

**MINUTES SILVER CREEK TOWNSHIP
OCTOBER 14, 2015
PUBLIC HEARING
MAGICIAN LAKE WEED CONTROL ASSESSMENT
INDIAN LAKE WEED CONTROL ASSESSMENT
DEWEY LAKE WEED CONTROL ASSESSMENT
LITTLE CROOKED LAKE WEED CONTROL ASSESSMENT**

The public hearing was called to order by Supervisor Bill Saunders at 6:30 p.m. on Wednesday, October 14, 2015. The Pledge of Allegiance to the Flag of the United States of America was led by Supervisor Saunders.

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

MEMBER ABSENT: Trustee Mike Glynn

Supervisor Saunders stated that the purpose of the public hearing was to hear objections to the Special Assessment Roll of Magician Lake Weed Control District, Indian Lake Weed Control District, Dewey Lake Weed Control District and Little Crooked Lake Weed Control Weed District.

MAGICIAN LAKE WEED CONTROL SPECIAL ASSESSMENT DISTRICT

Clerk Runyon reported the proposed assessment for 2015 only is \$155.86 per parcel unit and \$77.93 per vacant parcel. The assessment generates \$67,253.59 in 2015. However, \$90,606.37 will be returned to the current property owners from the previous 5-year assessment for a net return of \$23,352.78 the first year. The winter tax bills will reflect a credit or refund of \$54.12 per parcel unit and \$27.06 for each vacant parcel. Some property owners have more than one unit on their property, therefore are assessed and refunded accordingly. The special assessment rate for 2016, 2017, 2018 and 2019 will be at the rate of \$40 per parcel unit and \$20 per vacant parcel. She went on to advise that each property owner was mailed first-class mail a notice of the public hearing and included their specific special assessment. A notice of the public hearing was also published twice in the Dowagiac Daily News, September 24 and 29th.

Clerk Runyon also advised that she had not received any written or verbal objections prior to this hearing.

Supervisor Saunders called for public comment on the Magician Lake Weed Control Special Assessment roll.

Tom Lehrer stated his concern over residents of Keeler Township not being assessed for weed control treatment. He objects to paying \$40 when Keeler Township is not paying anything and receiving the benefit.

Supervisor Saunders advised that Silver Creek Township has no jurisdiction over Keeler Township. He also reminded Mr. Lehrer that the purpose of the public hearing was for property owners to object to their special assessment.

Mr. Lehrer indicated that he would appeal to the Tax Tribunal.

There was no other public comment.

Supervisor Saunders closed the hearing on Magician Lake Weed Control District, and moved onto the Public Hearing of Indian Lake Weed Control Special Assessment.

INDIAN LAKE WEED CONTROL SPECIAL ASSESSMENT

Clerk Runyon advised the roll for Indian Lake Weed Control District is in the total amount of \$91,553.07 with a proposed special assessment of up to \$4.40 per foot.

Supervisor Saunders called for public comment.

Jerry Donley of Indian Lake questioned the amount of \$91,553.07. Silver Creek Township Assessor Bill Kays advised that his per foot calculation total was \$91,553.07. Mr. Donley apologized for his misunderstanding and agreed with the calculation.

There was no other public comment.

Supervisor Saunders closed the hearing on the Indian Lake Weed Control Special Assessment District, and moved onto the Public Hearing on the Dewey Lake Weed Control Special Assessment.

DEWEY LAKE WEED CONTROL SPECIAL ASSESSMENT

Clerk Runyon advised the roll for Dewey Lake Weed Control District is in the total amount of \$26,180.00 with a proposed special assessment of up to \$119.00 per parcel.

Supervisor Saunders called for public comment.

Bruce Nevins objected that undeveloped land should not be assessed the same as developed land.

There was no other public comment.

Supervisor Saunders closed the hearing on Dewey Lake Weed Control Special Assessment District, and moved onto the Public Hearing for Little Crooked Lake Weed Control District.

LITTLE CROOKED WEED CONTROL DISTRICT SPECIAL ASSESSMENT

Clerk Runyon reported the roll for Little Crooked Lake Weed Control District in the total amount of \$3,420.00 with a proposed special assessment of up to \$60.00 per parcel

Supervisor Saunders called for public comment. There was no public comment.

ADJOURNMENT

Supervisor Saunders adjourned the meeting at 6:43 p.m.

A handwritten signature in cursive script that reads "Barb Runyon".

Barb Runyon, Silver Creek Township Clerk

To be approved at the November 11, 2015 Board Meeting

**MINUTES SILVER CREEK TOWNSHIP
REGULAR BOARD MEETING HELD ON OCTOBER 14, 2015**

The regular meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, October 14, 2015.

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 Treasurer Kuriata, to approve the October 14, 2015 Silver Creek Township Agenda. Motion carried by voice vote.

