

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR BOARD MEETING HELD ON DECEMBER 13, 2017**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, December 13, 2017. The Pledge of Allegiance to the Flag of the United States of America was led by Clerk Runyon.

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**

Trustee Glynn moved, seconded by Treasurer Kuriata, to approve the December 13, 2017 Agenda. Motion carried by voice vote.

**CALL FOR PUBLIC COMMENT**

Bill Mayhew questioned why golf carts aren't allowed on roads and whether they can be legally driven on the side of the road, on private property. He lives near Rainbow Park saying that some property owners physically need golf carts to get to the Park. Supervisor Saunders replied that they cannot be driven on the side of the road either, and that they are not licensed vehicles. Mr. Mayhew asked if he could circulate a petition. Supervisor Saunders said yes.

Discussion followed. Township resident Bruce Nevins advised Mr. Mayhew to get in touch with Representative Aaron Miller who is working on legislation that addresses this issue.

**APPROVAL OF MINUTES**

Trustee Glynn moved, seconded by Supervisor Saunders, to approve the November 8, 2017 Regular Board Meeting Minutes. Motion carried by voice vote.

**APPROVAL OF BILLS AND CLAIMS**

Treasurer Kuriata reported the bills and claims for November 8, 2017. Clerk Runyon moved, seconded by Supervisor Saunders, to approve the following bills and claims in the total amount of \$108,052.33 as follows:

FROM THE GENERAL FUND	\$ 32,655.22
FROM THE INDIAN LAKE SEWER FUND	\$ 27,090.62
FROM THE PUBLIC SAFETY FUND	\$ 16,134.61
FROM THE BUILDING DEPARTMENT FUND	\$ 8,007.55

FROM THE PARKS & RECS FUND	\$ 642.50
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 4,948.42
FROM THE MAGICIAN LAKE WEED CONTROL FUND	\$ 100.00
FRO THE DEWEY LAKE WEED CONTROL FUND	\$ 18,473.41
 GRAND TOTAL OF DISBURSEMENTS:	 \$ 108,052.33

Treasurer Kuriata explained that the \$18,473.41 from the Dewey Lake Weed Control Fund was a refund to the Dewey Lake Weed Control Tax Payers from the surplus funds of their old weed control assessment. The motion carried by unanimous roll call vote.

**COMMUNICATION**

None.

**POLICE REPORT**

Officer Fall reported: 29 complaints, 3 warnings, 3 tickets issued, 3 accidents policed, 5 assist other police agencies, 4 City of Dowagiac assists, 1 County assist, 2 assist fire and ambulance departments, 5 assist motorist & pedestrians.

**HEALTH & SERVICE REPORTS**

**Indian Lake Fire Department:** No report.

**Sister Lakes Fire Department:** November - 11 calls, 5 in Silver Creek Township.

**Pride Care Ambulance Report:** November - 3 priority one calls with the average response time of 9:01 minutes; 13 priority two calls with an average response time of 9:02 minutes; 3 priority three calls with an average response time of 8:18 minutes. For a total of 21 calls with a combined total average response time of 8:51 minutes.

**TOWNSHIP ATTORNEY'S REPORT**

Attorney Magyar reported that there is one ongoing case, JP Morgan Chase. He sent another copy of the judgment to them and was advised to write "URGENT LEGAL" on the envelope.

**BUILDING/ZONING INSPECTOR'S REPORT**

Clerk Runyon reported four building permits at a total projected cost of \$75,000.00, and one zoning permit for the month of November.

**BLIGHT AND LIQUOR INSPECTION REPORT**

No report.

## **APPEALS BOARD REPORT**

Nothing to report.

## **PLANNING/ZONING COMMISSION REPORT**

Trustee Zuhl reported that a public hearing was held on November 29<sup>th</sup> on the 2017-2021 Capital Improvement Plan. The next planning commission meeting is January 24<sup>th</sup>.

## **STANDING INSPECTORS REPORT**

**Electrical Inspector:** 5 permits

**Plumbing Inspector:** 1 permit

**Mechanical Inspector:** 3 permits

## **CLERK'S REPORT**

Clerk Runyon reported that there have been a few line-item adjustments, but all budgets are on track for the year.

## **TREASURER'S REPORT**

Treasurer Kuriata reported a \$354,762.46 General Fund balance and \$268,485.45 as the Indian Lake Sewer Fund balance.

## **OPERATIONAL REPORTS**

**Indian Lake and Sister Lakes Sewer:** Treasurer Kuriata reported that January 2018 will begin the tri-annual sewer billing.

**Parks and Recreation Committee:** Trustee Glynn reported that the next Russom Park Board meeting is January 16, 2018 at 6:30 at the township hall.

