

E. APPROVAL OF THE AGENDA

Motion Tell; support Smith to approve the agenda with the following changes:

- The addition of a letter from Bob Murphy as item H-3

Unanimous voice vote approval.

F. PUBLIC HEARINGS

None

G. NON-ARRANGED PARTICIPATION

Ted Tear of 8090 Huron St. – Mr. Tear commented about the success of Dexter Daze. He stated that he spoke to several people that did not approve of the Strawberry Alarm Clock Café. He stated that he does not want Dexter to be “a little Ann Arbor.” He also commented that Bicyclists in Dexter do not follow the rules of the road. He commented that there should be a set bicycle route. He asked City Council to reconsider their approval of the café.

Bob Murphy of 3713 Bristol Dr. – Mr. Murphy commented that he wanted to recognize all City employees for their work. He stated that Brenda immediately took care of an issue that he was having. He also stated that the City Manager gave him a packet after he was unable to find a copy at the Dexter Library. He stated that he thought that it was a nice gesture and that he had never had a City Manager attend to him before.

H. COMMUNICATIONS:

1. Upcoming Meeting List
2. Sign Calendar
3. Letter from Bob Murphy

No Comment

I. REPORTS

1. Washtenaw County Sheriff Sgt. Beth Gieske

Courtney Nicholls commented that Sgt. Gieske intended to come to the meeting, but was unable due to a medical issue. Mrs. Nicholls stated that she, along with Sgt. Gieske, had participated in interviews to hire a new sergeant. She stated that they interviewed two candidates and that the Sheriff should be making a decision shortly based on their feedback.

2. Public Services Superintendent – Dan Schlaff

Mr. Schlaff submits his report as per packet. Mr. Schlaff gave the following updates:

- Question – How is the preparation for road replacement going? (The crew is performing work at Hudson and Grand doing storm water work. The preparation is going well and DTE has been responsive.)

- Mayor Keough remarked that the City was very clean after the two weeks of activity and provided commendation to the Department of Public Works employees.

3. Community Development Manager – Michelle Aniol

Ms. Aniol submits her report as per packet. Ms. Aniol gave the following updates:

- Question – regarding the permits listing, most have \$0, is that accurate? (It is not accurate. We are taking payments for various things, but it may be a few days after the permit is approved, so it is not reflected in the report.)
- Ms. Aniol will be meeting soon with the City Attorney and a representative of Carlisle-Wortman regarding the sign ordinance update. The meeting is necessary because of a recent court ruling. During that meeting, she hopes to speak with the City Attorney regarding vacation of the First Street right-of-way.
- Ms. Aniol commented that she attended the business summit on August 13th. The summit was hosted by Comcast. Comcast provided a map that detailed the location of their infrastructure improvements. She wanted to make everyone aware that Comcast will be running lines to businesses at no charge for a short time.
- Ms. Aniol also commented that she went to the Economic Developer’s Conference. MEDC is gearing up for budget cuts resulting from an internet gaming agreement violation by the State. It is expected that 70 people will lose their jobs.

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

None

5. Subcommittee Reports

None

6. City Manager Report

Ms. Nicholls submits her report as per packet. Ms. Nicholls gave the following updates:

- The Plein Air Festival was successful. 65 paintings were sold at approximately \$16,000 total. The painters were excited to have sold their work.
- Question – Under the A&W Easement report, there is an agreement that stipulates that the A&W does not need to come into the City in order to receive sewer, is water included in that agreement? (No, they are not entitled to water under that agreement.)
- Question – When will the public input session for the Parks and Recreation Master Plan be held? (It will be held sometime between two months from now and the end of the year.)
- There were several successful outcomes from the meeting with DTE. DTE agreed to let the City put 25% down, and City representatives were given the impression that environmental factors will not be an issue. DTE has also

requested one acre instead of two. We will also be paying their estimate or less.

- Question – Under the Border-to-Border Trail, which organization will be issuing the permit? (MDOT put AMTRAK in charge, so the permit will come from AMTRAK.)
- Question – Can you [City Manager Nicholls] ask Dexter Daze to come and give a report on the success of the event? (We can ask Tom Paup to give an update.)

7. Mayor's Report

Mr. Keough submits his report as per packet. Mr. Keough gave the following updates:

- Mayor Keough stated that he would be participating in Fire Chief interviews on Monday, August 31st.
- Question – Are you selecting the Fire Chief then [after the interviews]? (We will need to play it by ear.)
- The Michigan Natural Resources Trust Fund Visit was well attended by people from all over. They thought that it was really neat to visit Dexter. Mayor Keough thanked Dairy Queen for providing treats to the MNRTF Board.
- Paul Evanoff nominated the City for an award from Keep Michigan Beautiful for Mill Creek Park.

J. CONSENT AGENDA

1. Consideration of: Bills and Payroll in the amount of \$157,576.03

Motion Fisher; support Smith to approve item 1 of the Consent Agenda.

Unanimous voice vote approval.

K. OLD BUSINESS-Consideration and Discussion of:

None

L. NEW BUSINESS-Consideration of and Discussion of:

1. Consideration of: Distribution of Draft Master Plan Amendment regarding Oil and Gas Drilling

Motion Semifero; support Smith to approve the distribution of the draft Master Plan updates regarding oil and gas drilling to neighboring jurisdictions and regional entities.

Ayes: Semifero, Fisher, Smith, Tell, Carson, Knight, Keough

Nays: None

Motion carries

2. Consideration of: Award Wastewater Treatment Plant Blower Replacement 30% Design Contract to Fleis & Vandenbrink

Motion Fisher; support Smith to award the Wastewater Treatment Plant blower replacement 30% design contract to Fleis & Vandenbrink in an amount not to exceed \$5,400.

Ayes: Fisher, Smith, Tell, Carson, Knight, Semifero, Keough

Nays: None

Motion carries

3. Consideration of: Third Street Drainage Improvement Project

Motion Tell; support Knight to add the additional storm water work at Third Street to the Cadillac Asphalt contract in an amount not to exceed \$34,100.

Ayes: Smith, Tell, Carson, Knight, Fisher, Keough

Nays: Semifero

Motion carries 6-1

4. Consideration of: Appointment of Acting City Manager During Temporary Absences of the City Manager.

Motion Smith; support Carson to allow the City Manager to appoint Marie Sherry to be the Acting City Manager during any temporary leave of absences of the City Manager.

Ayes: Tell, Carson, Knight, Semifero, Fisher, Smith, Keough

Nays: None

Motion carries

5. Consideration of: Setting a Public Hearing on September 14, 2015 for Public Comment on the Purchasing Ordinance.

Motion Carson; support Fisher to set a public hearing for September 14, 2015 for public comment on the proposed purchasing ordinance.

Ayes: Carson, Knight, Semifero, Fisher, Smith, Tell, Keough

Nays: None

Motion carries

6. Consideration of: Approval of 2015-2016 Budget Document.

Motion Carson; support Fisher to accept the City of Dexter's Fiscal Year 2015-2016 budget document as presented.

Ayes: Knight, Semifero, Fisher, Smith, Tell, Carson, Keough

Nays: None

Motion carries

7. Consideration of: Purchase of Bobcat for Department of Public Works.

Motion Smith; support Fisher to approve the purchase of a new Bobcat Skid-Steer Loader for an amount not to exceed \$36,118.74.

Ayes: Semifero, Fisher, Smith, Tell, Carson, Knight, Keough

Nays: None

Motion carries

M. COUNCIL COMMENTS

Carson None

Knight None

Smith None

Semifero None

Fisher Council Member Fisher commented that she is curious to see how Dexter Daze did this year since the Historical Society expected to make more money than they did from their event.

Tell Council Member Tell commented that he liked the Plein Air event. His favorite painting was *South of Main*.

Keough None

N. NON-ARRANGED PARTICIPATION

Ted Tear of 8090 Huron St. – Mr. Tear commented that he does not understand why the City pays Carlisle-Wortman when the Council did not follow their opinion regarding the Strawberry Alarm Clock Café. He would like Council to take another vote and reconsider their approval.

Bob Murphy of 3713 Bristol Dr. – Mr. Murphy had a question about residential – isn't the Mill commercial already? (It is village residential and there are a variety of different uses in the area.) Mr. Murphy expressed that he has no issue with the Strawberry Alarm Clock Café.

P. ADJOURNMENT

Motion Smith; support Carson to adjourn at 8:39 PM.

Ayes: Smith, Tell, Carson, Fisher, Knight, and Keough

Nays: Semifero

Motion carries 6-1

Respectfully submitted,

Justin Breyer

Assistant to the City Manager, City of Dexter Approved for Filing: _____

Meeting Calendar

Board	Date	Time	Location	Website	City Representative
City Facility Committee	9/9/2015	8:00 a.m.	City Offices	http://www.dextermi.gov	
Dexter Area Chamber of Commerce	9/9/2015	8:15 a.m.	Copeland Board Room	http://www.dexterchamber.org/	Donna Fisher
Gateway Initiative (Big 400)	9/11/2015	9:30 a.m.	Waterloo Recreation Area		Paul Cousins, Carol Jones
Dexter City Council	9/14/2015	7:30 p.m.	Dexter Senior Center	http://www.dextermi.gov	
City Road Committee	9/15/2015	6:00 a.m.	City DPW	http://www.dextermi.gov	
Dexter City Parks Commission	9/15/2015	7:00 p.m.	City Offices	http://www.dextermi.gov	Julie Knight
Washtenaw Area Transportation Study-Policy	9/16/2015	9:30 a.m.	Scio Township Hall	http://www.miwats.org/	Jim Carson
Dexter Area Fire Board	9/17/2015	6:00 p.m.	Dexter Township Hall	http://dexterareafire.org/	Shawn Keough/Jim Carson
Dexter Downtown Development Authority	9/17/2015	7:30 a.m.	Senior Center	http://www.dextermi.gov	Shawn Keough
Healthy Community Steering Committee	9/17/2015	9:00 a.m.	Chelsea Hospital - White Oak Room		Julie Knight
Chelsea Area Planning Team/Dexter Area Regional Team	9/21/2015	7:00 p.m.	Scio Township Hall	http://www.ewashtenaw.org/	Jim Carson
Dexter City Zoning Board of Appeals - if needed	9/21/2015	7:00 p.m.	Senior Center	http://www.dextermi.gov	Jim Carson
Developer RFQ Interviews	9/29/2015	5:00 p.m.	Dexter District Library	http://www.dextermi.gov	
Target Market Analysis Presentation	10/7/2015	5:00 p.m.	Dexter District Library	http://www.dextermi.gov	

Due to the possibility of cancellations, please verify the meeting date with the listed website or City representative

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2015 Sign Requests						2015 Sign Requests						
	Name of Group	Dates	Number Approved	Approval Date	Locations		Name of Group	Dates	Number Approved	Approval Date	Locations	
January	Dexter Senior Ctr-Winter Market	signs out week of 1/10 & 1/24	3-18X24 / 2-2'X4"	11/3/2014	1,2,4,5,44	July	St Andrews-Blood Drive	7/13-7/20	1-2'X3'	4/1/2015	8, 22	
	Friends of the Dexter Library	1/10	5 X 18 X 24	6/25/2014	1,4,17,19,51		St. Joseph-Flea Market	7/2-7/11	5 X 18 X 24	4/23/2015	1,2,4,5,44	
	Dexter KofC Ladies Auxiliary	1/27-2/9	5 X 18 X 24	1/14/2015	1,2,4,5,10		St. Joseph-Festival	7/12-7/19	5 - 18 X 24	4/23/2015	1,2,4,5,44	
	Dexter KofC Quarter Mania	1/14-1/22	5 X 18 X 24	1/14/2015	1,2,4,5,44		Dexter Wellness-Well walks	7/4-7/12	5 - 18 X 24	5/14/2015	1,2,4,5,44	
	DHS Drama Club-Grease	1/23-2/8	5 X 18 X 24	1/23/2015	1,2,4,5,44		Family Fun Day Spendthrift Trust	6/28-7/12	5 - 18 X 24	6/8/2015	1,2,3,4,10	
	St Andrews-Monthly dinner	1/30-2/5	1-2' X 3'	1/27/2015	8		Dexter Youth Football	7/17-7/31	5 - 18 X 24	6/23/2015	1,2,4,5,44	
February	Dexter Senior Ctr-Winter Market	signs out week of 2/7 & 2/21	3-18X24 / 2-2'X4"	11/3/2014	1,2,4,5,44		Dexter Youth Football-Golf Outing	7/1-7/11	5 - 18 X 24	6/23/2015	1,2,4,5,44	
	Dexter Comm. Band-Concerts	2/20-3/2	2 - 2' X 3'	10/1/2001	5 & 10		Dexter Soccer Club-"kickin it with the girls"	7/20-8/3	5 - 18 X 24	7/8/2015	1,2,4,5,44	
	Friends of the Dexter Library	2/7	5 X 18 X 24	6/25/2014	1,4,17,19,51		St. Andrews-Ice Cream Social	7/23-8/7	5 - 18 X 24	6/8/2015	1,2,4,5,44	
		Dexter KofC Ladies Auxiliary	1/27-2/9	5 X 18 X 24	1/14/2015	1,2,4,5,10		St. James/Chicken BBQ Dexter Daze	8/8-8/15	2-18 X 24 and 1-24 X 24	7/15/2015	1,4,5
		DHS Drama Club-Grease	1/23-2/8	5 X 18 X 24	1/23/2015	1,2,4,5,44						
	St Andrews-Monthly dinner	2/27-3/5	1-2' X 3'	1/27/2015	8							
	Dexter Comm. Orchestra	1/28-2/8	2 - 2' X 3'	1/26/2015	5 & 9							
March	Dexter Senior Ctr-Winter Market	signs out week of 3/7 & 3/21	3-18X24 / 2-2'X4"	11/3/2014	1,2,4,5,44							
	Community Band - Concert	2/17-3/2	2-2 X 3	11/1/2013	5 & 9							
		Friends of the Dexter Library	3/7	5 X 18 X 24	6/25/2014	1,4,17,19,51	August	Friends of the Dexter Library	Dexter Daze 8/13, 8/14 and 8/15	5 X 18 X 24	6/25/2014	1,4,17,19,51
	St Andrews-Monthly dinner	2/27-3/5	1-2' X 3'	1/27/2015	8		Dexter Wellness-Well walks	8/1-8/9	5 X 18 X 24	5/14/2015	1,2,4,5,44	
	Dexter Comm. Orchestra	3/4-3/16	2 - 2' X 3'	1/26/2015	5 & 9		St. James/Chicken BBQ Dexter Daze	8/8-8/15	1 - 18 X 24, 2 - 24 X 24	6/23/2015	1,4,5	
	Peace Lutheran-Easter Egg	3/17-3/28	1-2' X 3'	3/16/2015	1		Dexter Soccer Club-"kickin it with the girls"	7/20-8/3	5 - 18 X 24	7/8/2015	1,2,4,5,44	
	K of C-Quarter Mania	3/18-3/26	5-18 X 24	3/18/2015	1,2,4,5,44		Dexter Daze festival	8/1-8/16	5 - 18 X 24	4/30/2015	1,2,4,5,44	
April	Dexter Senior Ctr-Winter Market	signs out week of 4/4 & 4/18	3-18X24 / 2-2'X4"	11/3/2014	1,2,4,5,44		St. Andrews-Ice Cream Social	7/23-8/7	5 - 18 X 24	6/8/2015	1,2,4,5,44	
	Dexter Comm. Band-Concerts	4/24-5/4	2 - 2' X 3'	10/1/2014	5 & 9							
	Friends of the Dexter Library	4/4	5 X 18 X 24	6/25/2014	1,4,17,19,51							
	St Andrews-Monthly dinner	4/3-4/9	1-2' X 3'	1/27/2015	8	September	Dexter Wellness-Well walks	9/5-9/13	5 - 18 X 24	5/14/2015	1,2,4,5,4	
	St Andrews-Blood Drive	4/10-4/20	1-2'X3'	4/1/2015	8, 22		St. Andrews-Monthly dinners	9/4-9/10	1 - 2' x 3"	8/18/2015	8	
	Dexter Lacrosse-Spring season	4/1-4/12	5-18 X 24	4/1/2015	1,2,5,44,10		St. Andrews-American Red Cross Blood Drive	9/14-9/22	2 - 2' X 3'	8/18/2015	8 & 22	
	DUMC-Rummage Sale	4/10-4/26	2-18" X 24"	4/1/2015	5 and 44		St. Vladimir's Church/Russian Festival	9/6-9/20	5 - 18 X 24	8/21/2015	1,2,4,5,44	
							St. Andrews - Chelsea/Dexter Crop Hunger Walk	9/20-10/4	1 - 18 X 24	9/4/2015	8	
							Dexter Lions Club-Apple Daze	9/26-10/3	5 - 18 X 24	9/9/2015	2,4,5,44,10	
	Dexter Drama-Sleeping Beauty	4/11-4/26	3-18" X 24" & 1-2.5' X 4' & 4' x 8	4/1/2015	2,4,5,44,3	October	Friends of the Dexter Library	10/3	5 X 18 X 24	6/25/2014	1,4,17,19,51	
	Hudson Mills-B2B 10K Race	4/24-5/2	5 - 18 X 24	4/23/2015	1,2,4,5,44		Dexter Wellness-Well walks	10/3-10/11	5 - 18 X 24	5/14/2015	1,2,4,5,44	
							Church World Service-Crop Hunger Walk	10/4 only	1 - 19" X 19"			
May	Dexter Comm. Band-Concerts	4/24-5/4	2 - 2' X 3'	10/1/2014	5 & 9		St. Andrews-Annual Sauerkraut dinner	10/1-10/15	4 - 18 X 24 & 1 - 2 X 3	9/9/2015	1,2,4,5,44	
	Friends of the Dexter Library	5/2	5 X 18 X 24	6/25/2014	1,4,17,19,51							
	St Andrews-Monthly dinner	4/30-5/7	1-2' X 3'	1/27/2015	8							
	Dexter Comm. Orchestra	5/6-5/18	2 - 2' X 3'	1/26/2015	5 & 9							
	Dexter Garden Club Plant Sale	5/4-5/17	5 - 18 X 24	5/4/2015	2,4,5,44,10							
	St. Joseph-Plant Sale	5/2-5/17	5 - 18 X 24	4/16/2015	1,2,4,5,44	November	Friends of the Dexter Library	11/7	5 X 18 X 24	6/25/2014	1,4,17,19,51	
	Dexter K of C-Chicken Broil	5/15-5/26	5 - 18 X 24	5/15/2015	1,2,4,5,10		Dexter Wellness-Well walks	11/7-11/15	5 - 18 X 24	5/14/2015	1,2,4,5,44	
	St. Andrew's-Rummage sale	5/31-6/6	5 - 18 X 24	5/18/2015	1,2,3,4,10		St. Andrews-Monthly dinners	10/30-11/5	1 - 2' x 3"	8/18/2015	8	
June	Friends of the Dexter Library	6/6	5 X 18 X 24	6/25/2014	1,4,17,19,51		Dexter Lions Club-Christmas Tree Sales	11/22-12/22	1 - 3 X 4	8/20/2015	1	
	Dexter Comm. Orchestra	6/3-6/13	2 - 2' X 3'	1/26/2015	5 & 9							
	Dexter Boy Scouts-Rummage Sale	6/17-6/20	2 - 4' X 4' X 5'	4/20/2015	1 & 44	December	Friends of the Dexter Library	12/8	5 X 18 X 24	6/25/2014	1,4,17,19,51	
	American Diabetes-bike race	6/5-6/7	5 - 18 X 24	4/28/2015	15, 19, 20		Dexter Wellness-Well walks	12/5-12/13	5 - 18 X 24			
	Relay for Life	6/2-6/14	5 - 18 X 24	5/12/2015	1,2,4,5, 44		St. Andrews-Monthly dinners	11/27-12/3	1 - 2' x 3"	8/18/2015	8	
	Dexter Soccer Club-Tryouts	6/6-6/15	5 - 18 X 24	6/2/2015	1,2,4,5,44		Dexter Lions Club-Christmas Tree Sales	11/22-12/22	1 - 3 X 4	8/20/2015	1	
	Dexter Wellness-Wellness walks	6/6-6/14	5 - 18 X 24	5/14/2015								
	St. Andrew's-Rummage sale	5/31-6/6	5 - 18 X 24	5/18/2015	1,2,3,4,10							
	Dexter Wellness-Yoga in Park	6/1-6/14	5 - 18 X 24	5/6/2015	1,2,4,5,44							
	Family Fun Day	6/28-7/12	5 - 18 X 24	6/8/2015	1,2,3,4,10							

Location Listing: 1 - Baker/Main, 2 - Central/Mill, 3 - Dexter Ann Arbor/Copeland, 4 - Main/Alpine, 5 - Baker/Cemetery, 6 - Monument Park, 7 - Creekside, 8 - 7610 Dexter Ann Arbor, 9 - Peace Park, 10 - Dexter Ann Arbor/Limits, 11 - Comerstone, 12 - Bates, 13 - 3443 Inverness, 14 - 7720 Ann Arbor Street, 15 - S. Main/Broad, 16 - N. Main/Broad, 17 - Edison/Ann Arbor Street, 18 - Dover/Fifth, 19 - Central/Fifth, 20 - Broad/Fifth, 21 - Mill Creek Middle School, 22 - Fourth/Inverness, 23 - Dexter Bakery, 24 - Lighthouse, 25 - Dexter Pharmacy 2, 26-Warrior Creek Park Driveway, 27-Dexter Flowers, 28-Terry B's, 29-7795 Ann Arbor St, 30 - 7915 Fourth, 31 - 7651 Dan Hoey, 32 - Wylie, 33-Lions Park, 35-Dexter Crossing Entrance, 36 - Dan Hoey/Dexter Ann Arbor; 37 - Dover/Main, 38 - Fourth/Central, 39 - Baker/Hudson, 40 - Inverness/Ann Arbor, 41 - Main/Jeffords, 42 - Third/Broad; 43 - 3rd/Dover; 44 - Ryan/Dexter Ann Arbor, 45 - Meadowview/Dexter Ann Arbor, 46 - Ice Rink, 47-Dexter Mill/RR tracks, 48-7444 Dexter-Ann Arbor, 49-Park entrance @ Farmers Mkt and Library, 50-2810 Baker/Dexter Wellness entrance, 51-Main/Central

** Dexter Farmers Market will place up to 5 signs on Friday, Saturday and Tuesday from May through October to advertise for the market

Agenda: 9/14/2015
Item: H-2

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RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
LANSING

KIRK T. STEUDLE
DIRECTOR

August 18, 2015

Mr. Kurt Augustine
Village of Dexter
8140 Main Street
Dexter, Michigan 48130-1092

Dear Mr. Augustine:

Your request to reclassify a portion of 3rd Street, from Broad Street 633.6 feet to Central Street into your major street system has been approved. This change has resulted in an addition of 0.12 miles into your major street total and 0.12 miles out of your local street total.

