

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR BOARD MEETING HELD ON DECEMBER 12, 2018**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, December 12, 2018. The Pledge of Allegiance to the Flag of the United States of America was recited.

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

**MEMBERS ABSENT:** None.

**APPROVAL OF AGENDA**

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the December 12, 2018 Agenda with the addition of Resolution R18-14 and a Motion for Public Safety Line Item Transfer, and the removal of the Solar Energy Ordinance. Motion carried by voice vote.

**CALL FOR PUBLIC COMMENT**

No public comment.

**APPROVAL OF MINUTES**

Treasurer Kuriata moved, seconded by Trustee Glynn, to approve the Minutes of the November 14, 2018 Regular Board Meeting. Motion carried by voice vote.

**APPROVAL OF BILLS AND CLAIMS**

Treasurer Kuriata reported the bills and claims for December 12, 2018. Trustee Glynn moved, seconded by Trustee Zuhl, to approve the following bills and claims in the total amount of \$81,914.41, as follows:

FROM THE GENERAL FUND	\$ 31,589.86
FROM THE INDIAN LAKE SEWER FUND	\$ 15,727.87
FROM THE PUBLIC SAFETY FUND	\$ 19,104.48
FROM THE BUILDING DEPARTMENT FUND	\$ 8,629.94
FROM THE PARKS & RECS FUND	\$ 3,001.00
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 1,947.38
FROM THE MAGICIAN LAKE WEED CONTROL FUND	\$ 956.93
FRO THE DEWEY LAKE WEED CONTROL FUND	\$ 956.93
 GRAND TOTAL OF DISBURSEMENTS:	 \$ 81,914.41

Motion carried by unanimous roll call vote.

## **READING OF COMMUNICATION**

No communication reported.

## **POLICE REPORT**

Chief Grice reported: 23 complaints, 8 warnings, 1 ticket issued, 0 accident policed, 0 arrest handled, 1 arrest - assist other agency, 3 assist other police agencies, 0 in Township, 2 in City of Dowagiac, 1 County assists, 0 out of county assist, 1 assist fire and ambulance departments, and 4 assist motorist & pedestrians, 85 property inspections.

## **HEALTH & SERVICE REPORTS**

**Indian Lake Fire Department:** Four calls in November; three in Silver Creek and one Pokagon.

**Sister Lakes Fire Department:** Seven calls in November with five in Silver Creek Township

**Pride Care:** November ó seven priority one calls; eight priority two calls; one priority three call.

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

Fourteen building permits at a total projected cost of \$894,442.89 and five zoning permits for the month of November.

## **BLIGHT AND LIQUOR REPORT**

Four liquor inspections with no violations. No blight report.

## **APPEALS BOARD REPORT**

Nothing to report.

## **PLANNING/ZONING COMMISSION REPORT**

Trustee Zuhl reported that the Planning Commission did not have a meeting last month but will hold a special meeting December 13, 2018.

## **STANDING INSPECTORS REPORT**

For the month of November: 3 Electrical permits; 3 plumbing permits and 7 mechanical permits.

## **TREASURER'S REPORT**

Treasurer Kuriata reported \$141,032.76 General Fund balance and \$286,381.96 as the Indian Lake Sewer Fund balance.

## **CLERK'S REPORT**

Clerk Runyon reported that all the budgets look good. She noted there is a line item transfer on the agenda for the public safety fund; this was for the purchase of two new Tasers.

## **OPERATIONAL REPORTS**

**Indian Lake Sewer:** Nothing to report.

**Sister Lakes Sewer:** Sister Lakes Area Utility Authority will hold its monthly meeting tomorrow.

**Parks and Recreation Committee:** Trustee Glynn reported the next meeting will be held in January. He also said he had a chance to go to Russom Park to look at a post that was broken off near the walking path. Clerk Runyon had forwarded an e-mail sent by the township's insurance risk manager suggesting replacement of the broken post. Discussion was held regarding the types of post that could be used for replacement.

**Public Safety Committee:** No report.

## **OLD BUSINESS**

### **BUILDING/ZONING ADMINISTRATOR UPDATE ON ORDINANCE**

Building/Zoning Administrator Herter was not present at the meeting. This update will be placed on the next agenda.

