

**MINUTES SILVER CREEK TOWNSHIP
REGULAR BOARD MEETING HELD ON NOVEMBER 9, 2016**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, November 9, 2016. 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, Trustee Joel Moore and Trustee Mike Glynn.

MEMBERS ABSENT: None.

OTHERS PRESENT: Attorney John Magyar.

APPROVAL OF AGENDA

Trustee Moore moved, seconded by Trustee Glynn, to approve the November 9, 2016 agenda. Motion carried by voice vote.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Trustee Glynn moved, seconded by Treasurer Kuriata, to approve the October 12, 2016 Minutes. Motion carried by voice vote.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims for November 9, 2016. Trustee Glynn moved, seconded by Clerk Runyon, to approve the following bills and claims in the total amount of \$162,014.68 as follows:

FROM THE GENERAL FUND	\$140,955.13
FROM THE INDIAN LAKE SEWER FUND	\$ 6,096.24
FROM THE PUBLIC SAFETY FUND	\$ 3,504.00
FROM THE BUILDING DEPARTMENT FUND	\$ 3,789.47
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 774.84
FROM THE PARKS AND RECS FUND	\$ 6,895.00
GRAND TOTAL OF DISBURSEMENTS:	\$ 162,014.68

The motion carried by unanimous roll call vote.

READING OF COMMUNICATION

Clerk Runyon reported that a dividend check for our 2013-2014 worker's compensation program of \$337.20 was received from Burnham & Flower Ins. Company for a work safe year.

She received a letter from Henry (Hank) Ziemke saying that he had sold his property in Silver Creek Township therefore would be unable to continue to serve as a member of the Board of Review.

Motion

Supervisor Saunders moved, seconded by Treasurer Kuriata, to send a letter of appreciation to Mr. Ziemke. Motion carried by voice vote.

POLICE REPORT

20 complaints, 3 warnings, 16 tickets, 1 arrest handled, 2 arrest-assist other policy agencies; 2 assist fire and ambulance, and 1 assist motorist and pedestrians.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department: 3 for the month, 2 in Silver Creek Township.

Sister Lakes Fire Department: No report.

Pride Care Ambulance Report: October 6 8 priority one calls with an average response time of 9:42 minutes. There was one extended run due to difficulty locating the address. There were no numbers on the house or mailbox. Cass County dispatch was contacted to get a description of the house.

TOWNSHIP ATTORNEY'S REPORT

Attorney Magyar reported he had spoken with the county treasurer regarding the Fritz property. It will go into tax foreclosure next year. He has also been communicating with the creditors who have liens on the property.

He reported that he has requested bids on the demolition of the Chase property. He is also presenting an appraisal contract on the Indian Lake Golf Course for the Board to approve.

BUILDING/ZONING INSPECTOR'S REPORT

No report.

BLIGHT AND LIQUOR INSPECTION REPORT

Six open blight complaints beginning of October; 2 new blight complaints filed in September; 1 blight residents notified; 2 blight issues resolved. Total time spent on blight 4 hours. Five liquor inspections.

APPEALS BOARD REPORT

No report.

PLANNING/ZONING COMMISSION REPORT

Bill Zuhl reported the Planning Commission met on October 26th and elected officers for the year. Terry

Harris was elected Chair, Tim Feirick was elected Vice Chair and Tom Lehrer was elected Secretary. They discussed the Right to Farm Act. The next meeting will be November 30 at 7:00 p.m. due to Thanksgiving falling on the 23rd.

STANDING INSPECTORS REPORT

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

TREASURER'S REPORT

Treasurer Kuriata reported \$221,517.10 as the General fund balance and \$243,985.14 as the Indian Lake Sewer fund balance. She provided the CD Report and noted that she had transferred the funds authorized last month from the General Fund into the Public Improvement Fund and Road Fund.

OPERATIONAL REPORTS

Indian Lake Sewer: Wightman is working on the SAW grant.

Sister Lakes Sewer: Meeting tomorrow night.

Parks and Recreation Committee: Trustee Moore reported that the next Russom Park Meeting is January 17, 2017 at 6:00 p.m. at the township hall.

Public Safety Committee: Trustee Moore reported that the next Public Safety Meeting is January 17, 2017 at 7:00 p.m. at the township hall.

UNFINISHED BUSINESS

Clerk Runyon advised that Ordinance 16-02 had been passed at the October 12th meeting but had not been published within 15 days. We would have to vote on it again at this meeting.