Your request to add the following two streets into your local street system has been approved. This change has resulted in an addition of 0.40 miles into your local street system.

- Coventry Circle from Carrington Drive 730.94 feet back to Carrington Drive
- Maltby Drive from Wellington Drive 165.08 feet to the end of the street
- South Downs Drive from the existing street 707.94 feet to Carrington Drive
- Wellington Drive from Bristol Drive 1116.06 feet to Bristol Drive

The annual mileage certification for Act 51, Public Acts of 1951, as amended, for the certification period of July 1, 2014 to June 30, 2015 has been completed. Your certified mileage as of July 1, 2015 is as follows:

Major: 5.67
Local: 13.72

If you have any questions or need further assistance, please feel free to contact me at 517-241-4486 or by e-mail at boltk1@michigan.gov.

Sincerely,

Kelly Bolt
Act 51 Certification Specialist
Data Oversight & Geospatial Mgmt Section
Data Inventory & Integration Division
Bureau of Transportation Planning

cc: Joyce Newell

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Two Week Update 9.8.2015

DPW

Asphalt work in Huron Farms and manhole on Hudson

Paint Dexter set up and take down

Take down road closures from Dexter Daze

Cleared dead end of Inverness

Cut trees on Broad between Forest and Grand

Swept – Ann Arbor and Ryan, areas that were asphalted

Banners

Met Hopp electric re: timer at Farmers Market, more power for Warrior Creek Park

Marked repairs in Westridge

Met OHM, Cadillac, Dan S about paving 8-31-15

Met Dan S and Wanda 9-1-15

Walk thru at Grand and Hudson

Fixed traffic light at Meadow View and Ann Arbor

Put millins on shoulder (Forest)

Flags up and down twice

Worked on sprinklers

Swept in Westridge

Fixed light in Farmers Market

Shawn Chamberlain returned to work on light duty on September 8, 2015. Until he can return to full duty, he will be assisting with the ongoing implementation of the work order software, including entering recurring work orders for asset management purposes into the system for water/wastewater and DPW.

WATER TREATMENT

Morning rounds

Right-of-way inspections

Reads (final, beginning, NUBCO)

New meter and MXU install

Depth at well 5 8-34 24.4ft 8-31 24.7ft

Miss digs (all of the industrial park)

Worked with contractors at Grand and Hudson

Read meters

WASTE WATER TREATMENT

Completed fats, oils & grease inspections - 44 total

Disinfection by product monitoring, passed below limits

Set up MI-Waters account, new electronic reporting to state

ERA Bacti performance evaluation, awaiting results

Monthly Operating Report

NUBCO waste disposal evaluation for bad batch

Contact bio tech for fall haul, looking at 400,000 gal end of November

Lay out blower and a-tanks in wwtp yard, possible to fit 3 blowers and 2 tanks

Coordinate/schedule Dexter Crossings lift station cleaning and vfd installation.

OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: Mayor Keough and City Council
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: Report for September 14, 2015 Council Meeting

Date: September 4, 2015

- The final Target Market Analysis Report has been drafted and will be presented on Thursday, Wednesday, October 7th at 5:00 pm, at the Dexter District Library. All boards, commissions and the public are invited to attend.
- The responses to our Downtown Redevelopment Opportunity RFQ have been reviewed by staff and an ad-hoc committee that is comprised of members of the Dexter DDA, City Council and Economic Preparedness Committee. The Committee determined that all three respondent submittals demonstrated substantial experience in urban mixed-use redevelopment. The next step is the interviews.

We have chosen a public forum to conduct the interviews. Each firm will make a presentation to the committee and the audience at-large, as to why they would be the best partner for the City/DDA. After each presentation there will be Q&A with the Review Committee, followed by written questions from the audience. There will be a 5 minute break between presentations/interviews.

The agenda is outlined below:

5:00 pm Welcome and introductions (10 minutes)

5:10 pm MHT Housing (15 minutes)
Q & A with Committee (15-20 minutes)
Written questions from audience (15-20 minutes)

<5 minute break>

6:10 pm Foremost Development (15 minutes)
Q & A with Committee (15-20 minutes)
Written questions from audience (15-20 minutes)

<5 minute break>

7:10 pm Home Renewal Systems (15 minutes)
Q & A with Committee (15-20 minutes)
Written questions from audience (15-20 minutes)

8:10 pm Closing remarks and thank you to developers, committee and attendees (5 minutes)

8:25 pm Networking

All interviews will take place at the Dexter District Library (3255 Alpine Street), on Tuesday, September 29, 2015. I hope you will be able to attend!

- Staff met with City Attorney, Steve Estey (Dykema) and Laura Kreps (CWA) to discuss the implications of the recent Supreme Court ruling on governmental sign regulations. As you will recall, in June the US Supreme Court ruled any sign law that is content-based is subject to the most enacting rules for justification- and that any government signage rule that treats one group differently from another is automatically suspect and likely to fail what the court calls "strict scrutiny."

The ruling came about due to a case in Gilbert, AZ. The Good News Church sued the town of Gilbert over limits the municipality imposed on signs temporarily posted to provide event directions. While the ruling has left a variety of questions unanswered, it did clarify some aspects of sign regulations, such as:

- Content based regulations are subject to strict scrutiny and are presumptively unconstitutional.
- Both facial content neutrality and a neutral purpose for sign regulations are required, and a regulations purpose is irrelevant if the regulation is not neutral on its face.
- Categorical signs, such as directional signs, real estate signs, construction signs, political, etc., are content based where they are defined by aspects of the signs message.
- Categorical signs which purport to be "speaker based", that is, the regulation applies to certain speakers but not others, may be found content based and subjected to strict scrutiny.

Mr. Estey has done a cursory review of the sign regulations and has concerns about those dealing with temporary signs (Section 7.07). He stressed that regulations for temporary signage must be consistent in regards to size, height, area, location and duration, and he would like to review the draft sign regulations before any decisions are made. He also needs to research the impact the ruling may have on commercial vs non-commercial speech, as it relates to signage.

Lastly, Mr. Estey said City Council may enact a temporary moratorium (i.e. six months) on all temporary signage in light of the Reed decision, if it so chooses. This would give the city time to evaluate existing regulations and develop new regulations

The challenge moving forward will be to balance content neutrality with the desire to regulate signage, for aesthetic purposes, in the community. In the meantime, attached to this report you will find an excerpt from Planning and Zoning News, which summarizes the Court's decision and provides suggestions for practice.

- Scott Merz, President of MC3 and Dexter Schools Superintendent, Chris Timmis are working together to reach out to local Dexter businesses that could serve as career resources for Dexter Schools. This effort is associated with a new project Dr. Timmis is spearheading called, Community Careers Network. A copy of the letter that will be sent out to Dexter based businesses is attached to this memo. Dr. Timmis and Mr. Merz have indicated a desire to make a presentation at our next Business Summit, which will be scheduled for December. MC3 has agreed to be our host. Staff assisted by providing business contact information.
- The Pre-Application Committee is scheduled to review a concept plan for a covered patio for Hotel Hickman on September 14, 2015.
- Street trees in Westridge have been tentatively scheduled for pruning the first week in October. The City's arborist and DPW crew will be conducting the work. The Westridge HOA and residents will be notified.

- Interesting Fact: There is approximately one (1) million square feet of gross floor area, for manufacturing and R&D uses, in Dexter Business and Research Park.

U.S. SUPREME COURT REITERATES FIRST AMENDMENT REQUIRES CONTENT NEUTRAL SIGN REGULATIONS

By Brian Connolly, Otten Johnson Robinson Neff & Ragonetti, PC, Denver, Colorado

Reed et al. v. Town of Gilbert, Arizona, et al. U.S. ____, 135 S. Ct. ____ (2015). U.S. Supreme Court No. 13-502. Decided June 18, 2015.

Regulating signs in a content neutral manner satisfying First Amendment limitations will be more difficult for local governments following June's U.S. Supreme Court decision in the case of **Reed v. Town of Gilbert**.¹ In **Reed**, all nine Supreme Court justices agreed that the Town of Gilbert, Arizona's sign code failed the First Amendment's content neutrality requirement, although the justices arrived at that conclusion in different ways.

The ruling, which resolves a long-standing split between federal circuit courts of appeal on the meaning of "content neutrality," carries significant consequences for the validity of local sign regulations. Indeed, many local codes may become unconstitutional as a result of the case's outcome. Sign litigation can be expensive and risky, and it is likely to become more frequent after **Reed**. Local governments are therefore strongly advised to review their sign codes with a lawyer versed in First Amendment issues to avoid potential liability and invalidation of local sign codes as a result of the **Reed** decision.

Many local codes may become unconstitutional as a result of this case. Sign litigation can be expensive and risky, and it is likely to become more frequent after Reed.

Factual Background

Reed was the first U.S. Supreme Court case since **City of Ladue v. Gilleo**,² decided in 1994, to address local sign regulations. The issue in **Reed**: Gilbert's sign code contained a general requirement that all signs obtain a permit, but then exempted several categories of signs from its permitting requirement.³ These exemptions from the permitting requirement treated certain categories of exempted signs differently. As with many other sign codes around the United States, Gilbert's sign code recited traffic safety and aesthetics as the reasons for its existence.

Of relevance to the case were three of these categories: "political signs," "ideological signs," and "temporary directional signs." While the town did not prohibit any of these categories of speech, each category was treated differently by the sign code. The town's regulations of political signs, defined as a "temporary sign designed to influence the outcome of an election called by a public body," allowed such signs to have a sign area of up to 16 square feet on residential property and up to 32 square feet on nonresidential property, and such signs could be displayed for up to 60 days before a primary election and up to 15 days following a general election.⁴

Temporary directional signs were defined as a "[t]emporary [s]ign intended to direct pedestrians, motorists, and other pass-

About the Author

Brian Connolly is an attorney with Otten Johnson Robinson Neff & Ragonetti, PC in Denver, Colorado. He has two degrees in urban planning from Cornell University, and is co-author of the **Michigan Sign Guidebook**. He can be reached at: bconnolly@ottenjohnson.com. □

ersby to a "qualifying event."⁵ A "qualifying event" was any "assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization."⁶ Temporary directional signs could not exceed six square feet in sign area, could be placed on private property or in the right-of-way, and no more than four signs could be placed on private property at once. Additionally, temporary directional signs could be displayed for up to 12 hours before the qualifying event, and no more than one hour after the qualifying event, and the date and time of the qualifying event were required to be displayed on each sign.

Finally, "ideological signs" were defined as any "sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency."⁷ Ideological signs could be as large as 20 square feet and could be placed in any zoning district without limitations on display time.

Good News Community Church, of which Clyde Reed is pastor, was a "homeless" church. The church rented space in local community facilities, such as elementary schools, for Sunday services. In order to inform passersby of its services and the locations thereof, Good News and Pastor Reed placed temporary signs in street right-of-ways advertising religious services. The signs were typically posted for a period of approximately 24 hours. Because the time of the posting exceeded the time limits provided for temporary directional signs, Gilbert attempted in July 2005 to enforce its sign code against the church's signs, and town officials removed at least one of the church's signs.

Court Proceedings

Having failed to reconcile its differences with the town, in March 2008, the church filed an action in federal district court claiming violations of the Free Speech Clauses of the First Amendment.⁸ The district court denied the church's motion for a preliminary injunction, and the Ninth Circuit Court of Appeals affirmed.⁹ The Ninth Circuit found that the temporary event sign regulations were content neutral as applied, but remanded the question of whether the town impermissibly distinguished between forms of noncommercial speech on the basis of content.

On remand, the district court granted summary judgment in favor of the town, and determined that the town's exemptions from permitting were content neutral, despite the fact that the code regulated on the basis of the messages' category.¹⁰ The Ninth Circuit again affirmed, finding that the code's distinctions between temporary event signs, political signs, and ideological signs were content neutral, since the town "did not adopt its regulation of speech because it disagreed with the message conveyed."¹¹ The Ninth Circuit determined that the town's regulatory interests were unrelated to the content of the signs being regulated.¹²

The Ninth Circuit's decision in **Reed** focused principally on the government's *regulatory purpose* in determining that the town's sign regulations were content neutral, and specifically rejected the suggestion that the Gilbert sign code was content based because it discriminated between categories of noncommercial speech on its face. That decision paralleled similar decisions in other federal circuit courts of appeal, including the Third,¹³ Fourth,¹⁴ and Sixth¹⁵ (covering Michigan) circuits. These courts generally rejected arguments raised by sign owners that sign codes differentiating among sign types based on broad categories—*i.e.*, political, real estate, construction, etc.—was indicative of the type of content discrimination prohibited by the First Amendment.

Two other circuits, the Eighth¹⁶ and Eleventh,¹ took a much stricter approach that demanded that sign regulations should not

in any way differentiate among signs based upon message. Under this approach, if a code enforcement officer was required to read the text of a sign to properly enforce the code, the sign code should be found content based. Thus, distinguishing between, for example, political signs and event signs would be constitutionally fatal under this latter approach.

Recognizing this split among the courts of appeals, the Supreme Court granted *certiorari* review in **Reed**.

Loss for the Town

In the Supreme Court's **Reed** decision, justices unanimously agreed that the town's sign code was content based.

The majority opinion, authored by Justice Clarence Thomas and joined by five other justices, held that regulations of speech must be both *facially* content neutral and content neutral in their *purpose*. As the Court said, the "*commonsense meaning of the phrase 'content based' requires a court to consider whether a regulation of speech 'on its face' draws distinctions based on the message a speaker conveys.*"¹⁸ Thus, if a sign code makes any distinctions based on the message of the speech, the sign code is content based. According to the majority, only after determining whether a sign code is neutral on its face should a court inquire as to whether the law is neutral in its justification. Because Gilbert's sign code differentiated between political, ideological, and event signs based on the message of the sign, the code was found content based.

Upon making that finding, the majority applied *strict scrutiny*, the most demanding form of constitutional review, which requires the government to show that "*the restriction furthers a compelling interest and is narrowly tailored to achieve that interest.*"¹⁹ As exemplified by **Reed**, regulations subjected to strict scrutiny rarely survive a court's review. Because the code placed strict limits on temporary event signs but more freely allowed ideological signs—despite the fact that both sign types have the same effect on traffic safety and community aesthetics—the code failed the narrow tailoring requirement of strict scrutiny.

*"Because Gilbert's sign code differentiated between political, ideological, and event signs based on the message of the sign, the code was found content based. *** Because the code placed strict limits on temporary event signs but more freely allowed ideological signs—despite the fact that both sign types have the same effect on traffic safety and community aesthetics—the code failed the narrow tailoring requirement of strict scrutiny."*

Three concurring opinions were filed in the case. Justice Samuel Alito filed a concurrence, joined by two other justices, in which he agreed with the majority's ruling, but listed nine forms of sign regulation that he would find to be content neutral. These forms included regulation on the basis of size, location, lighting, fixed versus electronic messaging, public versus private property, residential versus commercial property, on- and off-premises distinctions, and display time limits.²⁰

In two concurring opinions, one by Justice Stephen Breyer and the other by Justice Elena Kagan, three justices concurred in the judgment but disagreed with the majority's application of strict scrutiny to the Gilbert code. Justices Breyer and Kagan would have applied *intermediate scrutiny*, a less demanding constitutional standard that requires the government to demonstrate that a speech regulation is narrowly tailored to a significant (as opposed to compelling) governmental interest. Traffic safety and aesthetics, for example, are significant governmental interests.²¹ Still, however, both Justices Breyer and Kagan found the Gilbert sign code unconstitutional, because its sign categories were not tailored to the code's stated regulatory purposes. As the majority found, the distinctions between temporary event signs, political signs, and ideological signs did nothing to further the government's goal of beautifying the community and reducing traffic hazards.

Answers and Questions After Reed

Reed clarified some aspects of sign regulation, but also left several questions unanswered. **Four points of clarification from Reed** are worth mentioning. First, the decision reaffirmed the principle that content based regulations are subject to strict scrutiny and presumptively unconstitutional. Second, the majority opinion resolved the prior split between the circuit courts of appeal by requiring *both* facial content neutrality and a neutral purpose for sign regulations, and determined that a regulation's purpose is irrelevant if the regulation is not neutral on its face. Third, the Court determined that categorical signs, such as directional signs, real estate signs, construction signs, etc., are content based where they are defined by aspects of the signs' message. Fourth, the Court stated that categorical signs which purport to be "*speaker based*," that is, the regulation applies to certain speakers but not others, may be found content based and subjected to strict scrutiny.

