THE VILLAGE OF DEXTER
VILLAGE COUNCIL MEETING
Monday, September 27, 2010
**********7:30 pm **********
DEXTER SENIOR CENTER – 7720 ANN ARBOR ST.

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

B. ROLL CALL: President Keough

J. Carson	P. Cousins
D. Fisher	J. Semifero
J. Smith	R. Tell

C. APPROVAL OF THE MINUTES

1. Regular Council Meeting – September 13, 2010

Page # 1-6

D. PRE-ARRANGED PARTICIPATION:

Pre-arranged participation will be limited to those who notify the Village office before 5:00 p.m. Tuesday of the week preceding the meeting, stating name, intent and time requirements. ***(10-minute limit per participant)***

None

E. APPROVAL OF AGENDA:

F. PUBLIC HEARINGS

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

None

G. NON-ARRANGED PARTICIPATION:

Non-arranged participation will include those in the audience not listed on the agenda that wish to speak. At the Village President's discretion, members of the audience may be called on to speak at any time. Those addressing the Council will state their name, and address. This section is limited to 5-minutes per participant or 10-minutes for group representatives.

H. COMMUNICATIONS:

1. Upcoming Meeting List
2. August Citation List
3. Letter in Response to Dexter Arts Center Request

Page # 7-11

I. REPORTS:

1. Community Development Manager – Allison Bishop

Page # 13-36

2. Board, Commission, & Other Reports- "Bi-annual or as needed" - None
   Arts, Culture & Heritage Committee
   Chelsea Area Planning Team / Dexter Area Regional Team
   Dexter Area Chamber
   Dexter Area Fire Department
   Downtown Development Authority Chair
   Farmers Market Representative
   Gordon Hall Mgmt Team Representative
   Huron River Watershed Council Representative
   Library Board Representative
   Parks & Recreation Commission
   Planning Commission
   Tree Board Chair
   Washtenaw Area Transportation Study Policy/Technical Committee Reps
   Western Washtenaw Area Value Express Representative

3. Subcommittee Reports - None
   Website
   Downtown Fire Detection
   Economic Preparedness

4. Village Manager Report **Page # 37-70**

5. President's Report **Page # 71-77**

J. CONSENT AGENDA

Bills & Payroll will be a standing item under consent agenda. Discussion of the Budget and Financial matters will be covered under the Presidents Report as a standing item. Items under consent agenda are considered routine and will be acted upon in one motion. There will be no separate discussion of these items unless a Council Member so requests, and the item will be removed from Consent and added to the regular agenda at the end of New Business.

1. Consideration of: Bills & Payroll in the amount of: $111,447.74
Page # 79-84

2. Consideration of: Setting Trick-or-Treat for Sunday, October 31 from 5:30 p.m. to 7:30 p.m.

3. Consideration of: Request from the Dexter Community Band to place four signs in the right-of-way from October 20 to October 31 and December 1 to December 12
Page # 85-86

4. Consideration of: Request from the Dexter Community Orchestra to place four signs in the right-of-way from October 14 to October 24 and December 9 to December 19
Page # 87-88

5. Consideration of: Homecoming Parade to be held on October 1, 2010
Page # 89-90

K. OLD BUSINESS- Consideration and Discussion of:

1. Discussion of: Facilities Update – Fire Station Information
Page # 93-96

2. Consideration of: Postponing Action on the General Code Amendments – Chapter 10, Article I and II and the Fee Schedule until further review by the Planning Commission is completed.

Previous Meeting Motions:

Motion Semifero; support Fisher to approve the General Code Amendment – Chapter 10, Article I and II.

Motion Cousins; support Carson to postpone approval of the General Code Amendment until the September 27, 2010 meeting.
Ayes: Smith, Semifero, Tell, Carson, Fisher, Cousins and Keough Nays: None
Motion carries

Motion Smith; support Carson to postpone approval of the fee schedule amendment until September 27, 2010 meeting.
Ayes: Semifero, Tell, Fisher, Carson, Cousins, Smith and Keough Nays: None
Motion carries

L. NEW BUSINESS- Consideration and Discussion of:

1. Consideration of: Recommendation to accept the bid from Olson Cement Work for the Alpine/Main Sidewalk Project not to exceed $35,000
Page # 97-102

2. Consideration of: Recommendation to approve Jeff Bowdell of Wade Trim for the Contracted Administrative DPW Superintendent Position for a six-month contract not to exceed $66,000
Page # 103-105

3. Consideration of: Recommendation to approve Scope of Services Amendment from Orchard, Hiltz & McCliment for Ann Arbor Street Project at an additional cost of $7,000
Page # 107-109

4. Consideration of: Recommendation to approve Scope of Services from Orchard, Hiltz & McCliment to complete an update of the Village engineering standards at a cost not to exceed $6,000
Page # 111-113

5. Consideration of: To award the LED Installation Bid to Corby Energy Services to install 80 LED lights downtown for $7,600 and, pending grant administrator approval, purchase 44 additional LED kits from McNaughton-McKay and expand the award to Corby Energy Services to $11,780.
Page # 115-118

M. COUNCIL COMMENTS

N. NON-ARRANGED PARTICIPATION

Same as item F. Those addressing the Council will state their name, and address. This section is limited to 5-minutes per participant or 10-minutes for group representatives.

O. CLOSED SESSION FOR THE PURPOSE OF DISCUSSING LABOR NEGOTIATIONS IN ACCORDANCE WITH MCL 15.268 Sec. 8(c)

P. ADJOURNMENT

Town Hall Meeting Reminder
October 20 – 6:30 p.m. at the Creekside Cafeteria
Topic: Ann Arbor Transportation Authority Strategic Plan and General Questions & Answers

AGENDA 9-27-10
ITEM C-1

DEXTER VILLAGE COUNCIL
REGULAR MEETING
MONDAY, SEPTEMBER 13, 2010

A. CALL TO ORDER AND PLEDGE OF *ALLEGIANCE*

The meeting was called to order at 7:31 PM by President Keough in the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan.

B. ROLL CALL: President Keough

J. Carson	P. Cousins
D. Fisher	J. Semifero
J. Smith	R. Tell

C. APPROVAL OF THE MINUTES

1. Regular Council Meeting – August 23, 2010

Motion Smith; support Semifero to approve the minutes of the Regular Council Meeting of August 23, 2010.

Unanimous voice vote for approval

D. PREARRANGED PARTICIPATION

None

E. APPROVAL OF THE AGENDA

Motion Smith; support Semifero to approve the agenda with the following changes:
Add an update on item I-5, President's Report
Add item J-8 on the Consent Agenda, Request from Cub Scout Pack 477

Unanimous voice vote for approval

F. PUBLIC HEARINGS

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

None

NON-ARRANGED PARTICIPATION

Dick Ulrich of 3760 Delhi Court, Ann Arbor thanked all who participated in the Senior Citizen bottle drive and announced that $400 was raised.

Mary Ellen Miller of 7654 Forest Street, Dexter, reported to Council on the condition of the alley behind her house and that another inch or so had been lost on the drive off the alley due to the rain. She is unable to use the drive into the property without bottoming out and would like to see fill and leveling on the road area. She also would like Council to re-open the discussion on bees and chickens and feels that the

ordinance that was developed was reasonable citing positives for both bees and chickens.

H. COMMUNICATIONS:

1. Upcoming Meeting List
2. Letter from Comcast – August 25, 2010
3. Dexter Arts Center – Request for Information on 7651 Dan Hoey

I. REPORTS

1. Community Development Manager – Allison Bishop
   Report
   Enforcement – Incomplete Construction
   Medical Marihuana Ordinance

   Ms. Bishop submits her report as per packet. Ms. Bishop gave the following updates on the letter regarding the roof over the bridge going under the railroad for the Westside Connector and answered questions regarding bidding the total package and the width of the boardwalk. A discussion was held on the signage definitions and a request to add youth enrichment under the area of Community Special Events. Ms. Bishop explained the possible enforcement procedures for incomplete construction projects. Ms. Bishop also reviewed the proceedings following the August 23 moratorium on a Medical Marihuana Ordinance and invited Council to attend the Work Session on Monday, September 20 regarding the ordinance.

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

   Arts, Culture & Heritage Committee – Paul Cousins/Courtney Nicholls
   Mr. Cousins and Ms. Nicholls submitted their report as per packet. In addition Ms. Nicholls highlighted the upcoming September 25 event "Songs, Slams & S'mores" in Warrior Creek Park. The Committee is looking for another member representing the Village. The Committee is also looking at goal setting for the balance of the year. Ms. Nicholls mentioned that the Arts, Culture & Heritage Committee are supportive of the new Art Center but are not a part of that group.

   Gordon Hall Mgmt Team Representative – Donna Fisher
   Ms. Fisher reported on the initial planning for the Civil War Encampment at Gordon Hall on the first weekend in June in 2011 to recognize the 150th Anniversary of the Civil War.

   Library Board Representative – Pat Cousins
   Mrs. Cousins distributed circulation statistics covering the past six years. She reported that the Library Board is working on a budget and tax revenues have kept pace; they are writing a request for a millage renewal on the November ballot at .6925 mills; and Marti Davis has resigned as President of the Board as she has moved to Cedars of Dexter and the Board is looking to appoint a new member.

3. Subcommittee Reports

Website - None
Downtown Fire Detection - None
Economic Preparedness – None

4. Village Manager/Assistant Village Manager Report

Mrs. Dettling and Ms. Nicholls submit their report as per packet. Ms. Nicholls gave the following verbal updates: a) have received a call from a company looking to move into the Industrial Park and looking into a possible tax abatement, b) have a situation with well number 2 and will be bringing in someone to look at the problem, c) the bridge repainting is complete and the Village his purchased some graffiti proof paint, d) still need 43 more signatures to submit the cityhood petitions, e) interview for the RFP for the Contract Position will be held Wednesday and Thursday, f) Trustee Smith suggested that we look at a work session and possible town hall meeting regarding the direction the Village wants to take on streets, g) question was raised as to the placement of crosswalk signage on Alpine Street, and h) question was raised regarding a coordinator for the Baker Road Crossing and Safe Routes to School.

5. President's Report

Mr. Keough submits his report as per packet. In addition Mr. Keough reported on a meeting with the Chelsea Area Construction Authority, possible legal action regarding the drive ways into the Dexter Commerce Center off of Dan Hoey Road, and the resignation of Alan Green from the Parks and Recreation Commission.

J. CONSENT AGENDA

1. Consideration of: Bills and Payroll in the amount of $702,547.07

2. Consideration of: St. Andrew's United Church of Christ request to place five (5) signs in the Village right-of-way from October 7 to October 21

3. Consideration of: Dexter Area Historical Society request to allow parking in the right-of-way along Grand Street to conduct cemetery tours on October 2 between 12:30 p.m. and 4:00 p.m.

4. Consideration of: Dexter Knights of Columbus request to place five (5) signs in the Village right-of-way from September 20 to October 3

5. Consideration of: Village Arts, Culture & Heritage Committee request to place one sign in the right-of-way on September 25, 2010

6. Consideration of: Lion's Club request to place five (5) signs in the right-of-way from September 28 to October 2

7. Consideration of: Request to close Central Street from Main to 5th from 7 a.m. to 6 p.m. on October 2, 2010 for Apple Daze

8. Consideration of: Cub Scout Pack 477 request to place two (2) signs in the Village right-of-way on September 14 and 15

Motion Fisher; support Smith to approve items 1, 2, 3, 4, 5, 6, 7 and 8 of the consent agenda.

Unanimous voice vote for approval

K. OLD BUSINESS-Consideration and Discussion of:

1. Discussion of: Preliminary Facilities – Fire Station Information Update in Village Manager Report

At 9:04 p.m. a recess was taken and the meeting re-convened at 9:08 p.m.

L. NEW BUSINESS-Consideration of and Discussion of:

1. Consideration of: Local Governing Body Resolution for Charitable Gaming License for the Athletic Booster Club of Dexter

Motion Semifero; support Cousins to approve the resolution for a charitable gaming license for the Athletic Booster Club of Dexter.

Ayes: Cousins, Fisher, Smith, Semifero, Tell, Carson and Keough
Nays: None
Motion carries

2. Discussion of: Crosswalk Study

Christine Phillips and Steve Dearing of Orchard, Hiltz and McCliment reviewed the Crosswalk Study.

3. Consideration of: General Code Amendment – Chapter 10, Article I and II

Motion Semifero; support Fisher to approve the General Code Amendment – Chapter 10, Article I and II.

Motion Cousins; support Carson to postpone approval of the General Code Amendment until the September 27, 2010 meeting.

Ayes: Smith, Semifero, Tell, Carson, Fisher, Cousins and Keough
Nays: None
Motion carries

4. Consideration of: Fee Schedule Amendment

Motion Smith; support Carson to postpone approval of the fee schedule amendment until September 27, 2010 meeting.

Ayes: Semifero, Tell, Fisher, Carson, Cousins, Smith and Keough
Nays: None
Motion carries

5. Consideration of: Amendment to the Pavement Marking Bid Award

Motion Cousins; support Semifero to approve the amendment to the pavement marking bid to increase the not to exceed amount of the bid from $8500 to $11,500.

Ayes: Tell, Carson, Cousins, Smith, Fisher, Semifero and Keough
Nays: None
Motion carries

6. Consideration of: Purchase of LED retrofit kits

Motion Semifero: support Fisher to approve the purchase of 80 Sylvania LED retrofit kits at a cost of $475 per kit for a total of $38,000.

Ayes: Carson, Cousins, Fisher, Smith, Semifero, Tell and Keough
Nays: None
Motion carries

M. COUNCIL COMMENTS

Cousins	Invited all to attend the Wednesday Night program at Chelsea that is the kick-off for the Partnerships in Prosperity conference. Mr. Cousins rewarded those who were blood donors and potential donors who helped out his granddaughter earn scholarship funds.
Carson	None
Smith	None
Jones	The use of the crosswalk signs during Dexter Daze was very helpful with traffic. Continue the use of them on the Friday night concerts and at Apple Daze.
Semifero	Asked if there will be recognition for Alan Green for his contributions to the Parks and Recreation Commission and if there were any applications for the commission on file at the Village Office.
Fisher	None
Tell	None

N. NON-ARRANGED PARTICIPATION

None

O. CLOSED SESSION FOR THE PURPOSE OF DISCUSSING LABOR NEGOTIATIONS IN ACCORDANCE WITH MCL 15.268 Sec. 8(c)

Motion Carson; support Smith to go into closed session at 9:59 PM for the purpose of discussing labor negotiations.

Ayes: Cousins, Fisher, Smith, Semifero, Tell, Carson and Keough
Nays: None
Motion carries

Motion Smith; support Fisher to leave closed session at 10:42 PM

Ayes: Smith, Semifero, Tell, Carson, Fisher, Cousins and Keough
Nays: None
Motion carries

P. ADJOURNMENT

Motion Fisher; support Smith to adjourn at 10:42 PM.

Unanimous voice vote for approval

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing:_____

2010 Upcoming Meetings

Board	Date	Time	Location	Website	Village Representative
Downtown Fire Detection Committee	9/22/2010	4:00 p.m.	Dexter District Library		
Tupper Property Redevelopment Team	9/22/2010	5:30 p.m.	Village Offices		
Regional Fire Consolidation - Joint Board Mtg	9/23/2010	7:00 p.m.	Scio Township Hall		
Dexter Village Council	9/27/2010	7:30 p.m.	Dexter Senior Center	http://www.villageofdexter.org	
Scio Township Planning	9/27/2010	7:30 p.m.	Scio Township Hall	http://www.twp.scio.mi.us/	
Scio Township Board	9/28/2010	7:00 p.m.	Scio Township Hall	http://www.twp.scio.mi.us/	
Western Washtenaw Area Value Express	9/28/2010	8:15 a.m.	Chelsea Community Hospital		Jim Carson
Village Economic Preparedness Committee	10/4/2010	3:30 p.m.	Village Offices		
Dexter District Library Board	10/4/2010	7:30 p.m.	Dexter District Library	http://www.dexter.lib.mi.us/	
Dexter Village Planning Commission	10/4/2010	7:30 p.m.	Senior Center	http://www.villageofdexter.org	Jim Carson
Dexter Village Arts, Culture & Heritage Committe	10/5/2010	7:00 p.m.	Senior Center	http://www.villageofdexter.org	Paul Cousins
Washtenaw Area Transportation Study-Technical	10/6/2010	9:30 a.m.	Road Commission Offices	http://www.miwats.org/	Rhett Gronevelt
Washtenaw County Board of Commissioners	10/6/2010	6:45 p.m.	Board Room, Admin Building	http://www.ewashtenaw.org/government/boc/	
Dexter Area Historical Society	10/7/2010	7:30 p.m.	Dexter Area Historical Museum	http://www.hvcn.org/info/dextermuseum/	
Dexter Village Council	10/11/2010	7:30 p.m.	Dexter Senior Center	http://www.villageofdexter.org	
Scio Township Downtown Development Authority	10/11/2010	12:00 p.m.	Scio Township Hall	http://www.twp.scio.mi.us/	
Scio Township Planning	10/11/2010	7:30 p.m.	Scio Township Hall	http://www.twp.scio.mi.us/	
Scio Township Board	10/12/2010	7:00 p.m.	Scio Township Hall	http://www.twp.scio.mi.us/	
Dexter Area Chamber of Commerce	10/13/2010	8:00 a.m.	Copeland Board Room	http://www.dexterchamber.org/	Paul Cousins

Due to the possibility of cancellations please verify the meeting date with the listed website or the Village Representative

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ITEM H-1

Washtenaw County Sheriff's Activity Log

Area: 39 Dexter Village
Date Range: 08/01/2010 - 08/31/2010

Activity Log Citation by Area Report

Log ID: 214502 **Date:** 08/02/2010 **Location:** MAIN/JEFFORDS

Log ID: 214862 **Date:** 08/04/2010 **Location:** KENSINGTON/MAIN **Ticket #:** SH253287
Citation 1: C/I Defective headlights

Log ID: 214862 **Date:** 08/04/2010 **Location:** MAIN/DOVER

Log ID: 215354 **Date:** 08/06/2010 **Location:** DEXTER PINCKNEY & ISLAND LAKE **Ticket #:** SH259327
Citation 1: C/I expired plate **Citation 2:** C/I no proof insurance

Log ID: 215425 **Date:** 08/07/2010 **Location:** DEXTER PINCKNEY / DEXTER CHELSEA **Ticket #:** N/A

Log ID: 215476 **Date:** 08/07/2010 **Location:** DEXTER - PINCKNEY & N. TERRITORIAL

Log ID: 215516 **Date:** 08/07/2010 **Location:** BAKER RD/HUDSON ST **Ticket #:** N/A

Log ID: 215730 **Date:** 08/09/2010 **Location:** DEXTER ANN ARBOR/LEXINGTON

Log ID: 215730 **Date:** 08/09/2010 **Location:** DEXTER/EDISON

Log ID: 215760 **Date:** 08/09/2010 **Location:** BAKER / HUDSON

Log ID: 215893 **Date:** 08/10/2010 **Location:** DEXTER ANN ARBOR/LEXINGTON

Log ID: 215893 **Date:** 08/10/2010 **Location:** DEXTER ANN ARBOR/LEXINGTON

Log ID: 216133 **Date:** 08/11/2010 **Location:** ANN ARBOR / INVERNESS **Ticket #:** SH-263458
Citation 1: C/I Violation of posted speed limit

Log ID: 216133 **Date:** 08/11/2010 **Location:** ANN ARBOR / INVERNESS **Ticket #:** SH-263457
Citation 1: C/I Other: No valid proof of ins.

