

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR BOARD MEETING HELD ON FEBRUARY 8, 2017**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, February 8, 2017. The Pledge of Allegiance to the Flag of the United States of America was led by Clerk Runyon.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Attorney John Magyar.

**APPROVAL OF AGENDA**

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the February 8, 2017 agenda with the addition of a motion for an Indian Lake Sewer line item transfer. Motion carried by voice vote.

**PUBLIC COMMENT**

Bob Thompson introduced himself as the new Cass County Road Commission Chairman and gave an update on the road commission.

**APPROVAL OF MINUTES**

Trustee Glynn moved, seconded by Trustee Zuhl, to approve the January 11, 2017 Regular Board Meeting Minutes and the January 17, 2017 Budget Workshop Minutes. Motion carried by voice vote.

**APPROVAL OF BILLS AND CLAIMS**

Treasurer Kuriata reported the bills and claims for February, 2017. Treasurer Kuriata moved, seconded by Clerk Runyon, to approve the following bills and claims in the total amount of \$54,588.91 as follows:

FROM THE GENERAL FUND	\$22,297.87
FROM THE INDIAN LAKE SEWER FUND	\$17,108.67
FROM THE PUBLIC SAFETY FUND	\$ 9,761.15
FROM THE BUILDING DEPARTMENT FUND	\$ 5,054.38
FROM THE PARKS & RECS FUND	\$ 300.00
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 66.84
GRAND TOTAL OF DISBURSEMENTS:	\$54,588.91

Trustee Glynn questioned what the Heartsmart payment was. Chief Grice answered that it was for an AED.

The motion carried by unanimous roll call vote.

## **READING OF COMMUNICATION**

Clerk Runyon read a letter received from the Silver Creek Township Planning Commission informing Planning Commission Member Jerry Donley has missed four consecutive regularly scheduled meetings, which goes against their by-laws.

## **POLICE REPORT**

10 complaints, 1 warning, 1 accidentø policed, 1 assist other policy agencies; 1 assist motorist & pedestrian, 34 property inspections. Chief Grice introduced Officer Kirk Graham.

## **HEALTH & SERVICE REPORTS**

**Indian Lake Fire Department:** January - 7 calls in the month, 4 in Silver Creek Township

**Sister Lakes Fire Department:** December ó 14 calls, 8 in Silver Creek Township. January ó 11 calls, 6 in Silver Creek Township. Average response time 8-9 minutes. The Department received a free military truck which is being turned into a pumper tanker. After trade-in the out-of-pocket cost will be \$65,000. They also acquired a boat which was also donated.

**Pride Care Ambulance Report:** Fifteen priority one calls in January with an average response time of 6:67 minutes. There was one extended response time due to distance. The crew took the correct route and did not report any further incidents.

## **TOWNSHIP ATTORNEY'S REPORT**

Attorney Magyar had nothing to report on litigation. He said heød been in contact with Supervisor Saunders regarding the planning commission memo. He has done some research. Discussion was held. Attorney Magyar will outline the law and provide a copy to board members. It was agreed to continue the discussion to the next board meeting.

## **BUILDING/ZONING INSPECTOR'S REPORT**

Building/Zoning Inspector Herter gave the building/zoning report: Three building permits at a total projected cost of \$327,900.00 and one zoning permit for the month of January.

## **BLIGHT AND LIQUOR INSPECTION REPORT**

Chief Grice reported no blight and 4 liquor inspections with no violations.

## **APPEALS BOARD REPORT**

No report.

## **PLANNING/ZONING COMMISSION REPORT**

Trustee Zuhl provided the planning commission report, stating they welcomed new board member Jon Tidey. Cass County Sheriff Behnke covered PA 281 of 2016, the Medical Marihuana Facilities Act, and

its effect on townships. A motion was passed to set a public hearing for March 22, 2017 at 7PM to discuss the elimination of Section 3.29J. Next meeting is March 22, 2017 at 7PM.

**STANDING INSPECTORS REPORT**

**Electrical Inspector:** 10 permits  
**Plumbing Inspector:** 3 permits  
**Mechanical Inspector:** 1 permits

**TREASURER'S REPORT**

Treasurer Kuriata reported \$337,365.93 as the General fund balance and \$219,847.18 as the Indian Lake Sewer fund balance.

**OPERATIONAL REPORTS**

**Indian Lake and Sister Lakes Sewer:** City of Dowagiac is now providing Miss Dig service. Next sewer meeting is February 9, 2017 at 2:30 p.m.

