

**MINUTES SILVER CREEK TOWNSHIP
REGULAR BOARD MEETING HELD ON NOVEMBER 14, 2018**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, November 14, 2018. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Supervisor Bill Saunders, Clerk Barb Runyon, Treasurer Maureen Kuriata, Trustee Bill Zuhl and Trustee Mike Glynn.

MEMBERS ABSENT: None.

APPROVAL OF AGENDA

Treasurer Kuriata moved, seconded by Trustee Glynn, to approve the November 14, 2018 Agenda. Motion carried by voice vote.

CALL FOR PUBLIC COMMENT

No public comment.

APPROVAL OF MINUTES

Trustee Glynn moved, seconded by Supervisor Saunders, to approve the Minutes of the October 10, 2018 Public Hearing and Regular Board Meeting. Motion carried by voice vote.

DOWAGIAC YOUNG PROFESSIONALS

Stephanie Holland and Rebecca Steinbach spoke on behalf of the Dowagiac Young Professionals. Ms. Holland shared the purpose of the non-profit organization. She went on to say that the organization has money set aside and is interested in partnering with Silver Creek Township and the City of Dowagiac to erect a pavilion with 7 to 8 picnic tables at Russom Park. They are in the preliminary stages and would like to get support from both entities before going forward. Further fundraising and possible assistance from both entities are likely. They will also be attending a Dowagiac City Council meeting to get their input and support. Discussion and questions followed. Board members agreed that it was a good idea.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims for November 14, 2018. Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the following bills and claims in the total amount of \$97,638.47 as follows:

FROM THE GENERAL FUND:	\$52,434.48
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FROM THE INDIAN LAKE SEWER FUND:	\$10,799.60
FROM THE PUBLIC SAFETY FUND:	\$ 4,613.95
FROM THE BUILDING DEPARTMENT FUND:	\$13,226.26
FROM THE INDIAN LAKE WEED CONTROL FUND:	\$ 3,822.84
FROM THE MAGICIAN LAKE WEED CONTROL FUND:	\$ 515.00
FROM THE DEWEY LAKE WEED CONTROL FUND:	\$ 9,841.34
FROM THE PARKS & RECREATION CONTROL FUND:	<u>\$ 2,385.00</u>
 GRAND TOTAL OF DISBURSEMENTS:	 \$97,638.47

Motion carried by unanimous roll call vote.

READING OF COMMUNICATION

No communication reported.

POLICE REPORT

Chief Grice reported: 34 complaints, 1 warnings, 1 ticket issued, 0 accident policed, 0 arrest handled, 0 assist other agency, 11 assist other police agencies, 2 in Township , 6 in City of Dowagiac, 3 County assists, 0 out of county assist, 3 assist fire and ambulance departments, and 1 assist motorist & pedestrians, 35 property inspections. Five liquor inspections with no violations.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department: 9 calls in October, 7 in Silver Creek, 1 tribal and 1 Pokagon.

Sister Lakes Fire Department: 10 calls in October with 7 in Silver Creek Township

Pride Care: No report.

BUILDING/ZONING INSPECTOR'S REPORT

Inspector Herter reported 10 building permits at a total projected cost of \$712,287.00 and three zoning permits for the month of October.

BLIGHT REPORT

No report.

APPEALS BOARD REPORT

Trustee Glynn reported three ZBA hearings and all were approved in some form.

PLANNING/ZONING COMMISSION REPORT

Trustee Zuhl reported that the Planning Commission held a public hearing on October 24, 2018 and approved a Solar Energy Ordinance. It has been sent to the County Planning Commission for their review and approval and then back to the township for Board consideration. Election of new officers took place: Terry Harris, Chairman; Tim Feirick, Vice Chair; and Jon Tidey, Secretary.

STANDING INSPECTORS REPORT

For the month of October:

Electrical permits issued: 68
Plumbing permits issued: 1
Mechanical permits issued: 12
Sewer: 1

TREASURER'S REPORT

Treasurer Kuriata reported \$112,821.35 General Fund balance and \$284,042.49 as the Indian Lake Sewer Fund balance.

CLERK'S REPORT

Clerk Runyon reported on the November 6th General Election thanking election inspectors. She reported 971 voters coming into the precinct on Election Day and 387 voting an absentee ballot for a total of 1,358 voters or a 53.09 percent turnout.

Supervisor Saunders stated that he and Trustee Glynn had discussed the lighting in the polling place and possibly putting in LED lights around the township hall for better lighting during elections.

Clerk Runyon went on to report that the new copy machine arrived.

OPERATIONAL REPORTS

Indian Lake Sewer: Nothing to report.