Log ID: 216356 **Date:** 08/12/2010 **Location:** BAKER / DAN HOEY **Ticket #:** SH-263460
Citation 1: C/I Violation of posted speed limit

Log ID: 216356 **Date:** 08/12/2010 **Location:** BAKER / GRAND **Ticket #:** SH-263461
Citation 1: C/I Violation of posted speed limit

Log ID: 216553 **Date:** 08/13/2010 **Location:** BROAD/MAIN **Ticket #:** SH263075
Citation 1: C/I Disobey traff signal **Citation 2:** C/I License & Registration

Log ID: 216678 **Date:** 08/14/2010 **Location:** MAIN/BROAD

Log ID: 216693 **Date:** 08/14/2010 **Location:** GRAND/FOREST

Log ID: 216750 **Date:** 08/14/2010 **Location:** DEXTER ANN ARBOR & MEADOWVIEW **Ticket #:** SH245499
Citation 1: C/I no proof insurance **Citation 2:** C/I no registration

Log ID: 216847 **Date:** 08/15/2010 **Location:** 4TH AND HUDSON

Log ID: 216977 **Date:** 08/15/2010 **Location:** BAKER/HUDSON

Log ID: 217008 **Date:** 08/16/2010 **Location:** MAIN/BROAD

AGENDA 9-27-10
ITEM 4-2

Log ID: 217163 Date: 08/17/2010 Location: ULRICH / WILSON

Log ID: 217490 Date: 08/18/2010 Location: MAST & HRD Ticket #: NONE

Log ID: 217561 Date: 08/19/2010 Location: 4TH AND HUDSON

Log ID: 217599 Date: 08/19/2010 Location: ANN ARBOR & DOVER Ticket #: SH245500
Citation 1: C/I
speeding 30/25

Log ID: 217670 Date: 08/19/2010 Location: ANN ARBOR & EDISON Ticket #: SH245501
Citation 1: C/I
no registration in vehicle Citation 2: C/I speeding

Log ID: 217670 Date: 08/19/2010 Location: CENTRAL & 5TH Ticket #: NONE

Log ID: 217670 Date: 08/19/2010 Location: ANN ARBOR & EDISON Ticket #: SH245502
Citation 1: MISD
NO OPS ON PERSON Citation 2: C/I SPEED

Log ID: 217875 Date: 08/20/2010 Location: ANN ARBOR & INVERNESS Ticket #: NONE

Log ID: 217875 Date: 08/20/2010 Location: BAKER & GRAND Ticket #: SH228374
Citation 1: C/I
no reg in vehicle Citation 2: C/I no proof insurance

Log ID: 217963 Date: 08/21/2010 Location: MAIN AND ALPINE

Log ID: 217974 Date: 08/21/2010 Location: BROAD AND FOREST

Log ID: 218214 Date: 08/22/2010 Location: BAKER/SHIELD Ticket #: SH 265378
Citation 1: C/I
Other: Def tail light

Log ID: 218214 Date: 08/22/2010 Location: BAKER/DAN HOEY Ticket #: SH-264477
Citation 1: C/I
Other: Seatbelt

Log ID: 218627 Date: 08/25/2010 Location: AA/KENSINGTON Ticket #: SH263087
Citation 1: C/I
Violation of posted speed limit

Log ID: 218708 Date: 08/25/2010 Location: BROAD / FIFTH

Log ID: 218849 Date: 08/26/2010 Location: AA/KENSINGTON Ticket #: SH263093
Citation 1: C/I
Other: impede

Log ID: 219088 Date: 08/30/2010 Location: AA/KENSINGTON Ticket #: SH263098
Citation 1: C/I
Other: impede

Log ID: 219159 Date: 08/28/2010 Location: DEXTER - ANN ARBOR & ZEEB RD

Log ID: 219243 Date: 08/28/2010 Location: DEXTER ANN ARBOR/DAN HOEY

Log ID: 219243 Date: 08/28/2010 Location: DEXTER ANN ARBOR/DAN HOEY

Log ID: 219315 Date: 08/28/2010 Location: DEXTER ANN ARBOR/ RYNA

Log ID: 219422 Date: 08/29/2010 Location: BROAD AND FOREST

Log ID: 219562 Date: 08/30/2010 Location: DEXTER ANN ARBOR/LEXINGTON

Total Traffic Stops: 46
Total Citations Issued: 26
Total Citation1's: 17
Total Citation2's: 6
Total Citation3's: 3
Tickets Not Issued: 29
Traffic Stops that ended in an Arrest: 1

AGENDA 9-27-10
ITEM H-3

VILLAGE OF DEXTER

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

Village Council

Shawn Keough
President

Ray Tell
President Pro-Tem

Jim Carson
Trustee

Paul Cousins
Trustee

Donna Fisher
Trustee

Joe Semifero
Trustee

James Smith
Trustee

Administration

Donna Dettling
Manager

Carol Jones
Clerk

Marie Sherry, CPFA
Treasurer/Finance Director

Courtney Nicholls
Assistant Village Manager

Ed Lobdell
Public Services Superintendent

Allison Bishop, AICP
Community Development Manager

THE VILLAGE OF DEXTER IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER

www.villageofdexter.org

September 14, 2010

Dexter Arts Center
C/o Pam O'Hara
3203 Broad
Dexter, MI 48130

Dear Ms. O'Hara:

Thank you for your interest in utilizing the Village's property at 7651 Dan Hoey for the Dexter Arts Center. At this time it would not be possible for the Village to lease the space because the house is not Americans with Disabilities Act compliant or hooked up to Village water or sewer systems. Due to the unknowns with the future use of the property, bringing the house up to code is not an investment the Village is in a position to make.

Good luck with your continued efforts to make the vision of a Dexter Arts Center a reality.

Sincerely,

Courtney Nicholls

Courtney Nicholls
Assistant Village Manager

AGENDA 9-27-10

ITEM I-1

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

Memorandum

To: Village Council and President Keough
Donna Dettling, Village Manager
From: Allison Bishop, AICP, Community Development Manager
Re: Report
Date: September 27, 2010

Dogs and Animal Ordinance

Upon further review of the proposed ordinance, including the definition of kennel, it will be recommended that the definition of kennel within Article 2, Definitions be amended to include a definition for commercial kennel and private kennel. Clarification of the kennel definitions will simplify the amendments to Chapter 10 of the general code. The Planning Commission is currently reviewing Article 2, Definitions, of the Zoning Ordinance and will consider the definition of kennel at the October meeting. Upon a recommendation of the Planning Commission Article 2 and Chapter 10 will be presented to the Council for consideration, likely in November.

Medical Marihuana

Following the work session held by the Planning Commission and Village Council on September 20th, the Planning Commission will proceed with providing a recommendation to the Village Council for the regulation of medical marihuana in the Village. The Planning Commission will review the proposed draft ordinance provided to Council in the September 13th packet Community Development Manager report.

I also attended another Medical Marihuana workshop sponsored by the Michigan Municipal League on September 21st. Information provided at the meeting along with some notes from the seminar is attached.

Mill Creek Park

James Sallee from the Michigan Department of Natural Resources and Environment will meet with the Village on Monday, September 27th to review the permitting request for the Mill Creek Park. Following the meeting we should begin to receive feedback on our design development documents and be able to proceed with further plan development and prepare for submittal to the Trust Fund for approval.

Westside Connector / B2B County Trail

HCMA has received their MNRTF grant scoring. Preliminary indication is that they received 330 points. The score is average. The Village and Washtenaw County have provided them with additional information which we hope will improve the applications score. The Village and County also plan to attend the October 6th MNRTF Board meeting in support of the project. Funding announcements are not made until December therefore at this point providing additional information and support is critical for the success of the application. If anyone from Council is available to attend the MNRTF meeting and support the project that would be great.

Parks and Recreation Update

Park Programming – The PaRC discussed different programming ideas to improve the types of recreation within the Village. The PaRC's discussed the desire to publicize the Village's parks as an asset and try to attract events that can be hosted in the Village's parks and to bring people to Dexter. Some of the events discussed were Wine Trails (wine tasting), running races, Kids Zone in Warrior Creek Park/Community Park during Dexter Daze, Geocaching, Easter Egg Hunt.

Monument Park Regrade – Based on the survey, utility and logistic issues with regarding the park the PaRC has supported an alternative plan to temporarily address the 8" grade differential in Monument Park and the impacts to the ice rink. The PaRC has moved to NOT do the regarding project and reallocate the funding to the purchase of event fencing to improve the aesthetic, access and signage to the ice rink. The consensus was that given the cost of the project and the newness of the ice rink project that the funding would be better spent elsewhere and until we can have additional years to evaluate the success of the ice rink. The PaRC discussed that the ice rink system that we currently have is not a commercial. If the project continues to be a success over the next few years possible consideration of a more commercial type rink may be recommended for consideration.

New Chair Elected – Due to Alan Green's resignation from the PaRC Randy Hermann was elected to be the Chair, Toni Henkemeyer, Vice Chair and Brian Brassow, Secretary.

Please feel free to contact me if you have any questions.
Thank you.

Medical Marihuana Notes from MML Seminar – September 21, 2010

Speakers –

Melanie Brimm – Director of Health Professionals at the Michigan Department of Community Health

Catherine Mish – City Attorney, Grand Rapids

Andria Ditschman, Attorney, Hubbard Law Firm

1. Consider providing intent for the ordinance, including the conformance/non-conformance with the Village's Master Plan.
2. Issues with the Law include, lack of clinical research on therapeutic properties, lack of standardization of ingredients or potency, limited info on dosing or routes of delivery, potential drug-disease and drug-drug interactions.
3. Requiring organic to avoid harmful chemicals.
4. Studies exist showing that medical marihuana is effective in the treatment of nausea associated from chemotherapy and HIV appetite stimulation.
5. "no medical record required" or reviewed for certification does not demonstrate "qualified medical condition" that permits issuance of a MM card.
6. "Certification Mills" certification clinics could be opening up potential problems if that is all they do is certify patients for MM cards. "Bona fide relationship", "full assessment", and "continued relationship" with a Dr. is required per law. Dept. of Community Health Board is currently trying to define and explain.
7. Many unanswered questions – Courts, Dept of Community Health are trying to define.
8. 56,513 applicants as of September 10 (19 months of program operation).
9. 80-100,000 expected at 2 years program mark.
10. 13,868 caregivers – card for each patients a caregiver has.
11. Only 7,039 applications have been denied by the Dept. of Community Health. Typical reasons for denial are incomplete information.
12. Top Qualifying Reasons – Severe Nausea, Severe Chronic Pain, Severe and Persistent Muscle Spasms.
13. www.michigan.gov/mmp - weekly updates on medical marihuana program
14. Annual Program Report due out within the next 30 days.
15. Local Control can consider the following options – consider joining a lawsuit, adopt a moratorium, pursue existing criminal law and/or adopt an ordinance.
16. Lawsuit – Federal Supremacy Law – Conflict between State and Federal law to determine validity of law (such as Federal Gov't and Arizona immigration law). Would clarify law, resolve legal and code enforcement issues, resolve conflict for dispensary owners and those investing financially. There is a group of attorneys currently considering a lawsuit, interested communities should contact if desire to participate.
17. Moratorium, pass a moratorium to allow for time to determine regulations.

18. Enforcement under existing criminal law. Federal Law violation can only be enforced by the Federal government, many cases may or may not rise to the level of federal interest, other violations could include fire arms violations.
19. Work with local County Prosecutors to establish case law; everyone/all communities' needs guidance from appellate court.
20. Ways to enforce: Location, Enclosed/Locked facility (need test cases to determine what exactly "closed/locked facility" means, OUID, operating a vehicle under the influence of drugs; no threshold for marihuana as there is for alcohol.
21. People vs. Fiesel – established that chemical property of marihuana, metabolite, if found in blood does NOT constitute a violation of driving laws..
22. Dispensaries (or cooperatives) are NOT mentioned in law; general consensus is that original law was written for family or individuals with interment relationships would be able to assist in providing care for patients.
23. Sale/profit/selling/compensation is NOT permitted in the law.
24. Considering the use retail is not legal.
25. Federal Drug Free School Zone Act – no drugs within 1000 feet.
26. Caregiver to Caregiver sales prohibited.
27. Electrical and Plumbing inspectors and inspections need to be completed; however suspicion should be sent to sheriff dept. for investigation.
28. Regulate to control spread of use within the community, as with other uses in zoning.
29. Recommended that use NOT be considered a special land use.
30. Not function of Boards/Commissions to determine whether medical marihuana has medical value or not, its use for the purpose has been approved by voters and is legal in Michigan, not our role to say what is right or wrong.
31. Appellate Court opinion recently issued (attached).
32. Licensing and Zoning Approach recommended.
33. Regulations need to be effective and defensible.
34. Do not want to over regulate, if something is not a perceived issue do not make it one.
35. Law permits use of medical marihuana, we cannot loose site of those rights.
36. Legal non-conforming status only designated when a business is up and operating.
37. Limitations on # of plants, caregivers and not permitting in certain zoning districts is ok.
38. Conditions recommended for consideration: no residing is permitted in a dispensary, operator must be a caregiver, and patients cannot pick up at a home.
39. Bills pending, attached article.

ANN ARBOR.COM

Michigan's medical marijuana statute needs clarification, appeals court judge says

STAFF
By: Ryan J. Stanton
AnnArbor.com Staff

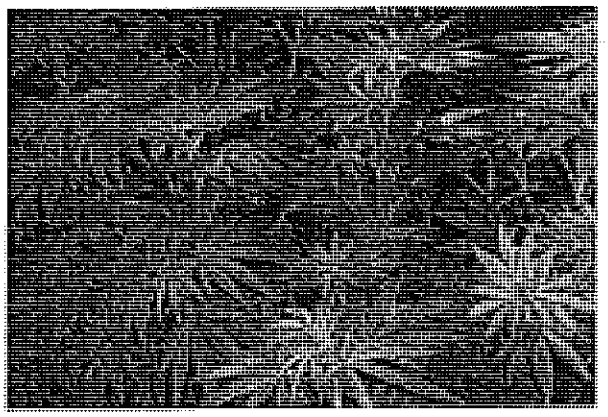
Posted: Sep 15, 2010 at 5:51 PM [Sep 15, 2010]

(This story has been updated to further clarify that the judge's opinion is the concurring opinion of a single judge and not the entire appeals court.)

The murky state laws regulating **medical marijuana in Michigan** need some serious clarification, a Michigan appeals court judge said today in a 30-page opinion.

Judge **Peter O'Connell** said the state statute is so confusing that until the Michigan Supreme Court provides a final comprehensive interpretation, it would be prudent for all Michigan citizens to "avoid all use of marijuana if they do not wish to risk violating state law."

"I again issue a stern warning to all: please do not attempt to interpret this act on your own," O'Connell wrote in a uniquely verbose opinion. "Reading this act is similar to participating in the Triwizard Tournament described in Harry Potter and the Goblet of Fire: the maze that is this statute is so complex that the final result will only be known once the Supreme Court has had an opportunity to review and remove the haze from this act."



A Michigan appeals court judge says the state's medical marijuana statute needs clarification, and in the meantime residents shouldn't light up.

O'Connell's opinion stems from a medical marijuana case in Oakland County. He said the state law allowing medical marijuana was "inartfully drafted" and some portions clash with other Michigan laws. He also said there's a need for clear rules for doctors, people who want to use marijuana and clinics that want to dispense it.

Medical marijuana was approved by Michigan voters in 2008. Many municipalities, including Ann Arbor, now are working on local zoning regulations for dispensaries that are sprouting.

City Attorney **Stephen Postema** said today he isn't yet sure how the judge's opinion will impact efforts

under way to write a local ordinance regulating medical marijuana dispensaries in Ann Arbor. At the very least, he said, it's confirmation that "this is a totally messed up situation."

"I have to review the case further, but I don't get the sense that it directly addresses the issue of zoning or dispensaries," Postema said. "But the courts seem to recognize that there were problems in the medical marijuana statute that needed to be looked at further, and many communities are looking at those things."

Postema noted that O'Connell's opinion is that of a single judge and is not the prevailing view of the entire appeals court. O'Connell's is only a "concurring" opinion, agreeing with the result in the case in Oakland County — reinstatement of drug charges against two people using marijuana on the advice of a doctor without proper registration — but using different reasoning and arguments than the other two judges on the three-judge panel.

Judge Robert Turner, a veteran of many years on the bench, previously stated that Michigan's medical marijuana act is "one of the worst pieces of legislation I have ever seen in my life."

"In interpreting this act, Judge Turner assumed that the sole purpose of it was to set forth the rules and regulations for the use of medical marijuana in Michigan," O'Connell said in today's opinion, "but it is becoming increasingly clear that the act is being used as a subterfuge to legalize marijuana in Michigan. It is well crafted in its obfuscations, ambiguous language, and confusingly overlapping sections."

- Read the 30-page opinion here.

Ryan J. Stanton covers government and politics for AnnArbor.com. Reach him at ryanstanton@annarbor.com or 734-623-2529.

Tags: medical marijuana, Stephen Postema

51 Comments: **Skip to the end**

Tom Joad
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Of course they're trying to legalize it through the bac
18 year old kid can waltz into a 'doctor's' office and
legal dope smoker. I'm not denying marijuana's mec
illnesses or chronic debilitations but the State of Mic
a more rigorous screening process for dispensing w
psychotic drug.

Perhaps the medical community can create more st
marijuana for palliative conditions.
As it is obtaining one's medical marijuana card is a
18.

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LIVINGSTON DAILY.com

Bill would outlaw medical marijuana bars, clubs

By Christopher Behnan • DAILY PRESS & ARGUS • September 15, 2010

A bill that would outlaw medical marijuana clubs and bars would resolve some Livingston County officials' concerns about how such facilities would fit into their communities.

But the proposal would only address one of many questions raised by the Michigan Medical Marihuana Act, including how medical marijuana can be dispensed, local officials said.

The act was made law in 2008, when voters approved a ballot initiative to allow patients with debilitating illnesses to grow and possess marijuana for medicinal purposes.

In late August, state Rep. Rick Jones, R-Grand Ledge, introduced House Bill 6394, which would prohibit organizing or operating a "marijuana club" or a "marijuana bar."

The bill defines a marijuana club as a membership-fee organization in which people smoke marijuana in a private place.

It defines a marijuana bar as any structure or land where people pay a fee to smoke marijuana.

Jones' bill would exclude hospice operations, nursing homes and locations where marijuana is legally dispensed under the medical marijuana act.

His proposal calls for misdemeanor penalties of up to 90 days in prison, a fine of $500 or both, for violations.

The bill is one of at least seven pending in the Legislature that would create new rules for people who use medical marijuana and their caregivers.

Jones said the purpose of his bill is to prevent people from leaving the clubs or bars and driving home under the influence of marijuana.

Livingston County communities continue to debate whether they need to adjust their zoning rules to comply with the medical marijuana law.

At least six county communities have tackled the issue, including Green Oak Township, Brighton Township, Hartland Township, Brighton, Howell and Pinckney.

The Green Oak Township Planning Commission on Thursday will consider recommending minor zoning-ordinance changes that would incorporate state-approved medical marijuana use, possession and growth into the township's rules for building uses.

Jones' bill doesn't address what constitutes a legal dispensary, or how or where medical marijuana can be distributed, said Bob Moran, chairman of the Green Oak Township Planning Commission.

Moran said the commission's goal is to protect the rights of approved users and caregivers, but to prohibit related businesses that might operate outside the 2008 law.

"We didn't feel as though you could put a prohibition on private clubs and bars. As long is it's above board, there would not be an issue," Moran said.

Hartland Township last month passed a six-month moratorium on all permits, licenses and approvals related to either the sale or dispensation of medical marijuana.

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Hartland officials, meanwhile, are studying how to implement the law's rules in the community, said Township Manager James Wickman.

Wickman said the 2008 ballot initiative didn't make clear how those permitted to use medical marijuana can legally obtain it, and how it can legally be distributed to approved users.

Applying all of the above concerns to local zoning rules is a considerable challenge, Wickman said.

"It either needs to be clear or they need to provide the direction on how to carry it out. That's lacking," Wickman said.

The city of Brighton also passed a six-month moratorium on the sale and dispensation of medical marijuana for the same reasons.

Jones said he proposed his bill after police raided the Green Leaf University Smokers Club in Williamstown Township just outside Williamston in Ingham County, described as a dispensary and compassion club for patients, in May.

Police didn't seize any of the drugs at the club itself, but arrested the owner on drug charges after finding 150 pounds of marijuana at his Okemos home — far more than allowed in the 2008 law.

"I immediately knew that something had to be done. They were just getting people high and putting them right back on the road," Jones said.

If that logic were valid, Michigan should close all parking lots outside Michigan's watering holes to prevent drunken driving, said Greg Francisco, president and founder of the Michigan Medical Marijuana Association.

Francisco said there is no evidence of a rash of car accidents fueled by motorists under the influence of marijuana.

If anything, drivers under the influence of marijuana slow down and overcompensate for their actions, Francisco added.

"We're not seeing this epidemic of mayhem on the roads from stoned drivers. It's totally manufactured," he said.

"We do have a right to peacefully assemble. We are legal, law-abiding people engaged in legal activities, and we do have the right to meet as a group, as a community," Francisco added.

Jones countered that the intent of the law was to allow for marijuana to be used as a medicine in homes of people permitted by the state to use it, not in organized social settings.

Contact Daily Press & Argus reporter Christopher Behnan at (517) 548-7108 or at cbehnan@gannett.com.

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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee, v ROBERT LEE REDDEN Defendant-Appellant.	FOR PUBLICATION September 14, 2010 No. 295809 Oakland Circuit Court LC No. 2009-009020-AR
PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee, v TOREY ALISON CLARK Defendant-Appellant.	No. 295810 Oakland Circuit Court LC No. 2009-009020-AR

Before: O'CONNELL, P.J., and METER and OWENS, JJ.

O'CONNELL, P.J. (*concurring*).

I concur with the majority's decision to affirm the circuit court's decision to reinstate the charges against defendants, but write separately because I interpret the statutory defenses at issue more narrowly than does the majority, and also to elaborate on issues raised in the briefs and at oral arguments but not as fully addressed by the majority opinion.

On November 4, 2008, the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 *et seq.*, was passed by referendum and went into effect soon thereafter. It is without question that this act has no effect on federal prohibitions of the possession or consumption of marijuana.[1] The Controlled Substances Act, 21 USC 801 *et seq.*, classifies marijuana as a

[1] "Marijuana" and "marihuana" are both acceptable spellings for the name of this drug. The spelling "marihuana" is used in the Public Health Code, MCL 333.1101 *et seq.*, but "marijuana" is the more commonly used spelling and so will be used throughout this opinion.

Schedule I substance, 21 USC 812(c), meaning that Congress recognizes no acceptable medical uses for it, and its possession is generally prohibited. See *Gonzales v Raich*, 545 US 1, 27; 125 S Ct 2195; 162 L Ed 2d 1 (2005); *United States v Oakland Cannabis Buyers' Co-op*, 532 US 483, 490; 121 S Ct 1711; 149 L Ed 2d 722 (2001). As a federal court in Michigan recently recognized, "It is indisputable that state medical-marijuana laws do not, and cannot, supercede federal laws that criminalize the possession of marijuana." *United States v Hicks*, ___ F Supp 2d ___ (No. 07-20176, ED Mich, 2010); 2010 WL 2724286 at *3, citing *Gonzales*, 545 US at 29 ("The Supremacy Clause unambiguously provides that if there is any conflict between federal and state law, federal law shall prevail."); *United States v $186,416.00 in US Currency*, 590 F3d 942, 945 (CA 9, 2010) ("The federal government has not recognized a legitimate medical use for marijuana, however, and there is no exception for medical marijuana distribution or possession under the federal Controlled Substances Act"); *United States v Scarmazzo*, 554 F Supp 2d 1102, 1109 (ED Cal, 2008) ("Federal law prohibiting the sale of marijuana is valid, despite any state law suggesting medical necessity for marijuana"); *United States v Landa*, 281 F Supp 2d 1139, 1145 (ND Cal, 2003) ("our Congress has flatly outlawed marijuana in this country, nationwide, including for medicinal purposes."). Accordingly, the MMMA has no effect on federal law, and the possession of marijuana remains illegal under federal law, even if it is possessed for medicinal purposes in accordance with state law. *Hicks*, 2010 WL 2724286 at *4, citing *Gonzales*, 545 US at 27 ("The CSA designates marijuana as contraband for any purpose").

