

**MINUTES SILVER CREEK TOWNSHIP  
PUBLIC HEARING AND  
REGULAR BOARD MEETING HELD ON SEPTEMBER 14, 2016**

**PUBLIC HEARING ON LITTLE CROOKED LAKE WEED CONTROL**

The Public Hearing on the Little Crooked Lake Weed Control Special Assessment was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, September 14, 2016. The Pledge of Allegiance to the Flag of the United States of America was recited.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Assessor Bill Kays.

Supervisor Saunders stated the purpose of the public hearing was consideration of the assessment roll of Little Crooked Lake Weed Control Special Assessment District which had been prepared by the assessing officer of the township and to hear any objections or comments from the public.

Clerk Runyon reported that notices of the public hearing on this assessment roll were published in the Dowagiac Daily News on August 31, 2016 and September 2, 2016; notice was also mailed to each property owner of record on August 24, 2016. Affidavits of such publications and mailings are made a part of the file and as part of the record. She reported that no written or other objections were received prior to this hearing.

Clerk Runyon reported that the assessment for Little Crooked Lake Weed Control Special Assessment District, Silver Creek Township, for 2016, to be used in 2017, would be assessed at the rate of \$141.21 per parcel unit, with each property owner receiving a credit in 2016 only of \$121.57 for each parcel, which is due to a \$6,929.47 overage of the previous 5-year assessment being refunded. The net amount due in 2016 after the refund will be \$13.23. Special assessments in 2017, 2018, 2019 and 2020 will be at the rate of \$47.58 per parcel unit.

Supervisor Saunders opened the floor for public comment.

There was no public comment.

Supervisor Saunders closed the floor for public comment at 7:04 p.m.

**MOTION TO CLOSE PUBLIC HEARING**

Clerk Runyon moved, seconded by Treasurer Kuriata, to close the public hearing. Motion carried by voice vote.

**REGULAR BOARD MEETING**

The Supervisor then called the regular meeting of the Silver Creek Township Board to order at 7:04 p.m.

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**

Treasurer Kuriata moved, seconded by Trustee Moore, to approve the September 14, 2016 Silver Creek Township Agenda. Motion carried by voice vote.

**PUBLIC COMMENT**

Cass County Circuit Court Judge Candidate Mark Herman spoke on his candidacy, citing his experience and background.

**APPROVAL OF MINUTES**

Trustee Glynn moved, seconded by Trustee Moore, to approve the August 10, 2016 Public Hearing on Little Crooked Lake Special Assessment District and the Regular Meeting Minutes. Motion carried by voice vote.

**PRESENTATION OF 2015/16 AUDIT**

Kevin Radde of Kruggel Lawton, CPA presented the 2015/16 Silver Creek Township Audit. He gave a brief overview of the funds. He stated Silver Creek Township has a strong fund balance, with approximately 20 months operating funds in reserve. Questions followed.

**PRESENTATION OF INDIAN LAKE WEED CONTROL PLAN**

Tim Hull of Indian Lake Improvement Association presented a Powerpoint presentation "Indian Lake Weed Control Plan: Where We Are and What's Next." Questions followed.

**APPROVAL OF BILLS AND CLAIMS**

Treasurer Kuriata reported the bills and claims for September 14, 2016. Clerk Runyon moved, seconded by Supervisor Saunders, to approve the following bills and claims in the total amount of \$128,449.81, as follows:

FROM THE GENERAL FUND	\$ 82,895.01
FROM THE INDIAN LAKE SEWER FUND	\$ 31,139.36
FROM THE PUBLIC SAFETY FUND	\$ 5,445.00

FROM THE BUILDING DEPARTMENT FUND	\$ 5,156.15
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 3,539.94
FROM THE PARKS AND RECS FUND	\$ 274.35
GRAND TOTAL OF DISBURSEMENTS:	\$ 128,449.81

A roll call vote was taken by the Clerk:

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.

### **READING OF COMMUNICATION**

Clerk Runyon reported on communication received from the Cass County Council on Aging Renewal Committee thanking Silver Creek Township for our assistance and support of the millage proposition for services to older citizens.

She also received an e-mail from the DEQ regarding a SAW grant for Indian Lake Sewer which Silver Creek applied for in 2013 but did not receive. They are processing the next round of SAW grant applications and Silver Creek Township is being considered.

### **POLICE REPORT**

35 complaints; 13 warnings, 15 tickets, 1 accident policed, 3 assist other police agencies, 2 assist fire and ambulance, 2 assist motorists and pedestrians.

