

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR BOARD MEETING HELD ON JANUARY 11, 2017**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, January 11, 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**

Treasurer Kuriata moved, seconded by Trustee Glynn, to approve the January 11, 2017 agenda. Motion carried by voice vote.

**PUBLIC COMMENT**

Silver Creek Township's new County Commissioner Terry Ausra introduced himself. He looks forward to working with everyone.

**APPROVAL OF MINUTES**

Treasurer Kuriata moved, seconded by Trustee Glynn, to approve the December 14, 2016 Minutes. Motion carried by voice vote.

**APPROVAL OF BILLS AND CLAIMS**

Treasurer Kuriata reported the bills and claims for January 11, 2017. Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the following bills and claims in the total amount of \$99,905.82. Trustee Glynn questioned the parks and recreation account. After a review it was discovered that parks and recreations payment was inadvertently in the bills and claims for payment.

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the payment of the amended bills and claims in the amount of \$93,043.83 for January 11, 2017, as follows:

FROM THE GENERAL FUND	\$ 31,330.59
FROM THE INDIAN LAKE SEWER FUND	\$ 4,491.16
FROM THE PUBLIC SAFETY FUND	\$ 42,469.21
FROM THE BUILDING DEPARTMENT FUND	\$ 5,540.88
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 6,861.99
FROM THE MAGICIAN LAKE WEED CONTROL FUND	\$ 2,050.00
FRO THE DEWEY LAKE WEED CONTROL FUND	\$ 300.00

GRAND TOTAL OF DISBURSEMENTS: \$ 93,043.83

The motion carried by unanimous roll call vote.

**READING OF COMMUNICATION**

Clerk Runyon read a thank you note from retired Trustee Joel Moore.

## **POLICE REPORT**

14 complaints, 3 warning, 1 assist other policy agencies.

## **HEALTH & SERVICE REPORTS**

**Indian Lake Fire Department:** Six calls in Silver Creek Township

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

**Pride Care Ambulance Report:** Four priority one calls in December with an average response time of 10:21 minutes. There was one extended response time due to a change in Pride Care's GPS equipment there is no tracking data for this run.

## **TOWNSHIP ATTORNEY'S REPORT**

Attorney Magyar reported on the Chase Bank cleanup. He will coordinate the invoices with the Clerk Runyon and submit an order to the Court for reimbursement.

Discussion was then held regarding a letter Attorney Magyar sent to Sean Tidey regarding a zoning violation of section 3.08A for exploding Tannerite and otherwise causing a nuisance to the neighbors.

Jackie Tidey spoke and explained what had occurred and their position. She also provided the Board with a document signed by neighbors. The document stated that "Tannerite will not be used no earlier than 12:00 PM on any given day. Tannerite will be discontinued no later than 30 minutes prior to the documented daily sunset time. All shooting will cease at the documented days sunset time. The Tidey family will make every effort, within reason to notify the neighbors of our intent to target practice and the use of Tannerite."

Trustee Glynn questioned why the violation didn't go through the zoning administrator and then to the ZBA before Attorney Magyar sent this letter to Mr. and Mrs. Tidey. Attorney Magyar stated that a neighborhood petition against their shooting had been submitted to the Supervisor Saunders.

A lengthy discussion occurred. Deputy Johnson and Chief Grice shared their response to the incident. Shannon Flanders, neighbor to Mr. and Mrs. Tidey, stated that the loud noise from shooting rattled her house causing her dog to run through a window and that she was afraid.

Further discussion occurred. Mr. and Mrs. Tidey agreed to the terms set forth in their document, and to not use more than #1 pound of Tannerite. The township will not pursue legal action.

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

Building/Zoning Inspector Herter gave the building/zoning report: 4 building permits at a total projected cost of \$32,582.00 and one zoning permit for the month of December.

## **BLIGHT AND LIQUOR INSPECTION REPORT**

Chief Grice reported no blight and 5 liquor inspections with no violations.

## **APPEALS BOARD REPORT**

No report.

## **PLANNING/ZONING COMMISSION REPORT**

Trustee Zuhl reported that no meeting was held in December. The next scheduled meeting is Wednesday, January 25, 2017 at 7:00 p.m.

### **STANDING INSPECTORS REPORT**

**Electrical Inspector:** 4 permits  
**Plumbing Inspector:** 1 permits  
**Mechanical Inspector:** 4 permits

### **TREASURER'S REPORT**

Treasurer Kuriata reported \$225,688.11 as the General fund balance and \$222,873.14 as the Indian Lake Sewer fund balance.

### **CLERK'S REPORT**

Clerk Runyon reminded everyone of the first budget workshop scheduled Tuesday, January 17<sup>th</sup> at 5:00 p.m.