Further, the MMMA does not create any sort of affirmative *right* under state law to use or possess marijuana. That drug remains a Schedule I substance under the Public Health Code, MCL 333.7212(1)(c), meaning that "the substance has a high potential for abuse and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision." MCL 333.7211. The MMMA does not repeal any drug laws contained in the Public Health Code, and all persons under this state's jurisdiction remain subject to them. Accordingly, mere possession of marijuana remains a misdemeanor offense, MCL 333.7403(2)(d), and the manufacture of marijuana remains a felony, MCL 333.7401(2)(d).

Perhaps surprisingly, the purpose of the MMMA is a bit less revolutionary than one might suspect. MCL 333.26422(b) states as follows:

> Data from the Federal Bureau of Investigation Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 marihuana arrests in the United States are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill people who have a medical need to use marihuana.

The MMMA does not codify a *right* to use marijuana; instead, it merely provides a procedure through which seriously ill individuals using marijuana for its palliative effects can be identified and protected from prosecution under state law. Although these individuals are still violating the Public Health Code by using marijuana, the MMMA sets forth particular circumstances under which they will not be arrested or otherwise prosecuted for their lawbreaking. In so doing, the

MMMA reflects the practical determination of the people of Michigan that, while marijuana is classified as a harmful substance and its use and manufacture should generally be prohibited, law enforcement resources should not be used to arrest and prosecute those with serious medical conditions who use marijuana for its palliative effects.[2]

Accordingly, the MMMA functions as an affirmative defense to prosecutions under the Public Health Code, allowing an individual to use marijuana by freeing him or her from the threat of arrest and prosecution if that user meets *all* the requirements of the MMMA, while permitting prosecution under the Public Health Code if the individual fails to meet any of the requirements set forth by the MMMA.[3] See MCL 333.26422(b); MCL 333.26427(5)(2)(e).

The problem, however, is that the MMMA is inartfully drafted and, unfortunately, has created much confusion regarding the circumstances under which an individual may use marijuana without fear of prosecution. Some sections of the MMMA are in conflict with others, and many provisions in the MMMA are in conflict with other statutes, especially the Public Health Code. Further, individuals who do not have a serious medical condition are attempting to use the MMMA to flout the clear prohibitions of the Public Health Code and engage in recreational use of marijuana. Law enforcement officers, prosecutors, and trial-court judges attempting to enforce both the MMMA and the Public Health Code are hampered by confusing and seemingly contradictory language, while healthy recreational marijuana users incorrectly view the MMMA as a de facto legalization of the drug, seemingly unconcerned that marijuana use remains illegal under both state and federal law.

In this opinion, I will attempt to cut through the haze surrounding this legislation. In so doing, I note that neither my opinion, nor the majority's opinion, constitute attempts to *make* the law. We are simply interpreting an act passed by the people of this state. It is up to the Legislature to revise this act as it sees fit.[4]

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[2] Again, all individuals who possess, use, or manufacture marijuana in this state, including qualifying patients who have been issued a valid registry identification card and their primary caregivers, are violating the federal Controlled Substances Act and are still subject to arrest and punishment for doing so.

[3] Of coarse, because the MMMA protects against enforcement of the Public Health Code under only limited circumstances, an individual who is using marijuana must satisfy *all* the requirements of the MMMA or else remain subject to arrest and prosecution for violating the Public Health Code.

[4] I have no doubt that in the minds of some voters in this state, legalizing marijuana would be good public policy. Others who approved this act were under the impression that the act's specific purpose was limited to permitting the use of medical marijuana by registered patients with debilitating medical conditions. Still others voted against this change in the law. Whether the decriminalization of medical marijuana is a good or bad idea for this state is a question of public policy for our state legislators, the executive branch, and the citizenry to ponder. It is not for the courts to set public policy. This Court's responsibility is simply to interpret this act. Citizens of this state wishing for revision of the MMMA should take such appropriate action as attending the public hearings on pertinent pending legislation or communicating with their

(continued...)

I. GUIDANCE IS NEEDED

In light of the majority opinion's resolution of the issues in this case, one might ask why this concurrence is of any importance. The answer is simple: delay and neglect in addressing the proper scope and application of the MMMA invites and perpetuates error. Judges bear the onerous responsibility of applying, interpreting, and shaping the law, and we neglect this responsibility when we fail to explain, with well-reasoned analysis, our agreement or disagreement with pertinent points of law. Failure to engage in the debate hinders our hunt for a statute's intended purpose and generally stifles the formation of sound legal principles. If we all gently withdrew our voices from the arena of competing ideas, then mistakes would go unchallenged, and the process of correction could suffer nearly insurmountable setbacks.

This case proves the rule. At oral arguments and in their briefs, both parties raised numerous questions regarding the proper interpretation of the provisions of the MMMA. It was made clear that many provisions of this act are subject to multiple interpretations, and that obfuscating words and phrases in the MMMA have caused much confusion on the part of both law enforcement officials and defense attorneys wishing to advise their clients of their rights and protections under the law. Defense counsel was particularly concerned that the law was not specific enough for him to advise his clients on both the strictures of the MMMA and the ramifications of certain provisions. The prosecuting attorney noted that he was unable to advise municipalities, townships, police, and others regarding whether particular conduct was permitted or prohibited under the act. More generally, in the absence of clear direction from the appellate courts, many citizens believe that the MMMA supports and legitimizes the marijuana business.

As defense counsel emphasized at oral arguments, this Court could take a case-by-case approach to resolving all the issues found in the MMMA, addressing particular provisions piecemeal and in isolation over years and leaving defendants, prosecutors, law enforcement, entrepreneurs, cities, municipalities, townships, and others in a state of confusion for a very, very long time.[5] Or, in one well-thought-out opinion, it could interpret the essential provisions of this act, providing a framework for future application of the new statute and giving fair notice to all regarding the scope of acceptable conduct under the MMMA. Counsel for both parties advised

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(...continued)

elected representatives.

[5] Under this piecemeal approach, each case would address a separate, specific issue involving the MMMA. The lower courts of all 83 Michigan counties would then opine on each issue (in some cases arriving at different results). The cases would be appealed to this Court, which would in response issue published opinions binding all trial courts in the state. While this may be an efficient and orderly process for some areas of the law, I suspect that the confusion regarding the circumstances under which an individual using or possessing marijuana is protected from arrest or conviction could result in some citizens losing both their liberty and their property. I am reminded of a statement often attributed to the eighteenth-century British statesman Edmund Burke: "All that is necessary for the triumph of evil is for good men to do nothing." In this case, the "evil" at issue is the loss of liberty or property suffered by individuals, who honestly believe they are in compliance with the MMMA, at the hands of prosecutors and law enforcement officials who honestly believe that they are properly enforcing the clear provisions of the Public Health Code.

this Court against interpreting the MMMA in a piecemeal fashion because of the confusion that would persist. I agree, and this opinion is my attempt to establish the framework for the law and address those issues not resolved by the majority opinion.

I also agree with counsel that it is the responsibility of this Court to interpret this law in a way that gives fair notice to all concerned regarding what conduct is allowed and what conduct is prohibited under this law. Without some guidance from the appellate courts, the lower courts will continue to stumble about. The system of justice will become hopelessly unpredictable and intolerably frustrating for the people it was established to serve. Right or wrong, we all have the duty to interpret the law to the best of our ability. Any delay in this process frustrates those citizens who are making a good faith effort to adhere to the law.

II. ONE STATUTE, COMPETING GOALS

Proposition 1 of the 2008 ballot, which presented the MMMA to the people of this state for a vote, described the proposed MMMA as purporting to do the following:

> Permit physician approved use of marijuana by registered patients with debilitating medical conditions including cancer, glaucoma, HIV, AIDS, hepatitis C, MS and other conditions as may be approved by the Department of Community Health.
>
> Permit registered individuals to grow limited amounts of marijuana for qualifying patients in an enclosed, locked facility.
>
> Require Department of Community Health to establish an identification card system for patients qualified to use marijuana and individuals qualified to grow marijuana.
>
> Permit registered and unregistered patients and primary caregivers to assert medical reasons for using marijuana as a defense to any prosecution involving marijuana.

Yet, in its summary of the intended effect of the MMMA, this ballot proposal obfuscated the more confusing and contradictory aspects of the actual legislation. The statutory language creates a maze for the reader, making the statute susceptible to multiple interpretations.

The MMMA is based on model legislation provided by the Marijuana Policy Project (MPP), a Washington, D.C.-based lobbying group organized to decriminalize both the medical *and* recreational uses of marijuana. The statutory language of the MMMA was drafted by Karen O'Keefe, the Director of State Policies at the MPP in Washington, D.C.[6] Interestingly, the

[6] On its website, the MPP advertises its involvement in the ballot initiative, noting, "Michigan passed MPP's ballot initiative to permit terminally and seriously ill patients to use medical marijuana with their doctors' approval . . . ." http://www.mpp.org/about/history.html (accessed September 10, 2010).

confusion caused by reading the statute piecemeal and out of context has seemed to work to the advantage of those who share the MPP's wish for outright legalization of marijuana. Taking advantage of the MMMA's confusion, proponents of liberalized marijuana regulations claim that the MMMA legalizes shops that sell marijuana, collective growing facilities, and the cultivation and sale of marijuana as a commercial crop. Further, those individuals who primarily wish to use marijuana recreationally are taking advantage of "pot docs" who will give them written certifications for medical marijuana without bothering to establish either a bona fide physician-patient relationship or the existence of a terminal or debilitating medical condition.

In looking at the specific provisions of the MMMA, it is important to remember that this act is based on a premise, namely, that marijuana can be used for medical purposes that is in obvious contradiction to the Public Health Code. By classifying marijuana as a Schedule 1 substance under the Public Health Code, the people of this state, through their elected representatives, have determined that marijuana "has high potential for abuse and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision." MCL 333.7211. This clearly contradicts the rationale for the MMMA, which indicates that provisions should be made to permit seriously ill individuals to use medical marijuana without fear of arrest because "[m]odern medical research . . . has discovered beneficial uses for marihuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions." MCL 333.26422(a).

The obvious solution to this problem would be simply to amend the Public Health Code to make marijuana a Schedule 2 or Schedule 3 substance.[7] With such an amendment, state law would not prohibit a licensed prescriber from prescribing marijuana if, in the prescriber's professional opinion, this drug would effectively treat the pain, nausea, and other symptoms associated with certain debilitating medical conditions. MCL 333.7303a. Curiously, however, the MMMA has no provisions to repeal the contradictory portions of the Public Health Code, or to ensure the controlled, monitored distribution of marijuana to seriously ill individuals in accord with the well-tested provisions of the Public Health Code.[8] Instead, it creates a new system, untested in this state, in which a physician merely "certifies" that an individual would likely

[7] A substance may be included in Schedule 2 if the substance has a high potential for abuse and such abuse may lead to severe psychic or physical dependence, but the substance also has "currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions." MCL 333.7213. A substance may be included in Schedule 3 if the substance has a potential for abuse less than a Schedule 1 or Schedule 2 substance and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence, but the substance also has "currently accepted medical use in treatment in the United States." MCL 333.7215.

[8] Cities might argue that reclassifying marijuana under the Public Health Code would be ineffective because it would require doctors to ignore federal provisions banning them from prescribing marijuana. Yet it is important to remember that the entirety of the MMMA stands in conflict with federal law. Accordingly, such criticism would less likely stem from a desire to adhere to federal law than from a desire to steer the risk associated with breaking federal law away from those perceived as less willing to take that risk. The catch-22 here is that doctors would not, and should not, put their medical license at risk.

"benefit" from using marijuana to alleviate pain, nausea, or other symptoms, while leaving it to the patient to register under the act and to self-regulate the quality and quantity of marijuana the patient uses.

Accordingly, the confusing nature of the MMMA, and its susceptibility to multiple interpretations, creates an untoward risk for Michiganders.[9] Reading the statute carelessly or out of context could result in jail or prison time for many of our citizens. Until our Supreme Court and the Legislature clarify and define the scope of the MMMA, it is important to proceed cautiously when seeking to take advantage of the protections in it. Those citizens who proceed without due caution will become test cases and may lose both their property and their liberty.[10]

III. THROUGH THE MAZE

The MMMA consists of ten sections detailing the protections, procedures, and defenses surrounding the use of medical marijuana in this state. However, much of the confusion caused by the MMMA arises from difficulty understanding the interplay between sections 4, 7, and 8. Section 4 addresses the protections afforded to qualifying patients, caregivers, and others under the act:

> (a) A qualifying patient who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marihuana in accordance with this act, provided that the qualifying patient possesses an amount of marihuana that does not exceed 2.5 ounces of usable marihuana, and, if the qualifying patient has not specified that a primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, 12 marihuana plants kept in an enclosed, locked facility. Any incidental amount of seeds, stalks, and unusable roots shall also be allowed under state law and shall not be included in this amount.

[9] At the preliminary examination in this matter, the learned Judge Robert Turner, a veteran of many years on the bench, stated that the MMMA, "is one of the worst pieces of legislation I have ever seen in my life." In interpreting this act, Judge Turner assumed that the sole purpose of it was to set forth the rules and regulations for the use of medical marijuana in Michigan, but it is becoming increasingly clear that the act is being used as a subterfuge to legalize marijuana in Michigan. It is well crafted in its obfuscations, ambiguous language, and confusingly overlapping sections.

[10] Until our Supreme Court provides a final comprehensive interpretation of this act, it would be prudent for the citizens of this state to avoid all use of marijuana if they do not wish to risk violating state law. I again issue a stern warning to all: please do not attempt to interpret this act on your own. Reading this act is similar to participating in the Triwizard Tournament described in *Harry Potter and the Goblet of Fire*: the maze that is this statute is so complex that the final result will only be known once the Supreme Court has had an opportunity to review and remove the haze from this act.

> (b) A primary caregiver who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of marihuana in accordance with this act, provided that the primary caregiver possesses an amount of marihuana that does not exceed:
>
> (1) 2.5 ounces of usable marihuana for each qualifying patient to whom he or she is connected through the department's registration process; and
>
> (2) for each registered qualifying patient who has specified that the primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, 12 marihuana plants kept in an enclosed, locked facility; and
>
> (3) any incidental amount of seeds, stalks, and unusable roots.
>
> (c) A person shall not be denied custody or visitation of a minor for acting in accordance with this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.
>
> (d) There shall be a presumption that a qualifying patient or primary caregiver is engaged in the medical use of marihuana in accordance with this act if the qualifying patient or primary caregiver:
>
> (1) is in possession of a registry identification card; and
>
> (2) is in possession of an amount of marihuana that does not exceed the amount allowed under this act. The presumption may be rebutted by evidence that conduct related to marihuana was not for the purpose of alleviating the qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, in accordance with this act.
>
> (e) A registered primary caregiver may receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana. Any such compensation shall not constitute the sale of controlled substances.
>
> (f) A physician shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by the Michigan board of medicine, the Michigan board of osteopathic medicine and surgery, or any other business or occupational or professional licensing board or bureau, solely for providing written certifications, in the course of a bona fide physician-patient relationship and after the physician has completed a full assessment of the qualifying patient's medical history, or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat

or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition, provided that nothing shall prevent a professional licensing board from sanctioning a physician for failing to properly evaluate a patient's medical conditiou or otherwise violating the standard of care for evaluating medical conditions.

(g) A person shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for providing a registered qualifying patient or a registered primary caregiver with marihuana paraphernalia for purposes of a qualifying patient's medical use of marihuana.

(h) Any marihuana, marihuana paraphernalia, or licit property that is possessed, owned, or used in connection with the medical use of marihuana, as allowed under this act, or acts incidental to such use, shall not be seized or forfeited.

(i) A person shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, solely for being in the presence or vicinity of the medical use of marihuana in accordance with this act, or for assisting a registered qualifying patient with using or administering marihuana.

(j) A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana, shall have the same force and effect as a registry identification card issued by the department.

(k) Any registered qualifying patient or registered primary caregiver who sells marihuana to someone who is not allowed to use marihuana for medical purposes under this act shall have his or her registry identification card revoked and is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than $2,000.00, or both, in addition to any other penalties for the distribution of marihuana. [MCL 333.26424.]

The unusual structure of this section reflects the intent of the MMMA as set forth in MCL 333.26422(b). Instead of describing an affirmative right to grow, possess, or use marijuana, § 4 simply indicates that registered qualifying patients, primary caregivers, and physicians are protected from arrest, prosecution, or penalty if they meet the specific requirements set forth.[11]

[11] Most legislation either grants rights and privileges to citizens by stating that a person may do a
(continued...)

A close: look at the pertinent subsections of § 4 further shows this to be the case. Section 4(a) specifies that a qualifying patient with a registry identification card is not subject to arrest, prosecution, or penalty "for the medical use of marijuana in accordance with this act." MCL 333.26423 defines a "qualifying patient" as "a person who has been diagnosed by a physician as having a debilitating medical condition." Accordingly, even if a qualifying patient has a registry identification card, that patient is entitled to protection under the MMMA only if he or she has also been diagnosed with a debilitating medical condition. In order to "diagnose" a patient, a physician must "determine the identity of (a disease, illness, etc.) by a medical examination." *Random House Webster's College Dictionary* (2001). Accordingly, despite whether an individual has a registry identification card, that individual is not a "qualifying patient" under the MMMA and, therefore, is not entitled to the act's protections unless a physician has determined that the patient suffers from an identifiable debilitating condition.[12]

Under § 4(a), a qualifying patient may engage in the "medical use" of marijuana without fear of arrest. Interestingly, the term "medical use," as defined by the MMMA, is much broader than one would anticipate. MCL 333.26423(e) defines the term "medical use" as "the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition." The definition of "medical use" is unexpectedly broad: although a qualifying patient may not sell marijuana, just about anything else an individual can do with marijuana would be considered *medical use* under the MMMA.[13]

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certain activity, or it makes certain activity illegal. In either circumstance, the statute affirmatively indicates what an individual may or may not do. The MMMA does the opposite; instead of granting a right or implementing a prohibition, the statute leaves the underlying prohibition of the manufacture, possession, or use of marijuana intact and states that individuals meeting certain criteria "shall not be subject to arrest, prosecution, or penalty . . ." for asing, possessing, or growing marijuana under specified circumstances. As a result, this state finds itself in the unusual position of having a statute that precludes enforcement, in certain circumstances, of another statute that makes certain activity illegal. Needless to say, this decision to use one statute to undercut the enforceability of another statute, instead of simply redefining the circumstances under which marijuana use and possession are legal in this state, greatly adds to the confusion that surrounds this act.

[12] Accordingly, an individual is not entitled to protection under the MMMA if a physician has acknowledged only that the individual suffers from *symptoms* of a disease or illness (such as pain, nausea, or anxiety), but has not actually diagnosed that person with a debilitating disease or illness. Also, the term "medical use" is only employed in specific sections of this act, while the term "use" is employed in other sections, thereby suggesting two separate meanings for the term "use" within the act.

[13] An example of this conflict is § 4(a) and § 7(b)(5) of the act. Section 4(a) allows 18-year-old high school students to grow and use marijuana if they are properly registered with the state. Section 4(a) also states that as long as he or she is a qualifying patient who has a registry card, he or she "shall not be subject to arrest, prosecution, or penalty in any manner whatsoever." Reading § 4(a) in isolation allows 18-year-old students to possess marijuana in our schools without being subject to arrest, prosecution, or penalty in any manner whatsoever. Conflicting
(continued...)

Section 4(a) also provides that a qualifying patient is not subject to arrest, prosecution, or penalty for the medical use of marijuana if that patient has no more than 12 marijuana plants in an enclosed, locked facility. Alternatively, the qualifying patient may designate a primary caregiver to grow up to 12 plants in an enclosed, locked facility. However, because the statute provides that a qualified patient may be in possession of the specified number of marijuana plants only if the patient has not designated a primary caregiver to grow marijuana for him or her, if the qualified patient has made such a designation, the statute provides him or her with no protection from arrest if found in the possession of any marijuana plants.

Section 4(b) specifies the circumstances in which a registered primary caregiver is protected from arrest. MCL 333.26423 defines a "primary caregiver" as "a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs." Section 4(b) specifies that a registered primary caregiver may assist *only* a qualifying patient[14] *to whom he or she is connected through the department's registration process* with the medical use of marijuana. Accordingly, a primary caregiver may not assist *any* qualifying patient in the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana unless *that* caregiver is connected to *that* qualifying patient through registration with the Department of Community Health (DCH). Section 6(d) specifies that "each qualifying patient can have no more than 1 primary caregiver, and a primary caregiver may assist no more than 5 qualifying patients with their medical use of marijuana." MCL 333.26426(d). Accordingly, no primary caregiver who wishes to benefit from the protections offered by the MMMA may assist more than five qualifying patients in acquiring, possessing, cultivating, manufacturing, using,

(...continued)

with § 4(a) is § 7(2)(b), which provides that one may not possess medical marijuana on the grounds of any preschool or primary or secondary school.

Sections 4(b) and 7(b)(5) are also in conflict. Section 7(b)(5) states that a person may not use marijuana if that person does not have a serious or debilitating medical condition. Section 4(b) allows primary caregivers to assist qualifying patients. Nothing in § 4(a) or (b) allows primary caregivers to use marijuana, unless they qualify under § 4(a). The conflict arises because the act allows primary caregivers to grow marijuana, but it prohibits those who are not "qualifying patients" to use marijuana. I note that caregivers receive registration cards under the statute but are not required to have a "written certification" stating they have a debilitating condition. The only logical conclusion is that "primary caregivers" who do not possess a "qualifying patient" registry card are not permitted to use marijuana under the MMMA.

[14] The act uses both the terms "qualifying patient" and "patient." While qualifying patients enjoy greater protections under § 4 than patients do under § 8, both qualifying patients and patients must follow all of the provisions of the act, including the requirement that all patients growing marijuana do so in an "enclosed locked facility." Growing marijuana in the back yard thus subjects the grower and the homeowner to the penalties found in the Public Health Code. This requirement is consistent with the language of the ballot proposal. The issue whether each patient's 12 marijuana plants must be grown in a separate locked facility is best left for another day. Those caregivers who commingle various patients' plants in one facility may look forward to becoming test cases. Primary caregivers may have only five patients and, if the qualifying patient designates him- or herself as his or her own caregiver, then that caregiver is allowed only four additional patients.

internally possessing, delivering, transferring, or transporting marijuana, presuming that the five qualifying patients in question are connected to that caregiver through the department's registration process.[15] Any assistance that any primary caregiver provides on behalf of any qualifying patient to whom that caregiver is *not* connected by the registration process is not subject to the protections of the MMMA.