PUBLIC COMMENT

Tim Hull of Indian Lake provided and read a letter to the Board regarding the Mann Drain Problem at Indian Lake. He asked that Silver Creek Township create and operate a permanent filtration system for the Mann Drain.

Tom Lehrer of Magician Lake asked that the township take more responsibility and oversight of the lakes, would like both Silver Creek and Keeler Township involved in Magician Lake to let everyone know what chemicals are being used to treat the lakes; hold open meetings; and would like to see a trustee appointed to help coordinate. He lastly objected to only a few Keeler Township residents paying for weed treatment in Magician Lake but everyone is receiving the benefit.

Cynthia Polk Muller noted MLIA holds an annual meeting on the 2nd Saturday of July to discuss all phases of weed control treatment, and also provide information in their newsletter. She said that those people who do not choose to attend the meetings or are not members would not get that information.

Tom Lehrer responded that he attended the meeting and has no more information than he has right now.

Marty Kleva of Indian Lake requested that the township look at repairing the pot holes on Indian Trails at Indian Lake.

APPROVAL OF MINUTES

Trustee Glynn moved, seconded by Treasurer Kuriata, to approve the Public Hearing and Regular Meeting Minutes of September 9, 2015. Motion carried by voice vote.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims for October 14, 2015. Clerk Runyon moved, seconded by Supervisor Saunders, to approve the following bills and claims in the total amount of

\$83,435.27 as follows:

FROM THE GENERAL FUND	\$29,546.58
FROM THE INDIAN LAKE SEWER FUND	\$ 6,483.02
FROM THE PUBLIC SAFETY FUND	\$ 39,005.33
FROM THE PARKS & RECREATION	\$ 135.00
FROM THE BUILDING DEPARTMENT FUND	\$ 5,309.25
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 2,956.09
GRAND TOTAL OF DISBURSEMENTS:	\$83,435.27

The Supervisor directed the Clerk to take roll, and the motion carried by unanimous roll call vote.

READING OF COMMUNICATION

No communication reported.

POLICE REPORT

15 complaints; 5 warnings; 1 accident policed; 1 arrest; 1 assist other police agencies; 2 assist motorists and pedestrians.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department: Chief Huggins reported 4 calls total with 2 in Silver Creek. He also asked that people be careful when burning leaves.

Sister Lakes Fire Department: 4 calls with 3 calls in Silver Creek Township with a total response time of 9.66 minutes.

Pride Care Ambulance Report: September – 3 calls with an average response time of 9:06 minutes.

TOWNSHIP ATTORNEY'S REPORT

Attorney Magyar gave an update on the Agostino lawsuit. He also responded to Mr. Hull's comments and letter. He indicated that he had represented Howard Township in the early 1980's on a landfill case. He said that the engineer from the Waste Management Division of the State of Michigan volunteered to supply expert witnesses if John filed the lawsuit.

Attorney Magyar stated that the Michigan Environmental Protection Act gives broad standing for anyone to bring an action to stop environmental contamination – townships or property owners. In the Howard Township case, he had to determine who put the materials into the landfill. They took depositions and sued those people. They eventually received money. If we get involved in a case such as this, there would be extreme expenses identifying defendants and would require expert testimony which is extremely expensive. We would have to start with the Department of Environmental Quality to see what their opinion is and see if they would be of any assistance, to the point of possibly bringing its own action.

BUILDING/ZONING INSPECTOR'S REPORT

Building/Zoning Inspector Todd Herter reported 11 building permits with a projected cost of \$978,023.00; and 7 zoning permits at \$535.00. There were 12 zoning enforcement violations at Indian Lake Woods Mobile Home Park and 8 compliance letters were sent out.

BLIGHT ADMINISTRATOR'S REPORT

Patrolman Kenneth Wray reported 4 blight complaints filed; 1 blight check found substantiated; 2 blight owners notified; 10 blight in non-compliance status, and 5 blight complaints closed. He did 6 liquor inspections with no violations.

APPEALS BOARD REPORT

Nothing to report.

PLANNING COMMISSION REPORT

Walter Lehmann provided the planning commission report indicating that for the September Planning Commission meeting they attended the Michigan Lakes and Streams Conference in Lawton.

Mr. Lehmann also submitted and read his letter of resignation from the Planning Commission and the Public Safety Committee.

Supervisor Saunders thanked Mr. Lehman for his contributions to the township.

STANDING INSPECTORS REPORT

Electrical Inspector: 5 permits
Plumbing Inspector: 1 permits
Mechanical Inspector: 3 permits

CLERK'S QUARTERLY REPORT

Clerk Runyon reviewed the General Fund, Public Safety Fund, Building Department Fund and Parks and Recreation Fund indicating everything was on track for a successful budget year. There were no questions or comments.

