEE SCHEDULE

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve Resolution R17-14 as follows:

SILVER CREEK TOWNSHIP
Cass County, Michigan

RESOLUTION R17-14
Indian Lake Volunteer Fire Department
Sister Lakes Volunteer Fire Department
Fire and Emergency Services Fee Schedule

WHEREAS, Silver Creek Township Ordinance No. 17-02 Silver Creek Township Fire and Emergency Services Fee Ordinance establishes fees for certain Township emergency services; to provide methods for collection of such fees; to provide for exemptions therefrom; and to repeal all ordinances or parts of ordinances in conflict therein.

WHEREAS, the equipment costs of all equipment attending must be established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of Township equipment which might be involved in such a response. The resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.

NOW THEREFORE BE IT RESOLVED, that Silver Creek Township Board of Trustees approves the attached itemized chart of services provided by the Indian Lake and Sister Lakes Volunteer Fire Departments dated May 10, 2017.

FURTHER, that this itemized charge of services may be amended from time to time to reflect changes in equipment, inflation factor, and account records of past occurrences upon resolution of the Township Board.

Resolution R17-14 carried by unanimous roll call vote with no member being absent.

ORDINANCE NO. 17-03 RE. INDIAN LAKE SEWER

Treasurer Kuriata moved, seconded by Trustee Glynn, to approve Ordinance 17-03 as follows:

SILVER CREEK TOWNSHIP
ORDINANCE NO. 17-03
AMENDING ORDINANCE NO. 89-1 and 12-01

Ordinance 17-03 is an ordinance amending Ordinance 89-01 and 12-01, Rate and Mandatory Connection Ordinance of Indian Lake Sewer System.

Ordinance 17-03 amends Section 4 (A) *Sewer Use Charges* increasing the flat monthly rate of \$25.00 to \$35.00, effective July 1, 2017, and adding language that the schedule **may be revised from time to time by Board Resolution**. Change Sewer Use Charges to **Sewer User Charges**. No change in Section 4 (B) regarding delinquency charges.

Sewer User Charges

Sewer user charges to each single family residential premises served by the system shall be in the flat amount of **\$35.00** per month. Each premises other than a single family residence shall pay a monthly charge of **\$35.00** multiplied by a factor representing a ratio of sewage use by such class of premises to normal single family residential sewage use. The Silver Creek Township Board shall adopt and revise from time to time by **Board Resolution** a schedule for such single family residence equivalents or ratios, provided, however, that the minimum monthly charge to any premises shall be **\$35.00**.

Discussion followed. Ordinance 17-03 carried by unanimous roll call vote with no member being absent.

RESOLUTION R17-12 RE. SLAUA SEWER

Trustee Glynn moved, seconded by Supervisor Saunders, to approve Resolution R17-12 as follows:

RESOLUTION R17-12 Monthly User Fees for Sister Lakes Sewer Authority Silver Creek Township, Cass County, Michigan

WHEREAS, the Silver Creek Township Board of Trustees is authorized pursuant to Ordinance No. 01-03 Section 704 to change the monthly Sewer User Fees for the Sister Lakes Sewer Authority and;

WHEREAS, Sister Lakes Sewer Authority has not increased the monthly sewer fees for over seven years and;

WHEREAS, both the Silver Creek Township Board and the Keeler Township Board have reviewed the costs involved in keeping up with the maintenance of the Sister Lakes Sewer Authority and both townships agree that an increase in the user fee is necessary for the cost of ongoing sewer maintenance;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the monthly user fee be increased by \$10.00 per month for a total monthly fee of \$35.00 effective July 1, 2017 to support the ongoing cost of sewer maintenance.

Resolution R17-12 carried by unanimous roll call vote with no members being absent.

ORDINANCE 17-04 RE. MEDICAL MARIHUANA DISPENSARIES

Trustee Zuhl moved, seconded by Clerk Runyon, to approve Ordinance 17-04, amending Ordinance number 04-07 and as amended in 2015 as follows:

ORDINANCE 17-04
AMENDMENT TO
SILVER CREEK TOWNSHIP
CASS COUNTY, MICHIGAN
ZONING ORDINANCE
Ordinance #04-07

The Township of Silver Creek Ordains to Amend Ordinance 04-07 and as amended in 2015, Silver Creek Township Zoning Ordinance, as follows:

Section 2.14 Definitions M: Delete definition of **MARIHUANA DISPENSARY OR DISPENSARY**.

Section 3.29 Medical Marihuana (J): Delete (J) in its entirety.

Discussion. Ordinance 17-04 carried by unanimous roll call vote with no member being absent.

