

**MINUTES SILVER CREEK TOWNSHIP  
PLANNING COMMISSION MEETING HELD ON AUGUST 26, 2015**

The meeting was called to order by Chairman William Zuhl at 7:00 p.m. on Wednesday, August 26, 2015. The Pledge of Allegiance to the Flag of the United States of America was led by Walter Lehmann.

**MEMBERS PRESENT:** Terry Harris, Mike Glynn, Tom Lehrer, William Zuhl, Walt Lehmann, and Jerry Donley.

**OTHERS PRESENT:** Attorney John Magyar, two members from the public.

**ABSENT:** David Grabemeyer.

**APPROVAL OF AGENDA**

William Zuhl motioned, seconded by Jerry Donley, to approve the August 26, 2015 Silver Creek Township Planning Commission Agenda. Motion carried by voice vote.

**APPROVAL OF MINUTES**

William Zuhl motioned, seconded by Walt Lehmann, to approve the July 22, 2015 Silver Creek Township Planning Commission meeting minutes. Motion carried by voice vote.

**COMMUNICATIONS**

Walt Lehmann publicized the Magician Lakes and Streams Associations mini-conference to be held in Lawrence, Michigan on Wednesday, September 23, 2015. He stated he had been to one before and that there was very good information given. It is chaired by Dick Morey, a Silver Creek Township resident of Magician Lake. He suggested petitioning the township to pay for the board to attend the conference. Jerry Donley added that he had already spoken with Supervisor Saunders and Clerk Runyon and they both agreed. Walt instructed the members to fill out the registration form and return to the Clerk. Jerry stated that the conference is on the same evening as the next scheduled Planning Commission meeting. Discussion followed.

**MOTION**

Jerry Donley moved, seconded by Mike Glynn to cancel the September 23, 2015 Planning Commission meeting in order for the board to attend the mini-conference. Motion carried by voice vote.

**PUBLIC COMMENT**

Tim Hull, an Indian Lake resident, asked that a permanent filtration system on Indian Lake be added to the Capital Improvement Plan. He stated that there has been a remarkable reversal of conditions that were killing the lake since installing a sewer system, operation of a weed

harvester, dredging, and chemical treatment of invasive weeds. He stated that major gains have been made, including reclassification of the lake from atrophic to mesotrophic status. He stated that while successful, we are treating the symptoms rather than the primary cause of the damage to the lake.

He said that the major issue is the lake quality inlet at the north end of the lake, where the main drain is a source of high concentrations of nitrogen, phosphorous, and suspended solids from the watershed north of Indian Lake. He stated that north of Indian Lake, and in the area of the lake defined by the watershed, the primary land use is agriculture, and one could assume the source of the pollutants is the agriculture community.

He went on to report that after testing the water entering the lake from the main drain in 2014, John Tucchi of Lake Savers, LLC installed a temporary filter system above the drain to see if such a filter system could improve the water quality from the north basin. Tim stated that testing results have shown a dramatic drop in pollutants of nitrogen and phosphorous entering through the main drain, but that Mr. Tucchi has advised Indian Lake Improvement Association that immediate and profound attention must be paid to the water entering through the main drain in order for Indian Lake to regain the necessary balance and ultimate health as a lake environment.

Tim stated that the pollutants that are pouring into the lake will continue without some sort of permanent filtration system. He added that the temporary filtration system is already showing signs of needing cleaning of back subtle material, and that massive costs would potentially pile up. The harmonious and respectful relationship presently existing between the agricultural and recreational communities would be disrupted and probably become spiteful.

Tim suggested that an alternative that might be workable for all is for Silver Creek Township to create and operate a permanent filtration system for the main drain. Tim said that as a co-anchor in achieving a resolution to this problem, the township government could gravitate toward acquiring a grant to fund the permanent filtration system. He requested that there be consideration in the Capital Improvement Plan for this project.

Tom questioned Tim if he knew the cost for such a project and Tim stated that he does not, but that he is trying to meet with the Drain Commissioner. He stated that it could be a considerable amount. Attorney John Magyar stated that he sees a problem when you start to spend the General Fund for a project that doesn't benefit the whole township. Tim asked if Russom Park benefits the entire township and John answered that it benefits anyone who wants to go to it. John stated that the township does not spend General Funds for specific areas, and Walt agreed.

