

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR BOARD MEETING HELD ON JANUARY 13, 2016**

The regular meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, January 13, 2016.

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

MEMBERS ABSENT: Trustee Joel Moore.

OTHERS PRESENT: Attorney John Magyar.

**APPROVAL OF AGENDA**

Trustee Glynn moved, seconded by Supervisor Saunders, to approve the January 13, 2016 Silver Creek Township Agenda. Motion carried by voice vote.

**PUBLIC COMMENT**

There was no public comment.

**APPROVAL OF MINUTES**

Treasurer Kuriata moved, seconded by Trustee Glynn, to approve the December 9, 2015 Regular Meeting Minutes and the January 6, 2016 Special Meeting Minutes. Motion carried by voice vote.

**APPROVAL OF BILLS AND CLAIMS**

Treasurer Kuriata reported the bills and claims for January 13, 2016. Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the following bills and claims in the total amount of \$205,125.06 as follows:

FROM THE GENERAL FUND	\$ 28,909.04
FROM THE INDIAN LAKE SEWER FUND	\$104,498.20
FROM THE PUBLIC SAFETY FUND	\$ 39,818.64
FROM THE PARKS & RECREATION	\$ 238.00
FROM THE BUILDING DEPARTMENT FUND	\$ 5,936.35
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 480.23
FROM THE MAGICIAN LAKE WEED CONTROL FUND	\$ 25,271.60
 GRAND TOTAL OF DISBURSEMENTS:	 \$205,152.06

Motion carried by unanimous roll call vote with Trustee Moore absent.

**READING OF COMMUNICATION**

No communication.

## **POLICE REPORT**

14 complaints; 1 warning, 1 arrest; 1 assist other agency; 1 in the City of Dowagiac and 2 assist fire and ambulance.

## **HEALTH & SERVICE REPORTS**

**Indian Lake Fire Department:** 3 calls with 2 in Silver Creek Township. Chief Huggins reported that their dive team had assisted in a recovery at Twin Lakes and received \$1,500 for their assist.

**Sister Lakes Fire Department:** No report.

**Pride Care Ambulance Report:** December – 4 calls with an average response time of 10:06 minutes. There was one extended response run which may have been avoided if the crew had taken a more direct route. They have been counseled in an effort to avoid any future incidents.

## **TOWNSHIP ATTORNEY'S REPORT**

Attorney Magyar reported that the Agostino lawsuit has been settled and is awaiting settlement papers.

## **BUILDING/ZONING INSPECTOR'S REPORT**

Three building permits were issued for a total cost of \$91,849.00; no zoning permits.

## **BLIGHT ADMINISTRATOR'S REPORT**

Eleven blight complaints open at the beginning of the month, 1 blight complaint filed, 1 blight check found substantiated, with 11 blights still in noncompliance status.

Five liquor inspections were conducted with no violations.

Trustee Glynn questioned blight timelines with 11 blights still in noncompliance. Supervisor Saunders indicated that there's not much blight during the winter months due to the weather, but that blight letters are sent out, and if there is no action is taken, Attorney Magyar gets involved, and sends a letter to appear before the board.

## **APPEALS BOARD REPORT**

Bruce Nevins reported that the Zoning Board of Appeals had one variance request in January, and it was granted.

Trustee Glynn questioned who decides who chairs the meeting when the chairman is not present. He noted that there are no by-laws for the zoning commission. Supervisor Saunders indicated that Bruce Nevins was Vice Chair, and Bruce Nevins responded that it was not formal appointment. Discussion followed. Attorney Magyar noted that the meeting procedure is provided at the meetings.

## PLANNING COMMISSION REPORT

Trustee Glynn provided the Planning Commission report, reporting that the Public Hearing on the Capital Improvement Plan was held, but because he abstained from voting, there was not a quorum, so they were not able to vote on forwarding it to the township board. They will vote on it at the next Planning Commission meeting on January 27<sup>th</sup>. Supervisor Saunders questioned why Trustee Glynn had abstained from voting. Trustee Glynn indicated his interpretation of the Zoning Enabling Act was that he could only vote on it once, not at both meetings. Discussion followed.