### **NOXIOUS WEED ORDINANCE**

Trustee Glynn reported that he and Officer Ken Wray discussed the noxious weed ordinance and made some updates. Trustee Glynn said the only change he would like to see was in Section 3 (A.) He would like to see it read "The Township shall give notice of this application of this ordinance by *both* of the following means." Clerk Runyon questioned whether it had to be certified mail rather than first-class mail. Discussion was held. The Board asked Clerk Runyon to make the suggested changes and send it to the township attorney for her review and approval. It will be placed on next month's agenda for further consideration.

**NEW BUSINESS**

**ORDINANCE 18-03 OPTING OUT OF RECREATIONAL MARIJUANA FACILITIES**

Supervisor Saunders moved, seconded by Clerk Runyon, to adopt Ordinance 18-03, Opting out of Recreational Marijuana Facilities, as follows:

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

**ORDINANCE NO. 18-03**

**PROHIBITION OF MARIJUANA ESTABLISHMENTS ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to prohibit marijuana establishments within the boundaries of Silver Creek Township pursuant to Initiated Law 1 of 2018, as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

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

**ORDAINS:**

**SECTION I  
TITLE**

This ordinance shall be known as and may be cited as the Silver Creek Township Prohibition of Marijuana Establishments Ordinance.

**SECTION II  
DEFINITIONS**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, as may be amended.

**SECTION III  
NO MARIJUANA ESTABLISHMENTS**

Silver Creek Township hereby prohibits all marijuana establishments within the boundaries of the Township pursuant to Initiated Law 1 of 2018, as may be amended.

**SECTION IV  
VIOLATIONS AND PENALTIES**

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 or more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person (s) as designated by the Township Board from time to time.

**SECTION V**  
**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION VI**  
**REPEAL**

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION VII**  
**EFFECTIVE DATE**

This ordinance shall take effect 30 days after the date of publication, after adoption.

Discussion. Motion carried by unanimous roll call vote.

**MOTION TO SCHEDULE BUDGET WORKSHOP**

Clerk Runyon moved, seconded by Treasurer Kuriata, to schedule 2019/20 budget workshop for Saturday, January 19, 2019 at 10:00 a.m. Motion carried by voice vote.

**MOTION TO REAPPOINT NICK BARNES**

Treasurer Kuriata moved, seconded by Trustee Zuhl, to reappoint Nick Barnes to the Planning Commission for a 3-year term expiring December 31, 2021. Motion carried by voice vote.

**MOTION TO REAPPOINT TIM FEIRICK**

Trustee Glynn moved, seconded by Treasurer Kuriata, to reappoint Tim Fredrick to the Planning Commission for a 3-year term expiring December 31, 2021. Motion carried by voice vote.

**MOTION TO REAPPOINT JEAN ROWE**

Trustee Zuhl moved, seconded by Clerk Runyon, to reappoint Jean Rowe to the Zoning Board of Appeals for a 3-year term ending December 31, 2021. Motion carried by voice vote.

**MOTION TO REAPPOINT NICK BARNES**

Clerk Runyon moved, seconded by Treasurer Kuriata, to reappoint Nick Barnes to the Zoning Board of Appeals for a 3-year term ending December 31, 2021.

Trustee Glynn noted that this Board had a previously discussed asking the planning commission for a recommendation for an appointment to the zoning board of appeals; and that the planning commission members rotate onto the zoning board of appeals. He said Nick Barnes is doing an outstanding job, but has little experience and would like to see a planning commission member with more experience on the zoning board of appeals, and give Nick an opportunity to get comfortable with the planning commission. Clerk Runyon concurred that it was also her recollection of the discussion. A lengthy discussion was held.

**MOTION TO TABLE**

Clerk Runyon moved, seconded by Trustee Glynn, to table the motion to appoint to give the planning commission an opportunity to discuss this at their December 13<sup>th</sup> Special meeting. Motion carried by voice vote.

Clerk Runyon agreed to post the December 13, 2018 Special Meeting.

**MOTION TO REAPPOINT THOM BROWN**

Supervisor Saunders moved, seconded by Trustee Glynn, to reappoint Thom Brown as Alternate to the Zoning Board of Appeals for a 3-year term ending December 31, 2021. Motion carried by voice vote.

**MOTION TO REAPPOINT BERNARD HEROLD**

Treasurer Kuriata moved, seconded by Clerk Runyon, to reappoint Bernard Herold to the Board of Review for a 2-year term ending December 31, 2020. Motion carried by voice vote.

**MOTION TO REAPPOINT PATTY BARTLEY**

Trustee Glynn moved, seconded by Treasurer Kuriata, to reappoint Patty Bartley to the Board of Review for a 2-year term ending December 31, 2020. Motion carried by voice vote.

