

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR BOARD MEETING HELD ON JULY 9, 2014**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, July 9, 2014. The Pledge of Allegiance to the Flag of the United States of America was led by Clerk Runyon.

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 July 9, 2014 Silver Creek Township Agenda. Motion carried by voice vote.

**PUBLIC COMMENT**

Jerry Donley reported a sign down at Indian Lake's Lakeview Avenue and Maple Street.

**APPROVAL OF MINUTES**

Treasurer Kuriata moved, seconded by Trustee Glynn, to approve the Minutes of the Special Meeting of June 5, 2014 and the Regular Meeting held on June 11, 2014. Motion carried by voice vote.

**APPROVAL OF BILLS AND CLAIMS**

Treasurer Kuriata reported the bills and claims of July 9, 2014. Trustee Moore moved, seconded by Clerk Runyon, to approve the following bills and claims in the total amount of \$136,426.92 as follows:

FROM THE GENERAL FUND	\$40,983.63
FROM THE INDIAN LAKE SEWER FUND	\$ 5,941.23
FROM THE PUBLIC SAFETY FUND	\$ 3,599.93
FROM THE BUILDING DEPARTMENT FUND	\$ 4,551.38
FROM THE INDIAN LAKE WEED CONTROL FUND	\$57,911.79
FROM PARKS & RECREATION FUND	\$ 7,714.03
FROM MAGICIAN LAKE WEED CONTROL FUND	\$ 10,024.93
FROM PUBLIC IMPROVEMENT	\$ 5,700.00
 GRAND TOTAL OF DISBURSEMENTS:	 \$136,426.92

The Supervisor directed the Clerk to take roll:

Yes (5): Supervisor Saunders, Clerk Runyon, Treasurer Kuriata, Trustee Glynn and Trustee Moore.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

### **READING OF COMMUNICATION**

Clerk Runyon read a letter received from Cara J. Carrabine-Dalton, Director of St. Denys Foundation indicating that Russom Park Committee had been granted the \$10,000 matching fund Grant from St. Denys Foundation to help fund Russom Park. Supervisor Saunders stated that our matching monies were from the Ultra Turf for the playground equipment which was approximately \$20,000.

### **POLICE REPORT**

Deputy Clint reported as follows: 26 complaints, 5 warnings, 3 tickets issued, 1 accident policed, 3 assist other agency, 1 assist fire and ambulance, 2 assist motorist and pedestrians.

### **HEALTH & SERVICE REPORTS**

**Indian Lake Fire Department:** 5 calls, 3 in Silver Creek Township.

**Sister Lakes Fire Department:** 23 calls, 13 in Silver Creek Township. Fireman Rick Pletz thanked the board for allowing them to set up a “base camp” at the township for the search of the missing woman. He also reported that Sister Lakes Fire Department ISO’s rating has been lowered and encouraged everyone within 5 miles of their department to contact their insurance company to make sure Sister Lakes Fire Department is listed as their responding department. The lower ISO rating should decrease the cost of their property insurance. Questions and comments followed. **Indian Lake Fire Department** indicated that they are currently under review and hope to get their ISO rating decreased.

**Pride Care Ambulance Report:** June - 13 calls with an average response time of 7:12 minutes. Four runs had extended response times because of the distance of the calls. The crews took the correct routes and did not report any further incidents with their responses.

## **TOWNSHIP ATTORNEY'S REPORT**

Attorney Magyar reported that at the request of the Treasurer he had filed suit against Kelly Gnodtke for failure to pay building on leased land taxes.

At the request of the Blight Enforcement Officer Attorney Magyar sent out eight letters on July 26, 2014 regarding property blight, giving each property owner an opportunity to either contact the township to correct the problem or come to tonight's meeting. He stated he had received a letter from Bruce Ferrill. He also indicated that the Blight Enforcement Officer had previously sent out letters to these property owners in the beginning of June. He asked if any of the property owners were present and no one was present. A lengthy discussion followed.

Supervisor Saunders stated he received a call from Joyce Fritz's son and he is in the process of getting a release of lien recorded to get a lien off the property.

Trustee Glynn shared that he noticed Jay Anderson has begun cleaning up his property.