ORDINANCE 16-02 PRIVATE EASEMENTS/ROADS

Supervisor Saunders moved, seconded by Treasurer Kuriata, to adopt Zoning Ordinance 16-02 as follows:

ORDINANCE 16-02
AMENDMENT TO
3.23 PRIVATE EASEMENT/PRIVATE ROAD
SILVER CREEK TOWNSHIP
CASS COUNTY, MICHIGAN
ZONING ORDINANCE
Ordinance #04-07

The Township of Silver Creek Ordains to Amend Ordinance 04-07 and as amended in 2015, Silver Creek Township Zoning Ordinance, as follows:

Section 3.23 **Private Roads/Streets** is replaced in its entirety with the following:

The Township has hereby determined that as large tracts of land are divided, sold, transferred, and developed; private access roads are being created to provide access to the newly divided properties which are not subject to regulation under the Michigan Subdivision Control Act of 1967 and other State regulations. The Township determines it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private roads to assure:

That private roads are designed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.

That private roads are constructed of suitable materials to ensure minimal maintenance and safe passage.

That private roads will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

Definitions – as used in this section

Private Road Easement: is a private road that provides access solely to four (4) parcels of land and does not require the private road to be constructed.

Private Road: is a road under private ownership which has been constructed upon a private road easement for the purpose of providing access to five (5) or more parcels of land.

- A. A Private Road Easement which only provides access to a maximum of four single family lots or dwelling units may have a minimum width of 40 ft. The center of the traveled portion of the road shall be located in the center of the easement.
- B. General Requirements to Private Road Easement/Private Road
 - 1. A private road shall not be constructed, except in accordance with the standards and requirements of this Ordinance and must meet Cass County Road Commission specifications.
 - 2. If an existing private road is proposed to be extended then the existing portion shall be improved, along with the new portion, to meet the standards and requirements of this Ordinance and must meet Cass County Road Commission specifications.
 - 3. Private roads are permitted in all zoning districts.
 - 4. Private road easements/private road shall not interconnect with the public street network in a manner that will preclude the extension of public streets if necessary to further the logical, orderly and efficient development of the overall public street network.

5. Private roads that may be exempt from this section are those private roads that would be subject to site plan review per this Ordinance, such as but not limited to: Planned Unit Development, Manufactured Housing Park, Shopping Centers.

C. Minimum Standards for Private Road

1. A private road shall be located within a private road easement. Such easement shall not be less than sixty-six (66) feet in width.
 - a. The center of the traveled portion of the road shall be located in the center of the private road easement.
2. At the dead end of such easement, the easement shall widen such that there is space adequate to provide for a turnaround to accommodate emergency and maintenance equipment.
3. A parcel shall have frontage on the private road easement which is at least equal to the minimum parcel width required for the zoning district in which the parcel is located.
4. A private road easement/private road shall intersect and connect to a public road. A private road easement/private road shall not be approved which accesses a public road by another private road easement/private road.
5. A private road shall be constructed or extended when a private road easement serves five (5) or more parcels.
6. A private road shall be given a street name that is not the same or similar to any other street name in the county, to be verified by Cass County Road Commission. A street sign meeting Cass County Road Commission standards shall be erected and maintained by the applicant where such private road intersects any public road.
7. A dwelling unit on a private road shall display a house number, minimum of three (3) inches in height, in a manner so that the number is at all times readily visible from the private road.
8. In determining the location of a private road easement, consideration shall be given to safety of traffic entering and exiting the private road easement in relationship to the public road.

D. Road Maintenance Agreement

The owner(s) and any other parties with legal interest in the proposed private road shall provide to the Township, a road maintenance agreement, access easement agreement, list of parcel numbers, and deed restrictions, all must be recorded with Cass County, which shall provide for the perpetual private maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall, at a minimum, contain the following provisions:

1. A method of initiating and financing of such road in order to keep the road in a reasonably good and usable condition that will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township and are readily accessible to and usable by emergency vehicles in all types of weather.
2. A workable method of apportioning the costs of maintenance and improvements, including the potential of future paving.
3. A notice that no public funds of the Township of Silver Creek are to be used to build, or maintain the private road. All costs shall be the responsibility of the property owners.
4. Easements to the public for the purpose of use of utilities, emergency and other public vehicles for whatever public services are necessary.
5. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to and returning from any of the parcels having a right to use the road.
6. That any structures or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance and that said agreement shall run with the land.

E. Procedure for Private Road

An application to establish or extend a private road shall be filed with the Township along with a fee as set by the Township Board. The application shall contain or be accompanied by the following information:

1. The name(s) of the owners and any other parties having any legal interest in the private road and the parcels across which it is to be constructed.
2. Parcel numbers of the parcels over which the private road is to be constructed.
3. A scaled drawing showing the location, grade, elevation, route, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect.
4. A scaled drawing illustrating the proposed lot division.
5. An approved driveway permit from the Cass County Road Commission.
6. A statement from the Cass County Road Commission indicating there is no known duplication of the proposed private road name.