## STANDING INSPECTORS REPORT

**Electrical Inspector:** 4 permits

**Plumbing Inspector:** 3 permits

**Mechanical Inspector:** 3 permits

## TREASURER'S REPORT

Treasurer Kuriata reported fund balances as follows:

General Fund	\$319,440.49
Indian Lake Sewer Maintenance Fund	\$211,251.98

## CLERK'S REPORT

Clerk Runyon reported on the General Fund, Indian Lake Sewer Fund, Building Department Fund, Public Safety Fund and Parks and Recreation Fund. Each budget looked good, and she projected a year-end surplus in the general fund. She also noted that she has been reimbursing the General Fund from the Indian Lake Sewer Fund for Attorney Fees for the Agostino lawsuit. Board members agreed that it should be taken out of the Indian Lake Sewer Fund.

## OPERATIONAL REPORTS

**Indian Lake Sewer:** Treasurer Kuriata reported that January Sewer bills have gone out and will be in a new 8 ½ x 12 format with a return envelope. Residents also have the option to have their bill e-mailed to them rather than mailed. She noted that the Indian Lake Sewer claims were up this month due to the payment of Indian Lake Sewer's portion of the sewer upgrade.

**Sister Lakes Sewer Authority:** Same information regarding sewer billing. SLAUA will be voting to approve the sewer upgrade at their next meeting.

**Parks and Recreation Committee:** Trustee Glynn stated that he had spoken to Trustee Moore and questioned whether Trustee Moore and Jim Humphrey's terms are up or coming up and should be re-appointed to the Russom Park Board. Supervisor Saunders will check into this. Trustee Glynn has not been notified when the next meeting is scheduled.

**Public Safety Committee:** The meeting was rescheduled from January 12<sup>th</sup> to January 19, 2016 at 7:00 p.m. due to the weather.

**UNFINISHED BUSINESS**

Trustee Glynn reported on the Amended Weed Control Contracts which he and Clerk Runyon had prepared, and referred to Attorney Magyar who made further recommendations on changes. Board members received a copy. Discussion was held. There were no additional changes noted by board members. Clerk Runyon and Trustee Glynn questioned whether Little Crooked Weed Control District should have a contract also. Attorney Magyar believed it could be an Interlocal agreement with Keeler Township. Discussion followed. Supervisor Saunders will talk to Keeler Supervisor Bill Kays. Clerk Runyon will prepare the Amended Magician Lake, Indian Lake and Dewey Lake Amended Weed Control Contracts and forward them to the respective associations.

**NEW BUSINESS**

**MOTION FOR RENEWAL OF SPECIAL USE PERMITS**

Treasurer Kuriata moved, seconded by Clerk Runyon, to approve the Renewal of Special Use Permits for Dependent Mobile Homes on Ag/Residential Property for the following properties:

Winifred Arndt	Property No. 14-130-026-006-10
Margaret Nodruff	Property No. 14-130-010-004-00
Margaret Zuhl	Property No. 14-130-016-009-00

Motion carried by voice vote.

Supervisor Saunders reported that Paul and Wanda Busick are not renewing their Special Use Permit for 2016 and will be removing the mobile home, but have asked for additional time to remove the mobile home due to winter weather. Discussion followed.

**MOTION RE. BUSICK MOBILE HOME**

Supervisor Saunders moved, seconded by Clerk Runyon, to allow Paul and Wanda Busick to keep the mobile home on their property until April of 2016. Motion carried by voice vote.

**MOTION TO SCHEDULE BUDGET WORKSHOP AND SET PUBLIC HEARING**

Trustee Glynn moved, seconded by Treasurer Kuriata, to schedule the 2016/17 Budget Workshop for Saturday, February 20, 2016 at 10:30 a.m., and a public hearing for the adoption of the budget on Tuesday, March 22, 2016 at 5:00 p.m. Trustee Glynn questioned whether two hearings would be enough. Clerk Runyon noted that we have until March 31<sup>st</sup> to adopt a budget and could add another meeting if necessary.

Motion carried by voice vote.

**MOTION TO APPROVE CONTRACT FOR 2016/17 AUDIT**

Trustee Glynn moved, seconded by Clerk Runyon, to contract with Kruggel Lawton, CPA to conduct the 2016/17 Annual Audit in the amount of \$6,100. Clerk Runyon noted that last year's cost was \$5,900 with

Schaffer & Lahyer conducting the audit, and that they have now merged with Kruggel Lawton, CPA. Discussion followed.