**Public Safety Committee:** No report.

## **OLD BUSINESS**

No old business

## **NEW BUSINESS**

Assessor Bill Kays explained Resolution R17-24 by saying that property transfer affidavits are to be filed at the township 45 days after a property transfer. If they are not filed, a \$5.00 daily penalty up to 30 days may be assessed. Due to the size of the township, manpower, and the small number of properties this would apply to, Silver Creek Township has never assessed these penalties nor do most other townships in this area. Assessor Kays went on to explain that the Tax Commission audits townships, and this may be an issue if it is not

addressed by the township, noting that local governing bodies may, by resolution, waive the penalties levied. He asked that the township board consider waiving these penalties.

**RESOLUTION NO. 17-24**

Treasurer Kuriata moved, seconded by Clerk Runyon,

**TOWNSHIP OF SILVER CREEK  
CASS COUNTY, MICHIGAN**

**RESOLUTION REGARDING WAIVING PENALTY FEES AND INTEREST  
FOR FAILURE TO FILE A PROPERTY TRANSFER AFFIDAVIT**

**RESOLUTION NO. 17-24  
DATED: December 13, 2017**

WHEREAS, Section 211.27a of the General Property Tax Act requires the buyer, grantee or other transferee of property to file a property transfer affidavit as prescribed by the State Tax Commission, with the appropriate Assessing Officer in the local unit of government in which the property is located; and

WHEREAS, Section 211.27b of the General Property Tax Act imposes penalties for the failure to file a Property Transfer Affidavit after 45 days have elapsed; and

WHEREAS, Section 211.27b of the General Property Tax Act provides that the local governing body may waive, by Resolution, the penalties levied for the failure to file a Property Transfer Affidavit; and

WHEREAS, the Township of Silver Creek hereby waives the penalties for the failure to file a Property Transfer Affidavit within 45 days of transfer.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Township Board of the Township of Silver Creek hereby waive penalties under Section 211.27b of the General Property Tax Act.

IT IS FURTHER RESOLVED that the Township Clerk of the Township of Silver Creek is hereby directed to send a certified copy of this Resolution to the Township Assessor and to the Director of Cass County Equalization Department.

IT IS FURTHER RESOLVED that all resolutions or parts of resolutions in conflict herewith are hereby repealed.

Discussion. Resolution carried by unanimous roll call vote.

**RESOLUTION R17-25**

Supervisor Saunders moved, seconded by Treasurer Kuriata, to approve Resolution R17-25 as follows:

**TOWNSHIP OF SILVER CREEK  
CASS COUNTY, MICHIGAN**

**RESOLUTION REGARDING MEDICAL MARIHUANA FACILITIES  
AUTHORIZED BY PA 281 OF 2016**

**RESOLUTION NO. R17-25  
DATED: December 13, 2017**

WHEREAS, Public Act 281 of 2016 (MCL 333.27101 et. seq.) authorizes the State of Michigan to license five different types of facilities related to medical marihuana (grower, processor, secure transporter, provisioning center, and safety compliance facility); and

WHEREAS, Section 205 of PA 281 of 2016 (MCL 333.27205) provides that ø[a] marihuana facility shall not operate in a municipality unless the municipality has adopted an ordinance that authorizes that type of facility; and

WHEREAS, Section 205 of PA 281 of 2016 further provides that ø[a] municipality may adopt other ordinances relating to marihuana facilities within its jurisdiction, including zoning regulations...; and

WHEREAS, Section 205 of PA 281 of 2016 requires a municipality to respond to the State of Michigan, Medical Marihuana Licensing Board, within 90 days after the municipality receives notification from the applicant that a license for one of the five types of medical marihuana facilities authorized by PA 281 of 2016 has been applied for; and

WHEREAS, the Township Board of Silver Creek Township, Cass County, Michigan is cognizant of its authority to adopt an ordinance or ordinances to authorize the operation of one or more of the five types of medical marihuana facilities authorized by PA 281 of 2016 but desires to not do so.

NOW THEREFORE it is hereby resolved as follows:

1. Silver Creek Township, Cass County, Michigan (Township) declines to adopt an ordinance authorizing any of the five types of medical marihuana facilities within the Township authorized by PA 281 of 2016; and
2. As a result of the Township's declination to adopt an ordinance authorizing any of the five types of medical marihuana facilities authorized by PA 281 of 2016, a **“marihuana facility shall not operate in the Township”**; and
3. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this resolution to the State of Michigan, Medical Marihuana Licensing Board in response to a request to locate a medical marijuana facility authorized by PA 281 of 2016 within the Township or for any other reason authorized by or in response to a request from State of Michigan, Department of Licensing and Regulatory Affairs or its successor agency or the Medical Marihuana Licensing Board; and
4. The Township Clerk and/or the Township Zoning Administrator is authorized to provide a copy of this Resolution to any applicant requesting the ability to locate a medical marihuana grower, processor, secure transporter, provisioning center or safety compliance facility in the Township as evidence that the same shall not be allowed in the Township; and
5. All resolutions in conflict herewith are repealed; and
6. This resolution is effective immediately upon adoption and shall remain in full force and effect until repealed by the Township Board.