### **MOTION RE. FRITZ PROPERTY**

Trustee Moore moved, seconded by Supervisor Saunders, to extend the deadline for blight enforcement on the Joyce Fritz property for 30 days. Motion carried by voice vote.

### **MOTION RE. ANDERSON PROPERTY**

Supervisor Saunders moved, seconded by Trustee Moore, to extend the deadline for blight enforcement on the Jay Anderson property for 30 days. Motion carried by voice vote.

### **MOTION RE. FILING OF LAWSUITS**

Trustee Glynn moved, seconded by Trustee Moore, to authorize Attorney Magyar to go forward with legal proceedings concerning blight against five property owners, those being: Bruce Ferrel, JP Morgan Chase, Preston and Evelyn Collett, Grace Hendrickson and Kevin Rafferty. Motion carried by voice vote.

### **ATTORNEY REPORT CONTINUED**

Attorney Magyar reported that he had also sent a letter to Sylvester Majka regarding property on E. Lakeshore Drive where boats are being docked that do not belong to the owners of the property, violating both the Zoning and Boating Ordinances. He directed them to either contact him, Supervisor Saunders or to appear at this board meeting. He asked if Majka's were present, and they were not.

Supervisor Saunders stated Mrs. Majka had talked to him and she did not believe they were in violation. Attorney Magyar also said she had contacted him and he directed her to the zoning administrator and advised her she should appear at this meeting if she wanted to be heard.

Discussion was held.

### **MOTION TO FILE SUIT RE. MAJKA PROPERTY**

Supervisor Saunders moved, seconded by Treasurer Kuriata, to authorize Attorney Magyar to file suit against owners of the Majka property. Motion carried by voice vote.

### **ATTORNEY REPORT CONTINUED**

He also reported that he had been in contact with the owners of the Garandos which was first being addressed in 2011, and then set aside until now. They are working on complying with the ordinance.

Lastly, he has a draft of a contract for the maintenance of Russom Park between the Township and the City of Dowagiac and will present a copy to the board for review.

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

Building and Zoning Inspector Todd Herter reported 9 permits issued with an estimated building cost of \$185,144.00, and 3 zoning compliance permits issued.

### **BLIGHT ADMINISTRATOR'S REPORT**

Walt Lehmann gave the blight report, indicating that he had sent out three blight letters.

### **APPEALS BOARD REPORT**

Jerry Donley reported that the ZBA held a hearing on July 2, 2014 and it was denied.

### **PLANNING/ZONING COMMISSION REPORT**

Tom Lehrer provided the Planning Commission Report, reporting on the Public Hearing and Regular Meeting both held on June 25. The public hearing was on the proposed rezoning from Ag/Res to Commercial on M-51 N., which was approved and will be sent to the County Planning Commission for review. He also reported that Steve Czadzeck of Lakeshore Environmental provided copies of his proposed amendments of our Property and Boating Ordinance, and a special Planning Commission meeting will be held on July 14<sup>th</sup> at 6:00 p.m. to review those proposed amendments.

## STANDING INSPECTORS REPORT

**Electrical Inspector:** 6 permits.  
**Plumbing Inspector:** 1 permits.  
**Mechanical Inspector:** 3 permits.  
**Liquor Inspector:** 6 inspections and no violations.

## TREASURER'S REPORT

Treasurer Kuriata reported fund balances as follows:

General Fund	\$342,410.37
Indian Lake Sewer Maintenance Fund	\$191,575.28

She also included the CD Fund Detailed Report.

## OPERATIONAL REPORTS

**Indian Lake Sewer:** Treasurer Kuriata reported that the Sewer Board has been advised by the City of Dowagiac that backup pumps will be needed for the Indian Lake Sewer lift stations. They received one estimate but are getting additional bids. Questions and discussion followed.

**Sister Lakes Area Sewer:** Treasurer Kuriata reported that a building is being constructed at the A-1 lift station to house generator and hoist.