TREASURER'S REPORT

Treasurer Kuriata reported fund balances as follows:

General Fund	\$324,551.86
Indian Lake Sewer Maintenance Fund	\$199,326.61

She also provided the CD Fund Detailed Report.

OPERATIONAL REPORTS

Indian Lake Sewer: Treasurer Kuriata provided a Memorandum of Understanding Cost Sharing for Wastewater Treatment Plant Improvements. She reported that Silver Creek Township's portion is \$81,229.00 less than the amount previously approved. They have not asked for payment at this time.

Motion for Indian Lake Sewer Maintenance Arrears

Treasurer Kuriata moved, seconded by Supervisor Saunders, to place \$17,798.05 on the tax bill for the Indian Lake Sewer Maintenance Arrears. Motion carried by voice vote.

Motion for Sister Lakes Area Utilities Authority Arrears

Treasurer Kuriata moved, seconded by Supervisor Saunders, to place \$21,913.20 on the tax bill for the Sister Lakes Area Utilities Authority Arrears. Motion carried by voice vote.

Parks and Recreation Committee: Trustee Moore reported that Ash Tree will be removed on October 23rd.

Public Safety Committee: Trustee Moore reported the public safety committee will meet on October 20th at 7:00 p.m.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Clerk Runyon reported that each property owner had been sent first class mail a copy of the notice of the public hearing on the Magician Lake Weed Control Special Assessment and the amount of their specific assessment, and a notice was published twice in the Dowagiac Daily News.

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve Resolution R15-20 as follows:

RESOLUTION R15-20

RE: Magician Lake Weed Control Special Assessment

WHEREAS, the township board of the Township of Silver Creek, Cass County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the assessing officer of the township for the purpose of treatment of aquatic evasion species incidental to the Magician Lake Weed Control Special Assessment District.

AND WHEREAS, such public hearing was preceded by proper notice in the Dowagiac Daily Newspaper of general circulation in the township, and by first-class mail notice to each property owner of record within said district upon said assessment roll;

AND WHEREAS, comments were received from those present at such public hearing concerning said assessment roll and opportunity to all present to be heard in the matter;

AND WHEREAS, no written objections were received to said roll and levy;

AND WHEREAS, the township board has duly inspected the proposed assessment roll and considered all comments thereto and has found the proposed assessment roll to be correct, just and reasonable;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The assessment roll submitted by the assessing officer of the township shall hereafter be designated as Magician Lake Weed Control Special Assessment District.
2. The assessment in said Silver Creek Township, Magician Lake Weed Control Special Assessment District, shall be assessed on the 2015 winter tax bill at the rate of \$155.86 per parcel unit and \$77.93 per vacant parcel, with each property owner receiving a credit in 2015 of \$54.12 for each parcel and \$27.06 for each vacant parcel for 2015 only due to a \$90,606.37 overage of the previous 5-year assessment being refunded. Special assessments in 2016, 2017, 2018 and 2019 will be at the rate of \$40 per parcel unit and \$20 per vacant parcel.
3. If payment of a special assessment is not paid when due, the payment shall be considered delinquent and there shall be collected a penalty of 1 percent for each month that the payment remains unpaid.
4. The assessments made in said special assessment roll are hereby ordered and directed to be collected by the township treasurer, and the township clerk shall deliver said special assessment roll to said treasurer with her warrant attached, commanding the treasurer to collect such assessment in accordance with the direction of the township board and said PA 188.
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

The Supervisor asked for a roll call vote. Resolution R15-20 was adopted by unanimous roll call vote.

**MOTION TO SET INDIAN LAKE WEED CONTROL DISTRICT
SPECIAL ASSESSMENT**

Treasurer Kuriata moved, seconded by Clerk Runyon, to set the 2015 Special Assessment rate for Indian Lake Weed Control District at \$4.40 per lakefront foot for a total amount of \$91,553.07.

Trustee Glynn complimented the Indian Lake Improvement Association on the way they handle their weed control district. Motion carried by voice vote.

**MOTION TO SET DEWEY LAKE WEED CONTROL DISTRICT
SPECIAL ASSESSMENT**

Trustee Glynn moved, seconded by Supervisor Saunders, to set the 2015 Special Assessment rate for Dewey Lake Weed Control District at \$119.00 per parcel for a total amount of \$26,180.00. Trustee Glynn commented that he had reviewed the township records, and did not feel there was adequate information submitted by the lake association. Motion carried by voice vote.

**MOTION TO SET LITTLE CROOKED LAKE WEED CONTROL DISTRICT
SPECIAL ASSESSMENT**

Trustee Moore moved, seconded by Supervisor Saunders, to set the 2015 Special Assessment rate for Little Crooked Weed Control District at \$60.00 per parcel for a total amount of \$3,420.00. Trustee Glynn commented that he had reviewed the township records, and did not feel there was adequate information submitted by the lake association. Motion carried by voice vote.