Similarly, a primary caregiver may not possess more than "12 marijuana plants kept in an enclosed, locked facility" for each qualifying patient to whom the caregiver is connected through the registration process and who has that patient's permission to cultivate the allotment of marijuana plants. MCL 333.26423 defines an "enclosed, locked facility" as "a closet, room, or other enclosed area equipped with locks or other security devices that permits access only by a registered primary caregiver or registered qualifying patient." Although it is unclear from the statute whether each grouping of 12 plants must be in a separate enclosed, locked facility,[16] it *is* clear that under no circumstances may a primary caregiver be in possession of more than a total of 60 marijuana plants, presuming that the primary caregiver acts in that capacity for the statutory maximum of five qualifying patients, all of who have given him or her the authority to cultivate marijuana for them. Because a qualified patient who has designated a primary caregiver to cultivate marijuana for him or her may not him- or herself have possession of any marijuana plants, the primary caregiver is the only individual permitted to be in possession of the qualifying patient's marijuana plants under this circumstance. Accordingly, this means that each set of 12 plants permitted under the MMMA to address the purported medical needs of a particular qualifying patient must be kept in an enclosed, locked facility that can only be accessed by one individual, either the qualifying patient or the qualifying patient's primary caregiver; any other individual with access to the marijuana plants designated for a particular

[15] Many Michiganders are faced with the often unwelcome intrusion of medical marijuana dispensaries in their communities, and local governments are faced with the difficult task of determining whether they are obliged to allow such dispensaries to operate in their communities. Yet, interestingly, under a proper reading of § 4(b), the operation of a dispensary would make little economic sense, because in order to abide by the provisions of the MMMA, the dispensary would have to be operated entirely by one individual, and could have, at most, five customers. This is because, first, the MMMA has no provision for the sale of marijuana, and second, a primary caregiver is permitted to receive compensation for only the costs associated with assisting a qualifying patient to whom he or she is connected through registration with the DCH.

[16] Anyone growing more than 12 plants in one separate enclosed, locked facility should not complain or be surprised when or if a federal drug enforcement agent appears. Again, under federal law, cultivating marijuana is illegal. Growing large quantities of marijuana in an enclosed, locked facility is the same as waving a red flag in front of a 3,000 pound bull. Any questions in this regard are quickly answered by reading the Gus Burns article in the April 22, 2010, Saginaw News, "*Federal agents and sheriff's deputies say seized marijuana in Saginaw County was illegal and not medicine*." http://www.mlive.com/news/saginaw/index.ssf/2010/04/federal_agents_and_sheriffs_de.html (accessed September 13, 2010). Caregivers who do not want to become a test case should proceed with caution. No clear, reliable, or lasting resolution to this conflict between state and federal law seems in view.

qualifying patient would be considered in possession of marijuana and subject to arrest and prosecution for violating the Public Health Code.[17]

Section 4(c) permits a registered primary caregiver to receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marijuana. However, under § 4(b) a registered primary caregiver may assist only a registered qualifying patient to whom he or she is connected through registration with the DCH. Accordingly, §§ 4(b) and 4(c) can only be reconciled by concluding that the primary caregiver's "compensation for the costs associated with assisting a registered qualifying patient in the medical use of marijuana" will come from only a registered qualifying patient to whom he or she is connected through the department's registration process.[18] Because a primary caregiver may assist only the five or fewer qualifying patients to whom the caregiver is connected through the registration process,

[17] It is important to remember that under the laws of this state, "A person need not have actual physical possession of a controlled substance to be guilty of possessing it. Possession may be either actual or constructive." *People v Wolfe*, 440 Mich 508, 519-520; 489 NW2d 748, amended 441 Mich 1201; 489 NW2d 748 (1992). "Constructive possession exists when the totality of the circumstances indicates a sufficient nexus between the defendant and the controlled substance." *People v Meshell*, 265 Mich App 616, 622; 696 NW2d 754 (2005), citing *Wolfe*, 440 Mich at 521. The "essential element" is that a defendant has "dominion or right of control over the drug with knowledge of its presence and character." *People v McKinney*, 258 Mich App 157, 166; 670 NW2d 254 (2003) (internal citations omitted). "Because it is difficult to prove an actor's state of mind, only minimal circumstantial evidence and the reasonable inferences that arise from the evidence are required to prove that a defendant had constructive possession." *People v Brown*, 279 Mich App 116, 137; 755 NW2d 664 (2008). Accordingly, an individual who places himself in the proximity of marijuana is at risk of being charged with possession of the substance.

In light of these rules concerning what constitutes possession, the MMMA places the entire burden of cultivating a particular qualifying patient's marijuana plants entirely on one individual (either the qualifying patient or his or her primary caregiver). No other individual can legally even water the plants or enter the enclosed, locked facility to turn on a grow light without risking arrest and prosecution for violating the Public Health Code. This means that primary caregivers and qualifying patients cannot legally form a cooperative and grow marijuana in a shared facility without violating the MMMA and thus being subject to arrest and prosecution under the Public Health Code.

Presumably the drafters affiliated with the Marijuana Policy Project agree. Diane Byrum, a spokesperson for the project, said, "'The Michigan proposal wouldn't permit the type of cooperative growing that allows pot shops to exist in California. Those kinds of operations are what have faced federal crackdowns.'" Satyanarayana, *Is Marijuana Good Medicine?* Detroit Free Press, October 25, 2008, http://www.freep.com/article/20081025/NEWS15/810250341/Is-marijuana-good-medicine (accessed September 10, 2010). Accordingly, before the November 2008 vote on this ballot proposal, even the drafters of the MMMA were unequivocal that the statute would not permit marijuana growing cooperatives in Michigan.

[18] Stated another way, only the person the qualifying patient names as his or her primary caregiver on his/her registration form can receive compensation for associated costs, and that compensation can only be received from the "qualifying patient to whom he or she is connected through the department's registration process."

there is no circumstance under the MMMA in which the primary caregiver can provide assistance to any *other* qualifying patient, and receive compensation in exchange, without being subject to arrest and prosecution under the Public Health Code.[19]

In addition, a primary caregiver may receive compensation for only the *costs* associated with assisting a registered qualifying patient in the medical use of marijuana. This simply means that the primary caregiver may receive reimbursement for monetary expenses incurred in the course of assisting the qualifying patient in the medical use of marijuana. The statute does not authorize compensation for the labor in cultivating marijuana, or for otherwise assisting the qualifying patient in its use, nor does it indicate that the primary caregiver may profit financially from this role.

Section 4(f) protects a physician from arrest for providing written certifications, *if* the certifications are provided in the course of a bona fide physician-patient relationship, *and* if the physician has first completed a full assessment of the qualifying patient's medical history. Unfortunately, the statute does not indicate how the existence of an authentic physician-patient relationship can be discerned. However, a factfinder might wish to ask certain questions when determining whether the physician-patient relationship is authentic, including (a) whether the physician signing the written certification form is the patient's primary caregiver, (b) whether the patient has an established history of receiving medical care from that physician, (c) whether the physician has diagnosed the patient with a particular debilitating medical condition instead of simply stating that a patient's reported symptoms must be the result of some unidentified such condition, (d) whether the physician has been paid specifically to sign the written certification, and (e) whether the physician has a history of signing an unusually large number of such certifications. Needless to say, those doctors hired specifically to sign certification forms are

[19] A familiar example may help clarify how the provisions of the MMMA are connected to each other. Michigan has statutory qualifications for persons entering into a state of matrimony. See MCL 551.1 (restricting marriage to couples of opposite gender); MCL 551.3 (disqualifying couples who are of specified, close degrees of familial affinity). There is also a registration requirement, in the form of a marriage license. MCL 551.2. Married couples have many statutory rights and duties. See, e.g., MCL 557.204 (the equal right to property acquired during the marriage); MCL 554.45 (the right to hold property as joint tenants); MCL 557.151 (the right to joint ownership of personal property); MCL 205.93(3)(a) (the right to transfer property and free from use tax); MCL 600.2162 (the right not to testify against a spouse); MCL 552.7 (authorizing actions for separate maintenance). The registration, or licensing, requirement inheres in all statutory references to marriage, and thus there is no need to repeat it with each statutory mention. MCL 206.311(3) authorizes the filing of joint tax returns by "husband and wife," but does not reiterate that this concerns couples licensed to marry each other. To conclude that any married person, qualified and registered under the laws of this state, may file jointly with any other married person, so qualified and registered, would be nonsensical and lead to an absurd result. As the statutory registration, or licensing, requirement carries through all marriage law, the registration requirement of the MMMA should be understood to carry through all provisions of that act.

suspect and deserve special scrutiny by prosecutors, the DCH, and the legislative oversight committees of both the House and Senate.[20]

Section 4(f) also indicates that "[a] physician shall not be subject to arrest . . . for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition." This provision does not create an alternative scenario under which a physician may issue a written certification to a patient in the absence of a bona fide physician-patient relationship with that patient or a full assessment of the patient's medical history. Instead, this provision merely provides a physician with additional protection from legal penalty, or disciplinary action from a professional licensing board, if a physician opines in general that an individual might benefit from the use of medical marijuana.

Section 4(i) provides that "a person shall not be subject to arrest . . . solely for being in the presence or vicinity of the medical use of marihuana in accordance with this act, or for assisting a registered qualifying patient with using or administering marihuana." In a possible attempt at chicanery, the drafters of the act thus slipped into this subsection the term "*person*," instead of discussing the protections and responsibilities of a "caregiver" or "qualifying patient." Reading § 4(i) in isolation could cause one to conclude that it constitutes a nullification of all provisions in the Public Health Code that punish individuals who come in contact with medical marijuana. However, when reading § 4(i) in context, it is clear that it is not, nor is it intended to function as, a permission slip to manufacture or sell marijuana in Michigan. First, because the MMMA does not grant *rights* to anyone, the use of the word "person" instead of the more specific terms "qualifying patient" and "primary caregiver" does not constitute an expansion of any rights. Instead, although a "person" may not be subject to arrest under § 4(i) for "assisting a registered qualifying patient with using or administering marihuana," it is clear that this protection does not extend to assisting a registered qualifying patient in the *medical use* of marijuana as defined by MCL 333.26423(e). Instead, this protection from arrest only extends to providing assistance in "using or administering" marijuana, which is much more limited. Such assistance is in the nature of holding or rolling a marijuana cigarette, filling a pipe, or preparing marijuana-laced brownies for the qualifying patient suffering from a terminal illness or a debilitating condition. Section 4(i) does not protect persons generally from arrest for acquiring, possessing, cultivating, manufacturing, delivering, transferring, or transporting marijuana on behalf of the qualifying patient.

[20] The DCH should keep track of the number of certification forms each doctor signs. If it is determined that certain doctors are collecting money for routinely signing the forms, those doctors should be disqualified from participation in the Michigan Medical Marijuana Program. It is beyond question that one doctor treating 100, 500, or 1,000 terminally ill patients, with a 10-minute examination, has *not* been acting pursuant to bona fide physician-patient relationships. A revolving-door, rubber-stamp, assembly-line certification process does not constitute activity "in the course of a bona fide physician-patient relationship," especially where the doctor fails to set any medical boundaries for his or her patients and fails to monitor the patient's progress on a regular basis.

Finally, § 4(k) imposes a penalty on those registered qualifying patients or registered primary caregivers who sell marijuana to "someone who is not allowed to use marihuana for medical purposes under this act . . . ." The penalty is severe: a violator faces up to two years in prison or a fine of up to $2,000. However, that this subsection specifies a particular punishment for a specific type of violation does not mean that, by default, the sale of marijuana to someone who *is* allowed to use marihuana for medical purposes under this act is permitted. The MMMA does *not* give any individual permission to sell marijuana in the state of Michigan for any purpose. Instead, the MMMA merely identifies circumstances under which qualifying patients and primary caregivers are protected from arrest and prosecution for the "medical use" of marijuana. If the drafters of this statute wanted to legalize the sale of marijuana to qualifying patients from primary caregivers or other qualifying patients, they would have included the term "sale" in the definition of "medical use." MCL 333.26423(e). They did not and, therefore, the sale of marijuana is not a permitted activity under § 4.[21] Stated differently, the MMMA does not legalize the sale of marijuana to any individual, even one registered as a qualifying patient.[22]

Section 7 of the act is very specific about who can legally use medical marijuana. It provides as follows:

> (a) The medical use of marihuana is allowed under state law to the extent that it is carried out in accordance with the provisions of this act.
>
> (b) This act shall not permit any person to do any of the following:
>
> (1) Undertake any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice.
>
> (2) Possess marihuana, or otherwise engage in the medical use of marihuana:
>
> (A) in a school bus;
>
> (B) on the grounds of any preschool or primary or secondary school; or
>
> (C) in any correctional facility.
>
> (3) Smoke marihuana:

[21] As explained earlier, § 4(e) permits a primary caregiver to receive compensation for *costs* associated with assisting a registered qualifying patient to whom he or she is connected through the DCH's registration process. Again, this means that the primary caregiver may receive reimbursement for monies paid in the course of assisting the qualifying patient in the medical use of marijuana, but may not receive compensation or otherwise profit from the labor in cultivating marijuana or otherwise assisting the qualifying patient in its medical use.

[22] Accordingly, I can find no circumstance under which the MMMA *legalizes* the sale of marijuana by medical marijuana dispensaries. The statute simply does not permit such activity.

(A) on any form of public transportation; or

(B) in any public place.

(4) Operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marihuana.

(5) Use marihuana if that person does not have a serious or debilitating medical condition.

(c) Nothing in this act shall be construed to require:

(1) A government medical assistance program or commercial or non-profit health insurer to reimburse a person for costs associated with the medical use of marihuana.

(2) An employer to accommodate the ingestion of marihuana in any workplace or any employee working while under the influence of marihuana.

(d) Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marihuana to avoid arrest or prosecution shall be punishable by a fine of $500.00, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marihuana other than use undertaken pursuant to this act.

(e) All other acts and parts of acts inconsistent with this act do not apply to the medical use of marihuana as provided for by this act. [MCL 333.26427.]

When interpreting § 7, it is important to remember that an individual acquires protection from arrest and prosecution under this act only if suffering from serious or debilitating medical condition. A person without such a condition, as defined by the act and diagnosed by a physician, is prohibited from using marijuana and remains subject to the penalties set forth in the Public Health Code. Section 7(b)(5) acts as an affirmative defense to a prosecution under the Public Health Code, meaning that the defendant has the responsibility of establishing that he or she was suffering from a serious or debilitating medical condition as a prerequisite to establishing a medical marijuana defense. Once the defendant has presented sufficient evidence to establish the existence of a sufficiently serious medical condition, the prosecuting attorney may seek to rebut it, including by cross-examination of the defendant's physician regarding whether the defendant had a serious or debilitating medical condition. Of course, the prosecution may also call medical experts to rebut the defendant's evidence.

A defendant asserting the medical marijuana defense bears the burden of establishing the existence of a qualifying medical condition; a mere assertion is not sufficient.[23] Further, it

[23] Although most qualifying patients and primary caregivers apparently believe they are immune from arrest or prosecution if they possess registration cards, the MMMA makes no such provision. Instead, the act leaves a qualifying patient or primary caregiver subject to criminal (continued...)

logically follows that a defendant resorting to that defense by placing into evidence his or her medical condition necessarily waives any physician-patient privilege that would otherwise limit a prosecutor's prerogative to question the defendant's physician or examine pertinent medical records.

In the present case, both defendants contend that they are entitled to assert an affirmative defense under § 8 of the MMMA. Section 8 addresses affirmative defenses for patients and caregivers under the act. It reads as follows:

(a) Except as provided in section 7, a patient and a patient's primary caregiver, if any, may assert the medical purpose for using marihuana as a defense to any prosecution involving marihuana, and this defense shall be presumed valid where the evidence shows that:

(1) A physician has stated that, in the physician's professional opinion, after having completed a full assessment of the patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms of the patient's serious or debilitating medical condition;

(2) The patient and the patient's primary caregiver, if any, were collectively in possession of a quantity of marihuana that was not more than was reasonably necessary to ensure the uninterrupted availability of marihuana for the purpose of treating or alleviating the patient's serious or debilitating medical condition or symptoms of the patient's serious or debilitating medical condition; and

(3) The patient and the patient's primary caregiver, if any, were engaged in the acquisition, possession, cultivation, manufacture, use, delivery, transfer, or transportation of marihuana or paraphernalia relating to the use of marihuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms of the patient's serious or debilitating medical condition.

(b) A person may assert the medical purpose for using marihuana in a motion to dismiss, and the charges shall be dismissed following an evidentiary hearing where the person shows the elements listed in subsection (a).

(...continued)

proceedings for any conduct not for the purposes of alleviating the qualifying patient's debilitating medical condition or its symptoms. MCL 333.36424(a) and (b); MCL 333.26427(b)(5). In my opinion, all certification forms should include a warning that, even though the patient has a registry card, the patient could still be prosecuted for conduct that is not in strict accordance with the provisions of the MMMA.

(c) If a patient or a patient's primary caregiver demonstrates the patient's medical purpose for using marihuana pursuant to this section, the patient and the patient's primary caregiver shall not be subject to the following for the patient's medical use of marihuana:

(1) disciplinary action by a business or occupational or professional licensing board or bureau; or

(2) forfeiture of any interest in or right to property. [MCL 333.26428.]

In this section, the act speaks for the first time in terms of a patient instead of a qualifying patient. The purpose of § 8 is to establish an affirmative defense for those marijuana users and growers who are not registered with the state. Read out of context and with a limitless imagination, one could conclude that qualifying patients, patient caregivers, physicians, or persons in general, may not be arrested or prosecuted for any actions involving marijuana, i.e., the act in essence legalizes marijuana in Michigan. But, as I have previously stated, the language of the ballot proposal and a contextual reading of the act belies this premise.

In order for defendants to assert an affirmative defense under § 8(a)(1), they must first establish that Dr. Eric Eisenbud, the physician who signed their medical marijuana authorizations, treated them *in the course of a bona fide physician-patient relationship*, and they must further establish that they have a *serious or debilitating condition* under § 7(b)(5). Both defendants have failed to establish either prerequisite to asserting a § 8 affirmative defense.

At issue is the term, "in the course of a bona fide physician-patient relationship." This phrase has three components: *physician-patient relationship*, *bona fide*, and *in the course of*. When construing a statute, a court should presume that every word has some meaning; a construction rendering some part nugatory or surplusage should be avoided. *People v Seiders*, 262 Mich App 702, 705; 686 NW2d 821 (2004). "Physician-patient relationship" clearly means that a patient must have the traditional doctor-patient relationship. Use of the qualifier "bona fide" indicates that the drafters of this act were concerned about such doctors as the Livingston County one described in part IV, *infra*, who routinely sell written certifications for profit, rather than provide them for any genuine medical reason. Any such doctor is not engaging in the good faith practice of medicine, and any such certifications must be disallowed under this act.[24] "In the course of" clearly means that the bona fide relationship has been in existence beyond just one occasion. An individual who visits a doctor for the first time for the sole purpose of obtaining certification for use of medical marijuana, especially after an arrest on drug charges, does not

[24] Some seek medical marijuana for treatment of depression and anxiety disorders. At the very least, the progress of such treatments should be carefully monitored by a doctor. But the MMMA appears to discard the concept of any monitoring within the "bona fide" physician-patient relationship. Where monitoring of patients is not taking place, how can the physician-patient relationship be a "bona fide" one? Should the medical profession step forward on this issue? I note that the medical profession generally opposed the MMMA because, as one official put it, "it's not in the public health interest to see people smoke." Satyanarayana, *supra* note 17, quoting Donald Allen, Director of the Office of Drug Control and Policy.

satisfy the requirement that such certification come about *in the course of a bona fide physician-patient relationship*. Conversely, a primary-care physician who has long been treating a patient suffering from a terminal illness or a serious or debilitating condition is certainly acting *in the course of a bona fide physician-patient relationship*.

Certain protocols must be adhered to, or elements met, before a bona fide physician-patient relationship can be established. Among these are the following: the physician must create and maintain medical records; the physician must have a complete understanding of the patient's medical history; specific medical issues must be identified, and plans developed to address each; treatment must be conducted in a professional setting; the physician must, where appropriate, set boundaries for the patient; and the physician must monitor the patient's progress. Important for treatment of most medical conditions, especially those involving chronic pain, is continuity of treatment. Some chronic pain patients with serious or debilitating conditions need constant monitoring for their own safety. I note that, in the present case, while some of these protocols, or elements, are present in Dr. Eisenbud's treatment of defendants, others are lacking in both substance and in process.

In order to have a bona fide physician-patient relationship, a legal duty must be established between the physician and his or her patient. If no duty arises from the relationship, then no legally recognizable physician-patient relationship exists. Only once a physician-patient relationship is established and a treatment plan is instituted may a physician be held liable for malpractice under Michigan law. However, by insulating a physician from "prosecution, or penalty in any manner," including "civil penalty" in connection with that physician's certification of a patient for medical marijuana, § 4(f) leaves a physician so acting unaccountable in the matter to society and to his or her patient. It is problematic to classify a physician-patient relationship where the physician has no enforceable duties to the patient as bona fide. In my opinion, because such physicians as Dr. Eisenbud, in the course of approving written certifications for medical marijuana use, do not establish a legally binding physician-patient relationship in the matter, such relationships, in the eyes of the law, are not bona fide.

In this regard, the catch-22 for patients is found in §§ 4(f) and 8(a). Section 4(f) provides that "a physician shall not be subject to arrest, prosecution, or penalty in any manner or denied any right or privilege including but not limited to civil penalty." But §§ 8(a) and 8(a)(1) of the act state that a patient can assert a medical marijuana defense if *in the course of a bona fide physician-patient relationship* the physician makes certain statements and authorizes the patient to use medical marijuana. It would be unusual, if not outright peculiar, for the law to recognize a physician-patient relationship where no potential liability attached to the actions of the treating physician.

