

DEXTER VILLAGE COUNCIL
REGULAR MEETING
MONDAY, DECEMBER 12, 2011

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:30 PM by President Keough at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan.

B. ROLL CALL: President Keough

J. Carson

D. Fisher

J. Smith

P. Cousins

J. Semifero

R. Tell

Also present: Donna Dettling, Village Manager; Courtney Nicholls, Assistant Village Manager; Allison Bishop, Community Development Manager; Carol Jones, Village Clerk; Kurt Augustine, Streets Foreman; Dan Schlaff, Public Utility Foreman; Matt LaFontaine of LaFontaine Chevrolet; residents and media.

C. APPROVAL OF THE MINUTES

1. Regular Council Meeting – November 28, 2011

Motion Smith; support Semifero to approve the minutes of the Regular Council Meeting of November 28, 2011.

Unanimous voice vote for approval

D. PREARRANGED PARTICIPATION

There was no pre-arranged participation on the agenda, however, President Keough called on Matt LaFontaine of LaFontaine Chevrolet in Dexter from the audience to speak. Mr. LaFontaine reported on the building progress and they are trying to get the building enclosed, pour the floors in January and then begin on the interiors. They hope to have Phase 1 completed in April and then tear down the existing building and begin on Phase 2. Mr. LaFontaine reported that the dealership is looking to be the first silver LEED (Leadership in Energy & Environmental Design) certified Chevrolet dealership in the nation. Mr. LaFontaine announced that he is working with a wind turbine company to produce power that would be stored in a battery for 7 street lights around the dealership. He also mentioned looking at the art display at the corner to be an educational aspect that would be used to highlight a LEED certified business.

E. APPROVAL OF THE AGENDA

Motion Smith; support Semifero to approve the agenda with additional items of updates on items I-3, Website; L-2 Police Service Contract; and a handout regarding a legal matter.

Unanimous voice vote for approval

F. PUBLIC HEARINGS

Action on each public hearing will be taken immediately following the close of the hearing

Proposed amendments to the General Code of Ordinances – Chapter 18, Addition of Sections 18-35 and 18-36.

Consideration of: Amendments to the General Code of Ordinances – Chapter 18, Addition of Sections 18-35 and 18-36.

Hearing opened at 7:50 PM by Village President, Shawn Keough. Community Development Manager, Allison Bishop, gave the rationale for the ordinance and will now be able to abate the nuisance, and put that bill on the property taxes if it is not paid. The hearing was closed by President Keough at 7:52 PM.

Motion Tell; support Cousins to approve the Amendments to the General Code of Ordinances – Chapter 18, Addition of Sections 18-35 and 18-36.

Ayes: Cousins, Fisher, Smith, Semifero, Tell, Carson and Keough

Nays: None

Motion carries

G. NON-ARRANGED PARTICIPATION

Owen Brooks of 3676 S. Downs Drive, Dexter introduced himself and that he was attending tonight's meeting as a requirement to earn a Boy Scout badge for Citizenship in the Community.

H. COMMUNICATIONS:

1. Upcoming Meeting List
2. Sign Calendar
3. Energy Efficiency and Conservation Block Grant – Thank You
4. November Citation list
5. Letter from Comcast

I. REPORTS

1. Community Development Manager – Allison Bishop

Ms. Bishop submits her report as per packet. Ms. Bishop gave the following verbal updates: a) the Ice Rink is up, however, since it is supposed to be 50 degrees this week it may be a couple of weeks before it opens; b) Mill Creek Park - the excavator are supposed to be on site this week; c) Border-to-Border Trail – the boardwalk to be completed later this week, then the roof and cleanup;

and d) answered questions regarding the Capital Improvement Plan regarding logo/branding and the next steps involved in logo/branding.

2. Boards, Commissions. & Other Reports-“Bi-annual or as needed”

Western Washtenaw Area Value Express Representative – Jim Carson

Mr. Carson provided a handout on the rider ship of the Western Washtenaw Area Value Express (WAVE), he noted that riders were up by 300 over the previous year and door to door rider ship was up considerably. The feeling that riders have increased is due to recent transit meetings and the recognition of the programs available. Will be presenting a program to The Cedars on Ride Connect and how to use the program more efficiently. Weekend transit will be available and it will be financed by a grant. Have adopted a budget for 2012 of \$540,000 and will have more information on that soon.

