

**MINUTES SILVER CREEK TOWNSHIP
REGULAR BOARD MEETING HELD ON MAY 14, 2014**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, May 14, 2014. The Pledge of Allegiance to the Flag of the United States of America was led by Supervisor Saunders.

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

OTHERS PRESENT: Attorney Mark Herman.

APPROVAL OF AGENDA

Trustee Moore moved, seconded by Clerk Runyon, to approve the May 14, 2014 Silver Creek Township Agenda with the addition of Resolution R14-11. Motion carried by voice vote.

PUBLIC COMMENT

Cass County Road Commissioner Pete Fournier gave an update on the Road Commission.

APPROVAL OF MINUTES

Treasurer Kuriata moved, seconded by Trustee Moore, to approve the Minutes of the Regular Meeting held on April 9, 2014. Motion carried by voice vote.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims May 14, 2014. Trustee Glynn moved, seconded by Clerk Runyon, to approve the following bills and claims in the total amount of \$120,812.64 as follows:

FROM THE GENERAL FUND	\$79,519.00
FROM PUBLIC IMPROVEMENT FUND	\$ 5,800.00
FROM THE INDIAN LAKE SEWER FUND	\$ 7,665.86
FROM THE PUBLIC SAFETY FUND	\$12,248.07
FROM THE BUILDING DEPARTMENT FUND	\$ 4,591.06
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 4,546.33
FROM PARKS & RECREATION FUND	\$ 6,442.32
 GRAND TOTAL OF DISBURSEMENTS:	 \$120,812.64

The Supervisor requested 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.

READING OF COMMUNICATION

No communication reported.

POLICE REPORT

Patrolman Clint Roach reported as follows: 20 complaints, 9 warnings, 3 tickets issued, 1 accident policed, 1 arrests, 1 assisted other agency, 6 assisted other police agency, 2 assist motorist and pedestrians and 29 property inspections.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department: 5 calls, 1 in Silver Creek Township.

Sister Lakes Fire Department: 11 calls, 2 in Silver Creek Township. The Sister Lakes Fire Department has received their ISO classification, Class 7, which should decrease resident's insurance rates. They are offering boater's safety classes on June 21st, and the Sister Lakes Triathlon is scheduled for July 19th.

Pride Care Ambulance Report: April - 11 calls with an average response time of 6:27 minutes.

TOWNSHIP ATTORNEY'S REPORT

Attorney Herman had nothing to report.

BUILDING & ZONING INSPECTOR'S REPORT

Eleven permits and one zoning permit issued with an estimated building cost of \$208,850.00.

BLIGHT ADMINISTRATOR'S REPORT

Walt Lehmann gave the blight report, indicating he had driven around the township and found approximately 10 property blights, which he will be working on as soon as he's appointed interim blight inspector.

APPEALS BOARD REPORT

No report given.

PLANNING/ZONING COMMISSION REPORT

Tom Lehrer provided the Planning Commission Report, reporting on the April 23rd Planning Commission Public Hearing and Meeting. A public hearing was held on the Proposed Silver Creek Township Master Plan and Tom noted that no citizens had appeared. The Planning Commission agreed with the adoption of the master plan with no changes. The Commission discussed the Capital Improvement Plan; lastly, a letter received from Marty Kleva on behalf of the ILIA Board was read into the minutes.

STANDING INSPECTORS REPORT

Electrical Inspector: 4 permits.
Plumbing Inspector: 0 permits.
Mechanical Inspector: 5 permits.
Liquor Inspector: 7 inspections.

TREASURER'S REPORT

Treasurer Kuriata reported fund balances as follows:

General Fund	\$378,884.20
Indian Lake Sewer Maintenance Fund	\$199,540.93

Treasurer Kuriata also provided the CD Fund Detail Report in the board packets.

OPERATIONAL REPORTS

Indian Lake Sewer: Treasurer Kuriata reported that the generator in lift station #1 is installed and working.