Because one part of the MMMA provides that no civil liability, and thus no potential malpractice liability, attaches to physicians who authorize the use of medical marijuana, while another part of the act states that a physician must have a bona fide physician-patient relationship in order to implement the affirmative medical marijuana defense, the act presents a seemingly irreconcilable internal conflict.

Adding to the confusion in this case is that, according to the record, *all* of Dr. Eisenbud's patients visited him for a single treatment plan and for no other purpose. In each instance then, the patient is not only directing the treatment plan, but setting his or her own boundaries and

monitoring his or her own progress. It strains credibility to suggest that a treatment plan has already been established before the doctor has examined the patient. The confusion is resolved by simply concluding that a one-stop shopping event to obtain a permission slip to use medical marijuana under § 8 does not meet the requirements of subsection 8(a)(1) that such authorization occurs in the course of a bona fide physician-patient relationship. Stated another way, a § 8 affirmative defense is not available unless the testifying physician is the patient's treating physician for the underlying serious or debilitating condition. Dr. Eisenbud was not either defendants' treating physician, and therefore, the § 8 affirmative defense was not available to them.

In an attempt to explain and help this Court interpret the protections contained in the MMMA, Karen O'Keefe, who was identified in part II of this opinion as Director of State Policies at the MPP in Washington, D.C., filed an affidavit in this case. In the affidavit, Ms. O'Keefe states, in paragraph four, that she was the "principal drafter of Michigan's medical marijuana ballot initiative." In paragraph eight she states, "We intended for both Michigan law and MPP's model legislation to include two levels of protection [defenses]," with § 4 providing the greater level of protection, and § 8 a lesser level of protection. While that affidavit may assist this Court in separating those two types of protection, it does not address any protections under either § 4 or § 8 concerning the sale of marijuana in Michigan. What it does accomplish is to confirm that the MMMA was intended to provide defenses from arrest and prosecution for the use of small amounts of marijuana for medical purposes. But neither the affidavit nor the act itself asserts that the MMMA provides any protectious for the sale of marijuana in Michigan. To have authorized the sale of medical marijuana in Michigan, the MMMA would have had specifically to make such provision. It did not. I further note that the language of the ballot proposal did not mention that sale of marijuana was included in the act. It is therefore clear that neither § 4 nor § 8 of the MMMA affords any protections for the sale of marijuana in Michigan.[25]

IV. WHAT MUST BE CONTAINED ON THE WRITTEN CERTIFICATION AND HOW DOES ONE OBTAIN A WRITTEN CERTIFICATION FROM A QUALIFIED PHYSICIAN?

[25] The MMMA contains a number of catch-22 situations for the unsuspecting: The act allows someone who is properly registered to possess marijuana, but anyone receiving compensation for the marijuana from someone other than the registrant's qualifying primary caregiver may be prosecuted. The act also allows caregivers and patients to grow marijuana, but then provides that this must be done in an enclosed locked facility. Anyone growing marijuana in his or her backyard can thus be prosecuted under the Public Health Code. Another peculiarity is that patients, or their caregivers, may grow marijuana, but there is no provision for the legal purchase of marijuana seeds or plants in the first instance. The act also includes no caregiver-reporting requirement, which raises the questions, how much may a caregiver charge his or her qualifying patient, and how does a caregiver report the income on tax returns? Another oddity is that the act allows a patient to possess 2.5 ounces of marijuana and 12 plants. MCL 333.26525(b)(1) and (2). What is the legal consequence if the plants are all harvested at the same time and they happen to produce more than 2.5 ounces?

Through no fault on the part of legitimate patients and caregivers who are taking pains in good faith to comply with the law and conduct themselves accordingly, the current written certification process reflects badly on them. The process also reflects badly on legitimate physicians who honestly believe that marijuana would assist their patients.

Section 3(l) of the MMMA defines "written certification" as

> a document signed by a physician, stating the patient's debilitating medical condition and stating that, in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

In the present case, the defendants' written certification forms fail to set forth their respective debilitating medical conditions and therefore are invalid on their face. I further regard the process used to obtain the written certification under the current administrative rules as suspect and opine that § 3(l) is clearly the most abused section in the MMMA.[26]

I do not direct my critical comments toward those qualifying patients who do in fact have a serious debilitating condition and seek some solace in medical marijuana. This act was intended to help those individuals. My comments are directed at those who are currently abusing the written certification process, i.e., the majority of the persons who are becoming certified at this time. My comments are also directed at those who are charged with the oversight of the administrative process.

At oral arguments, it was revealed that a certain Livingston County doctor was selling written certifications for $50. Apparently all one had to do to obtain a written certification to use medical marijuana was to show up at this doctor's house and slip $50 under the door. This history of the written certification process may in fact jeopardize the entire medical marijuana process for those who are legitimately entitled to use it. New checks and balances on this process are certainly in order to resolve this problem.[27]

I will set forth the histories of the MMMA and its written certification process in parts V and VI of this opinion, and leave readers to form their own opinions whether the written certification process is serving its legitimate purpose or is being abused. It is within the providence of our legislative and executive officials to retain or change that process. But I

[26] I reiterate that, even with a registry card, a qualifying patient can be prosecuted for uses of marijuana exceeding the scope of the statutory defenses. See MCL 333.36424(d)(2).

[27] There currently exist no checks and balances on physicians signing the written certification forms. A simple revision to the form that requires a doctor under penalty of perjury to attest that each patient has a serious or debilitating condition, and name that condition, might clean up the process. Doctors who are indiscriminately selling written certifications could then be penalized by the courts for issuing false certificates. This would work an important reform, given that § 4(f) appears to immunize even physicians who intentionally sign false certifications. Limiting the number of certifications one doctor may sign might further deter fraudulent certifications.

reiterate that in the present case both defendants' written certifications[28] do not comply with the statute and are therefore invalid *ab initio*.[29] The balance of this opinion will address issues concerning the written certification process, which the Legislature or DCH are free to change if persuaded that a problem exists.

V. HISTORY OF THE MMMA

The MMMA has a noble purpose, i.e., providing an avenue for improving the health or comfort of those afflicted with a serious or debilitating medical condition.[30] One supposes that most citizens voting for the MMMA envisioned that those individuals suffering from such conditions would visit their regular doctors, obtain prescriptions for marijuana, and then have the

[28] In the present case, Dr. Eisenbud testified that he met with each defendant for about a half an hour, spending five minutes reviewing the medical records, and about ten minutes on the physical examination, while also interviewing them. On those bases Dr. Eisenbud then certified that he was treating both defendants "for a terminal illness or a serious debilitating condition." Such foolishness is so obvious on its face as to deserve no more than a footnote in this opinion to expose it, although I note that even Dr. Eisenbud's certifications appear to be more credible than the Livingston County doctor described in the previous paragraph.

[29] The certification forms here at issue state as follows:

> I, Eric Eisenbud, MD, am a physician, duly licensed in the State of Michigan. I have completed a full assessment of this patient's medical history, and I am treating this patient for a terminal illness or a debilitating condition as defined in Michigan's medical marijuana law. I completed a full assessment of this patient's current medical condition. The assessment was made in the course of a bona fide physician-patient relationship. I have advised the patient about the potential risks and benefits of the medical use of marijuana. I have formed my professional opinion that the potential benefits of the medical use of marijuana would likely outweigh any health risks for the patient. This patient is LIKELY to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate a serious or debilitating medical condition or symptoms of the serious or debilitating medical condition. [Capitals in the original.]

I note that Dr. Eisenbud attempts to specify neither what the subject ailment is, nor whether it constitutes a terminal illness or a debilitating condition.

[30] Some assert that marijuana is not a bad thing, especially in light of current research, and that those thinking otherwise are illogical prudes. Then there is the view of the National Institute on Drug Abuse, which maintains that marijuana smoke contains 50 to 70 percent more carcinogenic hydrocarbons than does tobacco smoke. http://www.nida.nih.gov/infofacts/marijuana.html (accessed September 10, 2010). The Partnership for a Drug Free America similarly reports that "[s]tudies show that someone who smokes 5 joints per week may be taking in as many cancer causing chemicals as someone who smokes a full pact of cigarettes a day." http://www.drugfree.org/portal/drug_guide/marijuana (accessed September 10, 2010). While each of these views is legitimate, for purposes of this opinion I am not concerned with which view the law should reflect. This Court's job is to interpret statutes as they are written. Public policy is determined by the other branches of government.

prescription filled at a licensed pharmacy. Citizens would rightly expect such process because the drug delivery system in Michigan has always dispensed drugs in this manner.[31]

The DCH is the agency charged with regulating this new industry. Under the act, the DCH was required to draft within 120 days administrative rules to implement the act. MCL 333.226429(a). The Governor oversees administrative agencies such as the DCH, and the Legislature also plays a role, maintaining checks and balances to ensure that administrative agencies function properly. Under the normal process, those elected or appointed officials would maintain sufficient control of the process to assure that a Schedule 1 drug would not be sold, distributed, or otherwise transferred to the public without a legitimate process in place to regulate the use, sale, and delivery of that drug.

Further, in legitimate medical practice, doctors would observe their ethical duties to sign their names to written certification forms only if their patients were actually suffering from terminal illnesses or serious or debilitating medical conditions, as the act specifies.[32] No ethical doctor would advertise for sale, to unqualified patients, their signatures on those forms. Doctors with the personal integrity demanded of that profession would not examine a patient for just several minutes, opine from that short examination that the patient has a terminal illness or a serious or debilitating condition, and then certify that the patient would benefit from the use of a Schedule 1 drug. Or would they? Given that these practices have become widespread in Michigan, either I, or the doctors engaging in that practice, should review the question of what integrity and ethics in the medical profession entails.

The ballot proposal was not intended to legalize marijuana in the State of Michigan. It was intended to protect "from arrest the vast majority of seriously ill people who have a medical need to use marijuana." MCL 333.26424(2)(b). It was not intended to protect those individuals who are fraudulently obtaining written certifications.

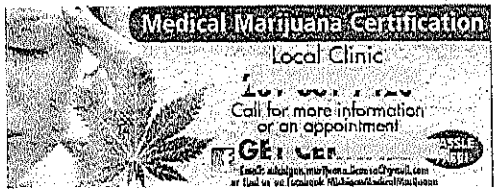
VI. HISTORY OF THE WRITTEN CERTIFICATION PROCESS

Shortly after the MMMA was passed, advertisements began appearing in the print media. These notices advertised that, for a price, one could visit the marijuana doctor and get certified for the use of marijuana. One such ad reads as follows:

[31] A question that arises is why the need for a specialized medical marijuana business, instead of dispensing through pharmacies as is the case of other legal prescription drugs, if the marijuana is for medical purposes? The answer, in many cases, is that the medical purpose is mere pretext.

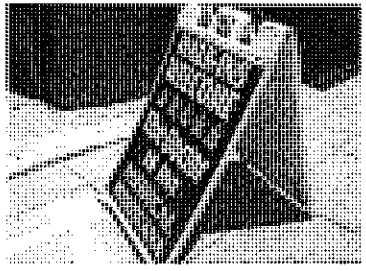
[32] In proper medical practice, when a doctor prescribes a drug, that doctor carefully monitors the patient to see if the drug is working, if there are side effects, etc. Shouldn't doctors similarly monitor their patients' uses of marijuana, including determining and prescribing proper dosages, monitoring side effects, etc.? Does giving the okay for a marijuana card create an ongoing physician-patient relationship and obligate the physician to keep abreast of the situation? Under the MMMA and current rules, however, doctors are not doing their job, neither setting boundaries for their patients nor inquiring into the effectiveness or adverse side effects of the marijuana use. In reality, what have resulted are *faux* physician-patient relationships.

Petoskey News Review
June 22, 2010
Section A, Page 2



Soon thereafter, a billboard appeared on I-75 advertising that, with a phone call, one could be certified for the use of medical marijuana in Michigan. Radio spots then began to advertise that the marijuana doctor would be in Saginaw on Monday, in Bay City on Tuesday, and Midland on Wednesday. With a quick visit to the doctor one could become certified to use, grow, and possibly sell marijuana.

In California, where a similar law has been on the books for a few years, these doctors have taken the process one step further. They have actually set up tents on the beaches and posted signs in front of them advertising easy access to medical-marijuana certification:



College students typically patrol in front of the tents and on the beach, encouraging all passersby to enter the tent and get certified for using marijuana. Doctors in California are now advertising that they will refund the certification fee to anyone for whom they cannot find a marijuana-worthy medical ailment.[33]

[33] The sale of written certifications has become a very profitable industry in California, as I fear it will soon become here in Michigan. See Mortensen, *California and Uncle Sam's tug-of war*
(continued...)

The Hemp and Cannabis Foundation advertises on its website that the organization has offices in Detroit/Southfield, Grand Rapids, Kalamazoo, Flint, Saginaw, Marquette, Traverse City, and Lansing, and lists six doctors, none of whom reside in Michigan and only one of whom, the afore-mentioned Dr. Eisenbud, is licensed to practice in this state. http://www.THC-foundation.org/ (accessed September 10, 2010).

The Michigan Medical Marijuana Certification Center advertises electronic filing on its website, providing a form that can be filled out online to start the certification process. http://www.mmmcc.net/locations/ (accessed September 10, 2010). One can even E-file one's signature on the form.

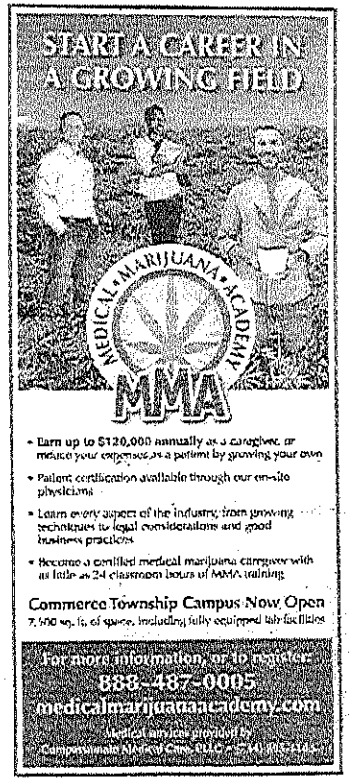
According to the DCH, it had issued 27,755 patient registrations as of September 3, 2010, and has been struggling to manage the rate of applications coming in. http://www.michigan.gov/mdch/0,1607,7-132-27417_51869-202669--,00.html (accessed September 10, 2010).

Because of the backlog of applications, the House Oversight Committee on Community Health has proposed House Bill 5902 to privatize the issuance of registry cards to the public. That legislation would require the DCH to contract with a third party to take over the issuance of medical marijuana registry cards. In essence, this bill proposes to turn over regulation to the persons regulated—an arrangement that, under normal circumstances, would be deemed highly suspect.

Even advertisements for new careers are beginning to appear in the newspapers. One such advertisement appeared in the July 19, 2010, *Northern Express Weekly*:

(...continued)

over Mary Jane is really harshing the mellow, 30 J Nat'l Ass'n Admin L Judiciary 127, 152 (2010) (identifying an "enormous administrative and regulatory void" in connection with medical marijuana in California, and reporting that it is being filled primarily by "free market principles and by the discretion of marijuana-friendly California doctors who have made a healthy profit off of medical 'recommendations,'" and opining that such "void-fillers do not have the health, safety, and welfare of Californians in mind").



That someone is spending money to run such an ad well proves that confusion runs rampant concerning what is, and is not, legal under the MMMA.

Unfortunately, the administrative rules associated with the MMMA do not provide for any checks and balances on the accuracy of the medical certifications signed by these doctors. At one thousand new medical marijuana users per week,[34] Michigan will soon have more registered marijuana users then we do unemployed—an incredible legacy for the Great Lakes State. And soon we will even have graduates from the Medical Marijuana Academy.

What has been lost in the rush to implement the MMMA is a comprehensive set of administrative rules. Under MCL 333.3642(9)(a), the DCH only had 120 days to draft the administrative rules that are currently in effect. As evidenced by the rules that did come into being, this was a totally unreasonable time limit for such a task.[35]

No system of regulation can succeed without a clear set of rules. Those wishing to use marijuana need to know when, how, and under what conditions they can legally do so. Providers need to know under what conditions they can legally grow, harvest, and distribute their product, and the operators of the new medical marijuana clinics that appear to be springing up on every corner need to know if they are in fact set up to dispense marijuana to the public legally. Until today, the DCH, the Legislature, and the appellate courts have answered very few of these questions. Pressure and confusion results from trying to operate under a system where no one has stepped forward and stated specifically what actions are legal and what actions are not. It appears that most elected officials, including my colleagues, understand the political nature of this controversy and simply choose to address the MMMA only to the extent that a particular occasion requires. I, on the other hand, right or wrong, prefer giving some notice to those concerned *before* they are deprived of their liberty and property.[36]

What is clear from reading the lower court record in this case is that no one has set out a comprehensive plan to implement the new MMMA. The job of setting public policy should not be handed to the courts as a consequence of inaction of legislative or administrative officials. Those elected and appointed officials can choose to remain silent and allow the courts to interpret this act on a piece-meal or case-by-case basis, or the statute can be revised, or pertinent administrative rules revised, to provide a clear direction to all citizens, including the courts, who are affected by this act.

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[34] See Yung, *Who's making money off medical marijuana?*, Detroit Free Press, June 21, 2010, p 4A.

[35] The current administrative rules include no reporting requirements, no log-keeping requirements, and no directions for school officials or law enforcement officers on how to regulate the new medical marijuana industry. The DCH should continue the rule-making process, taking pains to hear from all interested parties. At oral arguments, the attorneys for both sides expressed their approval of a negotiated rule making process. The goal would be to set boundaries for all associated with the MMMA.

[36] I am reminded of Shakespeare's sentiments, "Yet the first bringer of unwelcome news / Hath but a losing office" (Henry IV, part 2), and "Come hither, sir. Though it be honest, it is never good to bring bad news" (Antony and Cleopatra), and a more modern equivalent, please don't shoot the messenger.

VII. CONCLUSION

To quote from Sir Walter Scott's 1808 poem, *Marmion*, "O, what a tangled web we weave / When first we practise to deceive!" Of central importance to this appeal is the question, is the MMMA a subterfuge for legalizing marijuana in this state, or is it a legitimate medical reform intended to help only those individuals who have a terminal illness or a serious or debilitating medical condition?

The answer is simple. For those who instituted the process of placing the proposal on the ballot, the MMMA was both an avenue for allowing society to explore the medical uses of marijuana, but also a first step in legalizing marijuana in Michigan. For some citizens who voted for the bill out of empathy for the terminally ill or those suffering from debilitating conditions, it was a vote for a medical process that would help those in need. Unfortunately for all concerned with the implementation of the medical mission, including compassionate-care groups, marijuana growers, marijuana users, marijuana dispensers, police, prosecutors, municipalities, townships, etc., the act has resulted in much confusion. And it has suggested itself to many purely recreational marijuana consumers as a vehicle to aid in their continuing illicit indulgence in that vice.

In any event, the MMMA is currently the law in the state of Michigan. To the extent possible, it must be administered in a manner that protects the rights of all of our citizens. When prosecutors and defense attorneys agree that the law is hazy and unclear and poses hazards to all concerned because it does not with sufficient clarity identify what conduct is now legal and what conduct remains illegal, it is time for action from our legislative and executive officials. While the MMMA may be controversial and polarizing, politics should be set aside in the interest of the rule of law in our state.[37]

With the MMMA, two roads have diverged in the forest:[38] one leads to refining and distilling the administrative rules and other law associated with the act, and the other leads to the regulators and regulated alike being totally confused concerning how to give effect to the act. The former leads to the orderly implementation of the MMMA, while the latter leads to disrespect for the law and possibly contempt for the rule of the law itself.[39] Our legislative and administrative officials must make a choice: they can either clarify the law with legislative refinements and a comprehensive set of administrative rules, or they can do nothing. In this situation, no decision is, in fact, a decision to do nothing.[40]

[37] I note that Senators Kahn, Kuipers, and Van Woerkom have introduced bills that might resolve some of the issues raised in this opinion.

[38] This line is adapted from the beginning of Robert Frost's poem, *The Road Not Taken* ("Two roads diverged in a yellow wood,").

[39] An example of confusion at best, or disrespect for the law at worst, is that there is a marijuana shop in Lansing that is less than 100 feet from a school. Clearly, this shop is in violation of the federal Safe and Drug-Free Schools and Communities Act, 20 USC 7101 *et seq.*

[40] I recall an old cartoon that depicted a king in his palace, with his subjects outside rioting,

(continued...)

/s/ Peter D. O'Connell

(...continued)

pillaging, and otherwise destroying the kingdom. The king asks, "Why are they rioting, I didn't do anything?" His wisest advisor responds, "Maybe that is the problem."

AGENDA 9-27-10

ITEM I-4

VILLAGE OF DEXTER ddettling@villageofdexter.org
8140 Main Street Dexter, MI 48130-1092 Phone (734)426-8303 ext 11 Fax (734)426-5614

MEMO

To: President Keough and Council Members
From: Donna Dettling, Village Manager
Date: September 22, 2010
Re: Assistant Village Manager &
Village Manager Report - Meeting of September 27, 2010

1. Meeting Review:
   - September 14th – Jen Doemlin of Creative Landscape, monthly meetings on performance issues
   - September 14th – Dexter Daze Wrap-up meeting
   - September 15th – Anderson, Eckstein, Westrick re: RFP
   - September 15th – Great Lakes re: RFP
   - September 15th – Wade Trim re: RFP
   - September 15th – Thomas MacDonald re: RFP
   - September 15th – Dollars and Sense of Community Character
   - September 16th – DDA Meeting
   - September 16th – Tetra Tech re: RFP
   - September 16th – Mannik & Smith re: RFP
   - September 17th – Gateways workshop
   - September 20th – Bid Open Sidewalk Project
   - September 20th – Economic Preparedness Committee
   - September 21st – Labor Negotiations
   - September 21st – Police Services Quarterly meeting
   - September 22nd – Tupper Property Redevelopment Team
   - September 22nd – Chamber After Hours

2. Upcoming Meeting Review:
   - September 23rd – Regional Fire Multi-Board meeting
   - September 24th – Regional Economic Development Meeting in Chelsea
   - September 28th – Energy Solutions Workshop
   - September 29th – WCRC Pre-construction meeting Mast Road Bridge (see attached notice)
   - September 30th – Progress meeting Water Improvements
   - September 30th - Progress meeting Sewer Improvements
   - October 2nd – Volunteered for Apple Daze
   - October 3rd – Open House Cedars of Dexter
   - October 4th – Economic Development Committee
   - October 5th – Wellhead Protection Team

3. Project Restoration Update. Contact has been made with several residents in the project area to discuss additional work in the restoration area. Chris Donakowski and I will meet with Higgins Construction September 30th to finalize additional effort and develop a timeline and project activities to share with residents.