### **HEALTH & SERVICE REPORTS**

**Indian Lake Fire Department:** 2 calls for the month. Trustee Glynn asked whether a sunken boat has been recovered from Indian Lake. Jerry Donley from Indian Lake said that it had and is now on land.

**Sister Lakes Fire Department:** 11 calls total, 7 in Silver Creek Township, average response time of 6.57 minutes.

**Pride Care Ambulance Report:** August 6-11 priority one calls with an average response time of 5:47 minutes. There was an extended response time for one run due to incorrect routing. The crew has been counseled in an effort to avoid this in the future. The crew did not report any further incident.

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

Attorney Magyar updated the Board on the Chase Bank case. Chase Bank has hired Mark Postelli to

re-roof the M-51 N. house. Building Inspector Herter did a house inspection tonight and found numerous problems. He will forward Mr. Herter's report to Chase Bank and see how they want to proceed. They may want to tear down the house rather than correct the extensive problems.

He then reported on the Fritz lawsuit, indicating that a consent judgment has been signed. There are two existing liens on the property; one will expire in 2016, which could be renewed, and the other will expire in 2018. Once Mrs. Fritz signs an agreement for John to talk to the lienholders, he will begin discussions with the second lienholder on getting the lien off the property. He reported that a Fritz neighbor may be interested in purchasing the property.

He reported he is working personal property tax cases.

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

Eight building permits were issued for a total projected cost of \$95,698.00, and three zoning permits.

### **BLIGHT AND LIQUOR INSPECTION REPORT**

14 open blight complaint; 6 new blight complaints filed; 8 blight residents notified; 5 blight issues resolved. Total time spent on blight was 14.5 hours. Five liquor inspections.

### **APPEALS BOARD REPORT**

Jerry Donley reported there was one ZBA hearing on September 7th which was approved. Another is scheduled for October 5 at 7:00 p.m.

### **PLANNING/ZONING COMMISSION REPORT**

Bill Zuhl reported on the planning commission meeting held on September 7<sup>th</sup> to review the recommendations of the Cass County Planning Commission regarding 3.23 Private Roads/Streets. The next meeting will be held on September 28<sup>th</sup> at 7:00 p.m.

### **STANDING INSPECTORS REPORT**

**Electrical Inspector:** 4 permits

**Plumbing Inspector:** permits

**Mechanical Inspector:** 6 permits

### **TREASURER'S REPORT**

Treasurer Kuriata reported \$365,522.62 as the General fund balance and \$241,238.86 as the Indian Lake Sewer fund balance.

### **OPERATIONAL REPORTS**

**Indian Lake Sewer:** Treasurer Kuriata reported that a resident on Indian Lake who built the new garage has now been connected to the sewer.

**Sister Lakes Sewer:** SLAUA will hold its meeting tomorrow night.

**Parks and Recreation Committee:** Trustee Moore reported that the next Russom Park Meeting is October 18, 2016 at 6:00 p.m. at the City Hall.

**Public Safety Committee:** Trustee Moore reported the Public Safety Committee will meet on October 11, 2016 at 7:00 p.m. at the Township Hall.

### **UNFINISHED BUSINESS**

#### **ASH TREE PAVILION**

Clerk Runyon explained that the Ash Tree was cut down on the corner of Topash and Townhall Road last fall. It has been reported to be the largest of its species in the United States. When it was cut down, the board discussed erecting a pavilion at the township hall to showcase the tree. Monies were put in the budget for this project. We need to move forward to either build the pavilion or dispose of it.

Trustee Moore explained how it would be built, at the approximate cost of \$4,490.00. It would be similar to the one built at Russ Forrest.

Clerk Runyon said that she had contacted Bill Ross, who said he could remove and dispose of it for \$1,650. She went on to say that the estimate Trustee Moore gave showed \$600 for crane time. We could rent the crane, bring it to the township and throw it into our woods behind the township and let it go. This would save additional money. She questioned whether people would actually come to see the tree and if it was worth spending township monies for this.

Discussion was held. Resident Bruce Nevins suggested that the tree be brought to the township, dumped on rocks and covered to preserve it, and to then get township resident input on whether to go forward with the project.

Further discussion was held. It was noted that it currently has evidence of powder post beetles which should be treated. Trustee Glynn mentioned an e-mail received from an inquiry to MSU Southwest Michigan Research and Extension Center regarding preservation of the tree. It was suggested that as long as it was in a covered shed and up off the ground, there should be no problems preserving it. He noted that we might apply Borate, boric acid, which is safe for humans and does a good job.