7. The permit application, drawings and other required information shall be reviewed by the Zoning Administrator for completion and then go before the Planning Commission for a decision.

F. Final Compliance Requirements

1. Upon completion of the private road, the following shall be on file with the Township: a) a letter from the Cass County Road Commission that the road has been constructed in compliance with Cass County Road Commission specification, and b) documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Cass County Register of Deeds office, and c) a driveway permit for the private road from the Cass County Road Commission or the State of Michigan Highway Department, whichever applies, and d) verification letter from the Cass County Road Commission that the new street name is not the same or similar to any other street name in the county, and e) Planning Commission minutes and/or signatures verifying approval.
2. Upon verification of all items required for final compliance, the Township Supervisor shall issue a letter of final approval.

G. Permits for Dwellings on Private Road

1. A building permit shall not be issued for any principal dwelling which derives its primary access from a private road unless a letter of final approval of the private road has been issued.

H. Township Liability

The owner(s) of the private road agree by applying for and securing approval to construct the private road that they shall indemnify and save and hold the Township harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road. Such wording shall appear on the application for approval and be signed by the applicant.

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.

NEW BUSINESS

MOTION TO APPOINT DAVID PILOT

Supervisor Saunders moved, seconded by Clerk Runyon, to appoint David Pilot to the Silver Creek Township Board of Review replacing Hank Ziemke, with a term ending December 31, 2016.
Motion carried by voice vote.

MOTION TO APPOINT LARRY HEWITT

Treasurer Kuriata moved, seconded by Trustee Glynn, to appoint Larry Hewitt as an alternate to the Silver Creek Township Board of Review replacing David Pilot, with a term ending December 31, 2016.
Motion carried by voice vote.

MOTION RE. VALBRIDGE PROPERTY CONTRACT

Clerk Runyon moved, seconded by Treasurer Kuriata, to Authorize Supervisor Bill Saunders to sign the Appraisal Contract with Valbridge Property Advisors for the appraisal of Indian Lake Hills Golf Course. Trustee Glynn questioned the amount of the contract. It was noted to be \$7,500.00

The Supervisor requested a roll call vote. Motion carried by unanimous roll call vote.

ORDINANCE 16-03

Trustee Glynn moved, seconded by Trustee Moore, to Adopt Zoning Ordinance 16-03 as follows:

ZONING ORDINANCE 16-03
AMENDMENT TO SECTION 6.04 DISTRICT REGULATIONS
SILVER CREEK TOWNSHIP
CASS COUNTY, MICHIGAN
ZONING ORDINANCE
Ordinance #04-07

The Township of Silver Creek Ordains to Amend Ordinance 04-07, as amended in 2015, Silver Creek Township Zoning Ordinance, as follows:

Section 6.04C **Front Yard Averaging** ó replaced as **Front Yard Measurement**, and is amended to read: öThe front yard shall be measured from the edge of the road right of way or easement closest to the dwelling if a road separates dwellings from the lake.ö

Section 6.04.D is amended to read: öAn open, unenclosed, uncovered porch, or deck, exceeding more than eighteen (18) inches off the ground, may not project into a required yard setback. A balcony or window awning shall not project into any required yard setback.ö

The Supervisor requested a roll call vote. Motion on Ordinance 16-03 carried by unanimous roll call vote.

ORDINANCE 16-04

Trustee Moore moved, seconded by Supervisor Saunders, to adopt Zoning Ordinance 16-04 as follows:

ORDINANCE 16-04
AMENDMENT TO
SILVER CREEK TOWNSHIP
CASS COUNTY, MICHIGAN
ZONING ORDINANCE
Ordinance #04-07

The Township of Silver Creek Ordains to Amend Ordinance 04-07, as amended in 2015, Silver Creek Township Zoning Ordinance, as follows:

Section 2.09 ó Definition of **Housing for the Elderly** is amended to read: A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.

Section 2.17 ó Definition of **Primary Caregiver** amended to read: Primary caregiver or caregiver means a person as defined under MCLA 333.26423(H) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.

Section 2.17 ó Definition of **Qualifying Patient or Patient** amended to read: Qualifying patient or patient means a person as defined under MCLA 333.26423(I) of the Act, and who has been issued and possessed a Registry Identification Card under the Act.

Section 2.24 ó Definition of **Zoning Act**: MCLA 125.3101 et seq are added as a reference.