4. Community Garden Update. The Garden will be officially closed for the season October 16, 2010. Melissa Kesterson is preparing a portion of the report that must be submitted to Chelsea Wellness Foundation by October 30, 2010. The financial update and request to carry over the remaining grant funds into the 2011 garden season will be included with the report. A committee report to Council is tentatively scheduled for November 8, 2010.

5. Partnership for Prosperity Workshop The PowerPoint presentation from the Dollars and Sense of Protecting Community Character is attached to my report. Jim Carson, Jim Smith, Paul Cousins, Carol Jones, and Allison Bishop can provide feedback on the workshop.

6. County Sheriff Forum. The Sheriff's Department is still interested in conducting an interactive forum to educate the public and collect information. They have asked if November is realistic; and offered Wednesday November 10th as a possibility. Let me know if this works and I'll contact the County to firm up a date and make arrangements for the Forum.

7. Town Hall Meeting. The Village's next Town Hall meeting will be on October 20, 2010 at the Creekside Cafeteria. Instead of mailing a postcard, the Fall Village newsletter will be the reminder that is mailed to each household. The deadline for information for the next newsletter will be September 24.

8. Police Services. We received a copy of the 2011 contract extension with the Washtenaw County Sheriff for our police service units. The County Commission approved a 4% increase for 2011 last summer. Due to a typo on the contract it was returned to the County for an update; however it will be an item on an upcoming agenda.

9. Project Update from OHM. Attached to my report is an update from OHM on projects. Let me know if you have any questions or you can ask Rhett Gronevelt, he will be attending the meeting Monday night.

10. Bronze Award. Attached is a letter from Michigan Fitness Foundation announcing that the Village has earned a Bronze award as part of the 2010 Promoting Active Communities Program. There were a number of people that helped with this assessment; Allison Bishop, Jim Carson, DAPCO, and Dexter Community Schools. This is the survey/assessment Chelsea Wellness Foundation requested that we participate in as part of our grant award for the community garden.

COMMISSIONERS
DAVID E. RUTLEDGE
CHAIR
DOUGLAS E. FULLER
VICE CHAIR
FRED J. VEIGEL
MEMBER

WASHTENAW COUNTY
BOARD OF COUNTY ROAD COMMISSIONERS
555 NORTH ZEEB ROAD
ANN ARBOR, MICHIGAN 48103
www.wcroads.org

STEVEN M. PUURI, P.E.
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ROY D. TOWNSEND, P.E.
DIRECTOR OF ENGINEERING/
COUNTY HIGHWAY ENGINEER
JAMES D. HARMON, P.E.
DIRECTOR OF OPERATIONS
TELEPHONE (734) 761-1500
FAX: (734) 761-3239

September 16, 2010

Heather Hendges
Davis Construction
5236 Dumond Ct.
Suite A
Lansing, Michigan 48917-6001

Dear Ms. Hendges:

PRECONSTRUCTION MEETING – MDOT JN 110488A, MAST ROAD BRIDGE OVER THE HURON RIVER, WEBSTER TOWNSHIP, WASHTENAW COUNTY, MICHIGAN.

CONCRETE DECK REPAIR, JOINT REPLACEMENT, CONCRETE I-BEAM END REPAIRS, SUBSTRUCTURE REPAIR, SIDEWALKS, AND RELATED APPROACH WORK ON MAST ROAD OVER THE HURON RIVER.

A preconstruction meeting has been scheduled for **Wednesday, September 29, 2010 at 10:00 a.m.** at the Washtenaw County Road Commission, 555 North Zeeb Road, Ann Arbor, Michigan.

Please provide a prepared **Progress Schedule** (form 1130) and a completed **Testing Order** (form 501).

The **Progress Schedule** shall show, as a minimum, the major items of work to be done, listed in sequence, showing the date each work item becomes critical to progress and the date each item is no longer critical. No overlapping of critical work items is to be shown. Start and end dates of major items may also be shown if desired. A critical path diagram, clearly indicating critical work items and dates, may also be submitted.

Also, you are requested to advise your **subcontractor(s)**, whose work will materially affect the progress schedule, of this meeting in order that they may be represented.

Sincerely,

Aaron L. Berkholz, P.E.
Construction Supervisor

XC: Fuller, Townsend, Harmon, Siddall, Beyer, Schlack, MacDonell, Posegay, Jones, Knight, Gorris / WCRC
Daavettila, Garcia / MDOT-Brighton TSC
Wojcik / Washtenaw County Water Resources Comm.
Rubin / Huron River Watershed Council
Kingsley, Heller / Webster Twp.
Dettling / Village of Dexter
Dexter Area Fire Department
Heren, King / WCSD
Berry, Simpson / Huron Valley Ambulance
Pinkowski / AT&T
Forrester / DTE-MichCon
Combee / DTE-Detroit Edison
Southerland / Comcast
Project File

Dollars and Sense of Protecting Community Character

Chelsea, Michigan
September 15, 2010
© Ed McMahon

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

Source: United Nations, Bruntland Commission Report

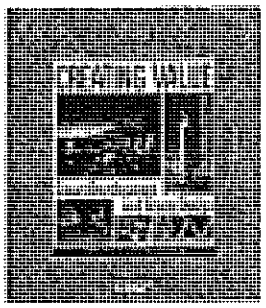
It is about our children

"Conservation is a state of harmony between man and nature."

-Aldo Leopold

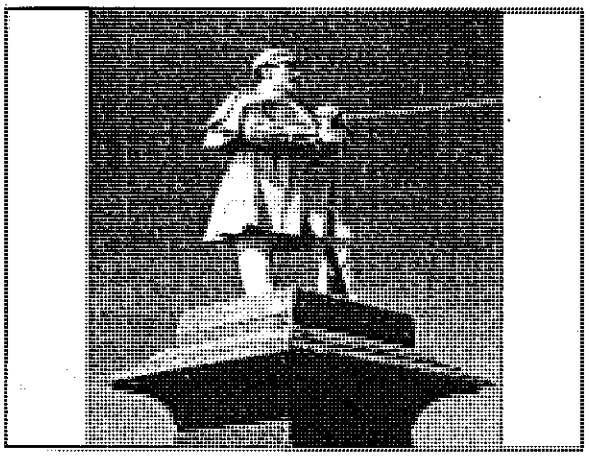
Sustainability Goals

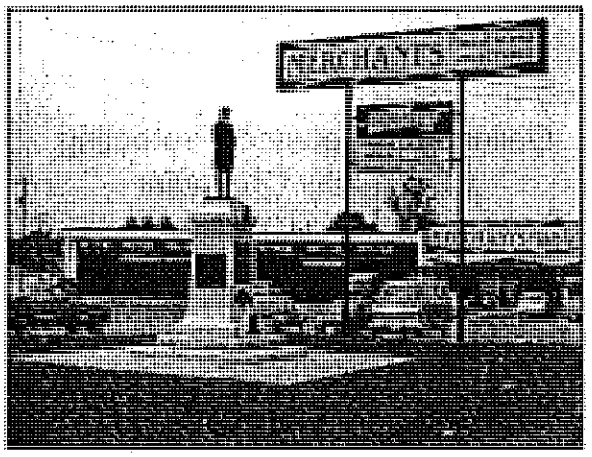
- Healthy Environment
- Vigorous Economy
- Vibrant Community



"If a building, a landscape or a city is not beautiful, it will not be loved, if it is not loved, it won't be maintained and improved. In short , it won't be sustained."

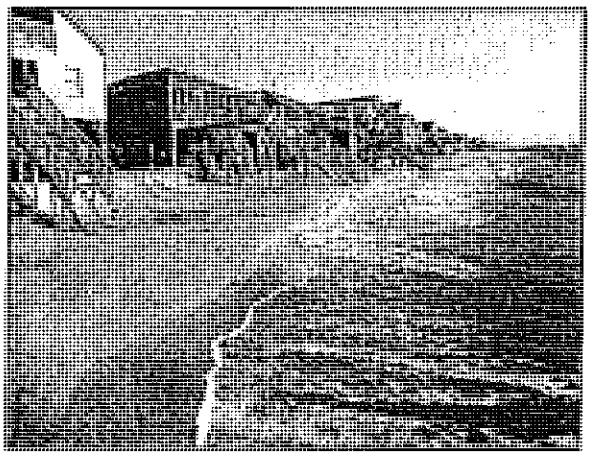
Doug Kelbaugh, Dean, University of Michigan, School of Architecture

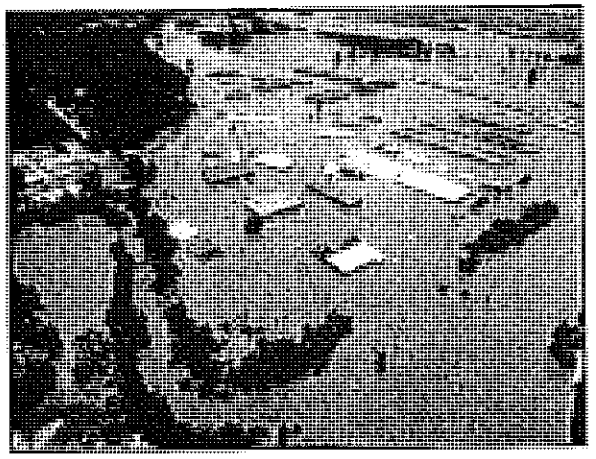




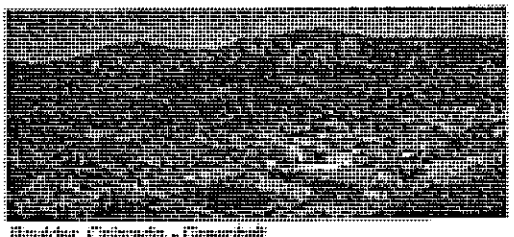
The Patterns of Development

- Where you put development
- How you arrange development
- What development looks like



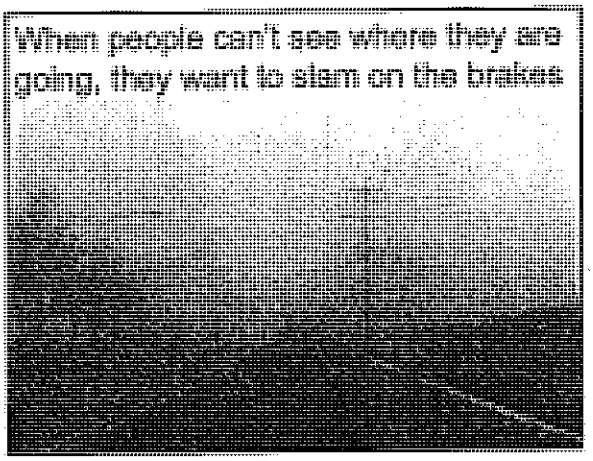


"Every community needs a long range conservation plan, just like it needs a long range transportation plan."



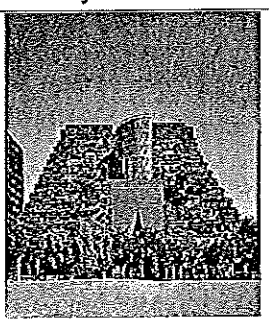
Boulder, Colorado - Greenbelt

When people can't see where they are going, they want to slam on the brakes

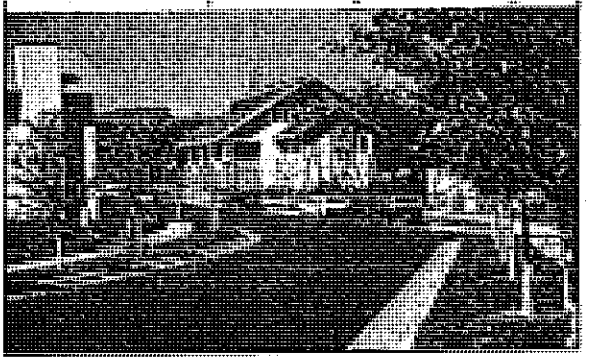


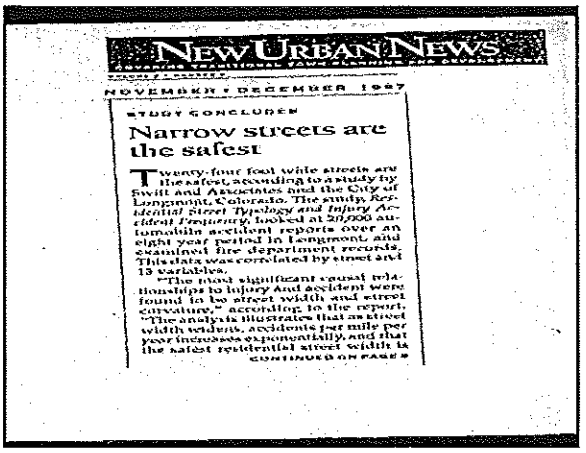
Green Buildings – A Key to Sustainability

- Energy Efficiency
- Water Conservation and Reuse
- Indoor Air Quality
- Materials
- Site Planning and Waste Management
- 3rd Party Verification



Sustainable Development affects land development not just buildings





NEW URBAN NEWS

NOVEMBER • DECEMBER 1997

STUDY CONCLUDES

Narrow streets are the safest

Twenty-four feet wide streets are the safest, according to a study by Swift and Associates and the City of Longmont, Colorado. The study, *Residential Street Typology and Injury Accident Frequency*, looked at 20,000 automobile accident reports over an eight year period in Longmont, and examined fire department records. This data was correlated by street and 13 variables.

"The most significant causal relationships to injury and accident were found to be street width and street curvature," according to the report. "The analysis illustrates that as street width widens, accidents per mile per year increases exponentially, and that the safest residential street width is

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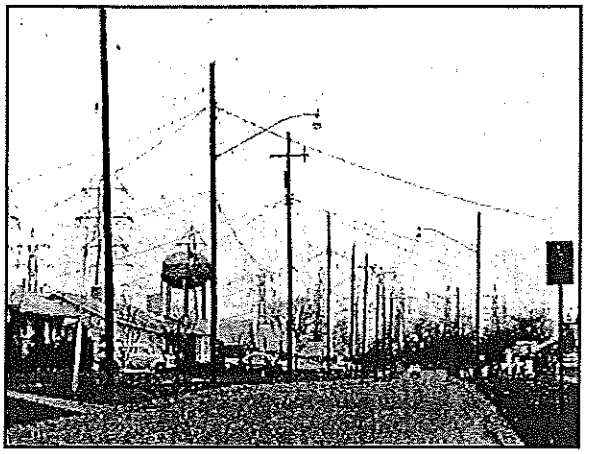
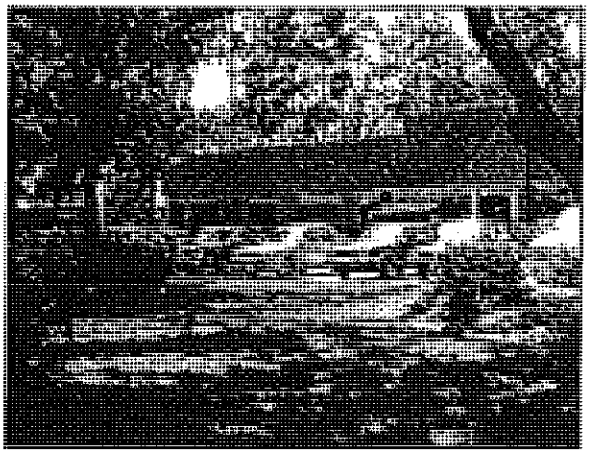
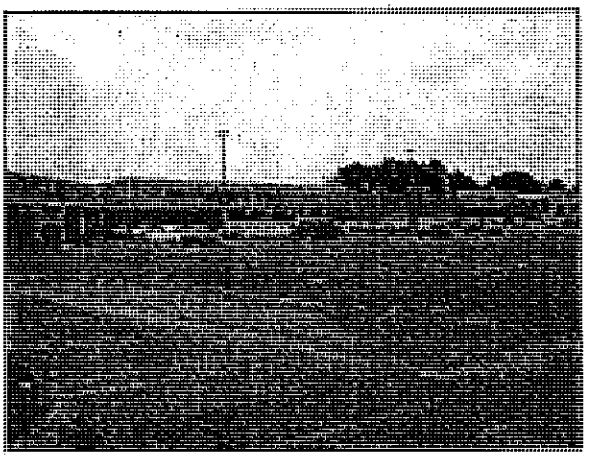


The Value of Trees

- "Studies show that developed lots with trees sell for an average of 15-20 percent more than similarly sized lots without trees."
- Tree planting and preservation pays off not only on upscale properties, but on smaller inexpensive lots as well.
- Trees also help clean the air, provide a home for wildlife, slow stormwater runoff and reduce the urban heat island effect."

Source: *Building Greener Neighborhoods: Trees as Part of the Plan*, NAHB

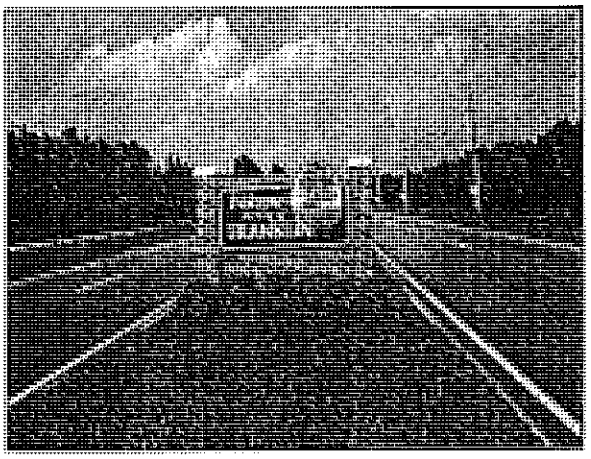


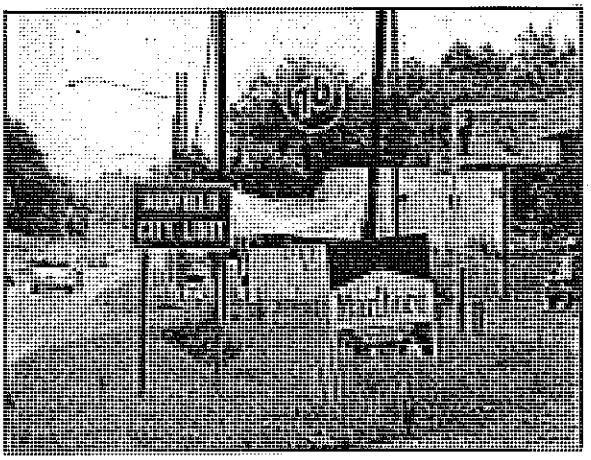


Value of Landscaping

- Increases financial return from 5 to 15 percent
- Increases the rate of project absorption
- Increases employee productivity, morale and job satisfaction
- Helps developers win support for proposals

- ULI, *Value By Design*

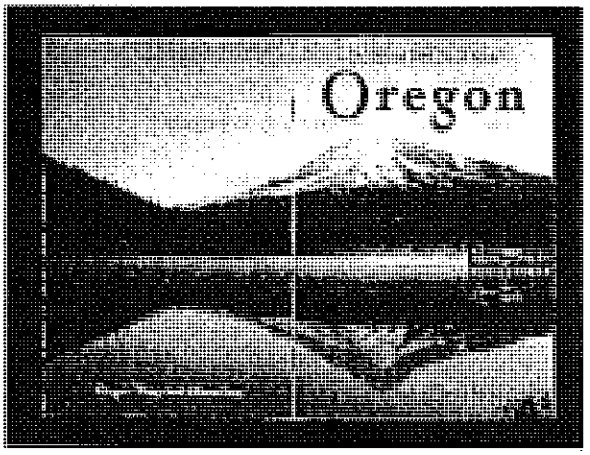


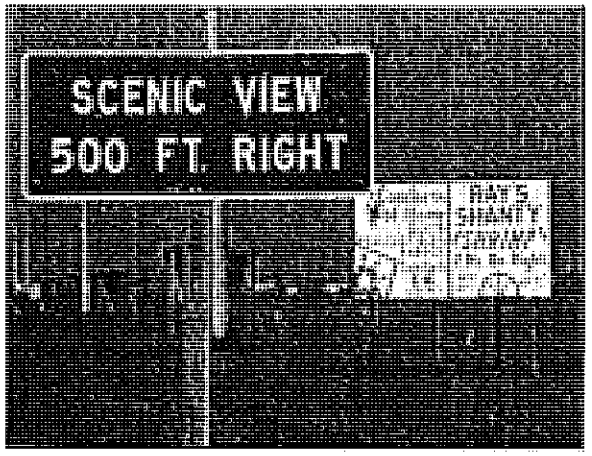


COMMUNITY IMAGE
IS CRITICAL
TO ECONOMIC VITALITY
AND QUALITY OF LIFE

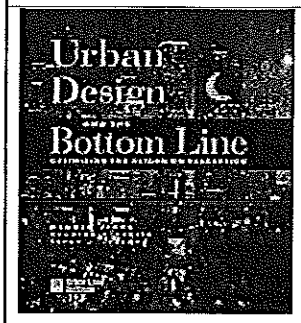
"How people think of a place is less tangible, but more important than just about anything else"

Richard Florida, Author
The Creative Class



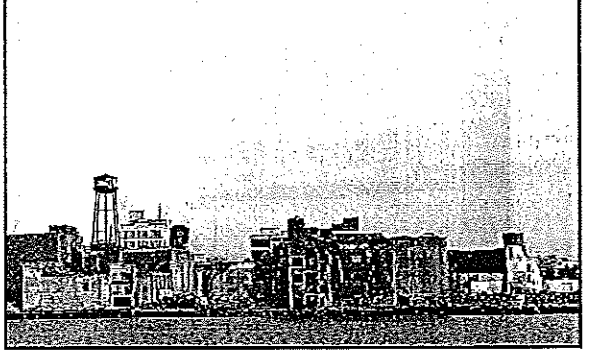


Green Space & Property Values

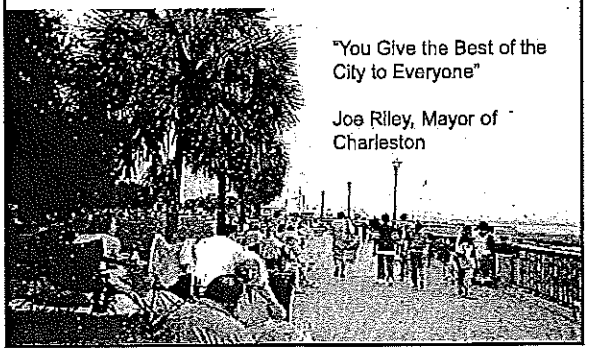


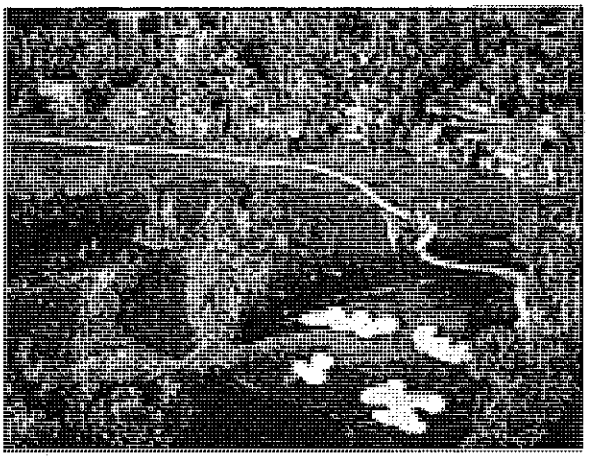
- "The relationship between rising property values and green spaces is well documented."
- "Some studies find as much as a 15 to 30 % increase in the value of properties adjacent to parks and open space."