Tim stated that if this situation is not ultimately corrected, we may start to find that the water wells to the homes could be affected due to the contaminants. Walt stated that we are then talking about another Special Assessment. Jerry added that the Capital Improvement Plan is strictly identifying future needs which could reach out twenty years; just because a need is identified, is no indication that anything is ever going to happen. He stated that it is a starting point. The Capital Improvement Plan is looking at possible funding resources and identifying if there are grants available.

Mike Glynn stated that there is an application request form for what the project is and what it costs. Tom added that there may be grants down the road. Mike asked Tim if he would be willing to fill out some of the information on the request form and get some information together, in which he accepted. John added that it may be a good idea to have a drain commissioner at a meeting.

Tim stated that there are unique projects occurring around the country, and that this is a serious problem that is being faced around the country. He stated that he is looking to address it in a meaningful and fair way.

Terry stated that the firm that did the zoning rewrite has expertise in water quality and handling this type of issue. He suggested that they have geologists that may be able to give us a lot of input on such a project. He agreed with Tim that we have been treating the symptoms, but not the cause. He added that if we are dumping waste into the lake, no wonder we have a weed problem.

Jerry stated that he went to the Van Buren Center recently for a conference and learned that there are monies available to pay farmers \$4,000 per acre to put in a wetland. He stated that they retain their land and are paid to do it.

Bill Zuhl commented that the north side of Indian Lake, on School Street, is not farmed and you don't get to a farm until Sprague's. He commented that farmers are not going to put more chemicals out there than what they need. Bill asked if we can identify that the pollutants are coming from the agricultural community, or if it is just from natural decaying. Tim replied that they are getting closer to actually identifying what the chemicals are. Discussion followed.

Terry stated that when we get the Drain Commissioner here, we may find out this is a county problem and not just a township problem, which may be a good thing because it would give us a better chance of getting DNR money to help correct the issue.

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

Attorney John Magyar stated the only case he is working on is the sewer case.

### **UNFINISHED BUSINESS** **CAPITAL IMPROVEMENT PLAN**

Mike Glynn reported that he is just waiting for information to update the spreadsheet and that is the only thing left to do on the Capital Improvement Plan. The treasurer is waiting for a number from the City of Dowagiac.

### **COMMISSION MEMBER COMMENTS**

Terry Harris commented on the two retention ponds on the east end of Russom Park being maintained by the city. He stated that they are digging them out and changing them from deep retention ponds to shallow bowl-type ponds because they weren't draining. He commented that the drain in Silver Creek Township needs to be mowed inside and is starting to look un-kept. He

also commented that the chain link fence around it makes it more difficult to maintain. Mike agreed with Terry and stated that he was told they were going to put Round Up on it.

Jerry commented that the meeting minutes from July 22, 2015 stated that John was going to look at the wording for the major pier permits after Bill suggested making another section and making the wording smaller. John answered that he did not look at the wording yet.

Jerry also questioned calling in on the phone for meetings in the winter and if they would still handle the meetings in that way. Discussion followed about the difficulties they faced last year and not being able to hear each other. Jerry and Terry both informed the Commission members that they would be gone during the winter months. Terry questioned whether they needed to have a meeting every month and suggested meeting quarterly. Discussion followed. öGo To Meetingö software was also discussed as an alternative for calling in. Bill stated that he will talk to the Clerk about the possibility. Jerry questioned if he is able to vote if he is not attending the meeting in person; John Magyar replied that he would get clarification.

Bill asked John if they were going to go through and take out each önuisanceö word in the ordinance book. John stated that he has to go through the book and see if it is appropriate, and that in general, nuisance is a term of art; however, there are parts and places in the ordinance where you talk about a violation of this ordinance is a nuisance per se, which is correct. Discussion followed.

#### **PUBLIC COMMENT**

There was no public comment.

#### **ADJOURNMENT**

Jerry Donley moved, seconded by Terry Harris, to adjourn. Motion carried by voice vote.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Lindsay Krohne  
Recording Secretary  
To be approved at the October 28, 2015 meeting