Clerk Runyon questioned whether this was still the largest Ash Tree in the nation. The certificate was issued in 1981 and the newspaper articles in 1990 and 2001.

Further discussion was held. Trustee Glynn agreed to contact the necessary agencies to see if he can determine if the Ash Tree was the largest Ash Tree in the nation and report back to the board. The matter will be placed on the October Agenda.

### **AMENDED INDIAN LAKE WEED CONTROL CONTRACT**

Clerk Runyon reported that the Board had directed her, working with Trustee Glynn, to prepare amended weed control contracts. On January 13, 2016 the amended contracts were presented to the Board with no recommended changes. Clerk Runyon was then given the task of forwarding them to the respective association. Magician Lake's original contract and Dewey Lake's Amended Contract is signed and on file.

Attorney Magyar reported that he had met with members of the Indian Lake Improvement Association to discuss the new contract as it relates to the township signing contracts with service providers for weed control. An article in Michigan Lake & Streams states that a municipality takes bids for aquatic weed treatment purposes and signs a contract with the successful bidder. However, statute does not say who must sign the contract with the individual providing the services. There is not a case on point in the MCLs. He stated that in the Lehrer case the Tax Tribunal Judge did not address the issue.

Clerk Runyon stated her main concern was providing taxpayers with more information and being transparent by requiring the association to provide annual reports, contracts, MSDS sheets, association contact information, et cetera. She thought it was important for taxpayers to know how their lake is being treated and with what chemicals. She thought that if she, Trustee Glynn and Attorney Magyar would have sat down with the Indian Lake Improvement Association representatives, they could have come up with an agreement. She believes that an amended contract is still necessary.

A lengthy discussion was held. Trustee Glynn suggested another meeting be held with the Improvement Association for further discussion on the language of the contract.

Supervisor Saunders asked Jerry Donley, President of the Indian Lake Association, if they would agree to meet again with the proper officials.

It was concluded that Supervisor Saunders and Jerry Donley will coordinate a meeting between the respective parties.

## **NEW BUSINESS**

### **RESOLUTION R16-16**

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the following resolution:

#### **Resolution R16-16 RE: Little Crooked Lake Weed Control Special Assessment Silver Creek Township, Cass County, Michigan**

WHEREAS, the township board of the Township of Silver Creek, Cass County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the assessing officer of the township for the purpose of treatment of aquatic evasive species incidental to the Little Crooked Lake Weed Control Special Assessment District, Silver Creek Township, Cass County, Michigan.

AND WHEREAS, such public hearing was preceded by proper notice in the Dowagiac Daily Newspaper of general circulation in the township, and by first-class mail notice to each property owner of record within said district upon said assessment roll;

AND WHEREAS, no one present at such public hearing concerning said assessment roll asked to be heard in this matter;

AND WHEREAS, no written objections were received to said roll and levy;

AND WHEREAS, the township board has duly inspected the proposed assessment roll and considered all comments thereto and has found the proposed assessment roll to be correct, just and reasonable;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The assessment roll submitted by the assessing officer of the township shall hereafter be designated as Little Crooked Lake Weed Control Special Assessment District.
2. The assessment in said Silver Creek Township, Little Crooked Lake Weed Control Special Assessment District, shall be assessed on the 2016 winter tax bill (to be used in 2017) at the rate of \$141.21 per parcel unit, with each property owner receiving a credit in 2016 only of \$121.57 for each parcel due to a \$6,929.47 overage of the previous 5-year assessment being refunded. The net amount due in 2016 after the refund will be \$13.23. Special assessments in 2017, 2018, 2019 and 2020 will be at the rate of \$47.58 per parcel unit.
3. The assessments made in said special assessment roll are hereby ordered and directed to be collected by the township treasurer, and the township clerk shall deliver said special assessment roll to said treasurer with her warrant attached, commanding the treasurer to collect such assessment in accordance with the direction of the township board and said PA 188.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

The Supervisor directed the Clerk to take roll:

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

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

#### **MOTION TO APPROVE 2015/16 TOWNSHIP AUDIT**

Treasurer Kuriata moved, seconded by Clerk Runyon, to approve the 2015/16 Silver Creek Township Audit prepared by Kruggel Lawton, CPA. Motion carried by voice vote.