As for **unanswered questions following Reed**, there are many, including the following:

- Is there any form of sign regulation by category or function which is still constitutional? For example, is there any way for a local government to regulate temporary event signs, political signs, real estate signs, construction signs, directional or wayfinding signs, or are all of these distinctions now constitutionally fatal?
- Is distinguishing between on-premises and off-premises signs still constitutional? This distinction has, for example, allowed states and local governments to regulate billboards and standard onsite business signs differently. The **Reed** majority did not address this question, nor did it specifically overrule **Metromedia v. City of San Diego**, which previously upheld the on-premises/off-premises distinction.
- What does **Reed** mean for commercial speech regulation? Technically, **Reed** applies only to noncommercial speech, but some of the references in **Reed** point to cases that reviewed commercial speech regulations. Specially, **Reed** cites extensively to **Sorrell v. IMS Health**,²² a 2011 case in which the Supreme Court applied a content neutrality analysis typically reserved for regulations of noncommercial speech to a Vermont regulation of commercial speech. If **Sorrell** implicitly gave more constitutional protection to commercial speech, does **Reed** expand upon this protection?
- What is **Reed**'s impact on the highway advertising acts that exist in all 50 of the states? For example, the Michigan Highway Advertising Act of 1972 prohibits signs "*that purport to regulate, warn, or direct the movement of traffic or that interfere with, imitate, or resemble any official traffic sign, signal, or device.*"²³ Under the **Reed** majority's analysis, many of these prohibitions could be deemed content based and subject to strict scrutiny.
- Is sign regulation on the basis of land use still constitutional? The **Reed** majority marginalized Gilbert's defense that its sign code did not regulate the content of signage, but rather regulated on the basis of the sign owner or speaker, and noted that speaker-based regulation could also be subject to strict scrutiny if "*the legislature's speaker preference reflects a content preference.*"²⁴ What constitutes speaker-based regulation? When does a speaker preference reflect a content preference? Is sign regulation by land use speaker-based if, say, residential property owners get less signage than commercial property owners?
- Does the **Reed** majority opinion overrule prior cases which upheld special regulations for adult businesses based on the "*secondary effects*" doctrine? The secondary effects doctrine holds that regulations of certain types of speech, such as adult entertainment, are content neutral when they are justified on the grounds that certain types of speech have negative "*secondary effects*" on the surrounding community.²⁵
- What governmental interests, if any, are sufficiently compelling for sign regulations to survive strict scrutiny? Lower courts have held that aesthetics is not a compelling interest,

and some have similarly held that traffic safety is not compelling. The **Reed** majority suggests some sign regulations which might survive strict scrutiny, but does not provide much guidance on this question.

Suggestions for Practice

The result in **Reed** puts a much greater obligation on local governments to ensure that sign regulations are content neutral both on their face and in the government's underlying purpose for the regulations. Some observers anticipate that the decision will result in more freedom for sign owners to display signs of various messages, while others have suggested that the result in **Reed** might encourage governments to take a more cautious approach to sign regulation that more broadly suppresses speech. In any event, **Reed** is almost certain to provide sign owners with additional firepower to challenge local sign codes, and puts local governments at increased risk of a sign code challenge.

Local governments are not without options, however. *As a first step, local governments should review their sign codes carefully, with an eye toward whether the code is truly content neutral.* Consult a lawyer knowledgeable in First Amendment and sign issues to conduct an initial review and provide recommendations. If the sign code contains some potential areas of content bias—for example, if the code contains different regulations for political signs, construction signs, real estate signs, or others—consider amending the code to remove these distinctions.

In cases where a sign code update might take time, local planners and lawyers should coach enforcement staff not to enforce distinctions which might cause problems. Gilbert was steadfast in its sign enforcement, but that steadfastness resulted in ten years of litigation and excessive legal fees for the town. If a local sign code contains content based distinctions and a private party complains of differential treatment, it may be wise for the local government to avoid enforcement action on questionably content based rules.

Local governments should also ensure that sign codes contain all of the "required" elements of a sign code.

1. The code should contain a purpose statement that, at the very minimum, references traffic safety and aesthetics as purposes for sign regulation.

2. The code should contain a message substitution clause that allows the copy on any sign to be substituted with non-commercial copy.
3. The code should contain a severability clause to increase the likelihood that the code will be upheld in litigation, even if certain provisions of the code are not upheld.

In preparing the purpose statement, it is always best to link regulatory purposes to data, both quantitative and qualitative. For example, linking a regulatory purpose statement to goals of the local comprehensive plan, such as community beautification, increases the likelihood that the code will survive a challenge. If traffic safety is one of the purposes of the sign code (it should be), consult studies on signage and traffic safety to draw the connection between sign clutter and vehicle accidents.

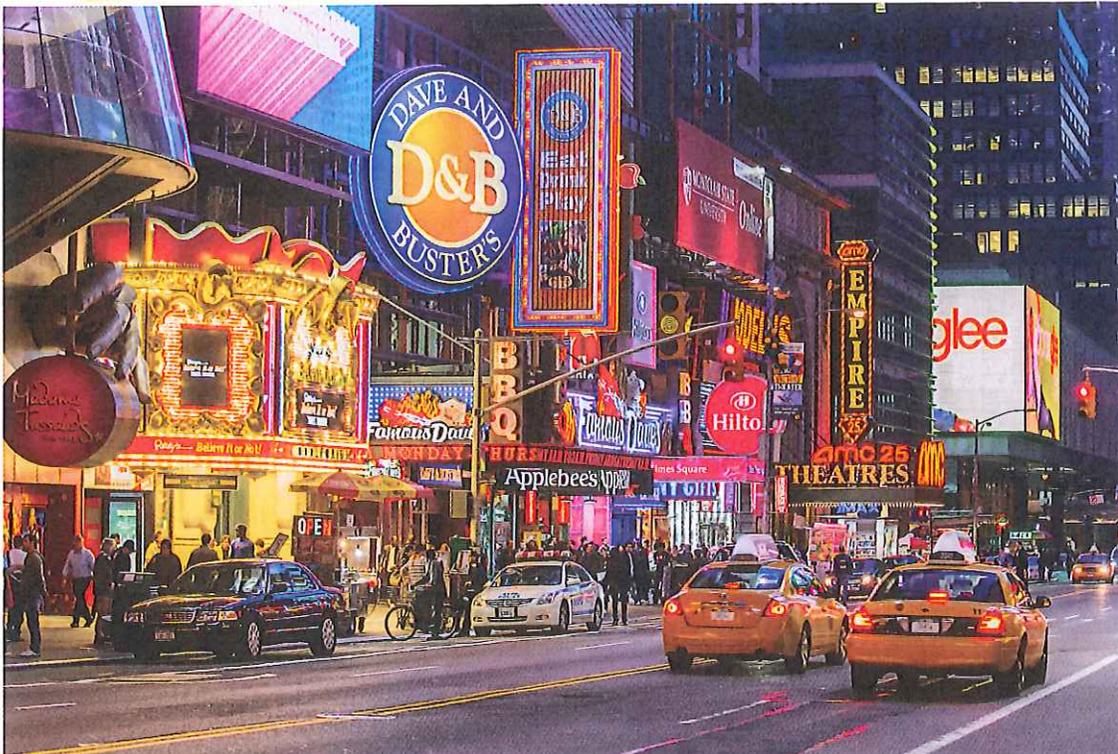
In conducting the review of the sign code recommended above, planners and lawyers should look to whether the code contains any of the sign categories that most frequently lead to litigation. For example, if the code creates categories for political signs, ideological or religious signs, real estate signs, construction signs, temporary event signs, or even holiday lights, it is likely that the code is at greater risk of legal challenge. As a general rule of thumb, the more complicated a sign code is, i.e., the more categories of signs the code has, there will be a higher risk of a legal challenge.

Conclusion

Reed is likely to precipitate a significant shift in courts' treatment of sign codes under a First Amendment challenge. Local governments thus would be wise to undertake sign code reviews and, if necessary, revise now to ensure that the code does not contain any of the content based distinctions that created problems for Gilbert. Where necessary, local governments should consult resources—including planners and lawyers knowledgeable in First Amendment issues—to be certain that sign codes do not carry more risk than the local government desires to bear.

Readers are encouraged to obtain a copy of **Michigan Sign Guidebook: The Local Planning and Regulation of Signs**, published by Scenic Michigan. More information can be found at <http://scenicmichigan.org/sign-regulation-guidebook/>.

Note: Portions of this article are excerpted from Brian J. Connolly, *Supreme Court Will Review Sign Case With Significant Consequences for Governments, Businesses*, **Rocky Mountain Real Estate Law**, <http://www.rockymountainrealestatelaw.com/2014/07/supreme-court-will-review-sign-case-with-significant-consequences-for-governments-businesses/> (Jul. 31, 2014); and Brian J. Connolly, *U.S. Supreme Court Deals Significant Setback for Local Governments in Sign Case*, **Rocky Mountain Real Estate Law**, <http://www.rockymountainrealestatelaw.com/2015/06/u-s-supreme-court-deals-significant-setback-for-local-governments-in-sign-case/> (Jun. 18, 2015).



Q. Which signs in this photo of Times Square must be subject to content neutral sign regulations?

A. All noncommercial signs, and perhaps commercial signs as well. Are your sign regulations content neutral?

FOOTNOTES

- 1 576 U.S. ___, 135 S. Ct. 2218 (2015).
- 2 512 U.S. 43 (1994).
- 3 Reed, 135 S. Ct. at 2224.
- 4 *Id.* at 2224. Note that Arizona has a statute which prohibits local governments from removing certain political signs placed in connection with an election. A.R.S. § 16-1019(C).
- 5 *Id.* at 2225.
- 6 *Id.*
- 7 *Id.* at 2224.
- 8 The church also asserted Free Exercise Clause and Arizona Religious Freedom Restoration Act claims, however, only the Free Speech Clause claims were at issue on appeal.
- 9 Reed v. Town of Gilbert, 587 F.3d 966 (9th Cir. 2009).
- 10 Reed v. Town of Gilbert, 832 F. Supp. 2d 1070 (D. Ariz. 2011).
- 11 Reed v. Town of Gilbert, 707 F.3d 1057, 1071-72 (9th Cir. 2013).
- 12 *Id.*
- 13 See, e.g., Rappa v. New Castle County, 18 F.3d 1043 (3d Cir. 1994).
- 14 See, e.g., Brown v. Town of Cary, 706 F.3d 294 (4th Cir. 2013).
- 15 See, e.g., H.D.V.-GREEKTOWN, LLC v. City of Detroit, 568 F.3d 609 (6th Cir. 2009).
- 16 See, e.g., Neighborhood Enters., Inc. v. City of St. Louis, 644 F.3d 728 (8th Cir. 2011).
- 17 See, e.g., Solantic, LLC v. City of Neptune Beach, 410 F.3d 1250 (11th Cir. 2005).
- 18 Reed, 135 S. Ct. at 2227.
- 19 *Id.* at 2231 (citation omitted).
- 20 *Id.* at 2233.
- 21 Members of City Council of Los Angeles v. Taxpayers for Vincent, 466 U.S. 789, 807 (1984).
- 22 131 S. Ct. 2653 (2011).
- 23 M.C.L. § 252.318.
- 24 Slip op. at 13.
- 25 See, e.g., City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986). □

TAKINGS CLAUSE BARS GOVERNMENT FROM DEMANDING A CROP SET ASIDE TO MAINTAIN AN ORDERLY MARKET WITHOUT JUST COMPENSATION

By Steven P. Joppich, Johnson, Rosati, Schultz & Joppich, P.C., Farmington Hills

Horne, et al v Department of Agriculture, 576 U.S. ___ (2015). U.S. Supreme Court Case No. 14-275. Decided June 22, 2015.

The Supreme Court's opinion in this case is divided into three "Parts." Part I is generally the facts and procedural history of the case. Part II addresses three questions pertaining to a Takings Clause analysis, but not including the issue of just compensation. Part III addresses the relevance of the just compensation portion of a takings analysis.

PART I

The Agricultural Marketing Agreement Act of 1937 is a federal statute that authorizes the U.S. Secretary of Agriculture to adopt what are called "marketing orders" for the purpose of maintaining stable markets for particular agricultural products. The California Raisin Marketing Order ("Order") at issue in this case requires growers in certain years to physically turn over a percentage of their crop to the federal government, free of charge. The required percentage is determined by the Raisin Administrative Committee, which is ap-

About the Author

Steven P. Joppich is a shareholder at the law firm of Johnson, Rosati, Schultz & Joppich, P.C., which serves municipalities throughout Michigan as general counsel and litigation counsel with offices located in Farmington Hills, Lansing and Marshall. Steve may be contacted at sjoppich@jrslaw.com. □

pointed by the Secretary of Agriculture. In 2003 – 2004, this Committee ordered raisin growers to turn over 30% of their crops, and 47% in 2002 – 2003.

The process involves growers generally shipping their raisins to a raisin "handler," who separates out the raisins that are due to the government under the Order (the "reserve raisins"), pays the growers only for the remainder, and packs and sells that remainder on the open market. The Raisin Committee takes physical possession of the raisins that have been set aside for the federal government, and decides how to dispose of them in its discretion. The Committee sells some of them on the noncompetitive markets (e.g., to exporters, federal agencies or foreign governments), donates some to charitable causes or other growers who agree to reduce their raisin production voluntarily, and disposes the remainder by any other means consistent with the purposes of the raisin program. The growers retain an interest in any net proceeds from the Committee's sales, after deductions for certain subsidies and federal government administrative expenses. In some years, such net proceeds were less than the cost of producing the crop or nothing at all.

The plaintiffs are both raisin growers and handlers (i.e., they "handle" both their own raisins and those produced by other growers). In 2002, the plaintiffs refused to set aside any raisins for the government. The federal government sent trucks to plaintiffs' facility to pick up the raisins, but the plaintiffs refused entry. The Department of Agriculture then assessed a fine equal to the market value of the missing raisins (approximately \$480,000.00) and a civil penalty for disobeying the

Order to turn them over (approximately \$200,000.00). The plaintiffs then filed this suit claiming that the reserve requirement was an unconstitutional taking of their personal property under the Fifth Amendment.

Initially, the federal government argued that the lower courts did not have jurisdiction to consider the plaintiffs' constitutionally-based "takings" defense to the fine imposed by the Department of Agriculture. In 2013, that issue came before the U.S. Supreme Court, which rejected the government's argument and returned the case back to the Court of Appeals in order to address the plaintiffs' constitutional arguments.

Upon receiving the case back from the Supreme Court, the Court of Appeals entered a ruling that rejected the plaintiffs' argument. In support of this ruling the lower court asserted that "the Takings Clause affords less protection to personal than to real property," and it found that growers "are not completely divested of their property rights," because growers retain an interest in the proceeds from the federal government's sale of reserve raisins (as this summary describes above). The Court of Appeals went on to explain that the government in this case is imposing a reserve requirement in exchange for a government benefit (being an orderly raisin market), and the plaintiffs could avoid the reserve requirement by planting different crops. The lower court likened this case to a situation where a landowner could avoid a governmental requirement for a land use permit simply by using the land for another purpose that does not require a permit, which circumstance generally serves to mitigate against a regulatory

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CITY OF DEXTER

cnicholls@dextermi.gov

8140 Main Street Dexter, MI 48130-1092 Phone (734)426-8303 ext. 11 Fax (734)426-5614

MEMO

To: Mayor Keough and Council Members
From: Courtney Nicholls, City Manager
Date: September 8, 2015
**Re: City Manager/Assistant to the Manager Report - Meeting of
September 14, 2015**

1. Meeting Review:
 - August 26th – Baker Rd/Shield/Dan Hoey Intersection Design Kick Off Meeting
 - September 9th – Facility Committee
 - September 9th – Public Utility Operator Interview

2. Upcoming Meetings:
 - September 9th - Review of Proposed Standard Lease Agreement with the Dexter Area Fire Department
 - September 10th – Public Utility Operator Interview
 - September 10th – Middle Huron Stormwater Advisory Group
 - September 11th – Public Utility Operator Interview
 - September 11th – ILE Excavating re: Demo of Farmhouse/8258 Huron
 - September 14th – City Council Meeting
 - September 15th – Parks & Recreation Commission
 - September 17th – Downtown Development Authority
 - September 26th – Possible Mill Creek Park Work Day

3. **A & W Annexation.** The A & W has decided to take advantage of the easement agreement. They will be connecting to the sewer system once they have paid the tap fee and connected the plumbing.

4. **Wastewater Treatment Plant Blower Replacement.** F & V is continuing to work on the 30% design plans and cost estimate for the blower replacement project. Council is invited to the Wastewater Treatment Plant at 6:30 pm prior to the Council meeting for a tour of the work done as part of the sludge project and to talk through the blower project.

5. **MERS Update.** The Municipal Employees Retirement System of Michigan (MERS) sent an e-mail to its member communities with information on decisions their governing board has made that will likely impact our cost. MERS has conducted an experience study covering 2009-2013. The purpose of the study is to compare actual experience with current actuarial assumptions. The study showed that the defined benefit participants are living longer, so they have modified the mortality table. The Board also decided to lower the investment assumption from 8% to 7.75%. The

impacts of these decisions will be felt with the rates that will take effect for 2017-2018. These changes will have an impact on both the City of Dexter and the Dexter Area Fire Department. I did forward the e-mail I received to Acting Chief Zahn.

6. **Keep Michigan Beautiful.** Mill Creek Park has been awarded the 2015 President's Award from Keep Michigan Beautiful. A plaque will be presented as part of their Awards Luncheon on October 16 in Frankenmuth. If anyone is interested in attending, please let me know.
7. **Purchasing Ordinance.** Due to an error with the publication of the public hearing notice for the purchasing ordinance, the public hearing will be held on September 28, 2015. The required ad will be published on September 16, 2015.
8. **Lion's Club Sculpture.** On Tuesday, September 1, two members of the Lion's Club came to the City office to drop off artist renderings of a sculpture that they would like to have commissioned and placed somewhere in the City. The Art Selection Committee has been engaged to provide feedback on the look of the sculpture and to discuss possible locations for placement. The date for the Art Selection Committee is pending, but will likely take place during the week of September 21st. The Lion's are interested in planning installation of the sculpture for the spring of 2016.
9. **November 3rd Election.** Applications for absentee ballots were mailed to residents on the permanent absentee voter list on Thursday, September 3rd. Absentee ballots should be available to be mailed out by Monday, September 21st.
10. **Parks and Recreation Master Plan Survey.** The Parks and Recreation Master Plan survey has been developed and will soon be released to the public. The goals of the survey are to gather feedback regarding the City's parks and recreation services and gather input to direct the future of these important services. The survey may be taken online at <https://surveymonkey.com/r/DexterMPSurvey>. It is also available upon request in hard-copy format at the City office.



ROBERT L. BARNUM

ROBERT BARNUM
RL BARNUM STUDIOS

"THE SOUND OF THE"
WIND

FIGURES: LIFESIZE

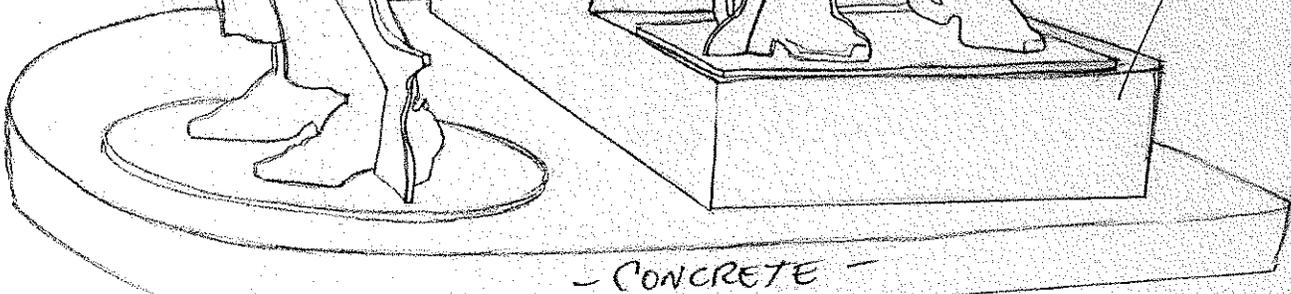


3/8" 6000 SERIES
- ALUMINUM



3/8"
6000 SERIES
ALUMINUM

3/8"
PAINTED
STEEL



- CONCRETE -

**Mayor Report
Shawn Keough
September 14, 2015**

Agenda: 9/14/2015
Item: I-6

Hello Residents and Fellow Council Members,

Presented below is my report for the September 14, 2015 meeting.

Recent Meetings/Conversations

Mill Creek Terrace Building is a possible option for New City Offices – I spoke briefly with John Evans of Swisher Commercial regarding the cost of space for City offices in the Mill Creek Terrace building. It is my understanding that Mr. Evans is working with a couple of potential builders who might be interested in acquiring the property to build the building. At this time, I do not have any updated costs regarding whether or not there is a less expensive way to build the overall building as it relates to a potential cost scenarios for our situation.

Dexter Wellness Center Tax Tribunal Case – I participated in a site visit on August 24, 2015 at 9:30 pm. Attorney Scott Munzel, City Assessor Chris Renius, a representative from the State of Michigan and I were given a full tour of the building to take pictures of the recreational facility.