Charleston Waterfront - Before



Charleston Waterfront - After





Value of Open Space

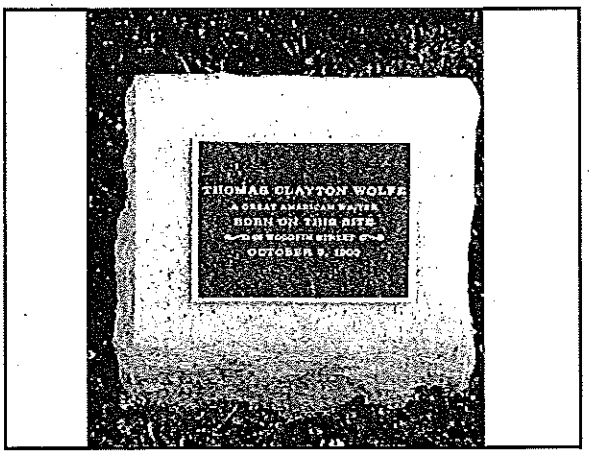
- Developers build golf courses because golf courses sell real estate at premium prices
- Very expensive to design, build & maintain golf courses
- Parks and open spaces also sell real estate at premium prices <u>at lower costs to create</u> and maintain

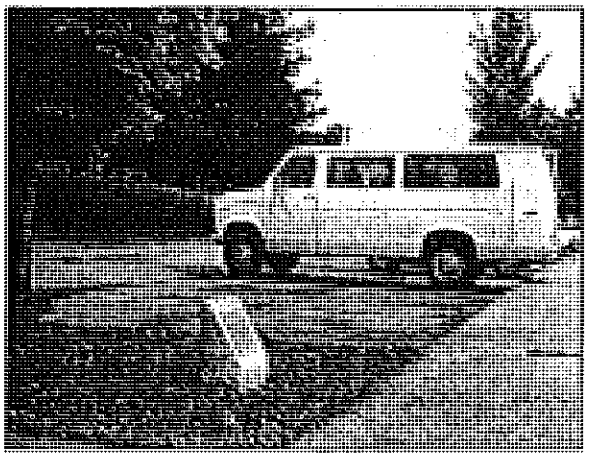
Community Amenities <u>Sought by Homebuyers</u>

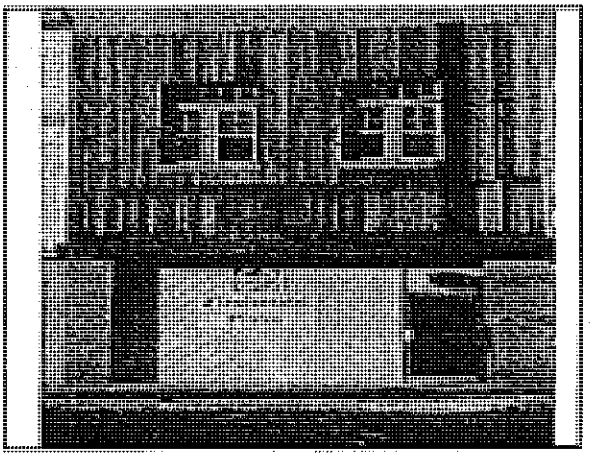
Walking trails/bike paths	- 36%
Parks/natural areas	- 26%
Playgrounds	- 21%
Daycare	- 14%
Soccer Fields	- 9%
Golf Course	- 6%

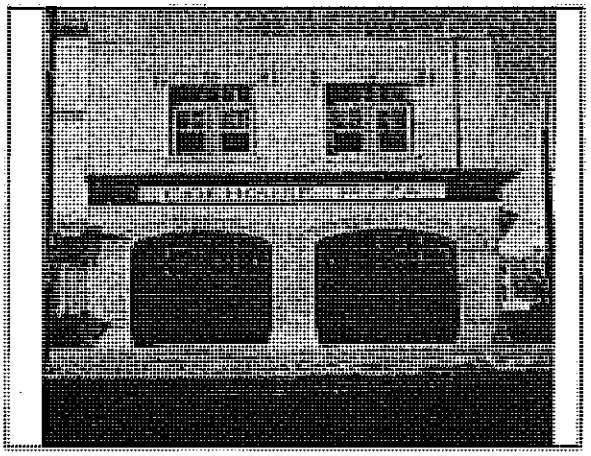
- April 2004
National Association of Realtors
National Assn. of Homebuilders

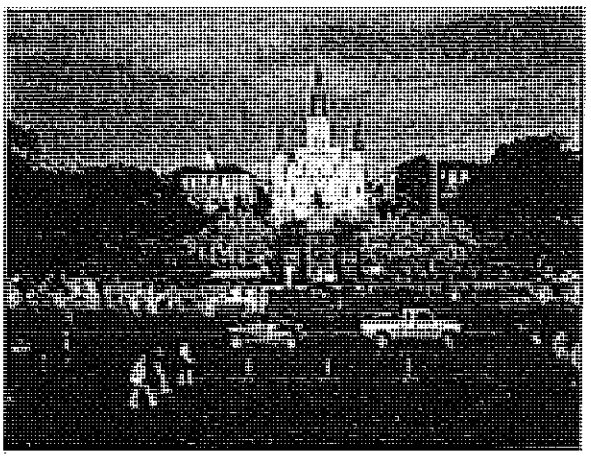
Identify and preserve historic buildings, neighborhoods and landscapes

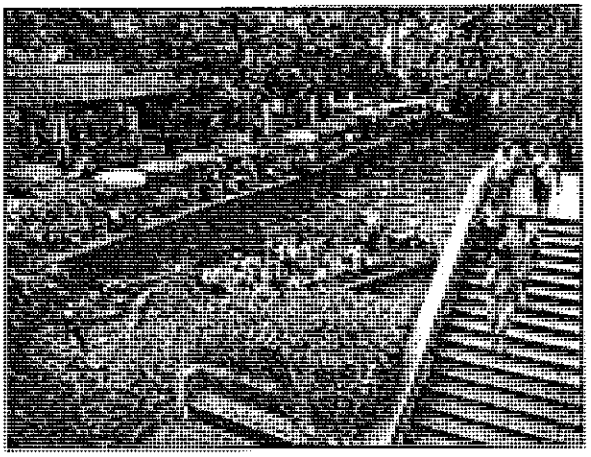


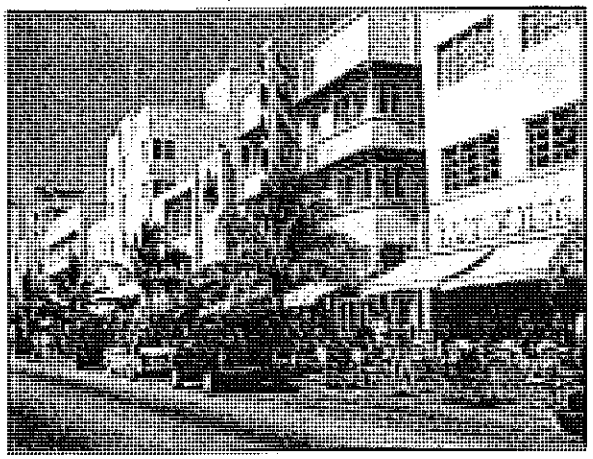


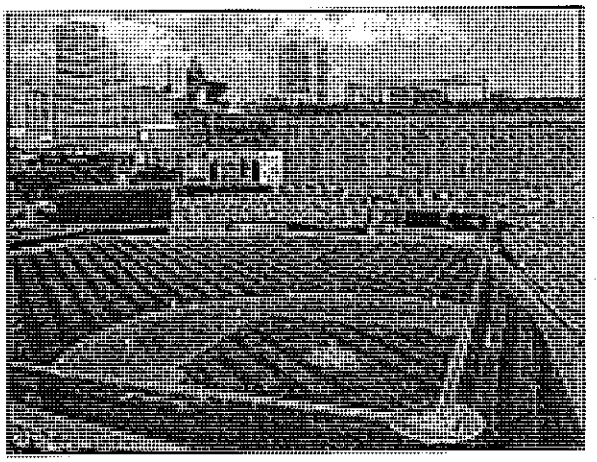






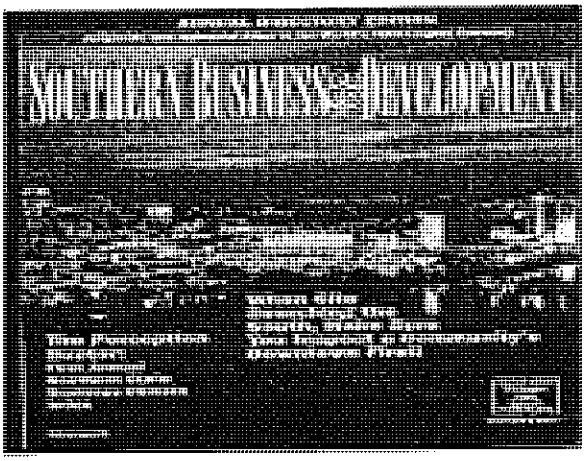




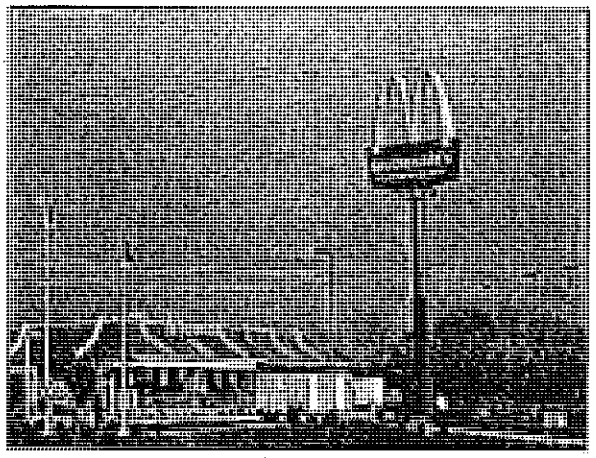


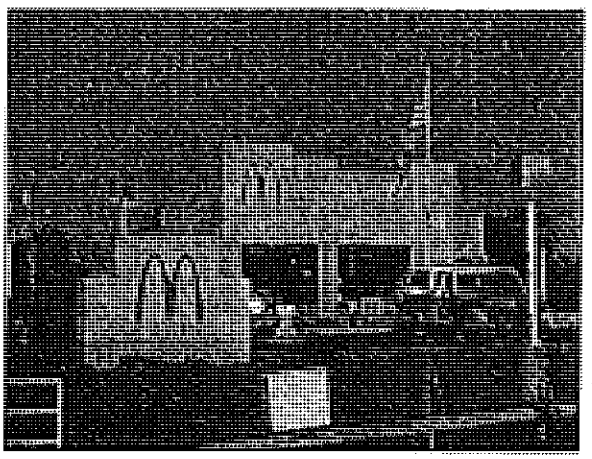
"Among cities and towns with no particular recreational appeal, those that preserve their past continue to enjoy tourism. Those that haven't, receive Almost no tourism at all. Tourists simply won't go to a city that has lost its soul."

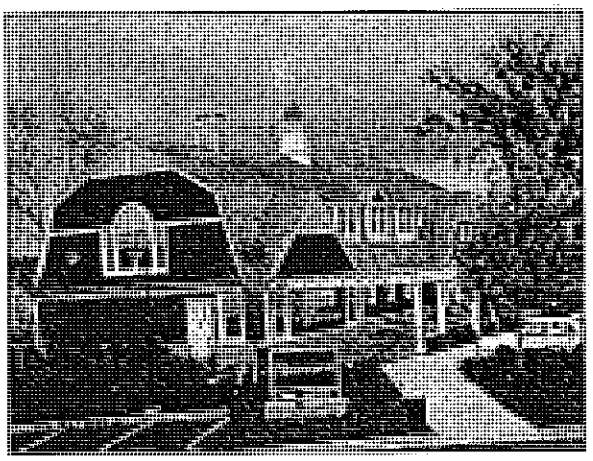
- Arthur Frommer

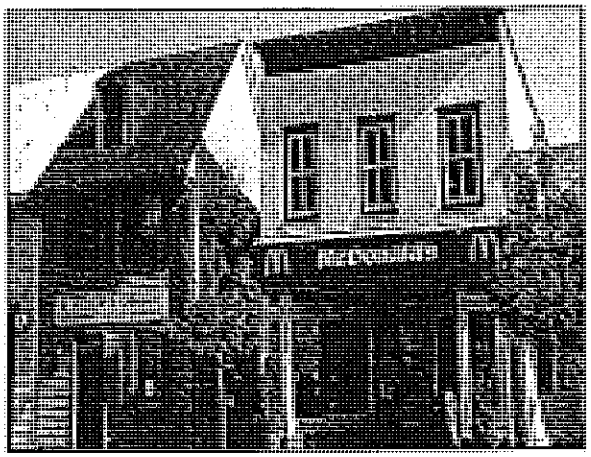


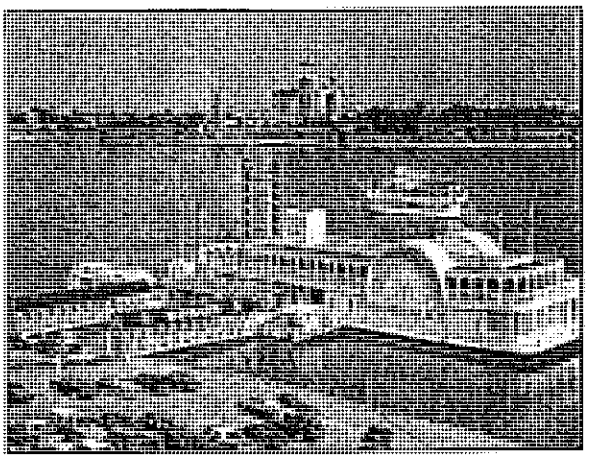
New Construction
Should Enhance
Community Character

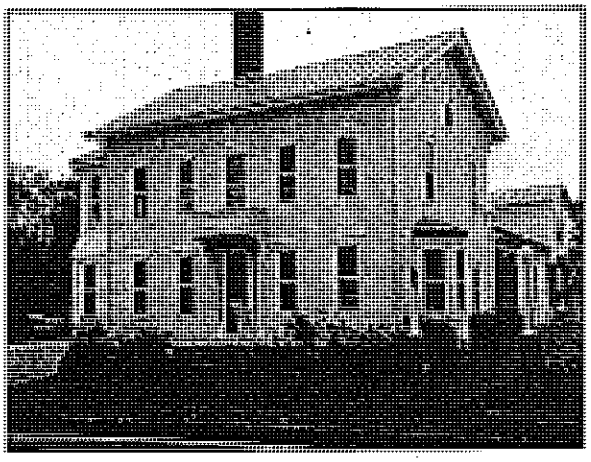










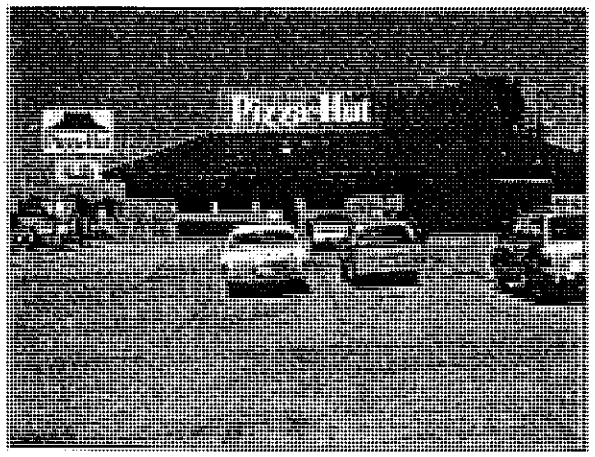


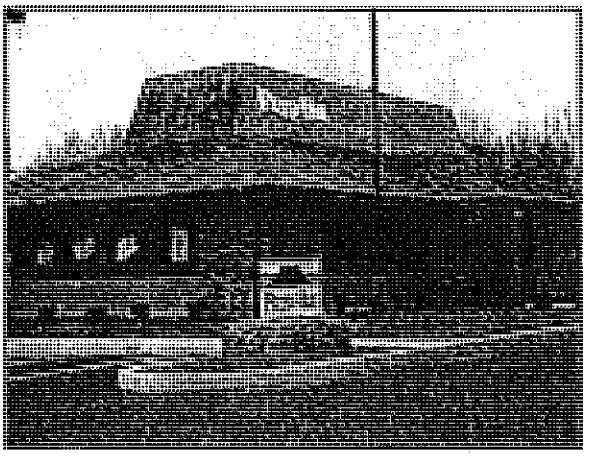
You Have a Choice!

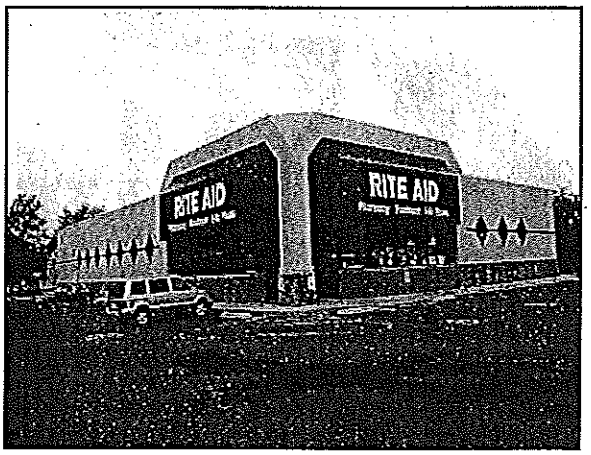
"When a chain store developer come to town they generally have three designs (A, B, or C) ranging from Anywhere USA to Unique (sensitive to local character)."

"Which one gets built depends heavily upon how much push back the company gets from local residents and officials about design & its importance."