#### **MOTION TO APPROVE LAND SPLIT**

Supervisor Saunders moved, seconded by Trustee Moore, to split lot 2 Oak Grove to join S ½ to lot 3 and N ½ to lot 1 and to transfer lot 35 Oak Grove #1 to the owner of Lot 36 Oak Grove 1 resulting in

two contiguous parcels. Parcel 1 lot 1 and north ½ of lot 2 Oak Grove and Lot 35 and 36 Oak Grove 1. Parcel 2 lot 3 and south ½ lot 2 Oak Grove and lot 34 Oak Grove 2. Discussion followed.

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 carried by roll call vote.

**MOTION TO APPROVE ADDENDUM AGREEMENT  
WITH COLOMA EMERGENCY AMBULANCE**

Trustee Glynn moved, seconded by Clerk Runyon, to approve the Addendum Agreement Between Cass/Van Buren Emergency Service Authority and Coloma Emergency Ambulance, D/B/A Pride Care Ambulance and to authorize Supervisor Saunders to sign. Motion carried by voice vote.

**MOTION TO WAIVE PURCHASING POLICY**

Trustee Moore moved, seconded by Treasurer Kuriata, to waive purchasing policy requirement 7.b to allow acceptance of a bid for sealing Silver Creek Township's Russom Park parking lot, walking path and striping of parking lot.

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 ACCEPT PROPOSAL  
FOR RUSSOM PARK SEALING**

Supervisor Saunders explained three bids were obtained for the paving of Silver Creek's share of Russom Park's parking lot, walking path and striping of the parking lot. Discussion was held. Trustee Moore questioned whether Tustins Asphalt Sealing's bid included two applications or one. It appeared that it was one application, but Supervisor Saunders will confirm with Tustins. It was noted that Tustins Asphalt Sealing's bid was the least expensive.

Trustee Moore moved, seconded by Treasurer Kuriata, to award the bid for sealing the Russom Park parking lot, walking path and striping of the parking lot to Tustins Asphalt Sealing in the amount of



\$6,710.00 if Tustins applies two seal coats, if only one seal coat, the bid will be awarded to Arnt Asphalt Sealing, Inc. in the amount of \$7,790.00.

The Supervisor directed the Clerk to take roll:

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

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

### **DISCUSSION ON EMERGENCY RESPONSE AND RECOVERY ORDINANCE**

Clerk Runyon reported that Attorney Magyar had prepared an Emergency Response and Cost Recovery Ordinance for the Board to review. She had furnished copies to each board member prior to the meeting.

Discussion was held. Clerk Runyon questioned whether the township should enter into such an agreement since the fire departments are a separate entity and contracted by the township, not owned by the township. She expressed a problem with the wording of the ordinance, and questioned whether Silver Creek Township taxpayers should be exempt if this ordinance is passed since they are already paying a millage for public safety.

Trustee Glynn and Supervisor Saunders both remarked that it would assist the fire department in recouping extraordinary expenses during hazardous material release, unlawful fires, et cetera, not a routine fire. Bills would also have to be approved by the township board.

Clerk Runyon noted that the ordinance has the Clerk preparing the invoices, bringing them to the board for approval, and acting as the collecting agent.

Extensive discussion followed.

Bills Kays, Keeler Township Supervisor, indicated that Keeler Township had recently passed an ordinance recoupment with Keeler Township Fire Department and Sister Lakes Fire Department. He will provide the township board with a copy of their ordinance.

This matter will be revisited again at the October meeting.

### **PUBLIC COMMENT**

Paul Boger from Indian Lake asked the board to consider an ordinance to force homeowners to eliminate dead trees on their property that pose a danger. Neighboring property by the boat landing has two dead trees which have been falling on the roadway. He's concerned someone is going to get injured. The property owner has not done anything about correcting the problem.

Silver Creek Township resident Bonnie Hague questioned whether there was still a Silver Creek Township Parks and Recreations Board. Trustee Moore said there is, but no meeting has been scheduled.

Silver Creek Township resident Tom Lehrer thanked Indian Lake Improvement Association for the good job they are doing without treating with chemicals, and for providing this evenings presentation. Supervisor Saunders noted that they do treat with some chemicals.

Bruce Nevins reported that Brush Lake Road has been recently seal coated but no overspray had been used like it had in other roads. Supervisor Saunders will review the contracts.

### **ADJOURNMENT**

The meeting was adjourned at 9:28 p.m. by the call of the Supervisor.

Barbara Runyon  
Silver Creek Township Clerk

Dated: September 15, 2016  
To be approved at the October 12, 2016 Regular Meeting