

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR BOARD MEETING HELD ON FEBRUARY 10, 2016**

The regular meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, February 10, 2016.

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

OTHERS PRESENT: Attorney John Magyar.

**APPROVAL OF AGENDA**

Trustee Moore moved, seconded by Trustee Glynn, to approve the February 10, 2016 Silver Creek Township Agenda. Motion carried by voice vote.

**PUBLIC COMMENT**

Bruce Nevins questioned whether the fire and ambulance had been notified that Berrien County has blocked off County Line Road north and south off of Dixon Street and wondered if the ambulance and fire departments have been directed how to access it in case of an emergency. Discussion followed. Supervisor Saunders will contact the Berrien County Road Commission.

**APPROVAL OF MINUTES**

Trustee Glynn moved, seconded by Treasurer Kuriata, for the approval of the January 13, 2016 Minutes. Motion carried by voice vote.

**APPROVAL OF BILLS AND CLAIMS**

Treasurer Kuriata reported the bills and claims February 10, 2016. Clerk Runyon moved, seconded by Supervisor Saunders, to approve the following bills and claims in the total amount of \$53,548.37:

FROM THE GENERAL FUND	\$ 29,606.76
FROM THE INDIAN LAKE SEWER FUND	\$ 7,474.23
FROM THE PUBLIC SAFETY FUND	\$ 6,550.64
FROM THE BUILDING DEPARTMENT FUND	\$ 5,546.26
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 4,370.48
 GRAND TOTAL OF DISBURSEMENTS:	 \$53,548.37

Clerk Runyon noted that she had received an invoice from the Cass County Road Commission in the amount of \$1,967.67 for culvert pipe installation on Downey Street near Brosnan Road. This was 50% of the total amount with the Road Commission paying the other 50%. This was an unexpected bill and was paid out of the general fund road contract line item.

Supervisor Saunders indicated that the Road Commission's Culvert Policy was discussed at the Cass County Road Commission meeting with the townships. The Road Commission was to send a "list and condition" of the culverts to the townships but has not been received. Discussion and questions followed. Supervisor Saunders noted that the culverts are only repaired on an emergency basis.

The motion carried by unanimous roll call vote.

### **READING OF COMMUNICATION**

No communication reported.

### **POLICE REPORT**

28 complaints; 11 warnings, 2 tickets; 2 accidents policed, 6 assist other police agencies; 3 assist motorists and pedestrians.

Tom Lehrer asked Chief Grice about the break-ins on Magician Lake. Sergeant Roach reported that there have been 7 break-ins on Polk Road, a couple on Haley Drive and also at Little Crooked Lake in Keeler Township. They believe they know who committed them, and he has been apprehended.

### **HEALTH & SERVICE REPORTS**

**Indian Lake Fire Department:** 7 calls in the month, all in Silver Creek Township

**Sister Lakes Fire Department:** 4 calls in January with 1 in Silver Creek Township. Jim Schultz reported that he had just talked to Berrien County dispatch regarding the County Line Road closing and they expect to have it closed until spring. He reminded them that the fire departments should receive notice on road closures. Discussion held.

**Pride Care Ambulance Report:** 12 calls in January with an average response time of 7:46 minutes. Extended responses for 3 runs which may have been avoided if the crew had taken a more direct route. They have been counseled in an effort to avoid any further incident.

### **TOWNSHIP ATTORNEY'S REPORT**

Attorney Magyar reported on the M-152 blight property owned by Fritz, and also M-51 N. blight property which was previously owned by Allen's Junk Yard but now owned by Chase Bank. He has sent letters to the lienholders but has received no response. He recommends filing lawsuits against these properties; once a judgment is received, they can be cleaned up and a special assessment placed on the properties. Discussion and questions followed.

### **MOTION TO FILE LAWSUITS**

Supervisor Saunders moved, seconded by Treasurer Kuriata, to authorize Attorney Magyar to pursue legal action against the Fritz property on M-152 and the old Allen property on M-51.

Motion carried by voice vote.

**BUILDING/ZONING INSPECTOR'S REPORT**

Building/Zoning Inspector Todd Herter reported 2 building permits with a projected cost of \$24,700.00, and no zoning permits. A ZBA hearing is scheduled on March 2<sup>nd</sup> at 7:00 p.m. for an appeal filed by Mike Mosier.

**BLIGHT AND LIQUOR CONTROL REPORT**

Five liquor inspection all in compliance. No blight report.

**APPEALS BOARD REPORT**

Nothing to report.

**PLANNING COMMISSION REPORT**

Tom Lehrer provided the planning commission report. They discussed zoning of roads, private roads and driveway. The discussion will be continued on February 24<sup>th</sup>. Trustee Glynn added that the Capital Improvement Plan was discussed.

**STANDING INSPECTORS REPORT**

**Electrical Inspector:** 4 permits  
**Plumbing Inspector:** 0 permits  
**Mechanical Inspector:** 6 permits

**TREASURER'S REPORT**

Treasurer Kuriata reported fund balances as follows:

General Fund	\$428,554.18
Indian Lake Sewer Maintenance Fund	\$203,105.21

**OPERATIONAL REPORTS**

**Indian Lake Sewer:** Nothing to report.  
**Sister Lakes Sewer:** Meeting scheduled February 11<sup>th</sup>.  
**Parks and Recreational:** Trustee Moore reported that the next Russom Park meeting will be in March, but no exact date or location has been determined.  
**Public Safety Committee:** Trustee Moore reported that the Public Safety Committee met on January 19<sup>th</sup>. Jerry Lundy introduced John Joossen, who will be Walt Lehmann's replacement. They discussed and would like to see more crime statistics on the internet. Chief Grice reported the county is in the process of upgrading their system. Chief Huggins from the Indian Lake Fire Department was present at the meeting and told the committee that the fire department is considering asking the voters for one-half mill for equipment replacement.