**Parks and Recreation Committee:** Trustee Moore reported that the next Parks and Recreation meeting will be on July 15<sup>th</sup> at 7:00 p.m. and that the Russom Park Committee will be meeting on July 21<sup>st</sup> at 6:00 p.m. at the township hall. Supervisor Saunders reported on the "Community Build" of the playground equipment at Russom Park. He thanked Ausra Equipment for providing a bobcat and an employee for two full days to assist in the build. He also reported that there were many volunteers, such as, Indian Lake Fire Department, Parks and Recreation Board just to name a few. Clerk Runyon offered to send out thank you letters to the groups.

**Public Safety Committee:** Trustee Moore advised that the Public Safety Committee will meet on July 29, 2014 at 7:00 p.m.

## CLERK'S QUARTERLY REPORT

Clerk Runyon provided a copy of the P&L statement and reported that items are within budget for this quarter.

**UNFINISHED BUSINESS**

**Update on Township Sign**

Clerk Runyon advised that the bid opening scheduled for July 1<sup>st</sup> at 11:00 a.m. was postponed due to a power outage at the township. The new date for the bid opening is Tuesday, July 14<sup>th</sup> at 11:00 a.m. with committee members Tom Lehrer and Trustee Mike Glynn will preside over the bid opening. Discussion held.

**Update on Purchase of Chief Mini Warehouse**

Supervisor Saunders reported that the City of Dowagiac has purchased the Chief Mini Warehouse with the stipulation that Silver Creek Township has one year to buy in.

**ORDINANCE 14-02 AMENDING LAND DIVISION ORDINANCE 97-3**

Trustee Moore moved, seconded by Clerk Runyon, to approve the adoption of Ordinance 14-02 amending Ordinance 97-3 as follows:

ORDINANCE 14-02  
AMENDMENT TO  
SILVER CREEK TOWNSHIP  
CASS COUNTY, MICHIGAN  
LAND DIVISION ORDINANCE  
Ordinance #97-3

The Township of Silver Creek Ordains to Amend Ordinance 97-3, the Land Division Ordinance, to delete Section IV B., and to add italics language below to Section VII D.

1. Section IV.B. be deleted.
2. Section VII.
  - D. The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio exclusive of access roads, easements, or non-buildable parcels created under Section VII of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio.

The permissible depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right

of way to the most remote boundary line point of the parcel from the point of commencement of the measurement.

The permissible minimum width shall be defined in the applicable zoning ordinance or, in the absence thereof, as specified in subparagraph E (1) and (2) of this Ordinance.

***The Township Board may approve a split that would exceed the four to one ratio upon a finding that:***

- 1. The split does not violate the Zoning Ordinance or a Variance of the Zoning Ordinance has been approved by the Zoning Board of Appeals.***
- 2. The split is necessary due to any of the following:***
  - a. The topography or physical condition of the parcel.***
  - b. To be compatible with surrounding land.***
  - c. Practical use of the land.***

The Supervisor instructed the Clerk to take roll:

Yes (5): Clerk Runyon, Treasurer Kuriata, Trustee Glynn, Trustee Moore and Supervisor Saunders.

No (0): None.

Absent (0): None.

Ordinance 14-02 carried by roll call vote.

**RESOLUTION R14-13  
APPROVING POLICE AND FIRE MILLAGE PROPOSAL LANGUAGE AND  
PLACING ON THE NOVEMBER 4, 2014 BALLOT**

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve Resolution R14-13 as follows:

On May 4, 2010 the Silver Creek Township Police and Fire Millage Proposal was approved by the residents of Silver Creek Township for a period of five years ending in 2014.

FURTHER, the Police and Fire Millage will expire on December 31, 2014;

THEREFORE BE IT RESOLVED, that the following ballot proposal language be approved and placed on the November 4, 2014 General Election Ballot:

Shall the expired previously voted increase in the tax limitation imposed under Article IX, Section 6 of the Michigan Constitution in Silver Creek Township of 1 mill (\$1.00 per \$1,000 of taxable value), reduced to 1 mill per (\$1.00 per \$1,000 of taxable value) by the required millage rollbacks, be renewed at up to 1 mill (\$1.00 per \$1,000 of taxable value) and levied for five years, 2015, 2016, 2017, 2018 and 2019, inclusive, for the purpose of providing funding for police and fire protection in Silver Creek Township, raising an estimated \$213,548 the first year the millage is levied.