Section 9.04 A ó **Regulations for Licensed Manufactured Home Parks**. A. Is amended to read: All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, MCLA 125.2301 et seq., as amended, provided further that these developments meet the standards and conditions and all other provisions as herein established.

Section 9.04 M ó **Regulations for Licensed Manufactured Home Parks**. MCLA 125.2307 and 125.2317 are added as a reference.

It was noted that these ordinances amendments were made at the recommendation of American Legal during codification review. Discussion held.

The Supervisor requested a roll call vote. Ordinance 16-04 was carried by unanimous roll call vote.

ORDINANCE 16-01 AMENDING BOATING ORDINANCE

Supervisor Saunders moved, seconded by Treasurer Kuriata, to adopt Boating Ordinance 16-01 as follows:

ORDINANCE 16-01
AMENDMENT TO
SILVER CREEK TOWNSHIP
CASS COUNTY, MICHIGAN
BOATING ORDINANCE
Ordinance #97-01

The Township of Silver Creek Ordains to Amend Ordinance 97-01, as amended in 2015, Silver Creek Township Boating Ordinance, as follows:

Section 2.3 is deleted in its entirety.

Trustee Moore questioned what 2.3 was. Trustee Glynn noted that it was reference to Inland Lakes and Streams Act.

The Supervisor requested a roll call vote. Boating Ordinance 16-01 carried by unanimous roll call vote.

BID OPENING

Attorney Magyar indicated he had inquired with the City of Dowagiac on who does demolition work in the area. Three names were given. He indicated he did not publish the bid but contacted the three people to obtain a bid.

Supervisor Saunders opened and Clerk Runyon read the bids as follows:

Cross Excavating & Demolition, LLC - \$9,301.00

Merrill Excavating, Inc. - \$6,900.00 to demolish the home and barn and another \$3,000.00 to demolish mobile home. Supervisor Saunders advised that the mobile home was not on the Chase Bank property.

Deerpath Excavating, Inc. - \$5,795.00.

Discussion was held. It was noted that an Asbestos inspection must be completed and paid for by the township. Trustee Glynn questioned how the township would be recouped. Attorney Magyar said that we already have a judgment against Chase Bank and we will petition for additional costs.

MOTION TO ACCEPT BID

Trustee Moore moved, seconded by Clerk Runyon, to accept Deerpath Excavating, Inc. bid in the amount of \$5,795.00 contingent upon disposal requirements of the foundation and concrete and that it be leveled.

The Supervisor requested a roll call vote. Motion carried by unanimous roll call vote. Supervisor Saunders will contact Deerpath Excavating.

OTHER BUSINESS

Clerk Runyon reported on the November 8th election, stating Silver Creek Township had its largest voter turnout ever with 1,544 voters participating. She thanked her election inspectors who did an outstanding job, and gave a special thanks to Chairpersons Karleen Panozzo, Jackie Goodman and Terri Smith.

MOTION TO PAY ELECTION INSPECTORS

Clerk Runyon moved, seconded by Treasurer Kuriata, to authorize immediate payment to election inspectors. Motion carried by voice vote.

Supervisor Saunders stated that he had contacted A-1 Tree Service for the removal of the dead tree on the side of the driveway. At the October meeting we had approved \$2,000 for the removal. A-1 Tree Services advised that the trees on the fencerow all needed to be trimmed back. There was also a dead Ash tree that needed to be removed which is in the middle of the property line between the township and the Utrup residence. The property owner, Karla Utrup, has agreed to sign a release. Discussion was held.

MOTION FOR TREE REMOVAL

Supervisor Saunders moved, seconded by Trustee Moore, to go forward with the tree removal contingent upon Karla Utrup signing a release, in the additional amount of \$300.00, for a total amount of \$2,300.00.

The Supervisor requested a roll call vote. Motion carried by unanimous roll call vote.

Further Other Business

Supervisor Saunders thanked Joe Moore for his years of service as Trustee with Silver Creek Township. He has done an outstanding job and will be truly missed.

Trustee Moore thanked everyone, stating it was an honor and a pleasure to serve Silver Creek Township for the past 19 years. He encouraged the board to continue to push the continuing education which is offered by MTA. He is retiring as a Trustee, but will continue to be involved on township boards.

Supervisor Saunders then welcomed Bill Zuhl as the newly elected Trustee of Silver Creek Township.

PUBLIC COMMENT

Bill Zuhl questioned the codification process.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m. by the call of the Supervisor.

Barbara Runyon
Silver Creek Township Clerk

Dated: November 10, 2016
To be approved at the December 14, 2016 Regular Meeting