RESOLUTION R17-15 RE. KEPS TECHNOLOGIES
METRO ACT APPLICATION

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve Resolution R17-15 as follows:

TOWNSHIP OF SILVER CREEK
STATE OF MICHIGAN
RESOLUTION NO. R17-15

COUNTY OF CASS
RESOLUTION TO APPROVE METRO ACT PERMIT
FOR KEPS TECHNOLOGIES, INC.
D/B/A ACD.NET

Whereas, on January 15, 2003 and effective November 1, 2002 Silver Creek Township resolved to comply with the METRO Act;

Whereas, KEPS Technologies, Inc. d/b/a/ ACD.net organized under the laws of the State of Michigan whose address is 1800 North Grand River Avenue, Lansing, Michigan has requested that Silver Creek Township approve, under the METRO Act, their Right-of-Way Telecommunication Permit;

Whereas, the Right-of-Way Permit grants KEPS Technologies, Inc. d/b/a ACD.net access to and ongoing use of the Public Right-of-Way to construct, install and maintain Telecommunication Facilities in the portions of the Public Right-of-way identified in Exhibit A and as set forth in the terms of said Permit;

NOW THEREFORE BE IT RESOLVED, that Silver Creek Township Board approves the Right-of-Way Telecommunication Permit submitted by KEPS Technologies, Inc. d/b/a ACD.net, and authorizes Supervisor Bill Saunders to sign said permit.

Discussion. Resolution R17-15 carried by unanimous roll call vote with no member being absent.

ORDINANCE 17-05
ADOPTING ORDINANCE

Clerk Runyon moved, seconded by Supervisor Saunders, to adopt Ordinance 17-05 as follows:

ORDINANCE 17-05
ADOPTING ORDINANCE

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR SILVER CREEK TOWNSHIP, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF SILVER CREEK TOWNSHIP DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES.

WHEREAS, the present general and permanent ordinances of Silver Creek Township are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Michigan empower and authorize Silver Creek Township to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Legislative Authority of Silver Creek Township has authorized a general compilation, revision and codification of Silver Creek Township ordinances of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF SILVER CREEK TOWNSHIP THAT;

Section 1.

The general ordinances of the Silver Creek Township as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Silver Creek Township, Michigan Code of Ordinances."

Section 2.

Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

Title I: General Provisions

10. Rules of Construction; General Penalty

Title III: Administration

- 30. Ordinance Violations Bureau
- 31. Planning Commission
- 32. Township Organization

Title V: Public Works

- 50. Sister Lakes Area Sewer Systems
- 51. Indian Lake Wastewater Sewer System

Title VII: Traffic Code

- 70. Traffic Regulations

Title IX: General Regulations

- 90. Boats and Lakes
- 91. Health and Sanitation; Nuisances
- 92. Outdoor Storage

Title XI: Business Regulations

Reserved

Title XIII: General Offenses

Reserved

Title XV: Land Usage

- 150. Mobile Homes
- 151. Land Division
- 152. Building Codes
- 153. Signs
- 154. Radio/Telephone, Microwave, city Towers, and Accessory Structures
- 155. Zoning

Table of Special Ordinances

- I. Zoning
- II. Agreements

Parallel References

- References to Michigan Compiled Laws Annotated
- Reference to Resolutions
- Reference to Ordinances

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Section 3.

All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

Section 4.

Such Code shall be in full force and effect as provided in Section 5, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

Section 5.

This ordinance is declared to be necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect thirty (30) days after publication.

Discussion held. Ordinance 17-05 carried by unanimous roll call vote with no members being absent.

OTHER BUSINESS

Trustee Zuhl questioned whether a motion should be made to go out for bid for the generator.

MOTION RE. TOWNSHIP GENERATOR

Trustee Zuhl moved, seconded by Treasurer Kuriata, to go out to bid on an emergency generator for the township hall. Motion carried by voice vote.

CONTINUED OTHER BUSINESS

Trustee Zuhl questioned Clerk on status of the conference phone. Clerk Runyon is checking into this matter and will contact Eric Haas.

Trustee Zuhl also commented that he had just gotten fiber optics for their home internet and how fast it is.

Supervisor Saunders reported that during an MTA Conference he was informed of a possible loan the township could give to the road commission to get the Sister Lakes Road repaired. Supervisor Saunders has discussed this with Steve Lucas from the Road Commission and will meet again next week to discuss it with their attorney.

PUBLIC COMMENT

Todd Herter questioned a burning ordinance. Discussion was held regarding burning ordinances.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m. by call of the Supervisor.

Dated: May 11, 2017

To be approved at the June 14, 2017 Board Meeting

DRAFT

DRAFT