Chief Grice told them that the police department hours are approximately 200 hours per month. Next meeting is scheduled April 12<sup>th</sup> at 7:00 p.m.

**UNFINISHED BUSINESS**

**MOTION TO APPROVE RESOLUTION R16-02**

Clerk Runyon moved, seconded Treasurer Kuriata, to approve the following resolution:

**Resolution R16-02**

**RESOLUTION TO APPROVE METRO ACT PERMIT  
FOR LYNX NETWORK GROUP, INC.**

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

Whereas, Lynx Network Group, Inc. organized under the laws of the State of Michigan whose address is 4798 Campus Drive, Suite 111, Kalamazoo, Michigan 49008 has requested that Silver Creek Township approve, under the METRO Act, their Right-of-Way Telecommunication Permit;

Whereas, the Right-of-Way Permit grants Lynx Network Group, Inc. 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 approve the Right-of-Way Telecommunication Permit submitted by Lynx Network Group, and authorizes Supervisor Bill Saunders to sign said permit.

Discussion. Resolution R16-02 carried by unanimous roll call vote.

**NEW BUSINESS**

**MOTION TO APPT. JOHN JOOSSENS TO PUBLIC SAFETY COMMITTEE**

Treasurer Kuriata moved, seconded by Trustee Moore, to appoint John Joossens to the Public Safety Committee replacing Walter Lehman. Motion carried by voice vote.

**MOTION TO APPROVE PARK USE AGREEMENT WITH AYSO**

Trustee Moore moved, seconded by Supervisor Saunders to approve the Park Use Agreement between Silver Creek Township and AYSO and to allow Supervisor Saunders to sign said agreement. Motion carried by voice vote.

**RESOLUTION R16-03 RE. CAPITAL IMPROVEMENT PLAN**

Trustee Glynn moved, seconded by Clerk Runyon, to approve Resolution R16-03 to Adopt the Silver Creek Township Capital Improvement Plan 2016-2021 as follows:

**TOWNSHIP OF SILVER CREEK  
COUNTY OF CASS  
STATE OF MICHIGAN  
RESOLUTION NO. 16-03**

**RESOLUTION TO APPROVE SILVER CREEK TOWNSHIP  
CAPITAL IMPROVEMENT PLAN 2016-2021**

Whereas, a Capital Improvement Plan is a requirement for a Township under the Michigan Planning Enabling Act of 2008, and;

Whereas, the Silver Creek Township Planning Commission has prepared and recommended to the Silver Creek Township Board that the attached Capital Improvement Plan be adopted, and;

Whereas, as required, a public hearing was published in the Dowagiac Daily News and conducted on December 16, 2015 at 7:00 p.m. before the Silver Creek Township Planning Commission, and;

NOW, THEREFORE BE IT RESOLVED, that the Silver Creek Township Board approve the attached Silver Creek Township Capital Improvement Plan 2016-2021.

Discussion. Motion carried by unanimous roll call vote.

**MOTION FOR RE-APPOINTMENT TO RUSSOM PARK BOARD**

Supervisor Saunders moved, seconded by Treasurer Kuriata, to re-appoint Joel Moore and James Humphreys to the Russom Park Board for a term of two years ending December 31, 2017. Motion carried by voice vote.

**ORDINANCE 16-01 AMENDING ZONING ORDINANCE 04-07**

Discussion was held as to Section 6.07F Watercraft and Docking number 6 as to whether it should be kept or deleted. It was decided that number 6 should be kept. Clerk Runyon requested that in the future the Planning Commission layout in their motion the exact sections and changes they are recommending. After discussion it was determined that after ordinance amendments are done, the zoning book sections would not be renumbered, rather an addendum would be added to the back of each book. The specific section would note that it was deleted and the month and date and to refer to the addendum in the back of the zoning book.

Clerk Runyon moved, seconded by Trustee Glynn, to adopt Ordinance 16-01 amending Silver Creek Township's Zoning Ordinance as follows:

ORDINANCE 16-01  
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:

Change Section 6.07 **Watercraft and Docking** ó eliminate 6.07C ó ***Setback Requirements***.

Change Section 6.07 **Watercraft and Docking** ó 607F. ***Permanent Pier (Dock)*** ó eliminate 6.07F numbers 4, 5, 7, 8, 9 and 10.

Change Section 6.07 **Watercraft and Docking** ó 607G. ***Permanent Boat Hoist*** ó eliminate 607G numbers 3, 4, 5, 7, 8 and 9.

It is determined that the above deletions are addressed when the State of Michigan issues permits for permanent piers and permanent boat hoists and should not be included in a local ordinance.

Ordinance 16-01 was approved by unanimous roll call vote.

**OTHER BUSINESS**

Clerk Runyon reminded everyone of the February 20<sup>th</sup> Budget Workshop scheduled at 10:30 at the township hall.

Supervisor Saunders indicated that he has not gotten an exact price from the Road Commission because they are still not certain of asphalt prices. Discussion.

**PUBLIC COMMENT**

None.

The meeting was adjourned at 7:47 p.m. by call of the Supervisor.

Barbara Runyon  
Silver Creek Township Clerk  
Dated: February 11, 2016  
To be approved at the March 9, 2016 Regular Meeting