Sister Lakes Area Sewer: Treasurer Kuriata reported that A-1 lift station is awaiting permits and the City of Dowagiac is working with Wayne Township on this matter.

Parks & Recreation Committee Report: Trustee Moore advised that the Parks and Recreation Committee completed the Silver Creek Township Parks and Recreation Plan

and it is on the agenda tonight for consideration. There is a community building project on June 13 and 14th to construct the playground equipment for Russom Park. He advised that volunteer help is needed, and to call the township if you are interested in assisting.

Public Safety Committee Report: Trustee Moore reported that new Silver Creek Township Deputies Rich Hiscock and Kenneth Richcreek were introduced to the Public Safety Committee at their April 15th meeting. The next meeting will be held on July 29th at 7:00 p.m. at the township hall. Deputy Clint Roach advised that our new patrol car is up and running.

UNFINISHED BUSINESS

Update on Township Sign

Trustee Mike Glynn provided specs for township sign prepared by the ad hoc sign committee. Discussion was held.

MOTION TO GO OUT FOR BIDS ON TOWNSHIP SIGN

Supervisor Saunders moved, seconded by Trustee Moore, to solicit bids for an Electric Sign for Silver Creek Township Hall. Motion carried by voice vote. The Clerk was directed to send out Invitations to Bid.

NEW BUSINESS

SWMPC Traffic Count Request

Discussion was held as to whether the township wanted to request a traffic count which is offered annually by Southwestern Michigan Planning Commission. It was the boards' consensus that it was not necessary to use this service since the township had its own traffic counter.

MOTION RE. LOCAL PURCHASE OF TAX REVERTED PROPERTIES

Discussion was held regarding tax reverted properties being offered to the township by the county. After discussion, the following motion was made:

Supervisor Saunders moved, seconded by Treasurer Kuriata, that it was not in the best interest of Silver Creek Township to purchase the tax reverted properties from the Cass County Treasurer. Motion carried by voice vote. The Clerk was directed to write a letter to the County Treasurer advising of the decision.

MOTION TO HIRE H&H LANDSCAPING

Supervisor Saunders moved, seconded by Clerk Runyon, to contract with H&H Landscaping in the amount of \$689.00 for the maintenance of township landscaping. Discussion was held.

The Supervisor directed 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 carries by roll call vote.

MOTION FOR LINE ITEM ADJUSTMENT

Clerk Runyon moved, seconded by Treasurer Kuriata, to transfer \$700 from Contingencies 996-998 and place it into Clerk Computer 215-933. Discussion held.

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 carries by roll call vote.

**MOTION TO PURCHASE STOVE AND MICROWAVE
FOR TOWNSHIP KITCHEN**

Supervisor Saunders explained that he had discovered that he could receive additional 10% off, over and above the sale price, on the purchase of the stove and microwave from Dowagiac Sears, if it was purchased on Tuesday, May 13th. The township purchasing policy authorized him to do so with approval from two board members, which he received from Treasurer Kuriata and Trustee Glynn.

Treasurer Kuriata moved, seconded by Trustee Moore, to reimburse Supervisor Saunders \$625.48 from the Public Improvement Fund for the purchase of a Kenmore 30” electric range and a 1000 watt microwave.

The Supervisor directed the Clerk to take roll:

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

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

ORDINANCE 14-01 TO AMEND ORDINANCE 97-03
THE LAND DIVISION ORDINANCE

Trustee Glynn moved, seconded by Supervisor Saunders, to adopt the following ordinance amendment:

ORDINANCE 14-01
SILVER CREEK TOWNSHIP
COUNTY OF CASS
STATE OF MICHIGAN

AMENDMENT TO ORDINANCE NO. 97-3
THE LAND DIVISION ORDINANCE
SECTIONS IV AND VII

The Township of Silver Creek Ordains to Amend Ordinance 97-3, the Land Division Ordinance, to delete B. in Section IV;

Further, that Section VII “Standards for Approval of Land Division,” Section D. be amended to include the following language:

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 surround land.
 - c. Practical use of the land.