**MOTION TO REAPPOINT LARRY HEWITT**

Trustee Zuhl moved, seconded by Clerk Runyon, to reappoint Larry Hewitt to the Board of Review for a 2-year term ending December 31, 2020. Motion carried by voice vote.

**MOTION TO APPOINT THOMAS BUSZEK**

Clerk Runyon moved, seconded by Treasurer Kuriata, to appoint Thomas Buszik as Alternate to the Board of Review for a 2-year term ending December 31, 2020. Motion carried by voice vote.

**MOTION TO REAPPOINT AL KAISER**

Supervisor Saunders moved, seconded by Trustee Glynn, to reappoint Al Kaiser to the International Property Code Construction Board of Appeals for a term ending December 31, 2021. Motion carried by voice vote.

**MOTION TO REAPPOINT STEVE SARABYN**

Treasurer Kuriata moved, seconded by Clerk Runyon, to reappoint Steve Sarabyn to the International Property Code Construction Board of Appeals for a term ending December 31, 2021. Motion carried by voice vote.

**MOTION TO APPROVE CONTRACTUAL AGREEMENT  
FOR DRIVER, VEHICLE AND RELATED INFORMATION**

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve a Contractual Agreement for Driver, Vehicle and Related Information with the Michigan Department of State and to authorize Supervisor Saunders to sign. Motion carried by unanimous roll call vote.

**MOTION TO ACCEPT CLERK RUNYON'S RESIGNATION**

Trustee Glynn moved, seconded by Treasurer Kuriata, to accept Clerk Barb Runyon's resignation as Silver Creek Township Clerk effective February 1, 2019. Motion carried by voice vote. Clerk Runyon read her letter of resignation to the Board.

**RESOLUTION R18-14 DEWEY LAKE WEED CONTROL SPECIAL ASSESSMENT**

Treasurer Kuriata moved, seconded by Clerk Runyon, to approve Resolution R18-14 as follows:

Silver Creek Township  
Cass County, Michigan  
Resolution R18-14

WHEREAS, Dewey Lake Weed Control Special Assessment District was approved by the Silver Creek Township Board of Trustees in 2017; and

WHEREAS, in 2018 the Dewey Lake Weed Control Special Assessment Winter 2018 tax roll was approved by the Silver Creek Township Board of Trustees at the October 10, 2018 Board of Trustees meeting; and

WHEREAS, it was brought to the Silver Township's Assessors attention that eight parcels were inadvertently included in the Dewey Lake Weed Control Special Assessment 2018 Winter Tax Roll;

NOW THEREFORE BE IT RESOLVED, that the following parcels be excluded from the Dewey Lake Weed Control Special Assessment District's 2018 Winter Tax Roll:

- Parcel Number 14-130-195-028-00
- Parcel Number 14-130-195-029-00
- Parcel Number 14-130-195-032-00
- Parcel Number 14-130-195-036-00
- Parcel Number 14-130-195-037-00
- Parcel Number 14-130-195-040-00
- Parcel Number 14-130-195-041-00
- Parcel Number 14-130-195-043-00

Motion carried by unanimous roll call vote.

**MOTION FOR LINE ITEM TRANSFER**

Clerk Runyon moved, seconded by Treasurer Kuriata, to transfer \$2,500.00 from Public Safety Account 207-960 Contingencies and place it into 207-866 Equipment. Motion carried by voice vote.

**OTHER BUSINESS**



Clerk Runyon reported a refund from Accident Fund, our worker's compensation insurance, of \$498.84.

Clerk Runyon recommended that the Board consider Lorri Behnke as her replacement for township clerk. A resume and references were also provided.

### **PUBLIC COMMENT**

Undersheriff Clint Roach reported on the "Shop With a Cop" program which was just completed in the Villages of Marcellus and Cassopolis. He also reported another successful "Christmas With the Animals" put on by the Cass County Animal Control Shelter. He went on to report that the Sheriff's Department has hired three new deputies.

Trustee Zuhl questioned the Silver Creek Community Park, Recreation, Open Space and Greenway Plan. Supervisor Saunders stated that the copy of the proposed plan given should be reviewed and a public hearing will be held on January 9, 2019.

### **ADJOURNMENT**

Supervisor Saunders adjourned the meeting at 8:04 p.m.

Prepared by: Barbara Runyon  
To be approved: January 9, 2019

Dated: December 12, 2018