August 31, 2015 – Fire Chief Selection Committee – interviews were conducted with 5 candidates for the Fire Chief position.

Future Activities

September 9, 2015 - Facility Committee meeting

September 14, 2015 - Pre-application meeting for Hotel Hickman

September 14, 2015 – City Council meeting

I hope everyone had a great Labor Day weekend.

Please let me know if you have any questions. I look forward to seeing you around our town.

Shawn Keough
Mayor, City of Dexter

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(313) 363-1434 (cell)

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SUMMARY OF BILLS AND PAYROLL			9/14/2015
Payroll Check Register	09/02/15	\$36,635.07	Regular Pay
Employer Costs (paid via electronic transfer)	09/02/15	\$3,197.29	Regular Pay
Account Payable Check Register		\$452,074.95	
		\$491,907.31	TOTAL BILLS & PAYROLL EXPENDED ALL FUNDS
<p>The due date column on the accounts payable worksheets represents the date of the Council meeting</p>			
<p>ALL PAYABLES ARE WITHIN ACCEPTABLE BUDGET LIMITS DETAIL VENDOR LIST AND ACCOUNT SUMMARY PROVIDED</p>			
<p><i>"This is the summary report that will be provided with each packet. Approval of the total bills and payroll expended, all funds will be necessary."</i></p>			

BANK CODE: POOL

Claimant	Amount Claimed	Amount Owed	Amount Rejected
1. ALEXANDER CHEMICAL CORPORATION	1,755.39		
2. ALLIED EAGLE SUPPLY CO	411.79		
3. ANNE SHEILL	100.00		
4. ARBOR SPRINGS WATER CO.INC	19.50		
5. AT&T	343.46		
6. BEST BLOCK COMPANY	98.40		
7. BLAIR REAMY	60.80		
8. BOSTWICK COMPANY	3,065.00		
9. BUSCH	200.00		
10. CADILLAC ASPHALT, LLC	211.50		
11. CARLISLE-WORTMAN ASSOCIATES	637.50		
12. CARLYE CRISLER	750.00		
13. CARRIER & GABLE, INC.	436.40		
14. CHERYL MARCHESANO	75.15		
15. CHERYL WILLOUGHBY	102.22		
16. CINTAS CORPORATION	1,096.76		
17. CITY OF DEXTER	1,538.13		
18. COMCAST CABLE	87.08		
19. COMCAST	322.80		
20. CORRIGAN OIL COMPANY	1,375.19		
21. CRIBLEY WELL DRILLING CO INC	9.50		
22. CULLIGAN WATER CONDITIONING	60.91		
23. DANIEL SCHLAFF	1,000.00		
24. DELILAH SMITH	100.00		
25. DETROIT PUMP & MANUFACTURING	31.81		
26. DEXTER AREA FIRE DEPARTMENT	122,623.48		
27. DEXTER BAKERY	155.80		
28. DEXTER MILL	83.88		
29. DTE ENERGY	9,575.60		
30. DTE ENERGY-STREET LIGHTING	5,617.82		
31. DYKEMA GOSSETT PLLC	868.00		
32. ELHORN ENGINEERING CO	1,716.00		
33. ETNA SUPPLY CO	58.15		
34. F&V OPERATIONS	631.00		
35. FIFTH STREET DENTAL CARE	60.80		
36. FIRST AMERICAN TITLE CO	184.47		
37. GM & SONS INC	250.00		
38. GOOGLE INC	125.00		
39. GRACIELA DEMERATH	478.50		
40. GRAINGER	489.90		
41. GRIFFIN PEST SOLUTIONS	409.00		
42. GRISSOM JANITORIAL	400.00		
43. HACH COMPANY	819.18		
44. HACKNEY HARDWARE	688.01		
45. I.T. RIGHT INC.	852.00		
46. JACK SAVAS	200.00		
47. JAMES HAVENS	700.00		
48. JAMES PAGE	250.00		
49. JANICE DUMAS	500.00		
50. JILL STEFANI WAGNER	250.00		

BANK CODE: POOL

Claimant	Amount Claimed	Amount Owed	Amount Rejected
51. JOHN'S SANITATION	210.00		
52. KUBOTA	39.24		
53. LESSORS WELDING SUPPLY	54.45		
54. MARK'S AUTO SERVICE, INC.	292.00		
55. MEDA	275.00		
56. MICHIGAN MUNICIPAL RISK	21,011.00		
57. MILLIGANS LANDSCAPE SERVICES L	1,000.00		
58. MML WORKERS COMPENSATION FUND	3,221.00		
59. NORTH CENTRAL LABORATORIES	336.91		
60. ORCHARD, HILTZ & MCCLIMENT INC	12,211.00		
61. PAM SIEGFRIED	150.00		
62. PARAGON LABORATORIES INC	157.50		
63. PARTS PEDDLER AUTO SUPPLY	278.54		
64. PATTY LONDY	250.00		
65. PLANT WISE	875.00		
66. PNC	353.60		
67. QUEST PRODUCTIONS	250.00		
68. RENIUS & RENIUS	2,496.00		
69. RICHARD BROTHERS PAINTING	1,450.00		
70. SHARON WILL	150.00		
71. THE BEER GROTTTO	110.50		
72. THE SUN TIMES	44.55		
73. TRACTOR SUPPLY CREDIT PLAN	173.95		
74. US BANK CORPORATE TRUST	138,516.25		
75. USA BLUE BOOK	767.03		
76. UTILITIES INSTRUMENTATION SERV	22,490.36		
77. VARNUM, RIDDERING, SCHMIDT	223.35		
78. VERIZON WIRELESS	507.53		
79. VICTORIA SCHON	84.11		
80. WASTE MANAGEMENT OF MICHIGAN	82,220.20		
TOTAL ALL CLAIMS	452,074.95		

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund 101 GENERAL FUND							
Dept 000 ASSETS, LIABILITIES & REVENUE							
101-000-476.000	BANNER PERMITS	BUSCH	REFUND DAMAGE DEPOSIT FOR PARK RENT.	9-8-15	09/14/15	200.00	
101-000-476.000	BANNER PERMITS	JACK SAVAS	REFUND BANNER FEE	9-8-15	09/14/15	200.00	
101-000-628.000	SOLID WASTE COLLECTION FEE	BLAIR REAMY	UB REFUND	08/26/15	09/14/15	32.99	
101-000-628.000	SOLID WASTE COLLECTION FEE	CHERYL MARCHESANO	UB REFUND	08/26/15	09/14/15	79.42	
Total For Dept 000 ASSETS, LIABILITIES & REVENUE						512.41	
Dept 101 CITY COUNCIL							
101-101-958.000	MEMBERSHIPS & DUES	MEDA	2016 CERTIFIED BUSINESS PARK FEE	10070	09/14/15	275.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	ANNE SHEILL	PAINT DEXTER	08/28/15	09/14/15	100.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	CARLYE CRISLER	PAINT DEXTER	08/28/15	09/14/15	750.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	CHERYL WILLOUGHBY	ARTS CULTURE AND HERITAGE	9-8-15	09/14/15	102.22	
101-101-959.000	ARTS, CULTURE & HERITAGE	DELILAH SMITH	PAINT DEXTER	08/28/15	09/14/15	100.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	DEXTER BAKERY	PAINT DEXTER	31032	09/14/15	155.80	
101-101-959.000	ARTS, CULTURE & HERITAGE	GRACIELA DEMERATH	GRAPHIC PAINT DEXTER	186	09/14/15	478.50	
101-101-959.000	ARTS, CULTURE & HERITAGE	HACKNEY HARDWARE	ACCT 6430	09-09-15	09/14/15	17.99	
101-101-959.000	ARTS, CULTURE & HERITAGE	HACKNEY HARDWARE	ACCT 6431	09-09-15	09/14/15	90.94	
101-101-959.000	ARTS, CULTURE & HERITAGE	JAMES HAVENS	WWTP	08/31/15	09/14/15	700.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	JAMES PAGE	PAINT DEXTER	08/28/15	09/14/15	250.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	JANICE DUMAS	PAINT DEXTER	08/28/15	09/14/15	500.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	JILL STEFANI WAGNER	PAINT DEXTER	08/28/15	09/14/15	250.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	ORCHARD, HILTZ & MCCLINTOCK	JUNE INVOICES	9/4/15	09/14/15	62.75	
101-101-959.000	ARTS, CULTURE & HERITAGE	PAM SIEGFRIED	PAINT DEXTER	08/28/15	09/14/15	150.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	PATTY LONDY	PAINT DEXTER	08/28/15	09/14/15	250.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	QUEST PRODUCTIONS	PAINT DEXTER	08/26/15	09/14/15	250.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	SHARON WILL	PAINT DEXTER	08/28/15	09/14/15	150.00	
101-101-959.000	ARTS, CULTURE & HERITAGE	VICTORIA SCHON	PAINT DEXTER	08/27/15	09/14/15	84.11	
Total For Dept 101 CITY COUNCIL						4,717.31	
Dept 210 ATTORNEY							
101-210-810.000	ATTORNEY FEES	DYKEMA GOSSETT PLLC	PROFESSIONAL SERVICES	3003432	09/14/15	460.00	
Total For Dept 210 ATTORNEY						460.00	
Dept 215 CITY CLERK							
101-215-901.000	PRINTING & PUBLISHING	THE SUN TIMES	PUBLIC NOTICE	45924	09/14/15	44.55	
Total For Dept 215 CITY CLERK						44.55	
Dept 257 ASSESSING DEPARTMENT							
101-257-803.000	CONTRACTED SERVICES	RENIUS & RENIUS	SEPT 2015	9-2-15	09/14/15	2,496.00	
Total For Dept 257 ASSESSING DEPARTMENT						2,496.00	
Dept 265 BUILDINGS & GROUNDS							
101-265-727.000		ARBOR SPRINGS WATER CO	PAINT DEXTER	1575632	09/14/15	19.50	
101-265-727.000	OFFICE SUPPLIES	CRIBLEY WELL DRILLING	WWTP	08/31/15	09/14/15	9.50	
101-265-728.000	POSTAGE	PNC	POSTAGE	08/26/15	09/14/15	19.99	
101-265-803.000	CONTRACTED SERVICES	GOOGLE INC	GOOGLE APPS: COMMITMENT	3358534173	09/14/15	125.00	
101-265-803.000	CONTRACTED SERVICES	GRIFFIN PEST SOLUTIONS	PAINT DEXTER	08/27/15	09/14/15	250.00	
101-265-920.000	UTILITIES	COMCAST	PAINT DEXTER	08/26/15	09/14/15	322.80	
101-265-920.000	UTILITIES	DTE ENERGY	AUGUST 2015	09/09/15	09/14/15	547.49	
101-265-935.000		CINTAS CORPORATION	AUGUST 2015	09-09-15	09/14/15	143.66	
101-265-935.001		GRISSOM JANITORIAL	QUARTERLY PAYMENT	126	09/14/15	400.00	
101-265-955.000	MISCELLANEOUS	HACKNEY HARDWARE	ACCT 6430	09-09-15	09/14/15	26.54	
Total For Dept 265 BUILDINGS & GROUNDS						1,864.48	

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund 101 GENERAL FUND							
Dept 301 LAW ENFORCEMENT							
101-301-920.000	UTILITIES	CITY OF DEXTER	8140 MAIN	08/26/15	09/14/15	181.46	
101-301-920.000	UTILITIES	DTE ENERGY	AUGUST 2015	09/09/15	09/14/15	262.15	
Total For Dept 301 LAW ENFORCEMENT						443.61	
Dept 336 FIRE DEPARTMENT							
101-336-807.000	CONTRACTED PUBLIC SAFETY	DEXTER AREA FIRE DEPAR	FOURTH QUARTER 2015	09-09-15	09/14/15	122,623.48	
101-336-920.000	UTILITIES	CITY OF DEXTER	8140 MAIN	08/26/15	09/14/15	226.83	
101-336-920.000	UTILITIES	DTE ENERGY	AUGUST 2015	09/09/15	09/14/15	262.15	
101-336-935.000		GRIFFIN PEST SOLUTIONS	PAINT DEXTER	08/27/15	09/14/15	159.00	
Total For Dept 336 FIRE DEPARTMENT						123,271.46	
Dept 400 PLANNING DEPARTMENT							
101-400-955.000	MISCELLANEOUS	PNC	MISC	09/09/15	09/14/15	53.61	
Total For Dept 400 PLANNING DEPARTMENT						53.61	
Dept 441 DEPARTMENT OF PUBLIC WORKS							
101-441-740.000	OPERATING SUPPLIES	ALLIED EAGLE SUPPLY CO	DPW	805564	09/14/15	88.14	
101-441-740.000	OPERATING SUPPLIES	BEST BLOCK COMPANY	DPW	0543675-IN	09/14/15	22.80	
101-441-740.000	OPERATING SUPPLIES	CINTAS CORPORATION	AUGUST 2015	09-09-15	09/14/15	56.56	
101-441-740.000	OPERATING SUPPLIES	DEXTER MILL	AUGUST STATEMENT	9-8-15	09/14/15	72.90	
101-441-740.000		HACKNEY HARDWARE	ACCT 6430	09-09-15	09/14/15	12.47	
101-441-740.000		HACKNEY HARDWARE	ACCT 6431	09-09-15	09/14/15	167.75	
101-441-740.000	OPERATING SUPPLIES	LESSORS WELDING SUPPLY	DPW	279039	09/14/15	54.45	
101-441-745.000		CINTAS CORPORATION	AUGUST 2015	09-09-15	09/14/15	412.21	
101-441-745.000	UNIFORM ALLOWANCE	TRACTOR SUPPLY CREDIT	DPW	232635	09/14/15	173.95	
101-441-751.000		CORRIGAN OIL COMPANY	DPW	6112265	09/14/15	514.67	
101-441-751.000		CORRIGAN OIL COMPANY	DPW	31119996	09/14/15	208.89	
101-441-920.000	UTILITIES	CITY OF DEXTER	8140 MAIN	08/26/15	09/14/15	45.37	
101-441-920.000	UTILITIES	CITY OF DEXTER	DPW	08/26/15	09/14/15	63.93	
101-441-920.000	UTILITIES	DTE ENERGY	AUGUST 2015	09/09/15	09/14/15	1,303.70	
101-441-920.001	UTILITIES - TELEPHONES	VERIZON WIRELESS	PAINT DEXTER	08/27/15	09/14/15	196.44	
101-441-977.000	EQUIPMENT	I.T. RIGHT INC.	MICROSOFT OFFICE 2013	20145597	09/14/15	426.00	
Total For Dept 441 DEPARTMENT OF PUBLIC WORKS						3,820.23	
Dept 442 DOWNTOWN PUBLIC WORKS							
101-442-730.000	FARMERS MARKET SUPPLIES	HACKNEY HARDWARE	ACCT 6430	09-09-15	09/14/15	6.78	
101-442-731.000	LANDSCAPE SUPPLIES	HACKNEY HARDWARE	ACCT 6431	09-09-15	09/14/15	34.99	
101-442-740.000	OPERATING SUPPLIES	ALLIED EAGLE SUPPLY CO	DPW	805564	09/14/15	323.65	
101-442-740.000		HACKNEY HARDWARE	ACCT 6431	09-09-15	09/14/15	22.90	
101-442-802.000	PROFESSIONAL SERVICES	RICHARD BROTHERS PAINT	PAINT DEXTER	21119	09/14/15	1,260.00	
101-442-920.000	UTILITIES	DTE ENERGY	AUGUST 2015	09/09/15	09/14/15	466.00	
Total For Dept 442 DOWNTOWN PUBLIC WORKS						2,114.32	
Dept 447 ENGINEERING							
101-447-830.000	ENGINEERING CONSULTING	ORCHARD, HILTZ & MCCLI	JUNE INVOICES	9/4/15	09/14/15	1,100.00	
Total For Dept 447 ENGINEERING						1,100.00	
Dept 448 MUNICIPAL STREET LIGHTS							
101-448-920.003	UTILITIES - STREET LIGHTS	DTE ENERGY-STREET LIGH	STREETLIGHTS	08/26/15	09/14/15	5,617.82	
Total For Dept 448 MUNICIPAL STREET LIGHTS						5,617.82	
Dept 751 PARKS & RECREATION							
101-751-802.000	PROFESSIONAL SERVICES	ORCHARD, HILTZ & MCCLI	JUNE INVOICES	9/4/15	09/14/15	800.00	
101-751-803.000	CONTRACTED SERVICES	PLANT WISE	PAINT DEXTER	15-1589	09/14/15	875.00	

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund 101 GENERAL FUND							
Dept 751 PARKS & RECREATION							
101-751-937.000	EQUIPMENT MAINTENANCE & RE	DEXTER MILL	AUGUST STATEMENT	9-8-15	09/14/15	10.98	
101-751-937.000	EQUIPMENT MAINTENANCE & RE	RICHARD BROTHERS PAINT	DPW	21144	09/14/15	190.00	
101-751-944.000	PORTABLE TOILET RENTAL	JOHN'S SANITATION	PARKS	08/26/15	09/14/15	210.00	
Total For Dept 751 PARKS & RECREATION						2,085.98	
Dept 851 INSURANCE & BONDS							
101-851-910.000		MML WORKERS COMPENSATI	QUARTERLY PAYMENT	2089204	09/14/15	1,626.61	
101-851-911.000	LIABILITY INSURANCE	MICHIGAN MUNICIPAL RIS	PREMIUM	8/17/2015	09/14/15	9,034.73	
Total For Dept 851 INSURANCE & BONDS						10,661.34	
Dept 901 CAPITAL IMPROVEMENTS							
101-901-970.000	CONTRACTED CAPITAL IMPROVE	ORCHARD, HILTZ & MCCLI	JUNE INVOICES	9/4/15	09/14/15	500.00	
Total For Dept 901 CAPITAL IMPROVEMENTS						500.00	
Total For Fund 101 GENERAL FUND						159,763.12	
Fund 202 MAJOR STREETS FUND							
Dept 445 STORMWATER							
202-445-803.000	CONTRACTED SERVICES	BOSTWICK COMPANY	DPW	14995	09/14/15	1,020.00	
Total For Dept 445 STORMWATER						1,020.00	
Dept 451 CONTRACTED ROAD CONSTRUCTION							
202-451-974.000	CIP CAPITAL IMPROVEMENTS	ORCHARD, HILTZ & MCCLI	JUNE INVOICES	9/4/15	09/14/15	1,235.75	
202-451-975.017	CAPITAL IMP - SAFE ROUTES	ORCHARD, HILTZ & MCCLI	JUNE INVOICES	9/4/15	09/14/15	1,313.75	
Total For Dept 451 CONTRACTED ROAD CONSTRUCTION						2,549.50	
Dept 463 ROUTINE MAINTENANCE							
202-463-740.000	OPERATING SUPPLIES	CADILLAC ASPHALT, LLC	DPW	277575	09/14/15	158.00	
202-463-740.000	OPERATING SUPPLIES	CADILLAC ASPHALT, LLC	DPW	278469	09/14/15	53.50	
202-463-802.000	PROFESSIONAL SERVICES	ORCHARD, HILTZ & MCCLI	JUNE INVOICES	9/4/15	09/14/15	640.00	
202-463-910.000		MML WORKERS COMPENSATI	QUARTERLY PAYMENT	2089204	09/14/15	148.17	
202-463-911.000	LIABILITY INSURANCE	MICHIGAN MUNICIPAL RIS	PREMIUM	8/17/2015	09/14/15	1,890.99	
Total For Dept 463 ROUTINE MAINTENANCE						2,890.66	
Dept 474 TRAFFIC SERVICES							
202-474-740.000	OPERATING SUPPLIES	CARRIER & GABLE, INC.	DPW	253435	09/14/15	218.20	
202-474-740.000	OPERATING SUPPLIES	GRAINGER	DPW	9811917831	09/14/15	489.90	
202-474-740.000	OPERATING SUPPLIES	HACKNEY HARDWARE	ACCT 6431	09-09-15	09/14/15	171.18	
202-474-910.000		MML WORKERS COMPENSATI	QUARTERLY PAYMENT	2089204	09/14/15	51.54	
202-474-911.000	LIABILITY INSURANCE	MICHIGAN MUNICIPAL RIS	PREMIUM	8/17/2015	09/14/15	252.13	
Total For Dept 474 TRAFFIC SERVICES						1,182.95	
Dept 478 WINTER MAINTENANCE							
202-478-910.000		MML WORKERS COMPENSATI	QUARTERLY PAYMENT	2089204	09/14/15	75.69	
202-478-911.000	LIABILITY INSURANCE	MICHIGAN MUNICIPAL RIS	PREMIUM	8/17/2015	09/14/15	315.17	
Total For Dept 478 WINTER MAINTENANCE						390.86	
Total For Fund 202 MAJOR STREETS FUND						8,033.97	
Fund 203 LOCAL STREETS FUND							
Dept 445 STORMWATER							
203-445-803.000	CONTRACTED SERVICES	BOSTWICK COMPANY	DPW	14996	09/14/15	495.00	
203-445-803.000	CONTRACTED SERVICES	BOSTWICK COMPANY	DPW	14996	09/14/15	1,300.00	
203-445-803.000	CONTRACTED SERVICES	BOSTWICK COMPANY	DPW	14994	09/14/15	250.00	