Discussion. Resolution R17-25 carried by unanimous roll call vote.

**MOTION TO APPOINT DEBBIE BROWN TO PC**

Clerk Runyon moved, seconded by Treasurer Kuriata, to appoint Debbie Brown to the Planning Commission replacing Tom Lehrer for a term expiring December 31, 2019.

Trustee Glynn asked that a letter be sent Tom Lehrer thanking him for his years of service. Clerk Runyon will write a letter on behalf of the Board. Discussion was held to present certificates to both Tom Lehrer and Arlene Sarabyn in April. Debbie Brown was present and was introduced to the Board.

Motion carried by voice vote.

**MOTION TO REAPPOINT TERRY HARRIS TO PC**

Treasurer Kuriata moved, seconded by Trustee Zuhl, to reappoint Terry Harris to the Planning Commission for a 3-year term ending December 31, 2020.

Motion carried by voice vote.

**MOTION TO REAPPOINT DAVE GRABEMEYER TO PC**

Trustee Glynn moved, seconded by Clerk Runyon, to reappoint Dave Grabemeyer to the

Planning for a 3-year term ending December 31, 2020.

Motion carried by voice vote.

**MOTION TO REAPPOINT BRUCE NEVINS TO THE ZBA**

Trustee Zuhl moved, seconded by Clerk Runyon, to reappoint Bruce Nevins to the Zoning Board of Appeals for a 3-year term ending December 31, 2020.

Motion carried by voice vote.

**MOTION TO REAPPOINT JOEL MOORE TO THE RUSSOM PARKS BOARD**

Supervisor Saunders moved, seconded by Trustee Glynn, to reappoint Joel Moore to the Russom Park Board for a 2-year term ending December 31, 2019.

Trustee Glynn questioned why the Park Board terms were not staggered terms. Clerk Runyon will review the Inter local Agreement after the meeting.

Motion carried by voice vote.

**MOTION TO REAPPOINT JIM HUMPHREY TO THE RUSSOM PARKS BOARD**

Clerk Runyon moved, seconded Treasurer Kuriata, to reappoint Jim Humphrey to the Russom Park Board for a 2-year term ending December 31, 2019.

Motion carried by voice vote.

**MOTION TO REAPPOINT MIKE GLYNN TO THE RUSSOM PARKS BOARD**

Treasurer Kuriata moved, seconded by Trustee Zuhl, to reappoint Mike Glynn as Board member to the Russom Park Board for a 2-year term ending December 31, 2019.

Motion carried by voice vote.

**MOTION TO AMEND INDIAN LAKE WEED CONTROL BUDGET**

Trustee Glynn moved, seconded Clerk Runyon, to amend Indian Lake Weed Control Budget as follows:

\$10,000 from Fund Balance and place it into 241-707 Clark Hill Professional Fees

Discussion. Motion carried by unanimous roll call vote.

**MOTION TO AMEND DEWEY LAKE WEED CONTROL BUDGET**

Trustee Zuhl moved, seconded by Clerk Runyon, to Amend Dewey Lake Weed Control Budget as follows:

\$500.00 from Fund Balance and place it into 242-802 Administrative Services

Discussion. Motion carried by unanimous roll call vote.

**MOTION TO CLOSE DECEMBER 26, 2017**

Supervisor Saunders moved, seconded by Treasurer Kuriata, to close the township on Tuesday, December 26, 2017 for the Christmas holiday.

Discussion. Trustee Glynn registered his objection. Motion carried by voice vote.

**MOTION TO SCHEDULE BUDGET WORKSHOP**

Clerk Runyon moved, seconded by Treasurer Kuriata, to schedule 2018/19 budget workshop for Saturday, February 24, 2018 at 10:00 a.m.

Discussion. Motion carried by voice vote.

**MOTION TO APPROVE UPDATED CAPITAL IMPROVEMENT PLAN**

Trustee Zuhl moved, seconded by Supervisor Saunders, to approve the 2017-2021 Updated Capital Improvement Plan as recommended by the Planning Commission.

Discussion. Clerk Runyon noted that under a \$65,000 Extension had been included under the "Sanitary Sewer System" and questioned whether it should be included since the SAW Grant is already in the plan. Treasurer Kuriata noted there would be additional monies needed for monitoring equipment. After discussion it was decided to leave the update as is, and take the \$65,000 Extension out next year and consider adding the monitoring equipment.

Motion carried by voice vote. Trustee Zuhl abstained stating that he had voted at the planning commission meeting.

**OTHER BUSINESS**

Supervisor Saunders advised the Board that the generator has been installed, but the electrician did not realize there were two panel boxes. He is coming out to give us an estimate to wire the generator to the meeting room. Discussion held.

**PUBLIC COMMENT**

No public comment.

**ADJOURNMENT**

The meeting was adjourned at 8:08 p.m. by call of the Supervisor.

Prepared by: Clerk Barbara Runyon

Dated: 12-14-17