Trustee Glynn questioned the meaning of the revision. Questions and comments followed. Supervisor Saunders suggested having Assessor Bill Kays at our next meeting to explain.

Motion to Table

Trustee Glynn moved, seconded by Clerk Runyon, to table the adoption of the Ordinance Amendment until the June board meeting. Motion carried by voice vote.

RESOLUTION R14-10
PUBLIC INSPECTION OF RECORDS POLICY

Clerk Runyon moved, seconded by Supervisor Saunders, to adopt the following resolution:

RESOLUTION R14-10
Silver Creek Township
Public Inspection of Records
Policy

WHEREAS, Michigan Law directs that any officer having custody of any township records shall furnish facilities, days and hours for the inspection and examination of public records;

WHEREAS, the Silver Creek Township Board deems that it is in the best interest of its township to adopt a Public Inspection of Records Policy;

THEREFORE BE IT RESOLVED, that the following Public Inspection of Records Policy shall be adopted:

Public Inspection of Records

Upon receiving a verbal and/or written request to inspect township records, the township shall furnish the requesting person with a reasonable opportunity and reasonable facilities for inspection and examination of its public records i.e. the Silver Creek Township Hall.

Requests will be directed to the township official or authorized individual responsible for said public records. The responding township official or authorized individual shall be responsible for providing the requested copies.

The responding township official or authorized individual shall respond in a timely manner, not to exceed 5 business days from the date of said request. Said response shall indicate the date, time and place when said public inspection of the requested records shall take place, and will be at the discretion of the responding township official or authorized representative.

If a verbal request is made, the responding township official or authorized individual shall prepare a checklist of items or records requested to be copied or inspected. Said listing shall be presented to the requesting party on the date set for inspection or copying, with the requesting party signing said checklist to indicate compliance.

A person shall be allowed to inspect public records at the Silver Creek Township Hall during usual business hours, Tuesdays and Thursdays from 9:00 a.m. to 5:00 p.m., Saturdays from 9:00 a.m. to noon, or any other mutually agreed upon time up to four hours per day.

The public does not have unlimited access to township offices or facilities, and a person may be required to inspect records at a specified counter or table, and in view of township personnel.

Township officials, appointees, staff or consultants/contractors assisting with inspection of public records shall inform any person inspecting records that only pencils, and no pens or ink, may be used to take notes.

In coordination with the official responsible for the records, the Clerk shall determine on a case-by-case basis when the township will provide copies of original records, to allow for blacking out exempt information, to protect old or delicate original records

A person cannot remove books, records or files from the place the township has provided for the inspection.

No documents shall be removed from the office of the custodian of those documents without permission of that custodian, except by court order, subpoena or for audit purposes. The official shall be given a receipt listing the records being removed. Documents may be removed from the office of the custodian of those documents with permission of that custodian to accommodate public inspection of those documents.

Any requests made pursuant to the Michigan Freedom of Information Act shall be made to the FOIA Coordinator/Clerk and shall be subject to the statutory requirements of FOIA.

Record Fees

The township shall charge the actual cost of 10 cents per copy and preparation time of \$13.00 per hour which is the hourly wage of the lowest paid township employee.

Labor costs are charged in 10 minute increments. The hourly wage used to calculate labor costs includes total compensation only; no benefits are included.

Discussion was held. Supervisor Saunders informed the Board that this policy is a requirement of the Department of Treasury. Further discussion was held.

The Supervisor directed 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 FOR APPOINTMENT OF INTERIM BLIGHT INSPECTOR

Trustee Moore moved, seconded by Treasurer Kuriata, to appoint Walter Lehmann as Interim Blight Inspector. Discussion was held as to whether he would be a contract employee or considered an employee. Trustee Glynn pointed out that in the Zoning Enabling Act, a township employee could not be on the Planning Commission. Further Discussion was held.