JEFF MCCRAY, BURNHAM & FLOWERS

Supervisor Saunders introduced Silver Creek Township's insurance agent, Jeff McCray of Burham & Flowers Ins. Mr. McCray thanked the township for their business and explained different coverages, including Public Act 222, and answered questions. Discussion followed.

MOTION FOR ADDITIONAL INS. COVERAGE

Supervisor Saunders moved, seconded by Trustee Glynn, to increase the insurance to add four sewer backup pumps and 3% increase in property values for a total of \$245. The Supervisor requested a roll call vote. Motion carried by unanimous roll call vote.

MOTION TO APPROVE INSURANCE RENEWAL

Supervisor Saunders moved, seconded by Clerk Runyon, to Approve Insurance Renewal with Burnham & Flowers and to authorize Supervisor Saunders to sign. The Supervisor requested a roll call vote. Motion carried by unanimous roll call vote.

MOTION TO APPOINT TRUSTEE GLYNN TO RUSSOM PARKS BOARD

Clerk Runyon moved, seconded by Treasurer Kuriata, to appoint Trustee Mike Glynn to the Russom Parks Board replacing Bill Saunders. Trustee Glynn thanked Supervisor Saunders for serving on the Russom Parks Board and his hard work in developing the park. Motion carried by voice vote.

MOTION TO APPROVE SCHOOL STREET SALE

Supervisor Saunders reported that we have our first offer of \$5,800 to purchase the School Street property owned by the township. The Township would realize \$3,694.55.

Supervisor Saunders moved, seconded by Trustee Glynn, to approve the sale of the School Street Property owned by the Township and allow Supervisor Saunders to sign. Discussion followed. Treasurer Kuriata reminded everyone that we have spent more on this property than we're realizing. Discussion continued. Motion carried by voice vote.

OTHER BUSINESS

Trustee Glynn provided an outline and suggestions on Administration of Special Districts to provide better transparency and recordkeeping. Suggestions were: Amending contracts with the improvement associations to reflect what information should be on file at the township. Hold a minimum of two open meetings of the improvement association in regards to special assessment needs. He suggested modeling Indian Lake Improvement Association. Have an elected Silver Creek Township Board member attend the lake association meetings.

He also suggested if the township wanted to get more active, establish a five person lake weed control district committee consisting of one township elected official, two lake association members and two Dowagiac River water shed residents, with a Chairperson and Secretary, and hold quarterly meetings subject to the Open Meetings Act. A lengthy board discussion was held. Jerry Donley representing Indian Lake Improvement Association objected to a "lake board."

Further discussion was held, and it was agreed to possibly amending the weed control contracts. Trustee Glynn will put together criteria to include in the amended contracts and report to the board.

Due to the winter slow down, the board discussed setting winter township hours.

Motion to Establish Winter Township Hours

Treasurer Kuriata moved, seconded by Clerk Runyon, to set the winter township hours on Tuesdays and Thursdays from 9 to 5 p.m. and Wednesdays from 9 to 1 p.m. effective November 1 through March 31. Motion carried by voice vote.

PUBLIC COMMENT

Bonnie Hague, Indian Lake, questioned why SLAUA doesn't accept credit card payment. Treasurer Kuriata responded that we cannot accept credit card payments due to the fee that is charged, but we do contract with a credit card agency and you can call them or go on-line and pay but they charge a 5% fee.

Bonnie Hague then questioned if Silver Creek Township has a Golf Cart Ordinance. Supervisor Saunders indicated there is no ordinance; we follow State regulations which prohibit them. The State has passed a law where the county, the road commission and the township can get together and allow them, but that has not been done.

Jerry Donley asked the Board to follow the law of the Township Planning Act, stating a requirement to sit on a planning commission is to be an elector and a property owner in the township.

Discussion was held as to whether Walter Lehmann can legally sit on the planning commission.

Mr. Lehmann indicated he is no longer a property owner but still has residency until later in the month. Clerk Runyon reported that he is still an elector.

Discussion continued. It was concluded that Mr. Lehmann will attend his last planning commission meeting on October 28th and will abstain from voting.

Tim Hull thanked the Indian Lake Volunteer Fire Department for getting their siren back.

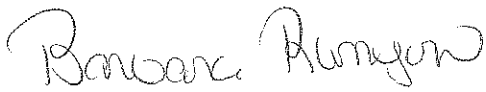
The meeting was adjourned at 9:10 p.m. by call of the Supervisor.

Barbara Runyon

Silver Creek Township Clerk

Dated: October 21, 2015

To be approved at the November 11, 2015 Regular Meeting

A handwritten signature in cursive script that reads "Barbara Runyon".