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund 203 LOCAL STREETS FUND							
Dept 445 STORMWATER							
Total For Dept 445 STORMWATER						2,045.00	
Dept 451 CONTRACTED ROAD CONSTRUCTION							
203-451-932.000	SIDEWALKS	GM & SONS INC	2014 CONCRETE REPLACEMENT	2140596	09/14/15	250.00	
203-451-932.000	SIDEWALKS	MILLIGANS LANDSCAPE SE	PAINT DEXTER	3054	09/14/15	1,000.00	
203-451-970.000	CONTRACTED CAPITAL IMPROVE	ORCHARD, HILTZ & MCCLI	JUNE INVOICES	9/4/15	09/14/15	5,854.50	
Total For Dept 451 CONTRACTED ROAD CONSTRUCTION						7,104.50	
Dept 463 ROUTINE MAINTENANCE							
203-463-740.000	OPERATING SUPPLIES	BEST BLOCK COMPANY	WWTP	08/31/15	09/14/15	75.60	
203-463-802.000	PROFESSIONAL SERVICES	ORCHARD, HILTZ & MCCLI	JUNE INVOICES	9/4/15	09/14/15	639.00	
203-463-910.000		MML WORKERS COMPENSATI	QUARTERLY PAYMENT	2089204	09/14/15	45.09	
203-463-911.000	LIABILITY INSURANCE	MICHIGAN MUNICIPAL RIS	PREMIUM	8/17/2015	09/14/15	489.56	
Total For Dept 463 ROUTINE MAINTENANCE						1,249.25	
Dept 474 TRAFFIC SERVICES							
203-474-740.000	OPERATING SUPPLIES	CARRIER & GABLE, INC.	DPW	253435	09/14/15	218.20	
203-474-910.000		MML WORKERS COMPENSATI	QUARTERLY PAYMENT	2089204	09/14/15	16.11	
203-474-911.000	LIABILITY INSURANCE	MICHIGAN MUNICIPAL RIS	PREMIUM	8/17/2015	09/14/15	245.83	
Total For Dept 474 TRAFFIC SERVICES						480.14	
Dept 478 WINTER MAINTENANCE							
203-478-910.000		MML WORKERS COMPENSATI	QUARTERLY PAYMENT	2089204	09/14/15	35.43	
203-478-911.000	LIABILITY INSURANCE	MICHIGAN MUNICIPAL RIS	PREMIUM	8/17/2015	09/14/15	315.16	
Total For Dept 478 WINTER MAINTENANCE						350.59	
Total For Fund 203 LOCAL STREETS FUND						11,229.48	
Fund 226 SOLID WASTE COLLECTION FUND							
Dept 528 SOLID WASTE							
226-528-805.000	CONTRACTED SOLID WASTE SEF	WASTE MANAGEMENT OF MI	RESIDENTIAL AND COMMERCIAL AUGUST 2	8374785	09/14/15	40,843.89	
226-528-805.000	CONTRACTED SOLID WASTE SEF	WASTE MANAGEMENT OF MI	RESIDENTIAL AND COMMERCIAL	8374242	09/14/15	41,376.31	
Total For Dept 528 SOLID WASTE						82,220.20	
Total For Fund 226 SOLID WASTE COLLECTION FUND						82,220.20	
Fund 402 EQUIPMENT REPLACEMENT FUND							
Dept 441 DEPARTMENT OF PUBLIC WORKS							
402-441-939.000	VEHICLE MAINTENANCE & REPF	PARTS PEDDLER AUTO SUP	AUGUST 2015	09/09/15	09/14/15	263.25	
Total For Dept 441 DEPARTMENT OF PUBLIC WORKS						263.25	
Total For Fund 402 EQUIPMENT REPLACEMENT FUND						263.25	
Fund 590 SEWER ENTERPRISE FUND							
Dept 000 ASSETS, LIABILITIES & REVENUE							
590-000-633.002	UTILITY BILLS - SEWER	BLAIR REAMY	UB REFUND	08/26/15	09/14/15	13.42	
590-000-633.002	UTILITY BILLS - SEWER	CHERYL MARCHESANO	UB REFUND	08/26/15	09/14/15	6.05	
Total For Dept 000 ASSETS, LIABILITIES & REVENUE						19.47	
Dept 248 ADMINISTRATION							
590-248-811.000	ATTORNEY FEES - MISCELLANF	DYKEMA GOSSETT PLLC	PROFESSIONAL SERVICES	3003432	09/14/15	204.00	
590-248-811.000	ATTORNEY FEES - MISCELLANF	VARNUM, RIDDERING, SCH	PROFESSIONAL SERVICES	955260	09/14/15	223.35	
Total For Dept 248 ADMINISTRATION						427.35	

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund 590 SEWER ENTERPRISE FUND							
Dept 548 SEWER UTILITIES DEPARTMENT							
590-548-721.000	HEALTH & DENTAL INSURANCE	DANIEL SCHLAFF	DENTAL REIMBURSEMENT	9/4/15	09/14/15	500.00	
590-548-740.000		HACKNEY HARDWARE	ACCT 6433	09/09/15	09/14/15	4.49	
590-548-740.000	OPERATING SUPPLIES	KUBOTA	WWTP	275295	09/14/15	39.24	
590-548-740.000	OPERATING SUPPLIES	USA BLUE BOOK	WWTP	736583	09/14/15	17.62	
590-548-743.000	CHEMICAL SUPPLIES - LAB	HACH COMPANY	WWTP	09-09-15	09/14/15	206.34	
590-548-743.000		NORTH CENTRAL LABORATO	WWTP	360278	09/14/15	252.65	
590-548-743.000		NORTH CENTRAL LABORATO	WWTP	08/26/15	09/14/15	84.26	
590-548-743.000	CHEMICAL SUPPLIES - LAB	PARAGON LABORATORIES I	WWTP	42513-87941	09/14/15	157.50	
590-548-745.000		CINTAS CORPORATION	AUGUST 2015	09-09-15	09/14/15	287.93	
590-548-751.000		CORRIGAN OIL COMPANY	WWTP	6115806	09/14/15	115.88	
590-548-751.000		CORRIGAN OIL COMPANY	WWTP	6119997	09/14/15	275.92	
590-548-802.000	PROFESSIONAL SERVICES	F&V OPERATIONS	PAINT DEXTER	1233	09/14/15	631.00	
590-548-910.000		MML WORKERS COMPENSATI	QUARTERLY PAYMENT	2089204	09/14/15	869.67	
590-548-911.000	LIABILITY INSURANCE	MICHIGAN MUNICIPAL RIS	PREMIUM	8/17/2015	09/14/15	6,303.30	
590-548-920.000	UTILITIES	CITY OF DEXTER	WWTP	08/26/15	09/14/15	1,020.54	
590-548-920.000	UTILITIES	COMCAST CABLE	09588 358642-02-2	09-08015	09/14/15	43.54	
590-548-920.000	UTILITIES	DTE ENERGY	AUGUST 2015	09/090/15	09/14/15	3,973.11	
590-548-920.001		AT&T	426 4572	08/26/15	09/14/15	171.73	
590-548-920.001	UTILITIES - TELEPHONES	VERIZON WIRELESS	PAINT DEXTER	08/27/15	09/14/15	231.98	
590-548-937.000	EQUIPMENT MAINTENANCE & RE	CULLIGAN WATER CONDITI	WWTP	09/09/15	09/14/15	60.91	
590-548-937.000	EQUIPMENT MAINTENANCE & RE	DETROIT PUMP & MANUFAC	WWTP	1036354	09/14/15	31.81	
590-548-937.000	EQUIPMENT MAINTENANCE & RE	USA BLUE BOOK	WWTP	725335	09/14/15	264.70	
590-548-938.000	LAB EQUIPMENT MAINTENANCE	HACH COMPANY	WWTP	09-09-15	09/14/15	203.25	
590-548-938.000	LAB EQUIPMENT MAINTENANCE	UTILITIES INSTRUMENTAT	PAINT DEXTER	530345543	09/14/15	3,649.36	
590-548-938.001	SCADA MAINTENANCE	UTILITIES INSTRUMENTAT	AUGUST 2015	530346445	09/14/15	8,000.00	
590-548-938.001	SCADA MAINTENANCE	UTILITIES INSTRUMENTAT	AUGUST 2015	530346445	09/14/15	6,380.00	
590-548-977.000	EQUIPMENT	I.T. RIGHT INC.	MICROSOFT OFFICE 2013	20145597	09/14/15	426.00	
590-548-977.000	EQUIPMENT	USA BLUE BOOK	WWTP	717493	09/14/15	224.74	
Total For Dept 548 SEWER UTILITIES DEPARTMENT						34,427.47	
Dept 850 LONG-TERM DEBT							
590-850-995.007	2012 SEWER BOND PRINCIPAL	US BANK CORPORATE TRUS	2012 GENERAL OBLIGATION REFUND	09/09/15	09/14/15	50,000.00	
590-850-996.007	2012 SEWER BOND INTEREST	US BANK CORPORATE TRUS	2012 GENERAL OBLIGATION REFUND	09/09/15	09/14/15	27,165.00	
Total For Dept 850 LONG-TERM DEBT						77,165.00	
Dept 901 CAPITAL IMPROVEMENTS							
590-901-970.005	CAPITAL IMPROVEMENTS - SLU	ORCHARD, HILTZ & MCCLI	JUNE INVOICES	9/4/15	09/14/15	65.25	
Total For Dept 901 CAPITAL IMPROVEMENTS						65.25	
Total For Fund 590 SEWER ENTERPRISE FUND						112,104.54	
Fund 591 WATER ENTERPRISE FUND							
Dept 000 ASSETS, LIABILITIES & REVENUE							
591-000-275.000	WATER	FIRST AMERICAN TITLE C	UB refund for account: WEL3-006976-	08/31/2015	09/14/15	184.47	
591-000-633.003	UTILITY BILLS - WATER	BLAIR REAMY	UB REFUND	08/26/15	09/14/15	14.39	
591-000-633.003	UTILITY BILLS - WATER	CHERYL MARCHESANO	UB REFUND	08/26/15	09/14/15	(10.32)	
Total For Dept 000 ASSETS, LIABILITIES & REVENUE						188.54	
Dept 248 ADMINISTRATION							
591-248-811.000	ATTORNEY FEES - MISCELLANE	DYKEMA GOSSETT PLLC	PROFESSIONAL SERVICES	3003432	09/14/15	204.00	
Total For Dept 248 ADMINISTRATION						204.00	
Dept 556 WATER UTILITIES DEPARTMENT							

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund 591 WATER ENTERPRISE FUND							
Dept 556 WATER UTILITIES DEPARTMENT							
591-556-721.000	HEALTH & DENTAL INSURANCE	DANIEL SCHLAFF	DENTAL REIMBURSEMENT	9/4/15	09/14/15	500.00	
591-556-721.000	HEALTH & DENTAL INSURANCE	FIFTH STREET DENTAL CA	PATIENT: TIM STEWART	09/09/15	09/14/15	60.80	
591-556-740.000		HACKNEY HARDWARE	ACCT 6433	09/09/15	09/14/15	42.46	
591-556-740.000		HACKNEY HARDWARE	ACCT 6432	09/09/15	09/14/15	34.71	
591-556-740.000	OPERATING SUPPLIES	PARTS PEDDLER AUTO SUP	AUGUST 2015	09/09/15	09/14/15	15.29	
591-556-740.000	OPERATING SUPPLIES	USA BLUE BOOK	WWTP	736583	09/14/15	35.24	
591-556-743.000	CHEMICAL SUPPLIES - LAB	ALEXANDER CHEMICAL COR	WWTP	10036052	09/14/15	1,755.39	
591-556-743.000	CHEMICAL SUPPLIES - LAB	ELHORN ENGINEERING CO	WWTP	261685	09/14/15	1,716.00	
591-556-743.000	CHEMICAL SUPPLIES - LAB	HACH COMPANY	WWTP	9527937	09/14/15	409.59	
591-556-745.000		CINTAS CORPORATION	AUGUST 2015	09-09-15	09/14/15	196.40	
591-556-751.000		CORRIGAN OIL COMPANY	WWTP	6112266	09/14/15	259.83	
591-556-802.000	PROFESSIONAL SERVICES	UTILITIES INSTRUMENTAT	AUGUST 2015	530346445	09/14/15	4,207.00	
591-556-910.000		MML WORKERS COMPENSATI	QUARTERLY PAYMENT	2089204	09/14/15	352.69	
591-556-911.000	LIABILITY INSURANCE	MICHIGAN MUNICIPAL RIS	PREMIUM	8/17/2015	09/14/15	2,164.13	
591-556-920.000	UTILITIES	COMCAST CABLE	09588 358642-02-2	09-08015	09/14/15	43.54	
591-556-920.000	UTILITIES	DTE ENERGY	AUGUST 2015	09/090/15	09/14/15	2,761.00	
591-556-920.001		AT&T	426 4572	08/26/15	09/14/15	171.73	
591-556-920.001	UTILITIES - TELEPHONES	VERIZON WIRELESS	PAINT DEXTER	08/27/15	09/14/15	79.11	
591-556-937.000	EQUIPMENT MAINTENANCE & RE	HACKNEY HARDWARE	ACCT 6433	09/09/15	09/14/15	54.81	
591-556-937.000	EQUIPMENT MAINTENANCE & RE	UTILITIES INSTRUMENTAT	WWTP	530346423	09/14/15	254.00	
591-556-939.000	VEHICLE MAINTENANCE & REPA	MARK'S AUTO SERVICE, I	WWTP	48568	09/14/15	292.00	
591-556-960.000	EDUCATION & TRAINING	PNC	WWTP	08-26-15	09/14/15	70.00	
591-556-960.000	EDUCATION & TRAINING	PNC		08-26/15	09/14/15	70.00	
591-556-960.000	EDUCATION & TRAINING	PNC	DEQ BILLS	9-8-15	09/14/15	140.00	
591-556-977.000	EQUIPMENT	ETNA SUPPLY CO	WWTP	S101526933.001	09/14/15	58.15	
591-556-977.000	EQUIPMENT	USA BLUE BOOK	WWTP	717493	09/14/15	224.73	
Total For Dept 556 WATER UTILITIES DEPARTMENT						15,968.60	
Dept 850 LONG-TERM DEBT							
591-850-995.010	2012 WATER BOND PRINCIPAL	US BANK CORPORATE TRUS	2012 GENERAL OBLIGATION REFUND	09/09/15	09/14/15	40,000.00	
591-850-996.010	2012 WATER BOND INTEREST	US BANK CORPORATE TRUS	2012 GENERAL OBLIGATION REFUND	09/09/15	09/14/15	21,351.25	
Total For Dept 850 LONG-TERM DEBT						61,351.25	
Total For Fund 591 WATER ENTERPRISE FUND						77,712.39	
Fund 701 TRUST & AGENCY FUND							
Dept 000 ASSETS, LIABILITIES & REVENUE							
701-000-252.000	ARTS, CULTURE & HERITAGE	THE BEER GROTT	ARTS, CULTURE & HERITAGE	08/26/15	09/14/15	110.50	
701-000-254.000-0MEDOF	SPR-DAN HOEY MEDOFFICE	CARLISLE-WORTMAN ASSOC	MEDICAL BLDG	2136660	09/14/15	450.00	
701-000-254.000-STRAWB	SPR - STRAWBERRY ALARM CLK	CARLISLE-WORTMAN ASSOC	STRAWBERRY ALARM CLOCK	2136662	09/14/15	187.50	
Total For Dept 000 ASSETS, LIABILITIES & REVENUE						748.00	
Total For Fund 701 TRUST & AGENCY FUND						748.00	

GL Number	Inv. Line Desc	Vendor	Invoice Desc.	Invoice	Due Date	Amount	check #
Fund Totals:							
			Fund 101 GENERAL FUND			159,763.12	
			Fund 202 MAJOR STREETS FUND			8,033.97	
			Fund 203 LOCAL STREETS FUND			11,229.48	
			Fund 226 SOLID WASTE COLLECTION FUND			82,220.20	
			Fund 402 EQUIPMENT REPLACEMENT FUND			263.25	
			Fund 590 SEWER ENTERPRISE FUND			112,104.54	
			Fund 591 WATER ENTERPRISE FUND			77,712.39	
			Fund 701 TRUST & AGENCY FUND			748.00	
			Total For All Funds:			<u>452,074.95</u>	

CITY OF DEXTER

8140 Main Street Dexter, MI 48130-1092

Phone (734) 426-8303 Fax (734) 426-5614

MEMO

To: Council
From: Mayor Keough
Date: September 9, 2015
Re: Appointment

I would like to recommend the following appointments:

Art Selection Committee

- Katie Koch (replaces Randy Hermann as the Parks & Recreation Commission representative)

Tree Board

- Paul Schubert – three year term expiring June 2018



CITY OF DEXTER

8140 Main Street · Dexter, Michigan 48130-1092 · (734) 426-8303 · Fax (734) 426-5614

APPLICATION FOR APPOINTMENT AS COMMISSION OR COMMITTEE MEMBER

Name: PAUL SCHUBERT Date: August 21, 2015
Address: 318 McCORMICK PLACE (Cedars of Dexter)
Email: PRISM6@comcast.net
Phone: (734) 253-2233 Best time to call: any daytime I have
(6211)(269) 358-4502

Which Commission/Committee are you applying for?

- Zoning Board of Appeals
Downtown Development Authority
Planning Commission
Parks Commission
Arts, Culture & Heritage Committee
Tree Board
Farmers Market Oversight Committee
Election Commission
Board of Review
Other (Specify)

Why are you interested in serving on this Commission/Committee? Are there current events that have spurred your interest?
1. I'm interested in participating in some way in city affairs.
2. I am a resident of the Cedars of Dexter, and "Trees in the City" are some of our trees.
3. I have a conviction of trees as an important element in city beauty + health.

What particular skills and/or background do you feel that you could bring to this appointment? What other, if any, commissions or committees have you served on?
as a teen age, helped in planting 10,000 seedlings in unarable land in my Wisconsin community; served on Gov. Commission on Human Services, U.S. Virgin Islands; in ST. ST. Joseph Co. MI was pres. of Bd of Trustees, Glen Oaks Community College + Bd Mbr, Carnegie Center for the ARTS. My son is a landscape architect in another state.
Please list/attach any other information that you would like to have considered.

RECEIVED

AUG 21 2015

CITY OF DEXTER

Application and Release of Liability for Special Events, Park Use, Facility Use
and/or Road Closures - Page 4

Applicant Information

Event Name: APPLE DAZE Date(s): SATURDAY, OCTOBER 3, 2015
Event Description: FAMILY FUN EVENT, CLASSIC CAR SHOW, CRAFT SHOW, FOOD SALES
Location: MONUMENT PARK

Park Use Facility Use Road Closure Fire/Open Burn

Organization Name (if applicable): DEXTER LIONS CLUB

Applicant Name: JIM CARSON Phone: 734-502-4257

Applicant Email: jcarson@qiserv.net

Applicant/Organization Address: P.O. Box 102, DEXTER, MI 48130

Additional Contact: _____

Type of Activity (check all that apply)

Road closure. CLOSE CENTRAL STREET FROM MAIN TO FIFTH
Notification date: CLOSE 10-3-15 @ 7:00AM, OPEN 10-3-15 @ 6:00PM

Parade.

