

**TYRONE TOWNSHIP  
REGULAR BOARD MEETING  
APPROVED MINUTES – APRIL 18, 2017**

**CALL TO ORDER**

Supervisor Cunningham called the meeting of the Tyrone Township Board to order with the Pledge of Allegiance on April 18, 2017 at 7:00 p.m. at the Tyrone Township Hall.

**ROLL CALL**

Present: Supervisor Mike Cunningham, Clerk Marcella Husted, Treasurer Marna Bunting-Smith, Trustees Al Pool, Soren Pedersen, and Chuck Schultz. Absent: Trustee David Walker.

**APPROVAL OF AGENDA – OR CHANGES**

Trustee Pool moved to approve the agenda as amended. (Trustee Schultz seconded.) The motion carried; all ayes.

The modification is as follows:

*Added:* Board Workshop Minutes- April 4, 2017 to the Consent Agenda.

**APPROVAL OF CONSENT AGENDA**

**Regular Board Meeting Minutes – April 4, 2017  
Treasurer’s Report  
Clerk’s Warrants and Bills  
Board Workshop Minutes – April 4, 2017**

Trustee Pool moved to approve the consent agenda as amended. (Trustee Schultz seconded.) The motion carried; all ayes.

**COMMUNICATIONS**

- 1. Livingston County Sheriff Report- February 2017**
- 2. Fire Run Report**
- 3. Planning Commission Approved Meeting Minutes- February 14, 2017**
- 4. Planning Commission Approved Meeting & Public Hearing Minutes- March 14, 2017**
- 5. Planning Commission Meeting Synopsis- April 11, 2017**

Trustee Schultz moved to receive and place on file Communications #1-5 as presented. (Treasurer Bunting-Smith seconded.) The motion carried; all ayes.

**PUBLIC REMARKS**

Larry Laubrick (Apple Orchard Drive) said the drain commission indicated three easements could be used in the proposed drain project in his subdivision. Supervisor Cunningham reiterated that the drain project is not definite and is in preliminary stages. Mr. Laubrick said Apple Orchard Drive is 40 years old and he doesn’t want the request for a road improvement special assessment be denied.

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**UNFINISHED BUSINESS**

**1. Request of Mitch Harris to appeal his fire service bill.**

Mr. Harris was charged for two fire run services for burning without a permit. Supervisor Cunningham said one bill had been reimbursed by the Hartland Fire Department, but the second is outstanding. Supervisor Cunningham moved to deny Mr. Harris' request to waive the second fire service bill in the amount of \$1,391.00. (Trustee Schultz seconded.) The motion carried; all ayes.

**2. Deny petition for road improvement for Apple Orchard Drive.**

Treasurer Bunting-Smith moved to deny the petition for a special assessment for road improvement on Apple Orchard Drive, as advised by the township attorney. (Trustee Schultz seconded.) The motion carried; all ayes. Several board members said they felt it was unfair to proceed with the request now knowing another special assessment for the drain project may be required.

**NEW BUSINESS**

**1. Request for land division at 11661 Parkin Lane.**

Trustee Pool moved to approve the request of Roger and Marianne Krzeminski for land division at 11661 Parkin Lane. (Trustee Schultz seconded.) The motion carried; all ayes. Treasurer Bunting-Smith noted the deed restrictions will also need to be recorded.

**2. Request to hire a Planning & Zoning Administrator Assistant.**

Supervisor Cunningham said the board had discussed the need for a full-time assistant to the Planning & Zoning Administrator at a workshop. Trustee Schultz moved to authorize hiring a full-time Planning & Zoning Administrator Assistant. (Trustee Pool seconded.) The motion carried; all ayes.

**3. Request to extend part-time employment to finalize sewer billing list for the 2018 connections.**

Trustee Schultz moved to extend, but not to exceed 30 hours, the part-time employment to finalize the sewer billing list. (Trustee Pool seconded.)

**4. Request to approve the Spicer Group engineering contract.**

Trustee Pedersen moved to approve the Spicer Group engineering service contract as presented. (Trustee Schultz seconded.) The motion carried; all ayes.

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**5. Request to adopt Consumer Energy Electric Franchise Ordinance.**

**RESOLUTION #170404  
TYRONE TOWNSHIP, LIVINGSTON COUNTY**

**ADOPTION OF ORDINANCE NO. 47  
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 TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF TYRONE ORDAINS:

SECTION 1. GRANT, TERM. The TOWNSHIP OF TYRONE, LIVINGSTON 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 TOWNSHIP OF TYRONE, LIVINGSTON 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 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 Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

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SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its electric distribution system within said 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 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 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 Township, acting by its 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 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 June 2, 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 TOWNSHIP OF TYRONE, LIVINGSTON 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 Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, MICHIGAN, on the 18th day of April, 2017.

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RESOLVED BY: Trustee Schultz  
SUPPORTED BY: Trustee Pool

VOTE: Schultz, yes; Pedersen, yes; Cunningham, yes; Bunting-Smith, yes; Husted, yes; Walker, absent.

ADOPTION DATE: April 18, 2017

**CERTIFICATION OF THE CLERK**

The undersigned, being the duly qualified and acting Clerk of Tyrone Township, Livingston County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of an ordinance granting Consumers Energy Company, an electric franchise, as adopted by the Township Board at a regular meeting, held on April 18, 2017, at which meeting a quorum was present and remained throughout, (2) the original thereof is on file in the records in my office, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

I further certify that a copy of the foregoing ordinance was published, as appears by proof thereof on file in my office, in the Tri-County Times and the Livingston County Press & Argus, newspapers circulated in the Township of Tyrone, Livingston County, Michigan, on the 23<sup>rd</sup> day of April, 2017; and that all of said proceedings were regular and in accordance with all legal requirements.



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Marcella Husted  
Township Clerk

**6. Authorization for the Clerk to sign the engagement letter with Dykema regarding the proposed Lake Shannon road improvement project.**

Treasurer Bunting-Smith moved to authorize the Clerk to sign the engagement letter with Dykema regarding the proposed Lake Shannon road improvement project. (Clerk Husted seconded.) The motion carried; all ayes.

**MISCELLANEOUS BUSINESS**

None.

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**PUBLIC REMARKS**

Richard Verrell (Apple Orchard Drive) asked if the drain project is approved would there be an assessment for upkeep and maintenance on the drain. The township engineer said maintenance costs would be included, but by statute if the cost exceeds a certain amount, they'd have to go through the special assessment process again.

**ADJOURNMENT**

Trustee Schultz moved to adjourn. (Trustee Pedersen seconded.) The motion carried; all ayes. The meeting adjourned at 7:51 p.m.