

**MINUTES OF THE SILVER CREEK TOWNSHIP REGULAR BOARD MEETING  
HELD ON WEDNESDAY MAY 11, 2011**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. with flag ceremony. Present: Supervisor Bill Saunders, Treasurer Maureen Kuriata, Clerk Walter Lehmann, Trustee Joel Moore and Trustee Doug Swisher. Attorney John Magyar was present as guest.

The agenda for the business meeting was approved by unanimous voice vote on motion by Trustee Swisher, supported by Trustee Moore, with addition of adding to new business the consideration of bids for maintenance of the garden area in front of the Township Hall.

**PUBLIC COMMENT:** Mr. Ed Miller presented a petition to the Board to put the matter of a Special Assessment District and levy for ambulance service in the north one-half of the township on a ballot referendum. The supervisor received the petitions and transferred them to the clerk for evaluation. The clerk accepted and informed Mr. Miller and the Board that such a matter would be eligible to be placed on the November 8, 2011 election date. He will evaluate for sufficiency and report to the Board at the June 8<sup>th</sup> meeting.

Mr. Nevins asked about moving the speed recorder. It has been on Indian Lake Road for three weeks and the battery is now dead as it is not displaying. Mr. Moore advised he would get it charged and moved.

**APPROVAL OF THE MINUTES:** The regular meeting of April 13, 2011 and special meeting of April 23, 2011 were approved by unanimous voice vote, on motion by Trustee Moore, supported by Treasurer Kuriata.

**BILLS & CLAIMS:** Treasurer Kuriata presented bills and claims to be approved from the following funds:

General Fund	\$ 70,178.94
Indian Lake Sewer Maintenance Fund	\$ 7,977.34
Public Safety-Fire/Police Fund	\$ 5,071.87
Building Dept. Fund	\$ 4,489.23
Indian Lake Weed Control Fund	\$ 966.02
Fire & Ambulance Fund	\$ 15,000.00
Public Improvement Fund	<u>\$ 2,595.00</u>
For a total distribution of	\$106,278.40

On motion by Trustee Swisher, supported by Trustee Moore, the bills and claims were approved to be paid by unanimous roll call vote.

**READING OF COMMUNICATIONS:** The clerk read notices from Michigan Townships Association on upcoming presentations.

A presentation on special assessments and millage will be available on disk for \$75.00. The clerk was authorized to purchase by unanimous roll call vote, on motion by Supervisor Saunders, supported by Trustee Moore.

**POLICE REPORT:** Chief Grice read his report. Complaints handled: 69, Warnings issued: 29, Tickets issued: 6 Accidents policed: 2, Arrests: 2, Arrest assist to other agencies: 1, Assist to other police agencies: 6, Assist motorists and pedestrians: 7.

**FIRE AND AMBULANCE REPORTS:** Indian Lake Volunteer Fire Department reported: 1 fire run in April. Sister Lakes Volunteer Fire Department reported: 5 fire runs and 3 ambulance runs in Silver Creek Township with av. response time of 9.3 min. Pride Care DWG reported: 3 ambulance runs with av. response time 8.20 min. in April in Silver Creek Township.

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TOWNSHIP ATTORNEY MAGYAR REPORTED: There will be a preliminary injunction hearing on May 16<sup>th</sup> to refrain Mr. Phillips from soliciting buyers for the Indian Lake property, under complaint, prior to the arbitration hearing on May 23<sup>rd</sup>.

The restrictions requested in the master deed for Gerrandos, LLC are supposedly to be addressed in a draft, not received yet.

The deed for the former Waterson property has been recorded.

BUILDING INSPECTOR HERTER REPORTED: 9 permits issued for an estimated construction value of \$86,900.00.

ZONING & BLIGHT ADMINISTRATOR GOODMAN REPORTED: 3 violation letters sent, 2 red tags posted, 5 zoning compliance permits issued, 1 F.O.I.A. request received. He suggested we proceed to clean up a property at School St. and Adams Ave. The legal notice process needs to be completed first.

Question on a shed less than 200 SF requiring a zoning permit was answered in affirmative.

The removing of burned home on M-152 is being processed with the representative of the bank. They have 45 days to implement.

A proposal to purchase tracking software for \$49.95 to track inspection permits was approved on motion by Supervisor Saunders, supported by Treasurer Kuriata as long as there are no additional requirements to our system.

APPEALS BOARD REPORT: No appeals entered.

PLANNING/ZONING COMMISSION REPORT: Chairman Glynn reviewed the meeting of April 27<sup>th</sup> where Agriculture Tourism amendments to the Zoning Ordinance relative to the Right to Farm Act were discussed. A public hearing will be scheduled. The recommended amendments to the Zoning Ordinance that were submitted to the Cass County Planning Commission have received their support.

Amendment to Section 16.04 adding No. 5 approved on motion by Clerk Lehmann, supported by Supervisor Saunders.

Amendment to Chapter 3, adding Section 3.29 Medical Marihuana distribution and adding necessary definitions to Chapter 2, approved on motion by Supervisor Saunders, supported by Clerk Lehmann.