Exhibitions, erection of any temporary building or structure, and/or selling or giving away food, drink or merchandise.

Hold an assembly involving thirty (30) or more participants.

Hold an assembly involving less than thirty (30) participants.

Private event such as a wedding or birthday party.

Furnish or sell alcoholic beverages.

Fire or open burn.

City services such as barriers, barricades, detour signs, or other use of City equipment or personal are requested. Please provide details below.

Additional information: _____

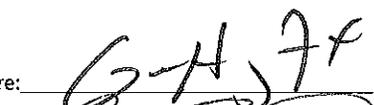
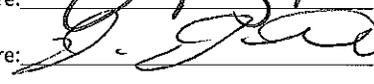
Application and Release of Liability for Special Events, Park Use, Facility Use
and/or Road Closures - Page 5

Hold Harmless Agreement: To the fullest extent permitted by law, Dexter Lions Club agrees to defend, pay in behalf of, indemnify, and hold harmless the City of Dexter, its elected and appointed officials, employees, volunteers, and others working on behalf of the City of Dexter, against all claims, demands, suits, or loss, including all costs connected therewith, and for any damages, which may be asserted, claimed, or recovered against or from the City of Dexter, its elected and appointed officials, employees, volunteers, and others working on behalf of the City of Dexter, by reason of personal injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this agreement.

 9/8/15 _____
 Applicant's Signature Date Co-Applicant's Signature Date

Staff Review: Fee: \$ Date Received: 9/9/15 Receipt # _____

Required Pre-Approvals:

City Council Date: _____
 Washtenaw County Sheriff Date: 9-9-15 Signature: 
 Dexter Area Fire Dept. Date: 9-8-15 Signature: 

Attachment Check List:

Yes	No	N/A	Description
<input checked="" type="checkbox"/>			Damage Deposit. <u>CR NO. 1070</u>
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	Homeowners Insurance.
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	General Liability Insurance.
		<input checked="" type="checkbox"/>	Michigan Liquor Control Permit.
		<input checked="" type="checkbox"/>	Road Closure Diagram or Map.
		<input checked="" type="checkbox"/>	Washtenaw County Sheriff Department Contract.
		<input checked="" type="checkbox"/>	Dexter Area Fire Department Contract.
<input checked="" type="checkbox"/>			Sign permit.
		<input checked="" type="checkbox"/>	Controlled Burn Permit.
			Other: _____

Approved Denied Date: _____

APPROVED OR DENIED BY: _____

CONDITIONS OF APPROVAL: _____

REASONS FOR DENIAL: _____

APPROVAL STAMP:

**Application and Release of Liability for Special Events, Park Use, Facility Use
and/or Road Closures - Page 4**

Applicant Information

Event Name: DEXTER H.C. PARADE Date(s): OCT. 2nd, 2015

Event Description: PARADE THROUGH DEXTER

Location: DOWNTOWN DEXTER

Park Use Facility Use Road Closure Fire/Open Burn

Organization Name (if applicable): DEXTER H.S. STUDENT COUNCIL

Applicant Name: AL SNIDER Phone: 734 424 4240

Applicant Email: snidera@dexter-schools.org

Applicant/Organization Address: 2200 N. PARKER DEXTER, MI 48130

Additional Contact: KIT MORAN

Type of Activity (check all that apply)

Road closure.
Notification date: 9-1-15 → please see included map.

Parade.

Exhibitions, erection of any temporary building or structure, and/or selling or giving away food, drink or merchandise.

Hold an assembly involving thirty (30) or more participants.

Hold an assembly involving less than thirty (30) participants.

Private event such as a wedding or birthday party.

Furnish or sell alcoholic beverages.

Fire or open burn.

Village services such as barriers, barricades, detour signs, or other use of Village equipment or personal are requested. Please provide details below.

Additional Information: THE PARADE IS FROM 1:30
TO 2:30 ON 10/2/15.

Application and Release of Liability for Special Events, Park Use, Facility Use and/or Road Closures - Page 5

Hold Harmless Agreement: To the fullest extent permitted by law, DEXTER HS agrees to defend, pay in behalf of, indemnify, and hold harmless the Village of Dexter, its elected and appointed officials, employees, volunteers, and others working on behalf of the Village of Dexter, against all claims, demands, suits, or loss, including all costs connected therewith, and for any damages, which may be asserted, claimed, or recovered against or from the Village of Dexter, its elected and appointed officials, employees, volunteers, and others working on behalf of the Village of Dexter, by reason of personal injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this agreement.

M. D. Smith
 Applicant's Signature _____ Date _____
 Co-Applicant's Signature _____ Date _____

Staff Review: Fee: \$ _____ Date Received: 9/1/15 Receipt # _____

Required Pre-Approvals:

- Village Council Date: _____
- Washtenaw County Sheriff Date: 9/9/15 Signature: [Signature]
- Dexter Area Fire Dept. Date: 9-8-15 Signature: [Signature]

Attachment Check List:

Yes	No	N/A	Description
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Damage Deposit.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Homeowners Insurance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Liability Insurance.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Michigan Liquor Control Permit.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Road Closure Diagram or Map.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Washtenaw County Sheriff Department Contract.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dexter Area Fire Department Contract.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sign permit.
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Controlled Burn Permit.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

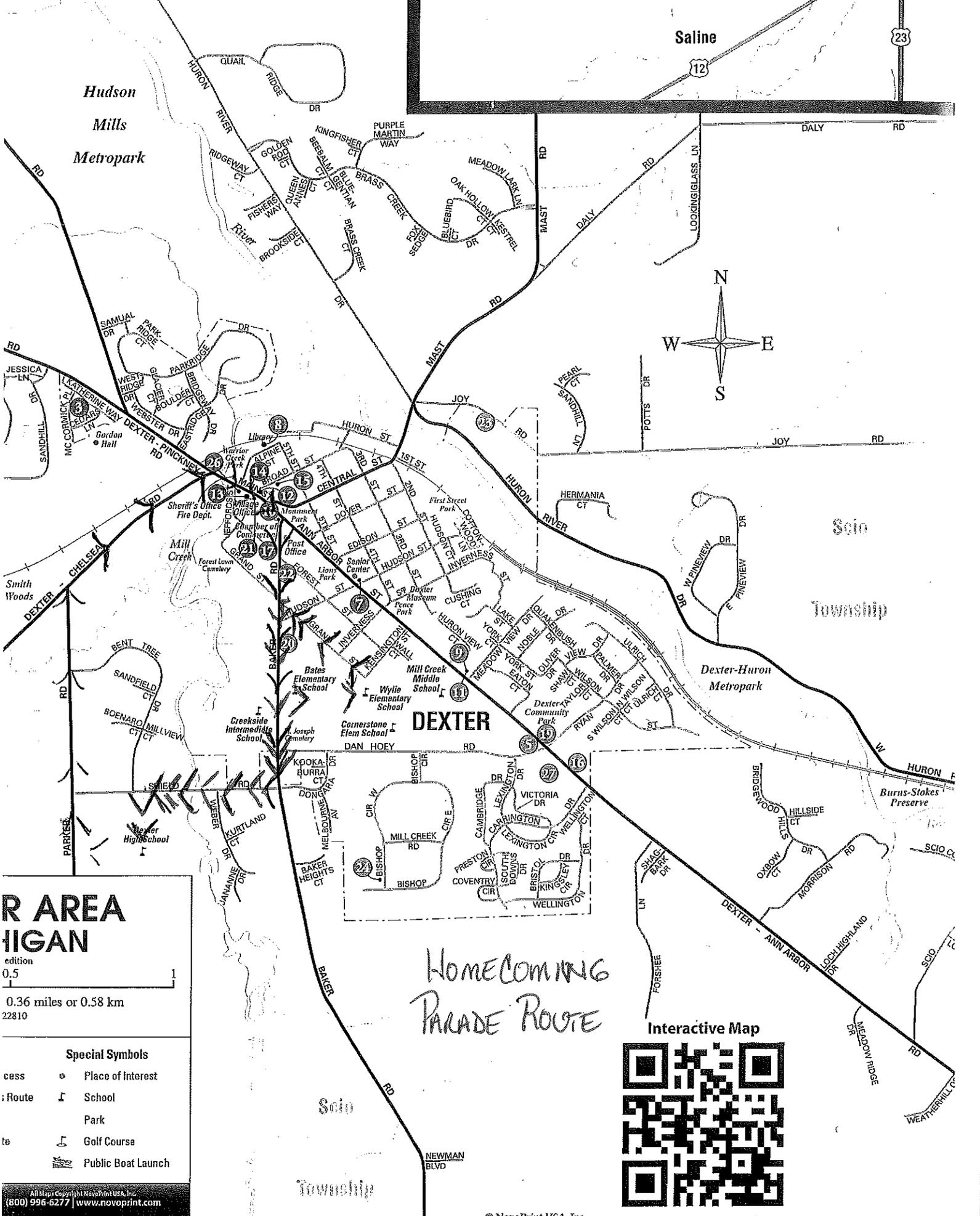
Approved Denied Date: _____

APPROVED OR DENIED BY: _____

CONDITIONS OF APPROVAL: _____

REASONS FOR DENIAL: _____

APPROVAL STAMP:



R AREA SIGN

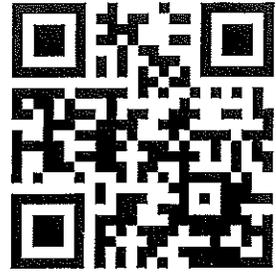
edition
0.5

0.36 miles or 0.58 km
22810

- Special Symbols**
- Place of interest
 - School
 - Park
 - Golf Course
 - Public Boat Launch

Homecoming
Parade Route

Interactive Map



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OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: Mayor Keough and City Council
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: Request to Schedule Public Hearing to Consider Partial Vacation of First Street Right-of-Way

Date: September 8, 2015

At Council's first meeting in August, staff was asked to research the possibility of narrowing the First Street road ROW, in order to expand the area of First Street Park. The partial vacation provides additional land area that would facilitate the construction of a new shelter at the park.

Staff met with the City attorney, and was informed that the City could, in fact, vacate a portion of a road right-of-way. The vacated portion could then be combined with the property already owned by the City (i.e. First Street Park). While not specifically required, the City Attorney recommends council hold a public hearing, with a 30 day public hearing notice, as a best practice.

PA 288 of 1967 (the Land Division Act), sets forth the provisions in which land in a subdivision (i.e. a recorded plat) may be revised, altered or vacated.

- Section 226(c) allows municipalities to vacate a *part of a street or alley, public walkway, park or public-square or any other land dedicated to the public for purposes other than pedestrian or vehicular travel, subject to the provisions of Section 256 and 257, as appropriate.*
- Section 227a states, *if only part of the width of a street or alley, not extending beyond the center line, is vacated, title to the vacated part of the street or alley shall best in the proprietor of the lots abutting the same.*
- Section 255a states, *Land in a subdivision dedicated to the use of the public for purposes **other than** pedestrian or vehicular travel, or land dedicated for a public way which is under the jurisdiction of a municipality, a portion which is within 25 meters of a lake or the general course of a stream, shall not be revised, altered, or vacated except by order of the circuit court in the county in which the land is situated.*
- Section 256 states, *subject to the restrictions prescribed in Section 255a, when the governing body of a municipality by resolution or ordinance opens or vacates a street or alley or a portion of a street or alley, or extends, widens, or changes the name of an existing street or alley, the clerk of the municipality within 30 days shall record a certified copy with the register of deeds, giving the name of the plat or plats affected, and shall send a copy to the director of the department of energy, labor and economic growth. Until recorded, the ordinance or resolution shall not have force or effect.*

The diagram (right) shows the proposed vacation of a portion of the First Street ROW, which would be approximately 48 feet wide, from the point where it abuts the Cottonwood Condominium property (south), to where it ends north of Edison Street. Please note the hatched portion of the vacated ROW would need to be dedicated to the railroad, since that portion directly abuts the railroad property. The solid color area would be dedicated to the city, since it directly abuts city owned property (i.e. First Street Park).

As you will recall, the park property is zoned I-1 Limited Industrial District. The required yard setbacks in the I-1 district are, as follows:

- Front: 50 feet
- Side: 50 feet
- Rear: 35 feet

However, if the property were rezoned PP, Public Park District the required setbacks are, as follows:

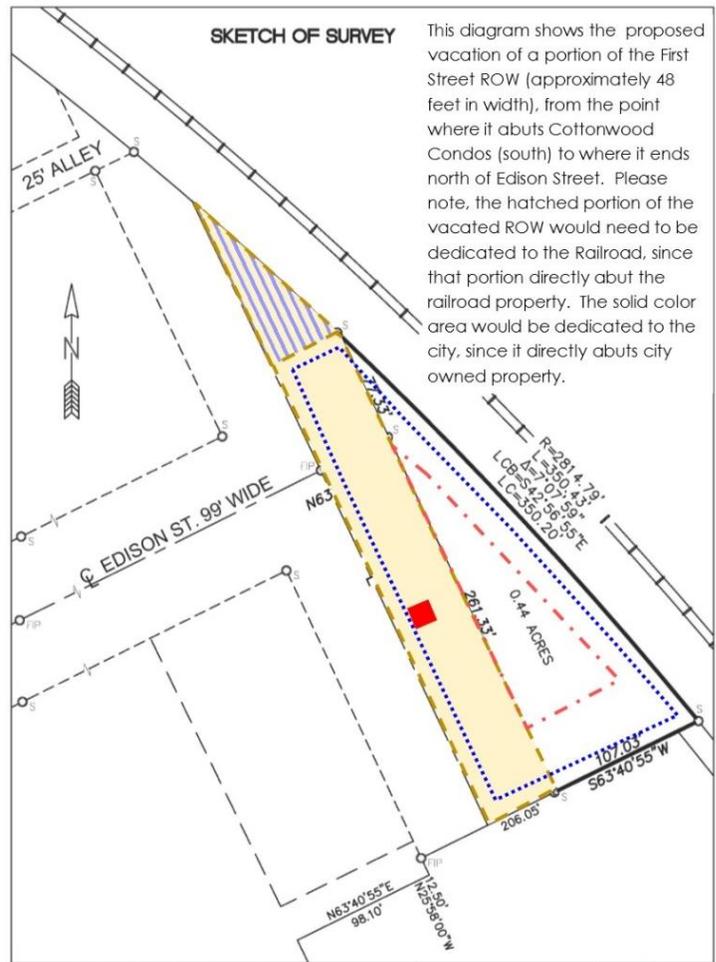
- Front: 10 feet
- Side: 10 feet
- Rear: 10 feet

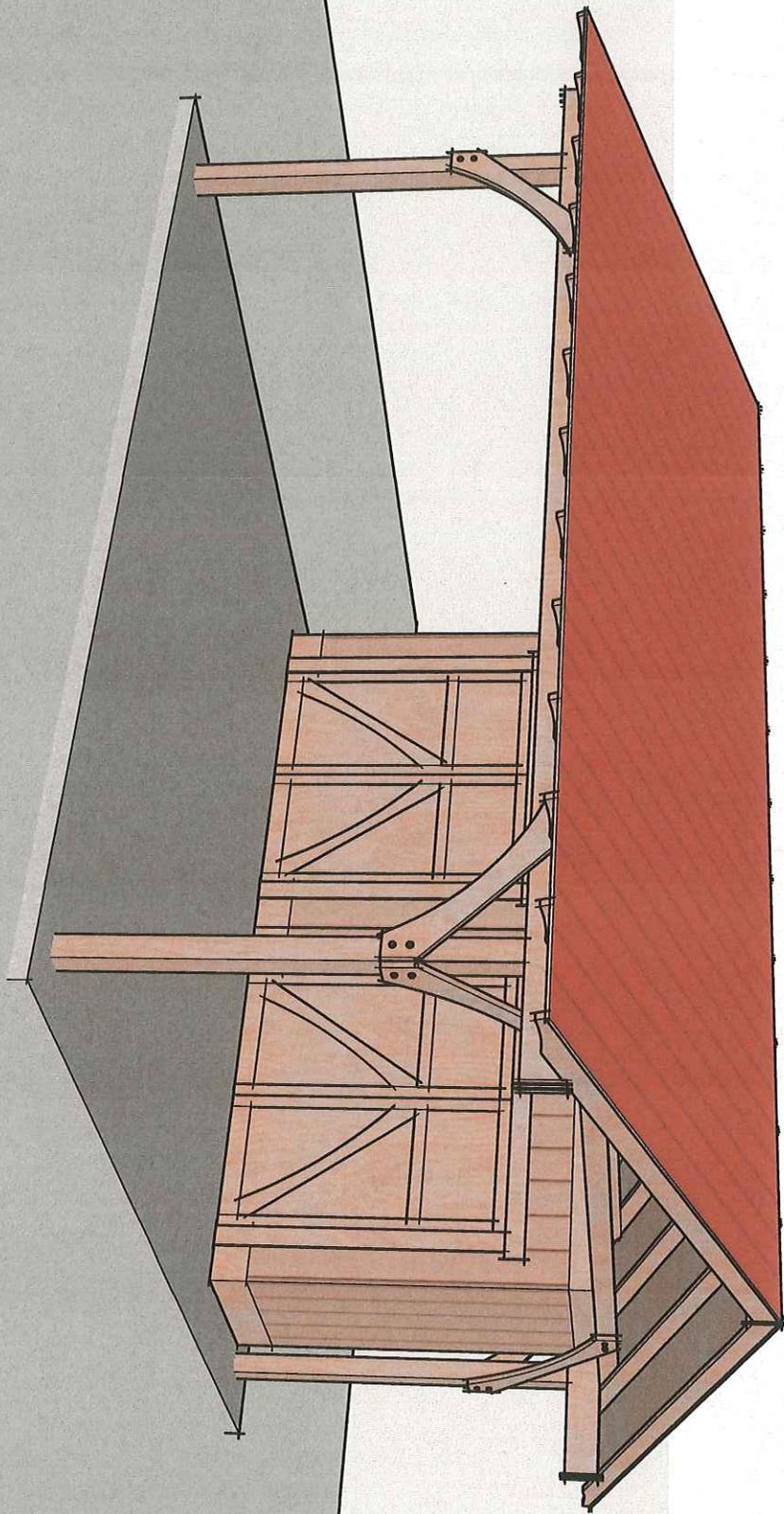
The dashed orange line indicates the location of the building envelop under the current I-1 zoning. The dotted blue line indicates the location of the building envelop under the Public Park zoning district. The red square indicates the potential location of the shelter under the PP zoning district. Rezoning provides greater flexibility in this case, and would clean-up this outstanding issue.

A public hearing by the Planning Commission would be required, if a rezoning were initiated, and could be held at during the October Planning Commission meeting. Final action on a rezoning could be taken by Council at its second meeting in October. The partial vacation could be decided at the same time.

