

MIDLAND CHARTER TOWNSHIP
REGULAR BOARD MEETING
April 11, 2018
7:00pm
1030 S POSEYVILLE RD
MIDLAND, MI 48640

Present: All Members except Holt and Avery

Also Present: 3 guests

Pledge of Allegiance

Appointment of Treasurer as Chair in absents of supervisor

Meeting Minutes: March 14, approved as written

Public Comment:

Tonya from Spicer's
Gaye Terwillegar happenings in County

Building report:

122.00 in electrical permits

Fire Report:

33 Runs
Fire hose testing

Radosa motions to send Josh Rickett to training in the amount of \$590.00. Clarey supports:
Yeas: Radosa, Clarey, Northup, Leach, Armstrong-Miller

Enforcement Report:

Commercial truck in driveway- deemed okay by board
Various cars parked where they shouldn't be.

Planning Commission:

Meeting April 12, 2018 to discuss general code books and solar panels, report next meeting

Financial Report:

Radosa motions to pay the bills, Northup supports
Yeas: Radosa, Northup, Leach, Clarey, Armstrong-Miller

2 new cd's in place for the water fund. 1 to Wildfire credit union and 1 in Huntington bank

Unfinished Business:

DEQ Asset Management plan, Hiring Wade Trim to complete for us. Contract signed for \$20,000.00

Armstrong-Miller motions to accept ordinance 101 as written by Consumer's Energy, Leach supports:
Yeas: Armstrong-Miller, Leach, Northup, Clarey, Radosa

ORDINANCE NO. 101

CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE

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

THE CHARTER TOWNSHIP OF MIDLAND ORDAINS:

SECTION 1. GRANT, TERM. The CHARTER TOWNSHIP OF MIDLAND, MIDLAND COUNTY, MICHIGAN, hereby grants to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, cross arms, guys, braces, feeders, transmission and distribution wires, transformers, and other electrical appliances on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the CHARTER TOWNSHIP OF MIDLAND, MIDLAND 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 street, alley, bridge, highway, waterways, 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 granted, 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. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted are not exclusive. The right to do a gas business and the right to do an electric business hereunder are several, and such rights may be separately exercised, owned and transferred. Either manufactured or natural gas may be furnished hereunder.

SECTION 6. EXTENSIONS. Said Grantee shall from time to time extend its gas and electric systems to and within said Charter Township and shall furnish gas or electricity to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 7. RATES. The Grantee shall be entitled to charge the inhabitants of said Charter Township for gas and/or 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 gas and electric rates and rules regulating such service in said Charter Township, are hereby granted. 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, both gas and electric, not herein fixed, be and remain subject to reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas or 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 a gas and/or electric ordinance adopted by the Charter Township Board on April 13, 1988 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate certain gas mains pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, cross arms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along, across and under highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the Charter Township of Midland, Midland County, Michigan, for a period of thirty years.

and amendments, if any, to such ordinance whereby a gas and/or 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, it shall cease and be of no effect after sixty 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

New Business:

Change locks on back door to Hall so it's a totally different key from main rentable hall. Radosa will unlock this when full hall is rented.

Change locks on treasurer's door to be complete separate from main building.

Contact Pete Poznak to discuss letter from Labadie attorney. Armstrong-Miller to follow up on this.

Parking lot estimate from Johnston Contracting. To include parking spaces for new park.

Adjourned 20:40

Terry Holt, Supervisor _____

Shelly Armstrong-Miller, Clerk _____