ELECTRICAL INSPECTOR'S REPORT: 4 electrical inspections, 11 permits issued.

PLUMBING INSPECTOR'S REPORT: 2 plumbing inspections.

MECHANICAL INSPECTOR'S REPORT: 2 mechanical inspections.

LIQUOR INSPECTOR'S REPORT: 7 liquor inspections. No violations.

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TREASURER'S REPORT: Treasurer Kuriata reported unallocated fund balances:

General Fund	\$234,945.24
Indian Lake Sewer Maintenance Fund	\$ 79,409.79

COUNTY COMMISSIONER GOODMAN REPORTED: On the significant activities. He read report of Economic Growth and Taxation Committee of MAC and explained shortfall problems.

The Emergency Manager Expansion of Authority was reviewed. He pointed out that these unfunded mandates could require more county millage requests.

DOWAGIAC DISTRICT LIBRARY REPORT: Mrs. Goodman submitted that the rain gardens at the library building are completed and she invited people to see. Supervisor Saunders pointed out that we need to encourage use of the library service at the Township Hall the 2<sup>nd</sup> and 4<sup>th</sup> Saturday of each month from 9:30 a.m. – 11:30 a.m.

COMMUNITY AWARENESS REPORT: The last meeting on May 9<sup>th</sup> was reviewed. The availability of crime reports on the internet was explained. The next meeting is June 18<sup>th</sup> at 7:00 p.m. with the Dowagiac District Library doing the presentation.

OPERATIONAL COMMITTEE REPORTS:

SEWER SYSTEMS OPERATIONS –

INDIAN LAKE SEWER – Reporting system working well. No alarms. Increasing fees for second taps for accessory building service may be indicated to recover the Township's costs to complete. The treatment rate from Dowagiac Utilities is being revised to a 3 year estimated average.

SISTER LAKES AREA SEWER – The treatment rate for this system has also been reduced. The plant operation cost was discussed.

PARKS & RECREATION COMMITTEE – Trustee Moore submitted Mr. B. J. Hague as an alternate, approved on motion by Supervisor Saunders, supported by Treasurer Kuriata. He submitted a proposal, not to exceed \$5,700, for bike path signage on roads from the lake area to Russom Park, approved on motion by Clerk Lehmann, supported by Supervisor Saunders.

UNFINISHED BUSINESS:

- A. AMBULANCE SERVICE IN NORTH ½ OF TOWNSHIP – Tabled until June, pending evaluation of petitions.

NEW BUSINESS:

- A. ORDINANCE CREATING THE PLANNING COMMISSION UNDER PA 33 OF 2008 – After explanation by Supervisor Saunders, this was approved on motion by Clerk Lehmann supported by Supervisor Saunders.
- B. REVISIT PEST CONTROL CONTRACT – Supervisor Saunders presented a proposal from Rose Pest Control to provide same level as present provider, Orkin. Difference is \$12.19 per month less. Rose was approved on motion by Supervisor Saunders, supported by Trustee Moore.

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C. AUDIO SYSTEM UPGRADE FOR MEETING ROOM – There have been two evaluations of the present system after many complaints:

1. Crookston Audio proposal with options totaling \$5,999.00.
2. TCB Audio proposal totaling \$6,212.00.

The supervisor explained each of the bids. Discussion followed. The proposal by Crookston, to include recorder not to exceed \$5,999, was approved on motion by Trustee Moore, supported by Treasurer Kuriata.

D. AWARD OF SMC SCHOLARSHIP FOR 2011 – There are three applications, copies given to each Board member. Applicants are Hannah Pacheco, Brittany Shugars and Kaye Swartz. The names were put into a drawing. The successful candidate is Kaye Swartz.

The clerk will notify the winner, SMC and Dowagiac Union High School.

E. P.A. 116 APPLICATION OF MITCHELL FAMILY PARTNERSHIP – The assessor has indicated that all provisions are in order. On motion by Trustee Moore, supported by Trustee Swisher, this was approved.

F. LISTING OF PROPERTY DONATED TO THE TOWNSHIP AT 33751 SCHOOL STREET – Quiet title proceedings have not been completed, so this was tabled until this is completed.

ADDED ITEM: PROPOSALS FOR GARDEN AREA MAINTENANCE – As the donor services are no longer available, three bids were solicited. The bids were read:

1. MTL - \$453.00
2. Windy Acres - \$470.00
3. H & H Landscaping - \$330.00

The bid of H & H Landscaping was approved, on motion by Trustee Swisher, supported by Treasurer Kuriata.

OTHER BUSINESS: The clerk announced the results of the School Board Election: Total 94 ballots, 41 of which were absentee ballots.

PUBLIC COMMENT: Mr. Donley asked status of his proposal to purchase a “commissioners desk” for the Board. It has not been acted upon. We can reopen the file and contact the proposers to see if their bids are valid or re-quote, and put on June agenda.

Trustee Moore asked that in conjunction with Trash Days, if he collected tires from along roads he could get reimbursed for costs. Supervisor Saunders answered that his costs would be covered.

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Walter F. Lehmann, Clerk