Motion carried by unanimous roll call vote with Trustee Joel Moore absent.

**MOTION TO APPROVE RESOLUTION R16-01**

Supervisor Saunders moved, seconded by Clerk Runyon, to adopt the following resolution:

**RESOLUTION R16-01**

**SILVER CREEK TOWNSHIP  
PROPERTY TAX POVERTY EXEMPTION GUIDELINES  
(Pursuant to Public Act 390 of 1994)**

**Adjusted to Federal Poverty Standards of 12-31-15 for 2016 assessments.**

WHEREAS, the homestead of a person who, in the judgment of the supervisor and the board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under the General Property Tax Act; and

WHEREAS, the township board is required by law to adopt guidelines for property exemptions;

NOW THEREFORE BE IT RESOLVED, that the Silver Creek Township, Cass County, adopts the following guidelines for the supervisor and board of review to implement.

**Filing Requirements**

In order to file and qualify for the property tax poverty exemption, the claimant must do all of the following and meet each of the following requirements annually:

1. Own and occupy the homestead property for which the exemption is requested.
2. File a claim with the supervisor or board of review after January 1st but before the day prior to the last day of the board of review on a form provided by the local assessing unit. (Note: The filing of this claim constitutes an appearance before the March board of review for the purpose of preserving the right to appeal to the Michigan Tax Tribunal.)
3. Provide federal and state income tax returns for all persons residing in the homestead including any property tax credit returns. These income tax returns may be those filed in the current year or in the immediate preceding year.
4. Produce a valid driver's license or other form of identification if requested by the supervisor or board of review.
5. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is being requested if required by the supervisor or board of review.
6. Meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget which will be discussed later in this bulletin under the heading "Federal Poverty Income Standards".
7. Report divestment of assets on the required application form.
8. Meet the asset levels set by the Silver Creek Township Board
9. Meet any other tests that may be set by the Silver Creek Township Board.

**INCOME STANDARDS**

The following are current poverty threshold Income Standards provided by the United States Office of Management and Budget and issued to Michigan assessors by the Michigan State Tax Commission in Bulletin No. 5 of 1995.

1. In order to meet the requirement of the Income Standards the claimants annual gross household income cannot exceed the amounts stated below.

2. Qualification under these Income standards provided the claimant is qualified in all other respects, indicates that the claimant shall reasonably be expected to pay annual property taxes, exclusive of Michigan Homestead Property Tax Credit refunds, amounting to 5% of the total annual gross household income.

Number of Persons Residing in Household	Poverty Threshold Maximum Household Income
1	\$ 11,770.00
2	\$ 15,930.00
3	\$ 20,090.00
4	\$ 24,250.00
5	\$ 28,410.00
6	\$ 32,970.00
7	\$ 36,730.00
8	\$ 40,890.00
For each Additional, Person Add	\$ 4,160.00

Ordinary income includes the following:

1. Money wages and salaries before any deductions.
2. Net receipts from non-farm self-employment. These are receipts from a person's own business, professional enterprise, or partnership, after deductions for business expenses.
3. Net receipts from farm self-employment. These are receipts from a farm which one operates as an owner, renter, or share cropper, after deductions for farm operating expenses.
4. Regular payments from Social Security, Railroad Retirement, unemployment compensation, strike benefits from union funds, workers compensation, veteran's payments, public assistance.
5. Alimony, child support, and military family allotments or other regular support from an absent family member for someone not living in the household.
6. Private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments.
7. College or university scholarships, grants, fellowships, and assistant ships.
8. Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings. Ordinary income does not include the following, except as provided in number 6 above:
  1. Money received from the sale or property, such as stocks, bonds, a house, or a car, unless the claimant is in the business of selling such property.
  2. Withdrawals of bank deposits and borrowed money.
  3. Income tax refunds and one-time insurance payments.
  4. Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms.
  5. Federal non-cash benefit programs such as Medicare, Medicaid, food stamps and school lunches.
  6. Gifts and lump-sum inheritances are not considered as ordinary income; however dividends, interest, rental proceeds, royalties, inheritances, and other similar receipts received on a period basis, which may be in the form of a gift or other form, including receipts resulting from divestment of assets, and which may have the appearance of income, shall be considered as unearned income and shall be included in the determination of income eligibility.