**Parks and Recreation Committee:** Next meeting will be in April at City Hall.

**Public Safety Committee:** The Committee met in January and the next meeting will be in March.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**MOTION TO REVISE WINTER TAX BILLS**

Supervisor Saunders moved, seconded by Clerk Runyon, to revise the following 2016 winter tax bills:

- Add additional \$564.48 principal and \$96.43 interest to Parcel 14-130-430-006-00 Garondos II LLC
- Remove \$330.45 from Parcel 14-130-430-001-00
- Remove \$165.23 from Parcel 14-130-430-002-00
- Remove \$165.23 from Parcel 14-130-430-003-00

Discussion. Motion carried by unanimous roll call vote.

**R17-02 APPROVING AUTHORITY AGREEMENT**

Supervisor Saunders moved, seconded by Clerk Runyon, to approve Resolution R17-02 as follows:

**RESOLUTION R17-02  
CASS/VAN BUREN EMERGENCY SERVICES AUTHORITY AGREEMENT WITH  
COLOMA EMERGENCY AMBULANCE SERVICES, INC.**

At a regular board meeting of the Township of Silver Creek held this 8<sup>th</sup> day of February, 2017, at the Silver Creek Township Hall, Silver Creek Township, Cass County, Michigan, be it resolved that:

WHEREAS, the Cass/Van Buren Emergency Services Authority, an Emergency Service Authority Incorporated (AUTHORITY) pursuant to the provisions of Act 57 of 1988, as amended; and,

WHEREAS, the AUTHORITY has entered into an Agreement with Coloma Emergency Ambulance Service, Inc., d/b/a Pride Care Ambulance, a Michigan corporation, to provide ambulance services to the area of the AUTHORITY; and

WHEREAS, the AUTHORITY desires to extend the contract, as attached, for a period of three years commencing on the date of the Agreement.

NOW, THEREFORE BE IT RESOLVED that by affirmative vote of the AUTHORITY, the attached Agreement with Cass/Van Buren Emergency Services Authority with Coloma Emergency Ambulance Services, Inc. d/b/a Pride Care for the provisions of ambulance services to the area of the AUTHORITY shall hereby be extended for three (3) years commencing on the date of the Agreement.

Discussion and questions followed. Resolution 17-02 carries by unanimous roll call vote.

**MOTION AUTHORIZING SUPERVISOR SAUNDERS TO SIGN**

Trustee Zuhl moved, seconded by Trustee Glynn, to authorize Supervisor Saunders to sign the Cass/Van Buren Emergency Services Authority Agreement. Motion carried by voice vote.

**RESOLUTION R17-03 PERFORMANCE RESOLUTION WITH MDOT**

Trustee Glynn moved, seconded by Clerk Runyon, to approve Resolution R17-03 as follows:

Resolution R17-03

Michigan Department  
Of Transportation  
2207B (12/16)

**PERFORMANCE RESOLUTION  
FOR GOVERNMENTAL AGENCIES**

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*This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".*

RESOLVED WHEREAS, the SILVER CREEK TOWNSHIP  
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

- 5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
- 6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name: \_\_\_\_\_  
 SUPERVISOR, BILL SAUNDERS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by  
 the GOVERNING BOARD  
 (Name of Board, etc)  
 of the SILVER CREEK TOWNSHIP of CASS  
 (Name of GOVERNMENTAL AGENCY) (County)  
 at a BOARD meeting held on the 8 day  
 of FEBRUARY A.D. 2017.

Signed \_\_\_\_\_ Title SUPERVISOR

Resolution R17-03 carried by unanimous roll call vote.

**MOTION TO SCHEDULE SPRING & FALL TRASH DAYS**

Trustee Zuhl moved, seconded by Clerk Runyon to schedule Spring Trash Days for May 26, 27, 28 and 29, 2017 and Fall Trash Days for September 1, 2, 3 and 4, 2017. Motion carried by voice vote.

**MOTION TO APPROVE AUDIT CONTRACT**

Clerk Runyon moved, seconded by Treasurer Kuriata to approve the audit contract with Kruggel Lawton CPA and Authorize Clerk Runyon to sign. Questions and discussion followed. Motion carried by unanimous roll call vote.

**MOTION FOR LINE-ITEM TRANSFER**

Clerk Runyon moved, seconded by Treasurer Kuriata, to transfer \$3,640 from Indian Lake Sewer Contingency Line Item to Maintenance/Repairs. Motion carried by voice vote.

**OTHER BUSINESS**

Trustee Zuhl questioned whether the tax bill correction would have to be made on the summer taxes also. Treasurer Kuriata stated they would not.

**PUBLIC COMMENT**

None.

**ADJOURNMENT**

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

Barbara Runyon  
Silver Creek Township Clerk

Dated: February 8, 2017  
To be approved at the March 8, 2017 Regular Meeting