Yes

No

The Supervisor instructed the Clerk to take roll:

Yes (5): Treasurer Kuriata, Trustee Glynn, Trustee Moore, Supervisor Saunders and Clerk Runyon.

No (0): None.

Absent (0): None.

Resolution R14-13 carried by roll call vote.

**MOTION FOR APPROVAL OF MILLAGE REQUEST FOR 2014**

Treasurer Kuriata moved, seconded by Supervisor Saunders, to approve the 2014 Tax Rate Request for Silver Creek Township at:

0.6963 mills allocated for operating expense

1.00 mill for Police/Fire

and to authorize the Clerk and The supervisor to sign the L-4029

The Supervisor instructed the Clerk to take roll:

Yes (5): Trustee Glynn, Trustee Moore, Supervisor Saunders, Clerk Runyon and Treasurer Kuriata.



No (0): None.

Absent (0): None.

Motion carried by roll call vote.

**MOTION TO SCHEDULE FALL TRASH DAYS**

Trustee Glynn moved, seconded by Clerk Runyon, to schedule the Silver Creek Township Fall Trash Days for Friday, August 29<sup>th</sup> through Monday, September 1, 2014. Motion carried by voice vote.

**MOTION TO INCREASE CAR ALLOWANCE FOR  
BLIGHT INSPECTOR**

Supervisor Saunders moved, seconded by Trustee Moore, to increase the temporary Blight Inspector, Walter Lehmann's, Car Allowance from \$250 monthly to \$450. Discussion was held.

The Supervisor instructed the Clerk to take roll:

Yes (5) Trustee Moore, Supervisor Saunders, Clerk Runyon, Treasurer Kuriata and Trustee Glynn.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

**MOTION TO APPROVE AGREEMENT WITH DASAS**

Trustee Moore moved, seconded by Treasurer Kuriata, to approve the Agreement to Provide Services with Domestic and Sexual Abuse Services in Three Rivers, Michigan in the amount of \$804.50 to commence on July 1, 2014, and to authorize Supervisor Saunders and Clerk Runyon to execute the Agreement. Discussion was held.

The Supervisor instructed the Clerk to take roll:

Yes (5): Supervisor Saunders, Clerk Runyon, Treasurer Kuriata, Trustee Glynn and Trustee Moore.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

### **TOWNSHIP GENERATOR**

Discussion was held regarding the purchase of a township generator.

### **MOTION TO GO OUT FOR BID FOR GENERATOR**

Treasurer Kuriata moved, seconded by Clerk Runyon, to go out for bid for the possible purchase of a township generator. Motion carried by voice vote.

Trustee Glynn will provide specs to Clerk Runyon for Invitation to Bid.

### **OTHER BUSINESS**

Clerk Runyon thanked Trustee Mike Glynn for providing the electrical work for the new kitchen and storage unit. Mike donated his time to provide this service saving the township a significant amount of money.

She also reminded everyone that the Capitol Improvement Project Requests were due to her on July 22<sup>nd</sup>.

Supervisor Saunders reported that he received an estimate from Michigan Asphalt Pavers on placing 3/4" overlay on two miles of inner township roads, including raising 23 manhole covers, at a cost of \$83,000. Discussion was held. Supervisor Saunders will invite a representative from Michigan Asphalt Pavers to come to the next board meeting.

### **PUBLIC COMMENT**

Jim Movey suggested paying the Interim Blight Inspector mileage as opposed to car allowance.

Bonnie Hague questioned why the siren at the Indian Lake Fire Department was not working.

B.J. Hague reported his concern that Pride Care Ambulance had been dispatched to his neighbor's house and it had taken them 45 minutes to get there and did not have adequate communication with the hospital. Supervisor Saunders asked that he furnish him with the date of the run and Trustee Moore will take it to the Public Safety Committee for review.

**ADJOURNMENT**

The meeting was adjourned at 8:55 p.m. at the call of the Supervisor.

Dated: July 10, 2014  
Approved at 8-12-14 Board Meeting

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Barbara Runyon, Clerk