Asset Eligibility Limitations

**ASSET STANDARDS**

In order to meet the requirements for assets, the total current fair market value of the claimant's household assets cannot exceed \$4,500.00.

Definition Assets (Non-Inclusive)

Assets include, but are not limited to the cash value of savings accounts and shares, certificates of deposit, investments such as stocks, bonds, mutual funds, deferred compensation accounts, equity in real estate other than the homestead for which the exemption is claimed, motor vehicles other than one primary transportation vehicle, jewelry, coins and other collectibles, precious metals, and other similar possessions which are not essential to the subsistence or health and well-being of the claimant. Gifts, lump-sum inheritances, dividends, interest, rental proceeds, royalties, and other receipts received in the form of a gift, or as a result of asset divestment, shall be considered an asset if received on a one-time lump-sum basis and shall be included in the determination of asset eligibility.

Divestment of Assets

Divestment means a transfer of a resource. Transfer of a resource means giving up all or partial ownership in (or rights to) a resource. Examples include, but are not limited to, selling an asset, giving an asset away, refusing an inheritance, giving up the right to receive income, and other similar divestment actions.

If an application for property tax exemption has divested any assets during the period of 36 months preceding the date of the application, then such divestment shall be considered in the determination of eligibility.

**ADDITIONAL STANDARDS**

Michigan Homestead Property Tax Credit

In calculating the applicant's property tax liability and possible reduction thereof, any refunds received or due to be received from a Michigan Homestead Property Tax Credit Claim (MI-1040CR) shall be reported by the applicant and taken into account in regard to the granting of any property tax exemption.

Partial Poverty Exemption

Act No 390 of Public Acts of 1994 authorizes partial poverty exemptions. A partial poverty exemption is an exemption of only part of the taxable value of the property for which an exemption is claimed, rather than the entire taxable value.

Appeal

A property owner may appeal the March board of review's decision on a poverty exemption claim to the Michigan Tax Tribunal by June 30. An appeal of a July or December board of review poverty exemption decision may be made to the Michigan Tax Tribunal within 30 days of the decision. Appeals are to be made in writing to Michigan Tax Tribunal, P.O. Box 30232, Lansing, MI 48909.

Discussion followed. Resolution R16-01 carried by unanimous roll call vote with Trustee Joel Moore absent.

**RESOLUTION R16-02**

Clerk Runyon advised that Lynx Network Group, Inc. had filed an application for a permit under the METRO Act, but had made the check payable to Silver Lake Township and the Permit and other documents noted Silver Lake Township. She contacted Chris from Lynx Network Group, Inc. to see if they wanted it filed here or in Silver Lake Township. Lynx Network Group responded that it should be Silver Creek Township and that they would re-issue the check and the paperwork. Clerk Runyon reported that she had not received the new paperwork or check yet. Discussion was held.

**MOTION TO POSTPOND RESOLUTION R16-02**

Clerk Runyon moved, seconded by Treasurer Kuriata, to postpone Resolution R16-02 re. Approving Metro Act Permit for Lynx Network Group, Inc. until February 10, 2016. Motion carried by voice vote.

**MOTION TO AMEND DECEMBER BILLS & CLAIMS**

Clerk Runyon moved, seconded by Treasurer Kuriata, to amend the approval of the payment of the December 2015 Bills & Claims in the amount of \$49,989.76. Clerk Runyon explained that an additional IOI invoice had been received in the amount of \$18.00 and was not realized until after the December meeting.

Motion carried by unanimous roll call vote with Trustee Joel Moore absent.

**OTHER BUSINESS**

Clerk Runyon reported that her office has been working on ordinance codification and was confused on how to list the Building, Electrical, Mechanical and Plumbing Codes, and International Property Code Maintenance information, and asked the board and Attorney Magyar for direction. Discussion followed. Attorney Magyar advised that the township has adopted by Resolution to enforce State Building Codes, Mechanical Codes, Electrical Codes and Plumbing Codes. Clerk Runyon reported that she has sent the resolution on the International Property Maintenance Agreement and she will let American Legal advice on how to handle that.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

The meeting was adjourned at 8:10 p.m. by call of the Supervisor.

Barbara Runyon  
Silver Creek Township Clerk  
Dated: January 14, 2016  
To be approved at the February 10, 2016 Regular Meeting