3. Subcommittee Reports

Old DAPCO Site Redevelopment Team – Update from November 30

Mrs. Dettling reported that the committee did meet on November 30 and have begun working with the current tenants. Looking at having a kick-off meeting with Bird/Houk during the second week in January.

Downtown Fire Detection

Economic Preparedness

Facilities

Website – Jim Smith

Mr. Smith reported on the changes from the updated handout on site map for the website and will be sending this back to the vendor. Mr. Smith answered question on the format and asked for Council input.

4. Village Manager Report

Mrs. Dettling submits her report as per packet. Mrs. Dettling gave the following verbal updates: a) MedHub will be asking for an Industrial Facilities Tax Exemption in the near future; b) Door Controls will also be asking for an Industrial Facilities Tax Exemption; c) will be visiting the Water Main site on Thursday morning and noted that some of the work will be left undone until spring; (President Keough spoke about concerns that some residents have with the culverts being installed) d) did meet with Dan Schlaff on the employment agreement and the Superintendent position; e) still not sure who's property the fence at the Forest/Broad Street property is actually on but it does have good support on the Fialkowski side; f) answered a question regarding the flood plain mapping, location, and the benefit of having an ordinance; and g) Ms. Nicholls reported on meeting with Paul Ganz from DTE about a meter upgrade (Smart Meter) to Dexter residents in the first quarter of 2012.

5. President's Report

Mr. Keough submits his report as per packet. Mr. Keough reported that the next Regional Fire Meeting will be December 21 and the Ann Arbor Observer will be doing an article on the Regional Fire Department.

J. CONSENT AGENDA

1. Consideration of: Bills and Payroll in the amount of \$618,839.48

Motion Fisher: support Smith to approve item 1 of the consent agenda.

Unanimous voice vote for approval

K. OLD BUSINESS-Consideration and Discussion of:

1. Discussion of: Cityhood Next Steps

President Keough reported that the Village's attorney, Tom Ryan, will be submitting to the Ingham County Court that he is representing Dexter as an interested party and a stay will be requested on the suit. The questionnaire to the Boundary Commission was submitted on Friday, December 10.

L. NEW BUSINESS-Consideration of and Discussion of:

1. Consideration of: Resolution Regarding Retire Health Care Funding

Motion Carson; support Semifero that for Fiscal Years 2012-2013 through 2016-2017 the Village will put \$75,000 of the constitutional revenue sharing increase into the retiree health care trust fund and continue to contribute an additional \$20,000 from the Streets/Water/Sewer funds for a total commitment of \$95,000.

Ayes: Smith, Semifero, Tell, Carson, Fisher, Cousins and Keough

Nays: None

Motion carries

2. Consideration of: Police Services Contract with the Washtenaw County Sheriff's Office from January 1, 2012 through December 31, 2015

Motion Carson; support Smith to authorize the Village President to sign the contract extension with the Washtenaw County Sheriff with an expiration date of December 31, 2015.

Ayes: Semifero, Tell, Fisher, Carson, Cousins, Smith and Keough

Nays: None

Motion carries

3. Consideration of: Computer Software/Hardware Upgrade to the Following Vendors:

Software – B.S.& A – (\$22,265 spread over 2 years)

Hardware – I.T. Right (\$3,376)

Installation – Absolute Computers (\$720-estimate)

Motion Cousins; support Fisher to approve the computer software/hardware upgrades from the following vendors – Software, B.S.& A for \$22,265 spread

over 2 years; Hardware, I.T. Right for \$3,376; and Installation, Absolute Computers for an estimate of \$720.

Ayes: Tell, Carson, Cousins, Smith, Fisher, Semifero and Keough

Nays: None

Motion carries

4. Discussion of: Roadway/Utility Standards

Discussion included but was not limited to a review of a previous punch list of the 6 to 8 roads in Dexter Crossings and to have developer Jim Haeussler come before the Council to discuss dedication. The question was raised whether Mr. Haeussler has been notified of the issues on his streets and to have staff meet with him to remedy the problems.

Robert Murphy, 3713 Bristol Drive, Dexter thanked Trustee Carson, Ms. Bishop and Ms. Nicholls for their efforts regarding the Dexter Crossing streets and asked about maintaining those streets

M. COUNCIL COMMENTS

Carson	None
Semifero	None
Smith	None
Jones	Wondered if the Smart Meters that DTE will be installing is a result of having to warn too many residents about keeping dogs inside on days meters are read.
Tell	Lights are off on Lexington between Mobil station and Dan Hoey Road.
Fisher	Also there are issues with some of the pole wrap lights.
Cousins	There was an issue with the Luminaries this year as the supply company could not deliver the supplies last week when needed, so only some of the Village will have the Luminary bags. There are also four lights out at the corner of Main and Inverness.

