

**VILLAGE OF ROSCOMMON**  
**Minutes of the August 14, 2017 Regular Council Meeting**

President Fishel called the meeting to order at 7:02 PM. Members of the Council present: Dan Fishel, Mike Miller, Dan Scow, Heather Roemer, Brian Ludwig, Marc McKee and Jan Deloge. Others present: Clerk Dawn Dodge, Manager John Rosczyk, Nilah Mason, Jay Jacobs, John DeVol, Stephen Morris, Krista Tacey-Cater, Chris Fishell, Jan Wilkerson, Patrick Demers, Jim Anderson, Chris Wilkinson, Lynn Wilkinson, Sue Jock, Tony Medina, Todd Jansen, Mark Larsen, Cari Talerico, Shelly Linderman, Mike Walker, Doug Hodges, Deb Rosczyk and Thomas O'Brien. The Pledge of Allegiance was recited and an Invocation given by President Fishel.

**PUBLIC HEARING FOR ORDINANCE APPROVING PROPOSED SALE OF 214-216 S. MAIN STREET**

President Fishel opened the public hearing at 7:03 PM.

President Fishel questioned whether or not the monitoring wells had been looked into.

Comments heard from: Todd Jansen, Mark Larsen, Mike Walker and John DeVol.

President Fishel closed the public hearing at 7:20 PM.

**PUBLIC HEARING FOR CONSUMERS ENERGY CO. ELECTRIC FRANCHISE ORDINANCE**

President Fishel opened the public hearing at 7:20 PM.

Jay Jacobs from Consumers Energy spoke.

President Fishel closed the public hearing at 7:23 PM.

**SHERIFF'S REPORT**

Sergeant Max gave the Sheriff Department's report.

**CONSENT AGENDA**

Moved by McKee, seconded by Ludwig, to approve the consent agenda, including bills to be paid in the amount of \$47,917.74. Ayes: McKee, Ludwig, Roemer, Miller, Scow, Deloge and Fishel. Nays: None. The motion carried.

**REGULAR AGENDA**

Moved by McKee, seconded by Miller, to accept the Regular Agenda. All in favor. Hearing no objections, the motion carried.

**MANAGER'S REPORT**

The Manager included a written report. John DeVol spoke on the ICE Grant. Marc McKee gave an update on the Community Excellence Award.

**PUBLIC COMMENT ON REGULAR AGENDA ITEMS**

Comments heard from: Mark Larsen.

### UNFINISHED BUSINESS

#### **-Lot Split approval for property at 214 S. Main St.**

Moved by Ludwig, seconded by Roemer, to approve the lot split at 214 South Main Street as requested in the attached application. Ayes: Scow, Fishel, Deloge, McKee, Ludwig, Miller and Roemer. Nays: None. The motion carried.

#### **-Adoption of Ordinance Approving Purchase Agreement for sale of 214-216 S. Main Street**

Moved by Scow, seconded by Ludwig, to table the Adoption of the ordinance approving purchase agreement for sale of 214-216 S. Main Street for further investigation. All in favor. Hearing no objections, the motion carried.

#### **-Litigation Matter -- Jerry Brabant**

Jerry Brabant spoke regarding the Vineyard case.

#### **-New Schedule for Sewer Rates**

Moved by Scow, seconded by Miller, to table the new schedule for sewer rates until the September agenda for up-to-date information. Ayes: Scow, Deloge and Miller. Nays: Fishel, Roemer, McKee and Ludwig. The motion failed.

There was a discussion regarding the need of a Resolution in order to raise rates.

Moved by Scow, seconded by Miller, to table until the September meeting. All in favor.

Hearing no objections, the motion carried.

#### **-Manager Status Update/Continuation of Contract/Search for New Manager**

Not an action item.

### NEW BUSINESS

#### **-Adoption of Consumers Energy Company Electric Franchise Ordinance**

Moved by Ludwig, seconded by Roemer, to adopt the Consumers Energy Company Electric Franchise Ordinance as presented. Ayes: Fishel, Miller, Scow, Roemer, Ludwig, McKee and Deloge. Nays: None. The motion carried.