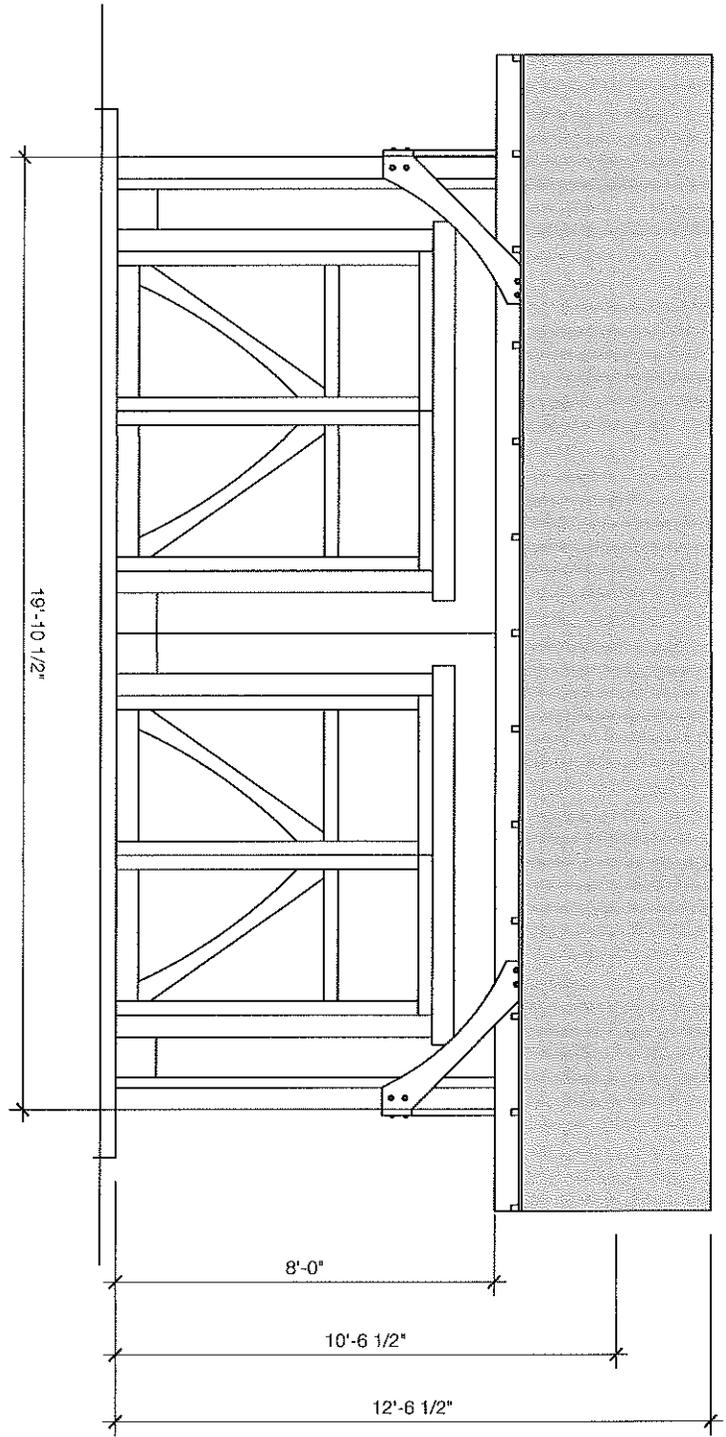
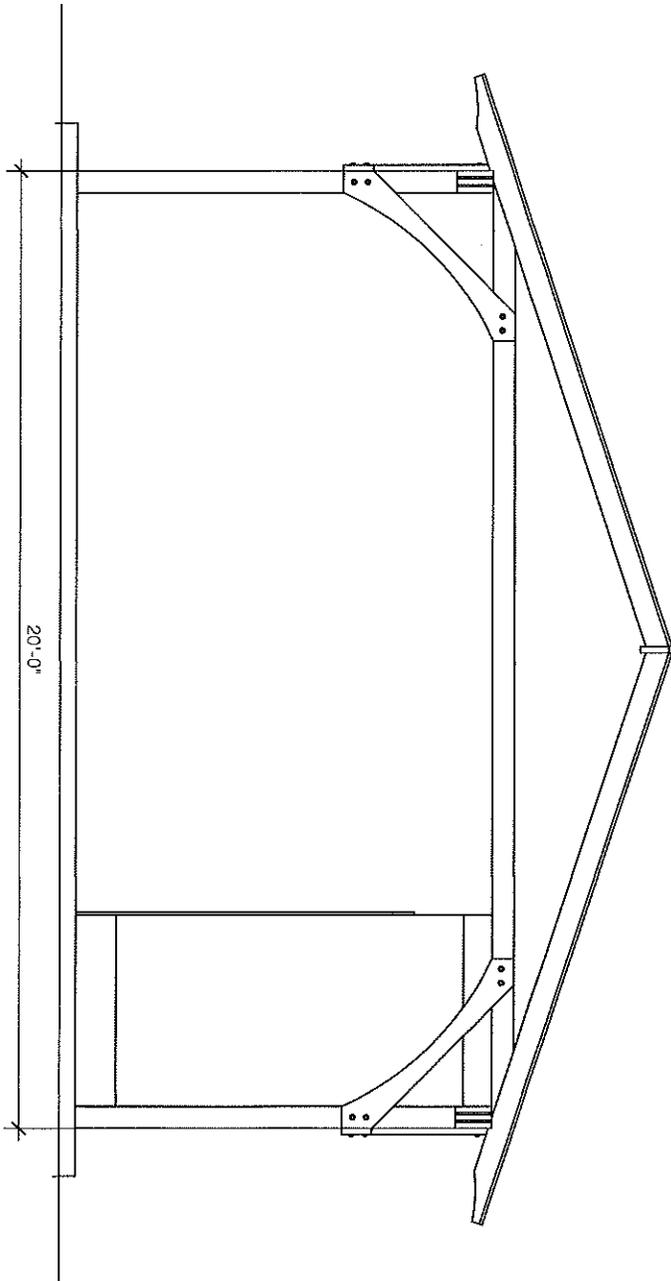
If Council is prepared to partially vacate the First Street ROW, please set a public hearing for October 26, 2015. Additionally, staff respectfully requests the Council direct the Planning Commission to consider rezoning the property.

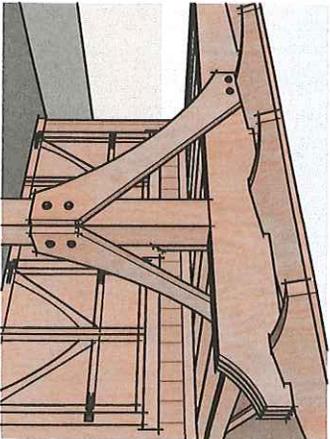
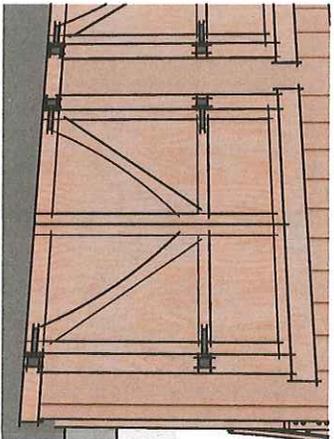
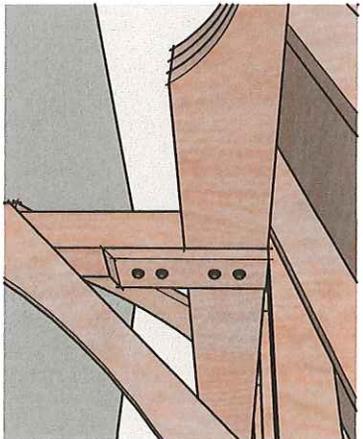
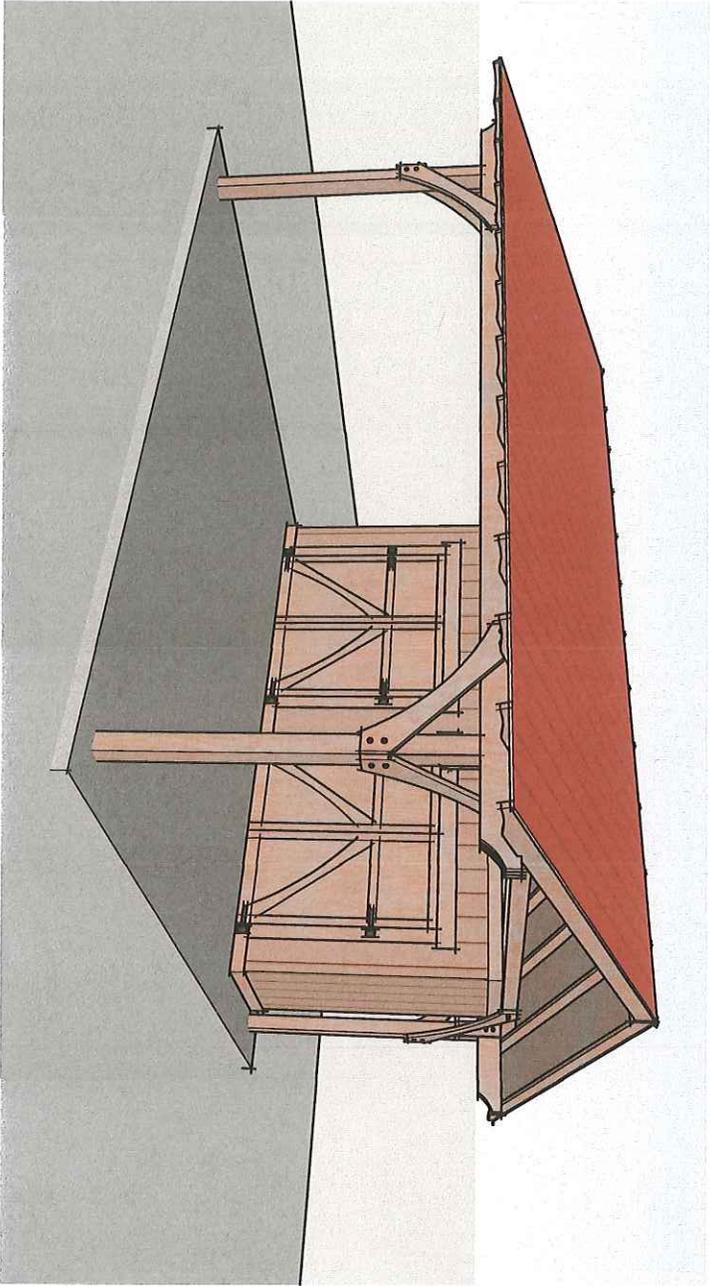
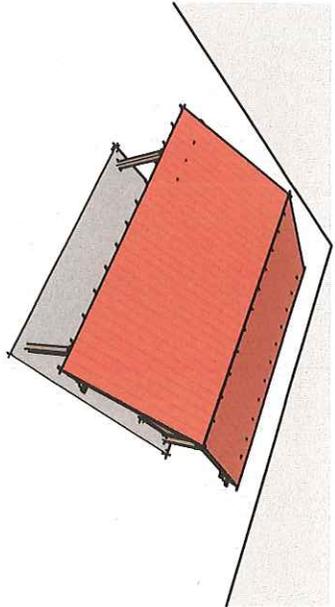
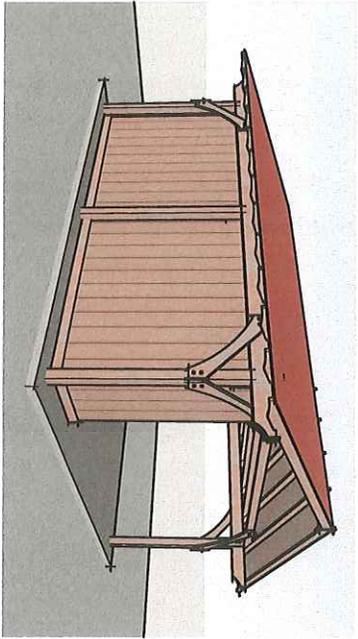
Thank you.





DEXTER RINGERS SHED
8 APRIL 2014





A DESIGN PARTNERSHIP
BETWEEN

THE KOI BC COMPANY
DESIGN • BUILD • RESTORE

KJ M

DESIGN STUDIO

HAVE QUESTIONS?
FEEL FREE TO CALL OR
TEXT THE OFFICE AT
(734) 531-3793

DEXTER'S
RINGER'S
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DEXTER, IN

PERMIT SET
REVIEW SET
14 MAY 2014

3D VIEWS
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OFFICE OF THE CITY MANAGER

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: Mayor Keough and City Council
From: Courtney Nicholls, City Manager
Justin Breyer, Assistant to the City Manager
Re: Consideration of: Ricoh Copier Contract
Date: September 4, 2015

To print, copy, scan, and fax documents in the City office, staff primarily relies on a combination printer provided and serviced by Ricoh. The current contract for the lease and service of this machine through Ricoh will expire in December 2015.

Staff recommends upgrading the lease to the latest model year of the same printer type. The price of the lease is determined through the MI Deal joint purchasing agreement through the State of Michigan. The price for the 2011-2015 lease was \$765 per quarter, while the 2016-2020 proposed contract is \$780.78 per quarter. The price difference over the life of the four year contract is \$252.48.

The cost of the service contract, also proposed for four years, is determined by the number of black and white (\$0.008 per page), and color (\$0.068 per page) copies made using the machine. The service package includes parts, labor, toner, and staples. This is a slight reduction from the current price of \$0.07 per page for color copies and \$0.008 for black and white copies.

Staff's experience with Ricoh over the last four years has been positive. When staff calls for service, Ricoh is often able to send out a technician the same day, which is important as downtime with the copier effects staff productivity.

The proposed motion is to approve the contract with Ricoh as presented for the lease and service of Ricoh's MPC4503 Configurable PTO Model.



Quote Document for
VILLAGE OF DEXTER
 Date: August 21,2015

<u>Quantity</u>	<u>Item Description</u>	<u>Ext Selling Price</u>
1	MPC4503 CONFIGURABLE PTO MODEL RICOH MPC4503 PAPER FEED UNIT TYPE PB3160 1 BIN TRAY BN3110 BRIDGE UNIT BU3070 FINISHER SR3140 RICOH FAX OPTION TYPE M4 XG-PCS 120/15D RIC AMP SURGE PROTECTOR SMART OPERATION PANEL TYPE M3	
1	TS NETWORK & SCAN - SEG BC4	
1	MPC4501 - V9515800372	
		48 month Lease of \$780.78 per quarter

Technology Service 48 Month Service Term

<u>Quantity</u>	<u>Description</u>	<u>Ext Rate</u>
1	MPC4503 CONFIGURABLE PTO MODEL <i>Includes</i> B&W copies per Month per unit overages at 0.0080 cents per page color copies per Month per unit overages at 0.0680 cents per page GOLD - includes Parts, Labor, Toner and Staples, excludes Paper	Per Month

Reservation of Rights? This quote is based upon the information provided by you, and the assumptions

made by us in preparing the information contained herein. While care has been taken to ensure the accuracy of this quote, we make no representations or warranties about the accuracy, completeness or adequacy of the information contained herein, and shall not be liable for any errors or omissions. We recognize your right to negotiate and approve the terms of any resulting contract and we reserve the same right. We also acknowledge that all contract terms and conditions must be mutually agreed upon by both of us. THIS QUOTE IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY AND IS NOT, NOR SHOULD IT BE CONSTRUED AS, AN OFFER TO SELL/LEASE THE GOODS OR SERVICES LISTED HEREIN.

Rev. 04/13	Quote Number 17312847	Expires on August 31,2015
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OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: Mayor Keough and City Council
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: Retail Market Study Recommendation from DDA

Date: September 8, 2015

Requested Action

On August 20, 2015 the Dexter DDA voted unanimously to recommend that City Council award the Retail Market Study contact to Chuck Eckenstahler & Fanning Howey, in an amount not to exceed \$10,950, subject to the Dexter Chamber of Commerce obtaining a Mini Economic Development Grant from Washtenaw County.

The Eckenstahler/Fanning Howey cover letter and work plan accompanies this memo.

Background

The City/DDA received four submitted proposals to its Retail Market Study RFP. The following table provides a breakdown of each firms proposed fee:

Gibbs Planning Group \$12,500.00	The Chesapeake Group \$12,000.00	Chuck Eckenstahler & Fanning Howey \$10,950.00	McKenna Associates \$9,000, plus \$3,500 for optional marketing brochure
--	--	--	--

Staff is well acquainted with 3 of the 4 respondents; Gibbs, Eckenstahler, and McKenna, and is familiar with the fourth respondent, The Chesapeake Group (TCG). The city manager and staff reviewed the proposals and evaluate them based on demonstration of the following key factors, as requested in the RFP:

1. Specific experience, not only preparing a retail market study for a small downtown market, but in assisting a community with the implementation of the study;
2. Thorough explanation of the methodology for collecting data; and
3. Interaction with community (i.e. meetings, surveys, etc.).

Based on our review of the proposals, a check of references and questions directed to the respondents, the following findings are offered for your consideration:

- The most expensive of the proposals, at \$12,500 was from Gibbs Planning Group.
- The proposal from McKenna was the lowest at \$9,000. McKenna also offered an optional marketing brochure for \$3,500, which would bring the total project to \$12,500.
- All the proposals were professionally prepared and demonstrated varying level of experience in preparing retail market studies, for downtowns and communities of all sizes. All four respondents provided work samples and/or references, as requested. However, only one proposal demonstrated how a study had been used or implemented by the community. That was the Eckenstahler/Fanning Howey proposal at \$10,950.
- Eckenstahler/Fanning Howey proposes a kick-off meeting, face-to-face interviews with local business owners, and a merchant and service provider survey. According to Mr. Eckenstahler, he anticipates the project would take six months, and he would meet with the DDA each month during

the project to present his findings and to make sure the City/DDA/Chamber understands the information and how to use it.

- Gibbs proposes up to five focus group interviews of retailers, business owners, civic groups and property owners. The Gibbs proposal also calls for a two-day charrette to complete a downtown retail planning analysis. The charrette process would include a "one-hour lecture", based on Mr. Gibbs "experience with small to medium sized towns", his "*Urban Retail Planning* course" at Harvard, and his book, "Principles of Urban Retail Planning and Development." This comes across more as self-promoting rather than educational.
- TCG proposes interviews with stakeholders, a couple of focus group sessions, online resident and business surveys, and a work session with the City, DDA and Chamber. TCG proposal indicates that regional and national entities would be defined and contact information provided, to aid in recruitment. TCG does not indicate how it would assist with non-regional or national entities, which are more likely to locate in a downtown. This would appear to be the same issue the Village of Ada encountered. See reference check comments below.
- McKenna proposes four meetings with City, DDA and/or Chamber officials/representatives, preferably with a steering committee made up of representatives from the City/DDA/Chamber. Any interaction with the public would most likely occur during inventory of exiting retail structures, but would probably be limited to owners/operators of existing businesses.

Reference checks were conducted on all four respondents. Staff contacted references from communities similar to the City of Dexter:

- Bob Getz (Village President, Baroda) explained that the Village had been known as the tool and die capital of southern Michigan and employed over 200 workers amid a population of 900. By the mid 2000's, only 3 factories remained and employment was down to 61 people. Mr. Eckenstahler was hired by Baroda, helped the community reengineer and reinvent its economy, and secured a \$1M in grant funding for Baroda. Baroda's success story is highlighted in the Michigan Municipal League publication, "Economics of Place: The Art of Building Great Communities". According to Mr. Getz, "If it wasn't for Chuck, Baroda would be really bad off." This was not only a glowing recommendation without any exceptions or qualifications, but it also communicated that Mr. Eckenstahler establishes a strong relationship with his clients.

Callie Berg, Executive Director Bridgeman Area Chamber of Commerce and Growth Alliance Mr. Eckenstahler "knows what he's doing." She and the City of Bridgeman has and continues to consult him because of his expertise, as well as his strong understanding of legislation, such as DDA's, CIA's, and commercial tax abatements. Ms. Berg said Mr. Eckenstahler is integral to the work she is doing in the Bridgeman area.

- Jeff Wallace (Village Manager, Manchester) and John Hanifan (City Manager, Chelsea) were satisfied and very satisfied, respectively with Gibbs Planning Group. Although Mr. Wallace stated he would have preferred to know when Gibbs was in town conducting reconnaissance. Mr. Hanifan said Chelsea is actively using the Gibbs study. A call to the City of Adrian was not returned.
- Steve Dertz, Manager – Facilities Planning and Real Estate for Amway International stated that he contracted TCG to complete a market analysis and absorption projection for the Village of Ada. He stated the experience with TCG was fine. He said that TCG gathered information and spent several days in Ada. Most of the meetings went well, according to Mr. Dertz, but there were some complaints from the public that TCG didn't really listen to their comments and opinions, that TCG appeared to already have the solution and was just making token attempts to listen to them. Mr. Dertz said that wasn't his experience. He also stated that TCG didn't develop a strategy as much as TCG used the available socioeconomic data to identify what the potentials were. He provided the following example; in the TCG summary covering retail and service demand, Ada's

demographics and current mix of businesses indicated it could have successful large retail operations and a variety of service businesses, but that wasn't the village's stated goal.

Staff's call to the Charlevoix Chamber was not returned.

- McKenna's reference (Vicksburg) did not return staff's call before the DDA meeting. However, a call was received after the meeting and the experience was positive.

Suggested Motion

Based on the 1) information provided at the September 14, 2015 City Council meeting and 2) the recommendation from the Dexter DDA, the Dexter City Council moves to award the Retail Market Study contact to Chuck Eckenstahler & Fanning Howey, in an amount not to exceed \$10,950, subject to the Dexter Chamber of Commerce obtaining a Mini Economic Development Grant from Washtenaw County.