Motion to Amend

Clerk Runyon moved, seconded by Treasurer Kuriata, to amend the motion for appointment of interim blight inspector as follows: to appoint Walter Lehmann as a contract employee to the position of Interim Blight Inspector to be compensated at the rate of \$300.00 per month and \$250.00 per month for car expense. Motion to amend was carried by voice vote.

MOTION TO APPOINT INTERIM BLIGHT INSPECTOR AS AMENDED

Supervisor Saunders moved, seconded by Trustee Moore, to approve the motion for the appointment of interim blight inspector as amended.

The Supervisor requested 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 APPOINT INTERIM ZONING ADMINISTRATOR
AND FEMA COORDINATOR**

Supervisor Saunders moved, seconded by Treasurer Kuriata, to appoint Todd Herter as the Interim Zoning Administrator and FEMA Coordinator. Discussion was held. Supervisor Saunders explained that Ed Wainwright, our current Zoning/Blight/FEMA Coordinator, is on a leave due to a family illness.

The Supervisor directed the Clerk to take roll:

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

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

**MOTION TO REFER REZONING OF PROPERTY
TO PLANNING COMMISSION**

Supervisor Saunders moved, seconded by Trustee Glynn, to Refer Parcel No. 14-130-025-032-00 to the Planning Commission for review and to make a recommendation on rezoning to commercial property. Discussion held. Motion carried by voice vote.

MOTION TO PURCHASE CHIEF MINI WAREHOUSE

Supervisor Saunders explained that Chief Mini Warehouse is adjacent to Russom Field. He went onto explain that it was in foreclosure and that the bank now owns it. The bank has offered first purchase to the City of Dowagiac and Silver Creek Township in the amount of \$109,000.00 which would be shared 50/50. The cost to Silver Creek Township would be 54,500.00. Supervisor Saunders and Trustee Moore explained what they thought the benefits of purchasing the property would be for Russom Park and Silver Creek Township. They went onto explain that after the initial outlay, the revenues from the warehouse could go back into Russom Park. Extensive questions, concerns and discussion followed.

Motion for Public Hearing

Clerk Runyon moved, seconded by Trustee Moore, to hold a Public Hearing on the

purchase of Chief Mini Warehouse. Motion carried by voice vote. After a review of the calendar, the board agreed to schedule the public hearing for Thursday, June 5th at 7:00 p.m. at the Silver Creek Township Hall.

RESOLUTION R14-11
TO ADOPT UPDATED PARKS AND RECREATION MASTER PLAN

Trustee Moore moved, seconded by Supervisor Saunders, to adopt Resolution R14-11 to approve the Updated Parks and Recreation Master Plan as follows:

WHEREAS, in November of 2003, Silver Creek Township adopted the original Park and Recreation Plan, and the Plan being subsequently updated in August 2008, as statute requires, and was then integrated into a Master Plan revision;

WHEREAS, in order to qualify for Grants the Michigan Department of Resources requires that the Parks and Recreation Master Plan be reviewed every five years;

FURTHER, a public hearing was held on Tuesday, March 25, 2014;

THEREFORE BE IT RESOLVED, that the 2014 Silver Creek Township Update of the Parks and Recreation Plan be adopted.

The Supervisor directed the Clerk to take roll:

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

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

OTHER BUSINESS

Clerk Runyon invited everyone to stop by the township on Saturday, May 17th to have coffee with Representative Dave Pagel from 10:00 to noon.

PUBLIC COMMENT

Jerry Donnelly asked that the sign company he had been dealing be included on the Invitation to Bid for the township sign.

Jim Scholz advised that anyone who has questions on their ISO rating should call Sister Lakes Fire Department, extension 104. He also expressed his concerns over the Pride Care Report and their response times.

Bonnie Hague questioned the status of the Indian Lake Weed Harvester use and whether the township had done anything on ordinance revision.

ADJOURNMENT

The meeting was adjourned at 9:06 p.m. at the call of the Supervisor.

Dated: May 15, 2014

To be approved at the June 11 2014 Meeting

Barbara Runyon, Clerk