### **OPERATIONAL REPORTS**

**Indian Lake and Sister Lakes Sewer:** Quarterly billings will be going out.

**Parks and Recreation Committee:** Next Russom Park Meeting is January 17, 2017 at 6:00 p.m.

**Public Safety Committee:** Next Public Safety Meeting is January 17, 2017 at 7:00 p.m. at the township hall.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

#### **RESOLUTION R17-01 ADOPTION OF 2017 POVERTY EXEMPTION GUIDELINES & ASSET STANDARDS**

Supervisor Saunders moved, seconded by Clerk Runyon, to adoption Resolution R17-01, the 2017 Poverty Exemption Guidelines and Assets Standards as follows:

**SILVER CREEK TOWNSHIP  
CASS COUNTY, MICHIGAN  
RESOLUTION R17-01**

#### **ADOPTION OF 2017 POVERTY EXEMPTION GUIDELINES AND ASSET STANDARDS**

**WHEREAS**, the township board is required by Section 7u of the General Property Tax Act, Public Act 206 of 1893 (MCL 211.7u), to adopt guidelines for poverty exemptions;

**WHEREAS**, the homestead of persons 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 MCL 211.7u; and

**WHEREAS**, pursuant to MCL 211.7u, the Township of Silver Creek, Cass County, adopts the following guidelines for the Supervisor and the Board of Review to implement. The guidelines shall include, but not be limited to, the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns filed in the current or immediately preceding year.

**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.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these are communicated in writing to the claimant. The following income levels are the poverty thresholds in setting poverty exemption guidelines for 2017 assessments.

**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	\$	11,880.00
2	\$	16,020.00
3	\$	20,160.00
4	\$	24,300.00

5	\$	28,440.00
6	\$	32,580.00
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, veterans 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 of 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 claimants' household assets cannot exceed \$4,500.00.

#### Definition of 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 applicants' 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.

Resolution R17-01 carried by unanimous roll call vote.

### **MOTION TO PAY DEERPATH EXCAVATING**

Clerk Runyon moved, seconded by Treasurer Kuriata, to pay Deerpath Excavating \$5,295.00 from the General Fund Contingencies for the demolition of the Chase Bank Property. Supervisor Saunders noted that the check will not be given to Deerpath until he receives proof of the landfill deposit. Motion carried by unanimous roll call vote.

### **MOTION TO PAY WIGHTMAN & ASSOCIATES**

Treasurer Kuriata moved, seconded by Clerk Runyon, to pay Wightman & Associates \$1,506.80 from the General Fund Contingencies for the Asbestos Survey of the Chase Bank Property. Motion carried by unanimous roll call vote.

### **MOTION FOR GENERAL FUND LINE ITEM TRANSFER**

Trustee Glynn moved, seconded by Treasurer Kuriata, to transfer \$1,077.30 from 446-805 Culvert Repairs and place it into 225-276 Drains. Discussion. Motion carried by voice vote.

### **MOTION TO EXTEND WINTER TAX BILL DUE DATE**

Trustee Zuhl moved, seconded by Treasurer Kuriata, to extend the due date of the 2016 winter tax bills to February 28, 2017. Motion carried by voice vote.

## **MOTION FOR RENEWAL OF SPECIAL USE PERMITS**

Supervisor Saunders moved, seconded by Treasurer Kuriata, to renew the following mobile home special use permits:

Margaret Nodruff ó Property No. 14-130-010-004-00

Margaret Zuhl ó Property No. 14-130-016-009-00

It was noted that Margaret Nodruff had recently passed away but the renewal had been signed and received prior to her death.

Trustee Zuhl said that he would abstain from this motion. Margaret Zuhl is his mother.

Clerk Runyon reported that Margaret Zuhl's daughter, Beth Ann Peters, is disabled and also lives in the mobile home with her mother. She questioned whether her name should be included.

Clerk Runyon moved, seconded by Treasurer Kuriata, to amend the motion to include Beth Ann Peters with Margaret Zuhl ó Property No. 14-130-016-009-00.

Motions carried by voice vote with Trustee Zuhl abstaining

## **MOTION TO SET BUDGET HEARINGS**

Clerk Runyon moved, seconded by Treasurer Kuriata, to set a budget workshop on February 23, 2017 at 5:00 p.m. and schedule a public hearing for the adoption of the budget on March 8, 2017 at 7:00 p.m. prior to the regular board meeting. Motion carried by voice vote.

## **PUBLIC COMMENT**

Commissioner Terry Ausra questioned where the Chase Bank property is located and why the township is paying for it. Supervisor Saunders advised it is on M-51 North, the old Allen property. Attorney Magyar responded that there is a judgment against Chase Bank and they will reimburse the township.

Jackie Tidey publicly apologized to the Flanders and offered to pay for their broken window. Flanders responded that it was already repaired.

## **ADJOURNMENT**

The meeting was adjourned at 8:03 p.m. by the call of the Supervisor.

Barbara Runyon  
Silver Creek Township Clerk

Dated: January 12, 2017  
To be approved at the February 8, 2017 Regular Meeting