N. NON-ARRANGED PARTICIPATION

None

O. ADJOURNMENT

Motion Smith; support Fisher to adjourn at 9:18 PM.

Unanimous voice vote for approval

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing: December 27, 2011

**VILLAGE OF DEXTER
WASHTENAW COUNTY, MICHIGAN
ORDINANCE #2011-03**

**AN ORDINANCE TO AMEND CHAPTER 18, OF THE VILLAGE OF DEXTER
CODE OF ORDINANCES BY ADDING AT THE END THEREOF SECTION 18-
35, VILLAGE ABATEMENT AND SECTION 18-36, REPORT OF UNPAID
RATES AND CHARGES; ASSESSMENT AGAINST THE PROPERTY, TO
PROVIDE FOR ABATEMENT AND COLLECTION OF FINES FOR NUISANCE
VIOLATIONS.**

Sec. 18-31. - Definition of public nuisance.

For the purposes of this article, a public nuisance is any activity upon, condition of, or use of property that:

(1)

Constitutes a public nuisance at common law;

(2)

Endangers the health or safety of the inhabitants; or

(3)

Satisfies any one of the following:

a.

Accumulation of junk or rubbish, including unlicensed or inoperable motor vehicles, household and other equipment in disrepair and inoperable, boats and trailers, except in a completely enclosed building, for a period of longer than 60 days.

b.

Growth of lawn, noxious weeds, or other harmful plants over eight inches in height.

c.

Existence of dead animals, excessive amounts of manure or other unhealthful animal or vegetable substances.

d.

Existence of any structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable as a dwelling nor useful for any commercial purpose.

e.

Existence of any vacant dwelling, garage, or other outbuilding, which is not kept adequately secured against unlawful entry by any person.

f.

Storage of building materials of any kind, unless there is in force a valid building permit for construction upon the property and the materials are intended for use in connection with such construction or unless the materials are stored in a completely enclosed building.

g.

The pollution of any stream, well or body of water by sewage, industrial wastes, or other harmful substances.

h.

The storage of harmful or polluting substances upon the land except in secure and properly labeled containers.

i.

Emission of smoke, noxious fumes, gas, or other substances into the air in harmful quantities.

- j. The keeping of animals upon premises where such keeping is harmful or offensive to village residents.
- k. Offering for sale unsanitary or harmful food products.
- l. Maintenance of gambling devices or games upon the premises.
- m. Using the premises for the purposes of prostitution.
- n. Property and structures that are not properly maintained, including, but not limited to:
 - 1. Peeling, flaking, and chipped paint on structures.
 - 2. Windows and doors in poor repair and not operable (frames must be weather tight and able to prevent wind, rain or other elements from entering the structure).
 - 3. Accessory structures, garages, fences, decks, and walls not maintained with the same priority as the primary structure.
- o. Abandoned excavations and/or open basements remaining unfilled or uncovered for a period of 90 days or longer, that are situated as to endanger the safety of the public. Upon notification of the nuisance, the property owner or occupant shall repair or rehabilitate the dangerous or hazardous condition and any excavation shall be filled to grade level.
- p. Any building, under construction authorized by a building permit (whether or not expired), having unsafe characteristics, or having a manifestly unsightly appearance, if no significant progress towards completion has been made on the building for more than 90 days.
- q. Any structural condition, excavation, or hazardous machinery that is:
 - 1. Objectively dangerous;
 - 2. Left unattended on public or private property for an unreasonable length of time; and
 - 3. Attracts exploration or trespass by members of the public, especially children.

(4)

The village will not declare a nuisance under subsection (3)(o) or (p) of this section unless an officer from the fire department or sheriff's department (or other entity authorized by state or local law to provide emergency services) first provides the village with a written statement declaring the department's belief that the condition constitutes an unreasonably unsafe or unhealthy condition.

Sec. 18-32. - Creation or maintenance of public nuisance.

If any owner or possessor of any lot or premises, occupied or vacant, within the village limits causes or permits to continue unabated upon such lot any public nuisance, then the enforcement officer designated by this article is authorized to initiate the procedure of removing or abating a nuisance as is permitted by section 18-34.

Sec. 18-33. - Enforcement officer.