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**OFFICE OF COMMUNITY DEVELOPMENT**8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: Mayor Keough and City Council
Courtney Nicholls, City Manager

From: Michelle Aniol, Community Development Manager

Re: Request to Extend Oil and Gas Drilling Moratorium

Date: September 8, 2015

On March 23, 2015 Council established a 6-month moratorium on gas and oil drilling operations in order to properly study the issue and develop appropriate and defensible regulations and standards. The moratorium is set to expire on September 23, 2015. Although the Planning Commission has been working diligently towards this goal, the process will not be completed. Therefore, staff respectfully requests that Council extend the moratorium for a period of an additional six (6) months.

As you will recall, Council approved the distribution of the amendment to the Master Plan to the neighboring communities and others, as required by the Planning Enabling Act, for comment. The plan was officially distributed on August 28, 2015. The comment period, which lasts for 45 days, will expire on October 12, 2015. After that, the Planning Commission must hold a public hearing, before adopting the plan. The soonest date for the public hearing would be November 2, 2015. In the interim, the Planning Commission will be working on appropriate regulations and standards. This process is to be done with the input of the public. Staff does not anticipate the regulatory process would be complete before the November 2nd meeting. Consequently, a 6-month extension would be appropriate.

**EXTENTION OF MORATORIUM
RESOLUTION REGARDING GAS AND
OIL OPERATIONS IN THE
CITY OF DEXTER**

At a regular meeting of the City Council of the City of Dexter held on the 14th day of September, 2015.

PRESENT: Members:

ABSENT: Members:

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, City of Dexter (the "City"), a General Law City under the laws of Michigan, desires to maintain its long tradition of protecting the natural resources and environment within its borders, and promoting compatible land uses; and

WHEREAS, an increase in oil and gas and other mineral leasing activity has been noted within the City; and

WHEREAS, the City Master Plan adopted on June 25, 2012 does not expressly address oil and gas operations; and

WHEREAS, the City has existing ordinances addressing environmental concerns, however the City has not previously been faced with the prospect of significant oil and gas exploration activity, and the City' Zoning Ordinance and other ordinances may not satisfactorily regulate such activities to address the local public health, safety, and welfare concerns; and

WHEREAS, Michigan cities have broad police power to adopt resolutions and ordinances to protect the local public health, safety, general welfare, and property in the City; and

WHEREAS, in order to allow the City an opportunity to investigate and develop appropriate regulations upon those aspects of oil and gas operations, it is in the public interest to adopt a moratorium upon the issues of permits and other approvals by the City for oil and gas activities; and

WHEREAS, the City of Dexter established a six-month moratorium on March 23, 2015, as a temporary measure designed to preserve the status quo and last only as long as necessary to develop and enact the comprehensive regulatory system develop; and

WHEREAS, an extension of this moratorium is necessary to develop and enact the comprehensive regulatory system, and shall last only as long as necessary to complete this process,

NOW THEREFORE, BE IT HEREBY RESOLVED:

1. Effective upon adoption of this Resolution and for a period of an additional six (6) months from the date hereof, the moratorium is hereby extended on the consideration, review or action by all City entities, officials, employees and/or agents on applications, proposals, requests, permits,

approvals, zoning compliance or certificates regarding of any oil and/or natural gas drilling operations in the City that might be proposed or presented to the City, and that during the moratorium period, no drilling operation shall be allowed in the City.

2. City staff and the Planning Commission are directed to study and make specific recommendations for land use plan and ordinance amendments regarding the issue of oil and gas operations in the City.
3. This moratorium is not intended to infringe upon the jurisdiction of state or federal agencies, to the extent it has been reserved and sufficiently implemented, that have concurrent jurisdiction over such subjects.
4. The City shall proceed promptly in due course to investigate likely effects of oil and gas operations on the local public health, safety, and welfare; and consider appropriate regulations upon oil and gas activities within the City.
5. An aggrieved property owner or business petitioner may request and be entitled to a hearing before the City Council for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate applicable provisions of state or federal law and/or conduct a comprehensive analysis of its activities and demonstrate that there are no significant detrimental effects from the operation on local public, health, safety, and welfare. Said petitioner shall, in writing and directed to the City Clerk, request a hearing that describes the grounds for the request. The hearing shall be held at a regular City Council meeting within thirty (30) days of receipt of the request. Upon concluding a hearing, the City Council shall determine whether the petitioner has made the required demonstration and if so, shall grant relief from the moratorium.

Motion by Member _____, seconded by Member _____, that the above Resolution be adopted.

AYES:

NAYS:

ABSENT:

ABSTAINING:

RESOLUTION DECLARED ADOPTED THIS 14th DAY OF SEPTEMBER, 2015

Shawn W. Keough, Mayor

I hereby certify that the attached is a true and complete copy of a resolution adopted by the City Council of the City of Dexter, County of Washtenaw, State of Michigan, at a regular meeting held on the 14th day of September 2015.

Carol J. Jones, Clerk

OFFICE OF THE CITY MANAGER

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: Mayor Keough and City Council

From: Courtney Nicholls, City Manager
Justin Breyer, Assistant to the City Manager

Re: Consideration of: Setting a Public Hearing on October 12, 2015 for Mobile Vending Ordinance

Date: September 8, 2015

Staff has developed language for a Mobile Vending Ordinance and a Mobile Vending Policy. There are a limited number of locations where mobile vending carts and trucks are able to park without obstructing the flow of vehicular and pedestrian traffic downtown. As a result, the proposed ordinance and policy serve to restrict the total number of mobile vendors allowed in the City at one time and set locations where such operations are permissible. Council is asked to give particular consideration to the locations proposed in the Mobile Vending Policy, Section 1.A.

Staff recommends setting a Public Hearing for the Mobile Vending ordinance for the City Council meeting on October 12, 2015.

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE PERMITTING OF MOBILE VENDING IN THE CITY OF DEXTER.

1. ORDINANCE OBJECTIVES:

- A. To protect the health, safety, and welfare of the residents of the City of Dexter.
- B. To protect businesses that pay property taxes located in the City of Dexter.
- C. To ensure that applicants meet all applicable federal, state, and local laws and health codes.
- D. To ensure that proposed businesses add to the vitality and aesthetic appeal of the community.

2. DEFINITIONS

- A. *Applicant* means any person who desires to conduct a mobile vending operation on public property.
- B. *City* means the government organization that is the City of Dexter, Michigan.
- C. *Designated agent* means the person designated by the applicant to receive notices authorized by this ordinance on behalf of the applicant.
- D. *Food* means any products sold for human consumption, the sale of which is not prohibited by law.
- E. *Goods, Wares, and Merchandise* means, and shall include but not be limited to, plants, flowers, apparel, jewelry, cosmetics and beauty aids, health products, medicines, household goods or furnishings.
- F. *Licensee* means an applicant who has obtained a license pursuant to this ordinance to conduct a mobile vending operation on public property.
- G. *Mobile food vending unit* means any motorized or non-motorized vehicle, trailer, kiosk or other device designed to be portable and not permanently attached to the ground from which not less than (80%) percent of the products are food items to be vended, sold, served, displayed or offered for sale from any public property.
- H. *Mobile food vendor* means a person who sells, serves or offers for sale items which shall consist of not less than eighty (80%) percent food products from a mobile food vending unit from a public street, highway, parking space, park, sidewalk or other public space. This term does not include a mobile vending unit that visits multiple public or private property sites on a daily basis for no more than thirty minutes per site per day.
- I. *Mobile vending* means vending, selling, serving, displaying or offering for sale, wares or merchandise or food from a mobile vending unit or mobile food vending unit located on a public street, highway or public parking space.
- J. *Mobile vendor* means a person who vends, sells, serves, displays or offers to sell goods, wares, or merchandise, other than food, from a mobile vending unit from public property. This term does not include a mobile vending unit that visits multiple public or private property sites on a daily basis for no more than thirty minutes per site per day.

K. *Public property* means any public street, highway, alleyway, parking space, park, sidewalk or other property owned by the City of Dexter or the City's Downtown Development Authority.

L. *Pushcart* means a trailer, kiosk or portable stand designed to be readily moveable from which goods, wares, merchandise, or food are sold from public property.

M. *Transitory Mobile Vendor* means a person who vends, sells, serves, displays or offers to sell goods, wares, merchandise, and food, from a mobile vending unit that visits, or stops on, multiple public property locations on a daily basis for no more than ten minutes per site per day (e.g. ice cream trucks).

3. MOBILE VENDING LICENSE

A. No person shall engage in mobile vending on public property mobile food vending on a public street, highway, public parking space, park sidewalk or other public space, except as specifically authorized by a license granted to that person by the City of Dexter.

4. POLICY

A. The City Manager shall adopt, or approve for adoption, a policy containing rules and regulations respecting the acquisition of a license by an applicant or designated agent for mobile vending, mobile food vending, and transitory mobile vending. These regulations may include dates of operation, hours of operation, locations, liability insurance, refuse containment, outdoor storage, and any other regulations as may be deemed necessary to protect the health, safety, and welfare of the residents of Dexter.

B. An applicant for a mobile vending license shall file an application form provided by the City Manager or their designee, along with appropriate fees.

C. The City Manager or their designee shall issue a mobile vending license authorizing mobile vending subject to state, county, local health rules and regulations, and all City ordinances and codes along with the requirements of this ordinance.

D. No person shall engage in mobile vending, mobile food vending, or transitory mobile food vending, or employ or hire another to engage in such vending within the City, without possessing a valid license as provided in this ordinance.

E. Licenses issued pursuant to this ordinance shall not be transferable from one person to another. Any change in information as provided in the application shall be provided to the City Manager or their designee within ten calendar days of any such change.

F. Any license issued to a mobile vendor or mobile food vendor shall be displayed on the mobile vending unit and shall be produced upon request of any law enforcement officer, city code inspector or county health inspector. In the case of a mobile food vendor, any required health inspection certificates shall also be displayed on the mobile vending unit. Any change in the information provided in the application shall be provided to the City Manager or their designee within ten calendar days of any such change.

5. FEES

A. Each applicant to whom a license is granted under this article shall pay a nonrefundable fee in an amount established by City Council resolution.

6. LICENSE DENIAL; REVOCATION; SUSPENSION

A. Applications for licenses or licenses shall be denied or revoked by the City Manager or their designee for any of the following reasons:

1. Fraud, misrepresentation, or false statement contained in the application.
2. Any violation of the provisions of this ordinance or the accompanying policy regulating mobile vendors within one year prior to the date of application.
3. The applicant or designated agent has had a mobile vending license issued by any municipality revoked or suspended within the previous year.
4. The applicant has knowingly employed or hired a designated agent in connection with the applicant's mobile vending business who has had a vendor license suspended or revoked within the previous year, or has a suspended driver's license or a designated agent operating a mobile vending unit or mobile food vending unit with a suspended driver's license.

B. In determining the appropriate administrative sanction, the City Manager or their designee shall consider the following factors: nature and timing of prior warnings; date(s) of violation; previous violations; duration of license; investment in business; circumstances of the violation; punishment imposed for previous violations; cooperation with City officials; and other aggravating or mitigating circumstances directly relating to any violation. If the City Manager or their designee determines that an application should be denied or that a license should be revoked or suspended, the City manager or their designee shall notify the applicant or licensee in writing and identify the grounds by certified mail to the most recent mailing address as reflected in the records of the City Manager or their designee.

C. It shall be unlawful for any person to operate a mobile vending operation while the license for the mobile vending operation is suspended or revoked. No license suspended or revoked shall be reinstated until a fee has been paid.

7. EXEMPTIONS

A. The following persons are exempt from the licensing requirements of this ordinance:

1. Any person exempt from the licensing requirements of this chapter under state or federal law.
2. A person selling at a fair, festival or special event in connection with an approved special event.

8. VIOLATIONS AND PENALTIES

A. Any licensee, designated agent, or other person having control over any mobile vending or mobile food vending operation who causes, permits or facilitates any violation of any provision of this ordinance is guilty of a misdemeanor, pursuant to Chapter XXXX of the City of Dexter code and may be enforced by a police officer or other authorized City official. Each day any violation of any provision of this ordinance, or the failure to perform any act or duty required by this ordinance, exists shall constitute a separate violation or offense.

9. SAVINGS CLAUSE

A. The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

10. REPEAL

A. This Ordinance will supersede Ordinance Chapter 34 with regard to transient merchants operating mobile vending units and mobile food vending units on public property. In all other regards, Ordinance Chapter 34 will control.

B. All regulatory provisions contained in other City ordinances which are inconsistent with the provisions of this ordinance are repealed.

11. EFFECTIVE DATE; PUBLICATION

A. This ordinance shall become effective upon publication of a notice in a newspaper circulated in the City, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the City manager or their designee shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the City office.

MOBILE VENDING AND MOBILE FOOD VENDING POLICY – CITY OF DEXTER

1. OBJECTIVES

A. The objectives of this policy shall be in accordance with City Ordinance Section XX “An Ordinance establishing procedures for the permitting of mobile vending in the City of Dexter.”

B. Definitions for relevant terminology may be found in Ordinance XX, Section 1 “Definitions.”

2. APPLICATION REVIEW

A. Mobile vendors utilizing pushcarts will only be permitted to vend at specific locations in the City. The vending area for mobile vendors utilizing pushcarts may not exceed 10' x 10'.

1. Grassy triangular piece of public property located immediately in front of 8060 Main St., between the businesses and Main Street.
2. The piece of public property located adjacent to 3203 Broad St., next to the free-standing clock.
3. The public alleyway adjacent to 8101 Main St. and 3150 Broad St.

B. Mobile vendors, except transitory mobile vendors, utilizing a vehicle greater than 10' x 10' shall only be permitted to vend at specific locations in the City.

1. On Central St. adjacent to Monument Park. The mobile vending unit must be located at least 150 ft., but no more than 450 ft. from the intersection of Main St. and Central St.

C. Transitory mobile vendors shall require a license from the City before engaging in vending activities. No more than two transitory mobile vendors shall be licensed in the City at any given point in time.

D. In accordance with City Ordinance XX, applicants must submit an application to the City Manager or their designee, along with appropriate fees to be eligible for a mobile vending, mobile food vending, or transitory mobile vending license. Information to be included on the application shall include:

1. The applicant's name, current business address and telephone number.
2. Current government-issued identification document with photo of the applicant and any designated agent or person proposed to conduct mobile vending or mobile food vending.
3. The name under which the mobile vendor will be doing business.
4. A brief description of the nature of the mobile vending operation and the items to be sold, including whether the licensee will be selling food products.
5. County health permits, if applicable.
6. A description of all vehicles to be used in the mobile vending operation, including the Michigan license plate number(s) and a complete copy of the current Michigan vehicle registration(s) and proof of vehicle insurance for each proposed mobile vending unit or mobile food vending unit.
7. Whether the applicant has ever had a mobile vendor license revoked or suspended and the date and jurisdiction of the denial, suspension or revocation.

E. The City Manager or their designee will review applications for conformance with the stated requirements and grant the license or deny the application.

F. Applications will be considered on a first-come-first-served basis until the specified locations are reserved for any given period of time. The City Manager or their designee will coordinate the location of use.

G. Any license may be revoked by the City Manager or their designee, or suspended for a period up to one year, upon one or more of the following grounds:

1. Fraud, misrepresentation, or false statement contained in the application.
2. Any violation of the provisions of this ordinance or the accompanying policy regulating mobile vendors within one year prior to the date of application.
3. The applicant or designated agent has had a mobile vending license issued by any municipality revoked or suspended within the previous year.
4. The applicant has knowingly employed or hired a designated agent in connection with the applicant's mobile vending business who has had a vendor license suspended or revoked within the previous year, or has a suspended driver's license or a designated agent operating a mobile vending unit or mobile food vending unit with a suspended driver's license.

H. Appeals relating to the denial of a license application may be made to City Council.

3. LICENSE FEES

A. Each applicant to whom a license is granted under this article shall pay a nonrefundable fee based on the period of use in the following amounts:

1. Less than one year - \$250.00
2. Less than six months - \$125.00
3. Less than three months - \$75.00
4. Less than 24 hours - \$15.00

4. REQUIREMENTS – MOBILE VENDING AND MOBILE FOOD VENDING

A. Mobile vending and mobile food vending, with a valid license, may occur from a mobile vending unit or mobile food vending unit on public property subject to the following requirements:

1. Mobile vending shall be subject to Chapter 54 of the City of Dexter's Code of Ordinances "Traffic and Vehicles."
2. Licensees shall not block or impair vehicular or pedestrian traffic.
3. Licenses shall not stop a mobile vending unit or mobile food vending unit on public property without being specifically approved for a specific location.
4. Licensees shall comply with all health requirements of the Federal Government, State of Michigan, and Washtenaw County health departments.
5. Licensees shall comply with Article 3 of the City of Dexter's Code of Ordinances "Noise," and specifically section 18-61 "Noise Restrictions."

6. Tables, carts, chairs, umbrellas or other vending-related installations separate from the mobile vending unit shall not be erected on public property.
7. Licensees shall contain all materials and supplies in the mobile vending unit and shall not store supplies or other materials on public property.
8. A mobile vending unit shall not be left unattended while on a public street, highway or public parking space for longer than 15 minutes.
9. Mobile vending activity shall not violate the Americans with Disabilities Act.
10. No mobile vendor or mobile food vendor shall operate between the hours of 11:00 p.m. and 8:00 a.m.
11. Any mobile vending unit or mobile food vending unit shall be removed from public property during the hours of non-operation.
12. A mobile vending unit or mobile food vending unit shall keep the areas around its vending operation clean and free from litter at all times. A licensee shall remove all garbage and debris originating from its vending operation from the City and shall not dispose of this garbage and debris in City trash receptacles or City trash compactors unless authorized by the City.
13. Licensee shall supply a refuse container for public use that is capable of accommodating all refuse generated by the vending activity which shall be maintained and emptied regularly.
14. A mobile food vendor shall at no time make use of any outdoor cooking facilities, including grills.
15. A mobile food vendor shall at no time utilize outdoor storage, or warming or refrigeration devices, except for disposable tableware.
16. Licensees shall not connect a mobile vending unit or a mobile food vending unit to a source of City electricity, water, or sewer.
17. Public property shall not be altered and permanent fixtures of any kind shall not be installed on public property by the licensee unless authorized by the City. A mobile vending unit shall not be secured or affixed to any public structure unless authorized by the City.
18. Licensees shall not use amplification or noise-making devices.
19. A mobile vending unit's wheels shall be safely secured while the licensee is conducting business.

5. REQUIREMENTS – TRANSITORY MOBILE VENDING

A. Transitory mobile vending, with a valid license, may occur from a mobile vending unit on public property subject to the following requirements:

1. Transitory mobile vending shall be subject to Chapter 54 of the City of Dexter's Code of Ordinances "Traffic and Vehicles."
2. Licensees shall not block or impair vehicular or pedestrian traffic.
3. Licensees shall not stop a mobile vending unit on any major public road.

4. Licensees shall come to a complete stop and maintain the vehicle in park before vending.
5. Licensees shall comply with all health requirements of the Federal Government, State of Michigan, and Washtenaw County health departments.
6. Licensees shall comply with Article 3 of the City of Dexter's Code of Ordinances "Noise," and specifically section 18-61 "Noise Restrictions."
7. A mobile vending unit shall not be left unattended while on a public street, highway or public parking space for longer than 15 minutes.
8. Mobile vending activity shall not violate the Americans with Disabilities Act.
9. No mobile vendor or mobile food vendor shall operate between the hours of 9:00 p.m. and 8:00 a.m.
10. Any mobile vending unit or mobile food vending unit shall be removed from public property during the hours of non-operation.

6. INDEMNITY AND INSURANCE

A. The Licensee shall, to the fullest extent permitted by law, defend, indemnify, and hold the City harmless against any claim that may arise from its use of public property. The Licensee shall obtain and maintain during the term of the license a comprehensive general liability insurance policy written on an occurrence basis having policy limits of no less than \$300,000 per occurrence. A certificate of insurance naming the City as an additional insured shall be filed by licensee with the approved application. The certificate shall provide that the City will receive 30 days prior written notice of cancellation or non-renewal.

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