

**BIG RAPIDS CHARTER TOWNSHIP BOARD
REGULAR MEETING TUESDAY, FEBRUARY 2, 2016
APPROVED**

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Stanek, Currie, Jensen, Hamelund, Zimmerman present. Fountain, Toogood absent.

All lead in the Pledge of Allegiance.

PUBLIC COMMENT: None

ADDITIONS TO AGENDA: A motion to postpone Fire Committee Request to go out for bids for addition was made by Hamelund. Seconded by Zimmerman. Motion failed.

SPECIAL APPEARANCE- Eric Gustad with Consumers Energy gave an overview of the Franchise Ordinance the board is to consider for adoption.

APPROVAL OF JANUARY 5th AND 12th REGULAR MINUTES: A motion to approve with corrections to the January 5, 2016 minutes was made by Currie. Seconded by Hamelund. Motion carried.

APPROVAL OF TREASURERS REPORT AND REVENUE & EXPENDITURE REPORT: December Treasurers Report and Revenue & Expenditure Report accepted as printed.

ACCOUNTS PAYABLE AND PAYROLL: A motion to approve the payment of bills presented in the amount of \$63,021.37 and payroll in the amount of \$21,640.77 was made by Zimmerman. Seconded by Currie. Motion carried on roll call vote.

MONTHLY REPORTS:

1. **Building Department:** Written
2. **Fire Department:** Written
3. **Sewer Department:** Written
4. **Water Department:** Written
5. **Cemetery Committee:** Written
6. **Election Committee:** Written
7. **Fire Committee:** Written
8. **Planning Commission:** Written
9. **Utilities Committee:** Written
10. **Supervisor:** Written

Approved as printed

UNFINISHED BUSINESS:

1. **Water Plant Operator:** A motion to contract with Kevin Cushway for \$12500.00/year was made by Jensen. Seconded by Hamelund. Motion carried on roll call vote.
2. **Grounds and Maintenance Supervisor:** A motion to advertise for the position was made by Jensen. Seconded by Currie. Motion carried on roll call vote.
3. **Public input on Roads:** Hamelund asked that information be put on the township's website to keep residents informed of township roads.

NEW BUSINESS:

1. **Motion to consider for adoption and publish Franchise Ordinance No.25:** A motion to move forward with the adoption of Ordinance No.25 was made by Jensen. Seconded by Zimmerman. Motion carried on roll call vote.

ORDINANCE NO. 25

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the CHARTER TOWNSHIP OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN, for a period of thirty years.

THE CHARTER TOWNSHIP OF BIG RAPIDS ORDAINS:

SECTION 1. GRANT, TERM. The CHARTER TOWNSHIP OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the CHARTER TOWNSHIP OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Charter Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Charter Township on account of the permission herein given, said Grantee shall, upon notice, defend the Charter Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its electric distribution system within said Charter Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Charter Township for electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Charter Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Charter Township, acting by its Charter Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Charter Township.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the Township on April 1, 1986 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN.

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Charter Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Charter Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Charter Township Board of the CHARTER TOWNSHIP OF BIG RAPIDS, MECOSTA COUNTY, MICHIGAN, on the ____ day of _____, 2016.

William Stanek, Charter Township Supervisor

Attest:

Rene Fountain, Charter Township Clerk

2. **Fire Committee Request to go out for bids for addition:** A motion to go out for bids was made by Jensen. Seconded by Currie. Motion passed on roll call vote. Jensen;yes, Currie;yes, Stanek;yes, Zimmerman;no, Hamelund;no.
3. **Fire Department Request to hire:** A motion to hire Mr. Scott Simpson and Mr. Ryan Pranger to the department was made by Jensen. Seconded by Zimmerman. Motion carried.
4. **Fire Department Request to buy 3 sets of turn out gear:** A motion to approve the purchase with the total cost approximately \$10,500.00 was made by Hamelund. Seconded by Currie. Motion carried on roll call vote.
5. **Library Committee Appointments:** A motion to approve a library committee promoting the proposed millage comprised of Jerald Everett, Jeanette Fleury, Maryanne Hiedemann, Alice Bandstra Adriana Mallet, Rita Conrad was made Hamelund. Seconded by Zimmerman. Motion passed on roll call vote. Hamelund;yes, Zimmerman;yes, Stanek;yes, Currie;no, Jensen;no.
6. **Audit authorization Letter:** A motion to approve the engagement letter with Gabridge & Company for the 2015 audit was made by Zimmerman. Seconded by Currie.
7. **User charge 2016:** A motion to approve the 2016 User Charge was made by Hamelund. Seconded by Zimmerman. Motion passed on roll call vote. Hamelund;yes, Zimmerman;yes, Stanek;yes, Currie;no, Jensen;no.

PUBLIC COMMENT: Public comment heard.

ADJOURNMENT: 8:10 p.m.

Clerk

Supervisor