#### **-Amendment of Council Rules and Procedures**

Moved by Scow, seconded by Roemer, to adopt the Council Rules and Procedures as presented. Ayes: Roemer, Miller, Scow and Deloge. Nays: McKee, Ludwig and Fishel. The motion carried.

#### **-Water Reliability Study**

Moved by Scow, seconded by Miller, to table the Water Reliability Study until September. All in favor. Hearing no objections, the motion carried.

#### **-Approval of BS&A Software Contract**

Moved by Roemer, seconded by Scow, to approve the BS&A Software contract in the amount of \$2,223. Ayes: Scow, Fishel, Deloge, McKee, Ludwig, Miller and Roemer. Nays: None. The motion carried.

**-Approval of Sensus Software Contract**

Moved by Scow, seconded by Ludwig, to approve the Sensus Software contract in the amount of \$1,715.95. Ayes: Miller, Deloge, Scow, Ludwig, McKee, Roemer and Fishel. Nays: None. The motion carried.

**-Approval of Roscommon County Road Commission Road Improvement Contract**

Moved by Scow, seconded by Deloge, to approve the manager to sign an agreement with the Roscommon County Road Commission in the amount of \$3,500, which is to be paid for by the DDA. Ayes: Fishel, Roemer, McKee, Scow, Deloge and Miller. Nays: Ludwig. The motion carried.

**-Approval of Mr. Rooter Invoice**

Moved by Scow, seconded by Roemer, to approve the Mr. Rooter invoice in the amount of \$1,223.20. Ayes: Roemer, Deloge, McKee, Scow, Fishel and Ludwig. Nays: Miller. The motion carried.

**-Approval of Wade-Trim WWTP Operation Contract**

Moved by Scow, seconded by Roemer, to approve entry into a contract with Wade-Trim by the Village Manager as presented, paying \$45.50 an hour, 20 hours a week. Ayes: Ludwig, Fishel, Scow, McKee and Miller. Nays: Roemer and Deloge. The motion carried.

**-MML Convention**

No motions were made.

**PUBLIC ACKNOWLEDGEMENT**

Comments heard from: Bob Vineyard, Diane Love-Suvada, Jim Anderson, Mark Larsen, Nilah Mason, Doug Hodges and Thomas O'Brien.

**COUNCIL COMMENTS**

Trustee Roemer: Congratulated Diane for the grants.

Trustee Scow: Village should consider a sound system for meetings.

Trustee Miller: Questioned whether the sign on the old pharmacy was an approved sign.

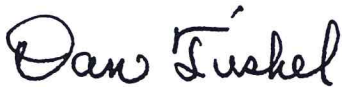
**ITEMS FOR THE NEXT AGENDA**

Needs to be a joint meeting with the DDA and Planning Commission and Council with Mark Walling. Hiring of DPW.

**ADJOURNMENT**

Moved by Scow, seconded by Roemer, to adjourn the meeting at 9:13 PM. All in favor.

Hearing no objections, the motion carried.



Daniel G. Fishel  
Village President



Dawn M. Dodge  
Village Clerk

ORDINANCE NO. 88

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 VILLAGE OF ROSCOMMON, ROSCOMMON COUNTY, MICHIGAN, for a period of thirty years.

THE VILLAGE OF ROSCOMMON ORDAINS:

SECTION 1. GRANT, TERM. The VILLAGE OF ROSCOMMON, ROSCOMMON 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 VILLAGE OF ROSCOMMON, ROSCOMMON 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 Village 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 Village on account of the permission herein given, said Grantee shall, upon notice, defend the Village 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 Village, 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 Village 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 Village, 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 Village, acting by its Village Council, 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 Village.

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 Village on October 7, 1987 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 VILLAGE OF ROSCOMMON, ROSCOMMON COUNTY, MICHIGAN, for a period of thirty years.

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 Village Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Village and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Village Council of the VILLAGE OF ROSCOMMON, ROSCOMMON COUNTY, MICHIGAN, on the 14 day of August, 2017.

  
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Dan Fishel, Village President

Attest:

  
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Dawn Dodge, Village Clerk