The village official charged with responsibility to determine when a public nuisance exists, and to seek abatement of the nuisance in accordance with this article, shall be the village manager, who is referred to in this article as the enforcement officer. The village manager may enlist the assistance of village staff or consultants in carrying out the duties of this article.

(Ord. eff. 5-25-1981, § 4; Ord. eff. 7-3-2002(2), § 4)

Sec. 18-34. - Municipal civil infraction.

Any person who violates any provision of this article shall be responsible for a civil infraction, subject to payment of a civil fine set forth in section 22-9. Repeat offenses under this article shall be subject to increased fines set forth in section 22-9.

(Ord. eff. 5-25-1981, § 5; Ord. eff. 7-3-2002(2), § 5; Ord. No. 9-2001, 2-9-2001)

Sec. 18-35. - Village Abatement.

In addition to or in lieu of charging a violation of this section, if any violation remains uncorrected after expiration of the time period in the notice, then the Village may remove the items or items identified in the notice or have it removed in any reasonable manner. The cost to the Village for the removal plus a \$100 fee for staff time shall be charged to the responsible person and, if the responsible person is a property owner, then any such unpaid costs may be assessed against the property in accordance with Section 18-36.

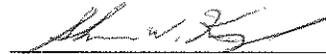
Sec. 18-36. - Report of unpaid rates and charges; assessment against the property.

All unpaid fines and charges which are reported by the Zoning Office to the Village Manager as having been unpaid for a period of 3 months or more on May 1 of each year, which remain unpaid on May 31, shall be transferred to the Village tax roll, assessed against the property to which the Village was required to remove/abate the violation, to be collected with and in the same manner as village taxes are collected, and if charges shall remain delinquent and unpaid after the expiration of the time limited in the warrant for collection of taxes levied in such roll, such charges shall be returned to the county treasurer to be collected in the same manner as the lien created by the village taxes on the delinquent tax roll of the village.

Moved by Trustee Tell supported by Trustee Cousins that the foregoing Ordinance No. 2011-03 be adopted.

AYES: Cousins, Fisher, Smith, Semifero, Carson, Tell, Keough
NAYS: None
ABSENT: None

Ordinance No. 2011-03 declared adopted at the regular meeting of the Dexter Village Council held on December 12, 2011.


Shawn Keough, President

Carol Jones, Clerk

RESOLUTION #2011-34

**RESOLUTION ON USE OF
CONSTITUTIONAL REVENUE
SHARING PAYMENTS TOWARDS
UNFUNDED LIABILITIES**

Village of Dexter
County of Washtenaw
State of Michigan

Minutes of a regular meeting of the Village Council of the Village of Dexter, County of Washtenaw, State of Michigan, held on the 12th day of December, 2011.

PRESENT: Members: Carson, Fisher, Smith, Cousins, Semifero, Tell, Keough

ABSENT: Members: None

The following preamble and resolution were offered by Member Carson and supported by Member Semifero

WHEREAS, the Village of Dexter saw a 74% growth in population from 2338 to 4067 with the completion of the 2010 census, and

WHEREAS, this population increase has led to a \$110,000 increase in the constitutional portion of the Village's State of Michigan revenue sharing payments, and

WHEREAS, the Village is committed to using this increase towards paying down long term liabilities, and

WHEREAS, to monitor the value of these long term liabilities the Village is committed to performing frequent valuations to have the most current projection information, and

WHEREAS, the Village's current retiree health care valuation shows an unfunded liability of \$3,765,446 with plan assets of \$289,282

NOW THEREFORE BE IT RESOLVED, that for Fiscal Years 2012-2013 through 2016-2017 the Village will put \$75,000 of the constitutional revenue sharing increase into the retiree health care trust fund and continue to contribute an additional \$20,000 from the Streets/Water/Sewer funds for a total commitment of \$95,000.

AYES: Carson, Fisher, Smith, Cousins, Semifero, Tell, Keough

NAYS: None

ABSENT: None

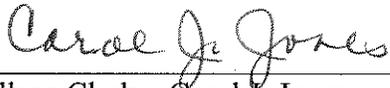
RESOLUTION DECLARED ADOPTED THIS 12th DAY OF DECEMBER 2011



Village President – Shawn W. Keough

CERTIFICATION

I hereby certify that the attached is a true and complete copy of a resolution adopted by the Village Council of the Village of Dexter, County of Washtenaw, State of Michigan, at a regular meeting held on the 12th day of December, 2011.



Village Clerk – Carol J. Jones