Sister Lakes Sewer: Nothing to report.

Parks and Recreation Committee: Trustee Glynn reported the next meeting will be held in January.

Public Safety Committee: No report.

OLD BUSINESS

NOXIOUS WEED ORDINANCE

Trustee Glynn reported that he and Officer Ken Wray discussed the noxious weed ordinance and made some updates. Trustee Glynn will provide a copy of the amended ordinance at the next meeting for further discussion.

NEW BUSINESS

MOTION FOR LINE ITEM TRANSFER

Clerk Runyon moved, seconded by Treasurer Kuriata, to transfer \$2,200.00 from Indian Lake Weed Control Line Item 241-701 Harvester Project and place it into 241-704 Aeration Electric. Clerk Runyon stated that the \$2,200.00 line item transfer should be a sufficient through fiscal year end. Motion carried by unanimous roll call vote.

BUILDING/ZONING ADMIN HERTER RE. ZONING ISSUE

Building/Zoning Administrator Todd Herter asked the Board for direction on a pending zoning issue. Peter Hickey lodged a complaint that his neighbor, Mancariø, deck was too large and violated zoning. Mr. Hickey provided Mr. Herter pictures taken of the deck. The deck was built 3 ½ years ago and was to be rebuilt to the size of the original deck.

Administrator Herter reported he asked why he had waited so long to complain, Mr. Hickey said that he was looking for photos to show the prior deck. Administrator Herter indicated that he was not able to locate any reference to the size of the original deck. After reviewing the photo, Mancariø were asked to take 18" off one side, which they complied with.

Mr. Hickey then asked that 18 additional inches be taken off, the steps lowered and the handrails removed. Administrator Herter stated he later found a copy of the original specs and the deck was rebuilt 3 feet too long. He contacted Mancariø and directed them to either remove an additional 18 inches, lower the stairs and remove handrails or they go before the Zoning Board of Appeals to get a variance. Mancariø responded that they would do neither, they had already spent money to remove the 18 inches previously requested, and the township would have to take them to court.

Administrator Herter spoke with the township attorney who said the township could either pursue a lawsuit or issue a civil infraction with a fine from anywhere from \$50 to \$100. Administrator Herter asked the Board which direction they would like him to pursue.

Questions were raised on how far back a complaint could be brought, and whether the township should include in our ordinance a statute of limitations on complaints. Administrator Herter stated that the State of Michigan provides that a contractor has 18 months and suggested that could be a guideline. He will check with the township attorney to see if that could or should be done.

A lengthy discussion followed.

MOTION

Trustee Glynn moved, seconded by Clerk Runyon, to write a civil infraction to Mancari in the amount of \$100. Motion carried by unanimous roll call vote.

INN-D-INN ROAD IMPROVEMENT SPECIAL ASSESSMENT

Jim Rubino told the board that he has filed petitions in both Silver Creek and Pokagon Township for a special assessment district to repave Inn D Inn Road. He reported approximately 35 property owners are involved and he has obtained signatures from 20 of the owners.

Clerk Runyon told the Board that she and Assessor Bill Kays have been working with Mr. Rubino on the special assessment. Before Assessor Kays can go forward, he will need to know what percentage of signatures the Township Board requires and whether to calculate it by road frontage or parcel. Clerk Runyon noted that they had discussed, after getting the adequate petition signatures, the Board could take the petitions as advisory only, and then act on their own motion rather than by petition. This way the Board can feel confident that enough taxpayers are comfortable with the special assessment. She also noted that if the Board takes action on their own, all property owners would receive notice and an opportunity to object.

Clerk Runyon also said that the Special Assessment District would like the township to loan them the money. The Board would have to decide if they want to do this and also the number of years and interest rate. She also noted that Mr. Rubino has received two bids and wondered if the Board felt that was sufficient or would want additional bids.

A lengthy discussion followed. The Board agreed that that it should be based on road frontage; 60 percent signatures; and three bids. The township will also be willing to loan the money with the terms to be discussed at a later time.

OTHER BUSINESS

Trustee Zuhl asked whether the County Road Commission is still responding to dead trees in the right-a-way. Trustee Glynn and Supervisor Saunders stated that they are. Trustee Zuhl received a complaint about a dead tree whose limbs are going over the road on Topash and Garret Roads. Supervisor Saunders will contact the road commission.

PUBLIC COMMENT

No public comment

ADJOURNMENT

Supervisor Saunders adjourned the meeting at 8:46 p.m.

Prepared by: Barbara Runyon
To be approved: December 12, 2018

Dated: November 15, 2018