Source: Bob Gibbs, Retail Consultant, Birmingham, MI


Pizza Hut

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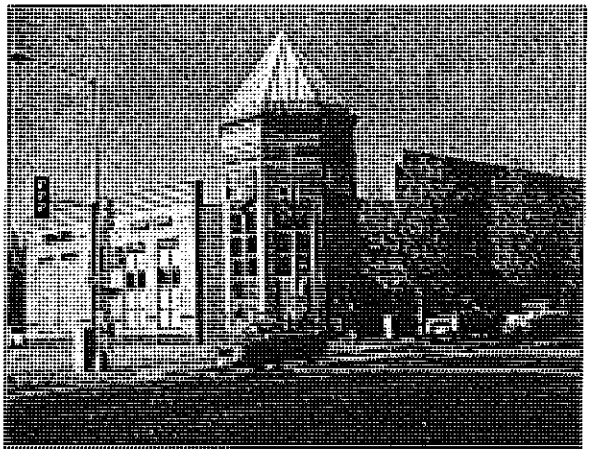
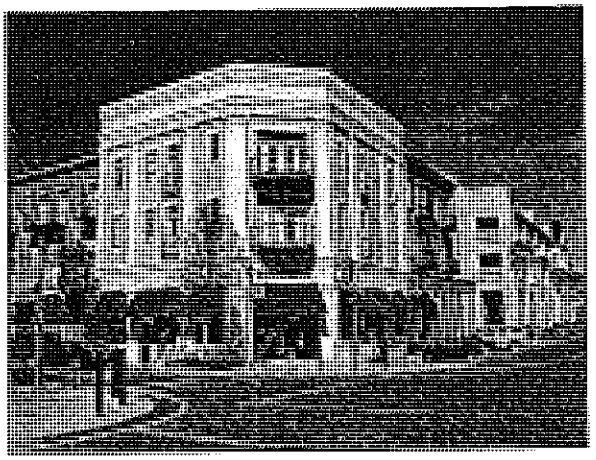
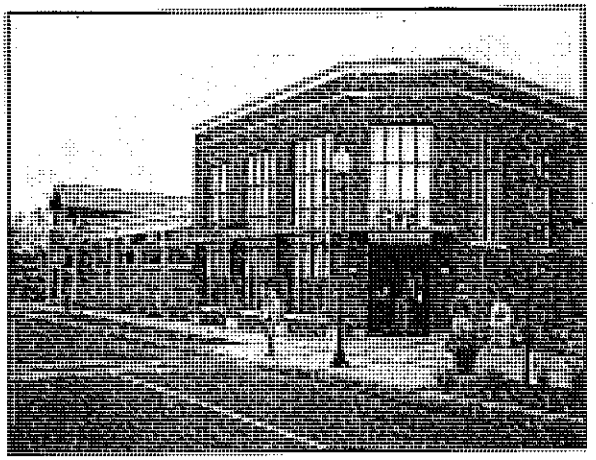
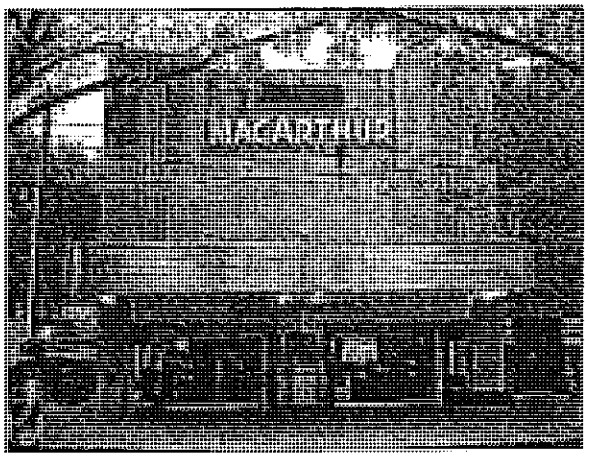
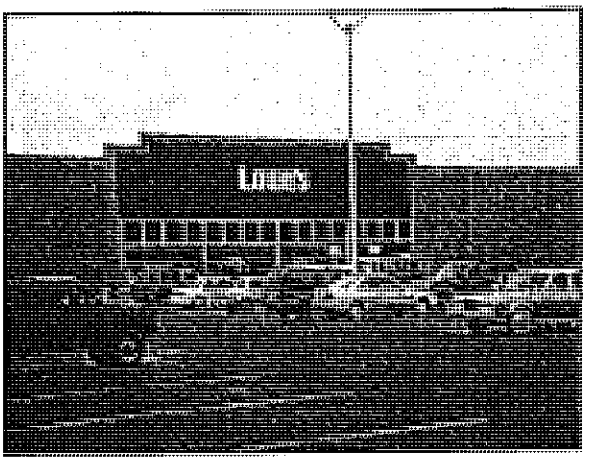


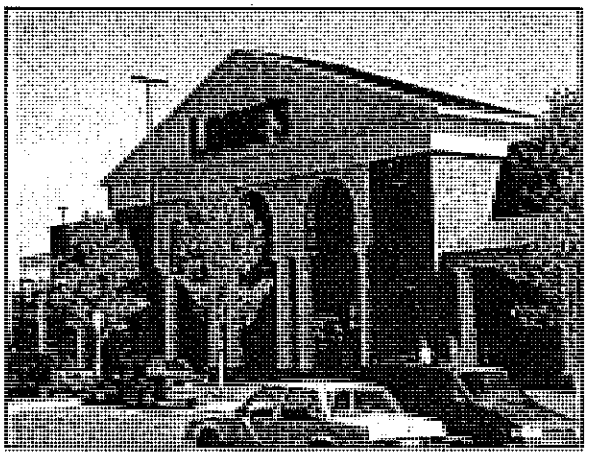
CVS

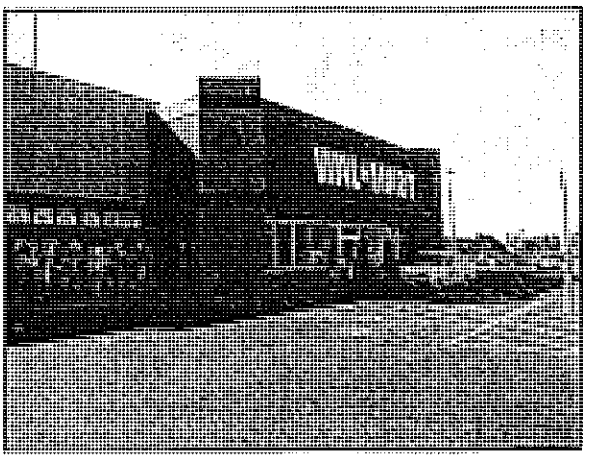


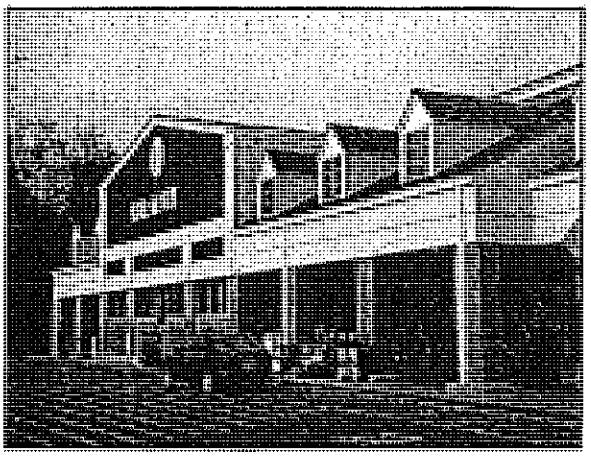


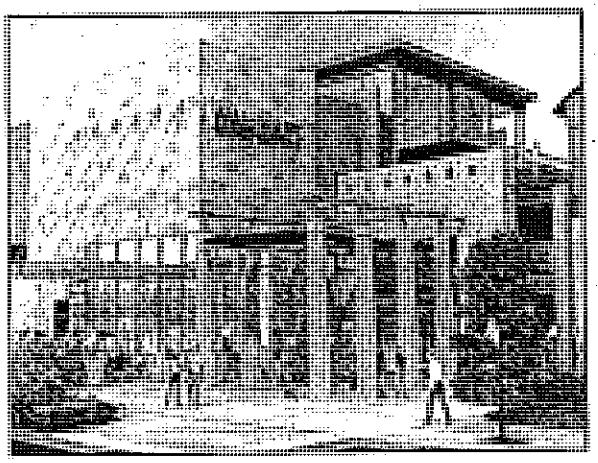

MACARTHUR











"We've reached a stage

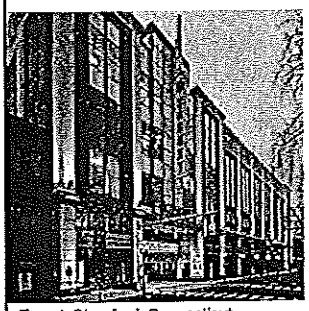
Where we can be flexible.

We no longer have to build

a gray-blue battleship box."

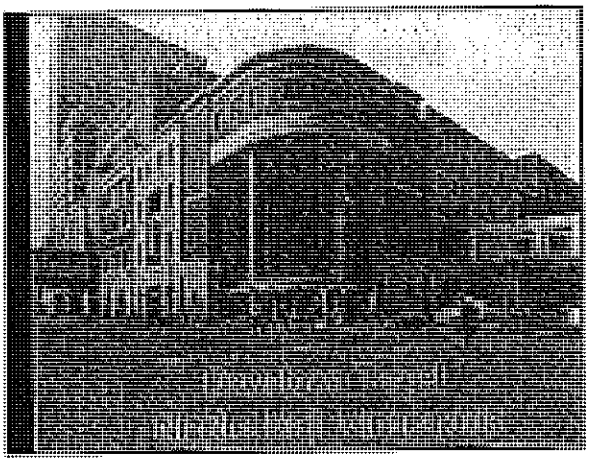
Robert W. Stoker
Wal-Mart's Senior Real Estate Manager

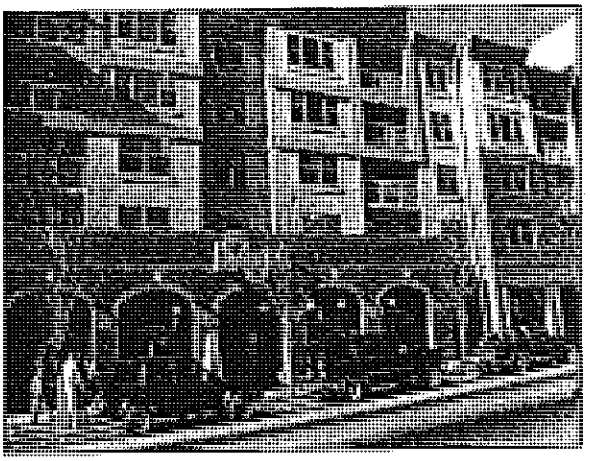
The Changing Shape of Big Box Stores



Target, Stamford, Connecticut

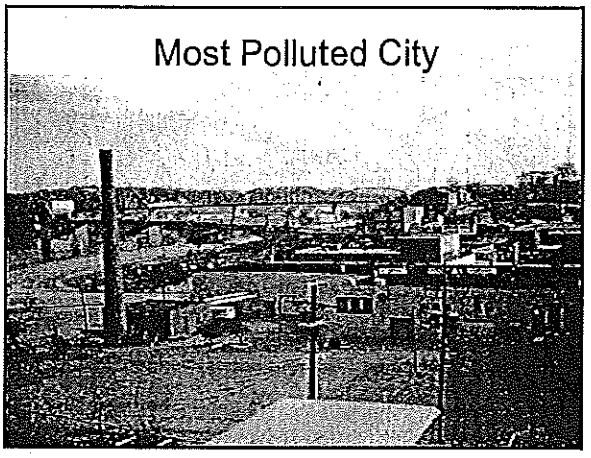
A growing number of big box stores are located in multi-story buildings, which means they use less land, fit better with the community and are accessible on foot or by transit.

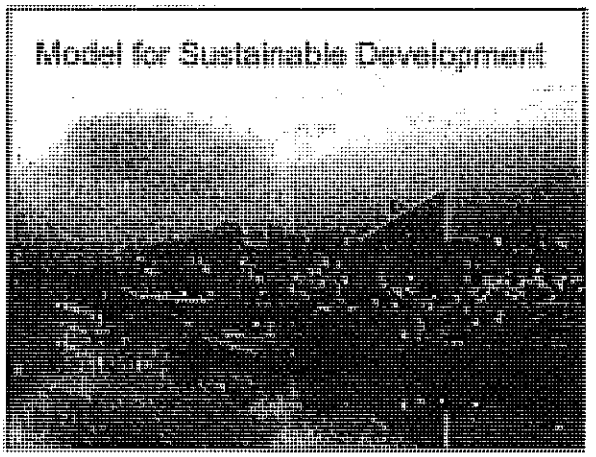


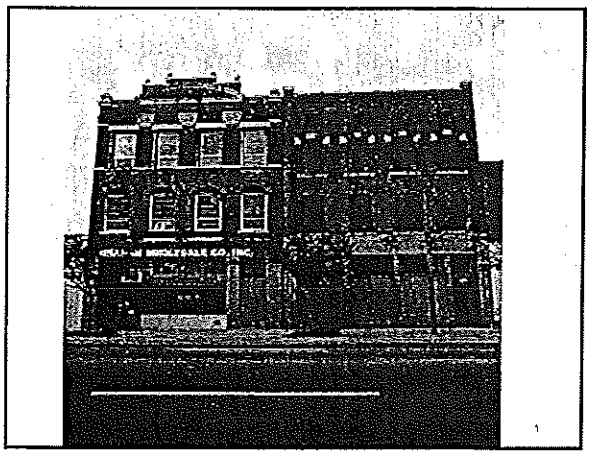


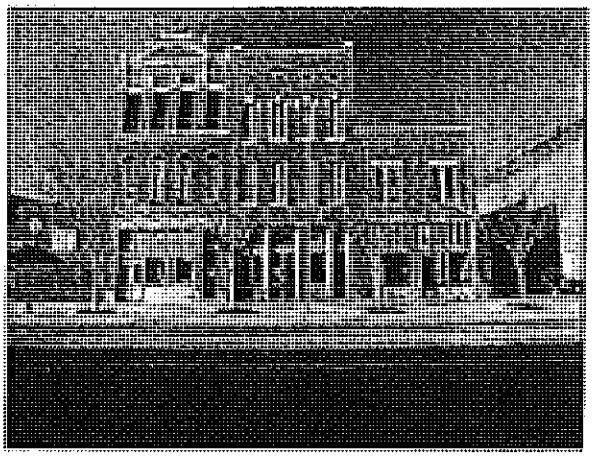
Secrets of Successful Communities

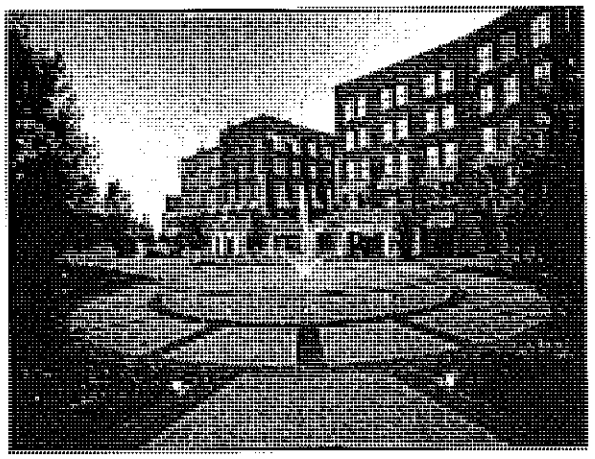
- Develop a vision for the future
- Inventory local assets and resources
- Build plans around the enhancement of assets
- Use education, incentives, partnerships and voluntary initiatives – not just regulation
- Pick and choose among development proposals
- Cooperate with neighbors for mutual benefit
- Protect community character as well as ecology and economics
- Have strong leaders & committed citizens

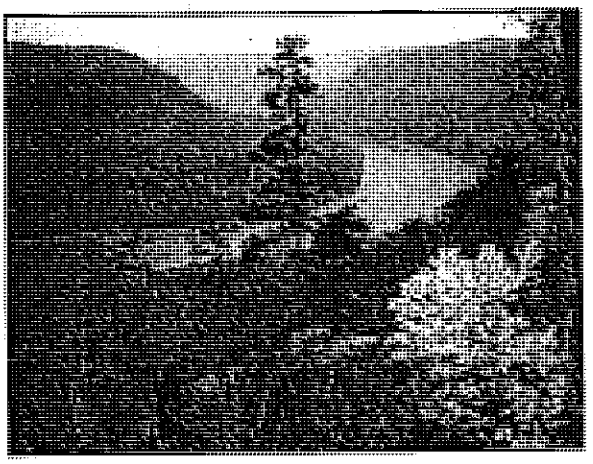


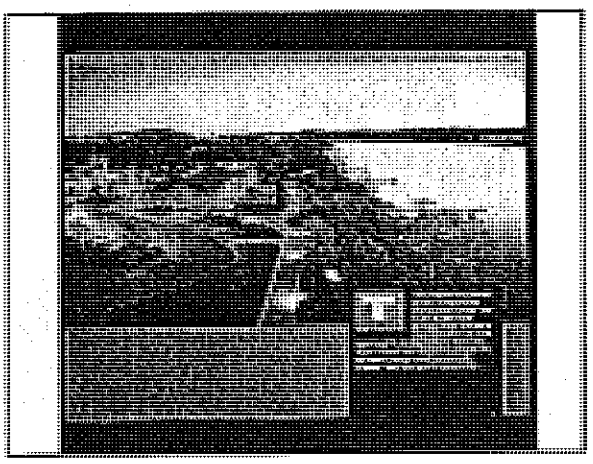


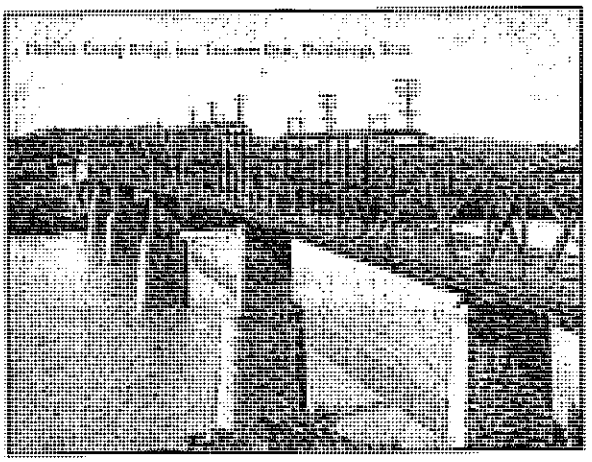


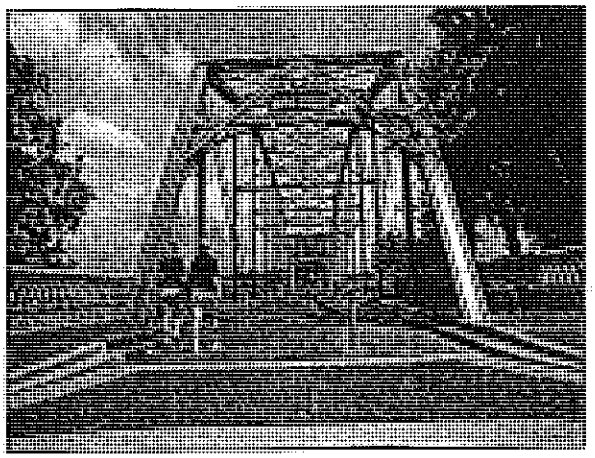






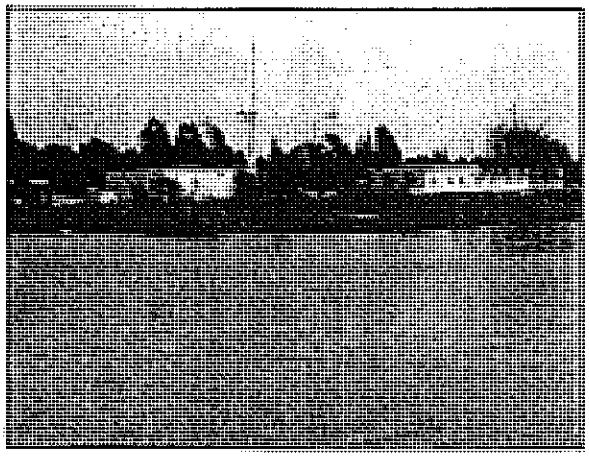


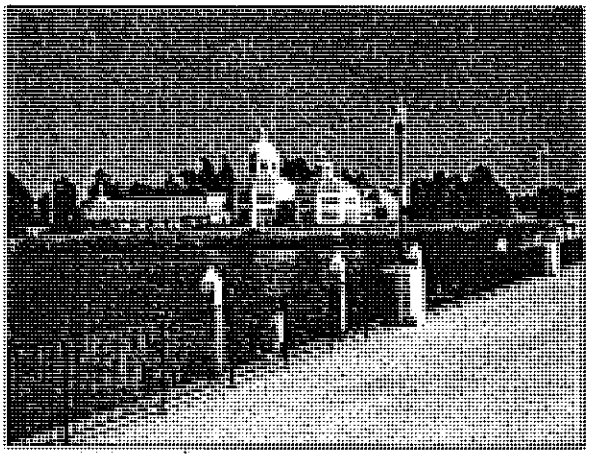




Key Lesson Learned

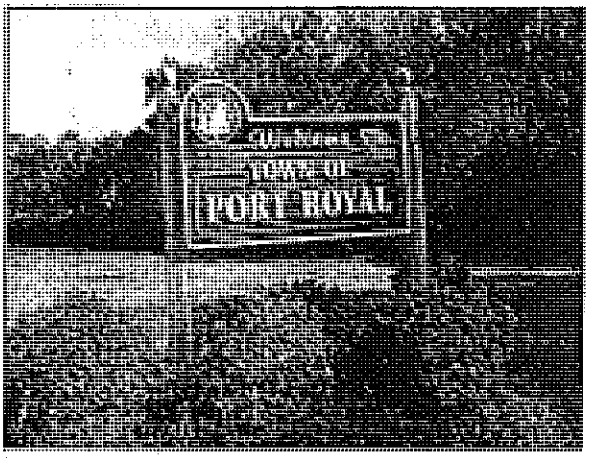
How much something costs is not the most important question.

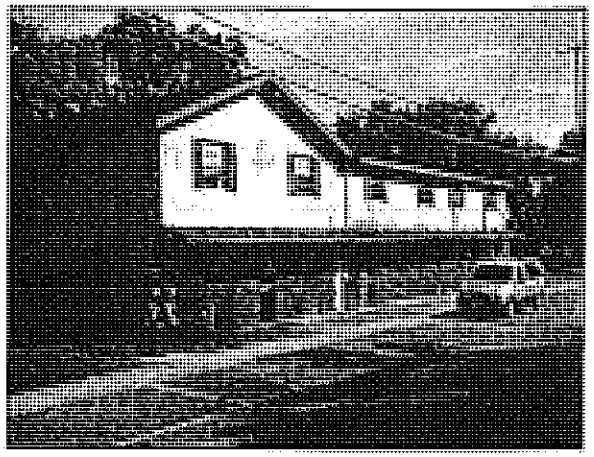


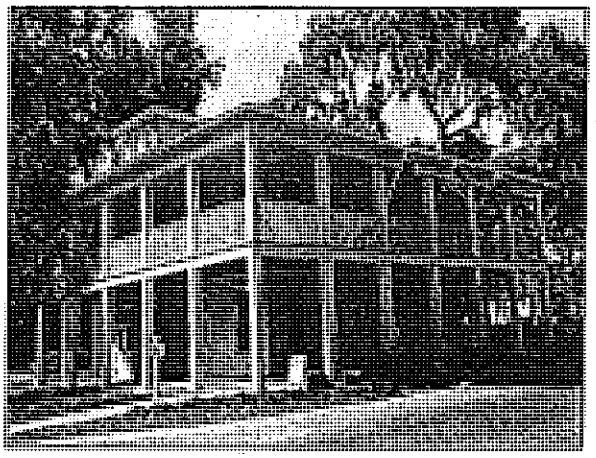


Key Lesson Learned

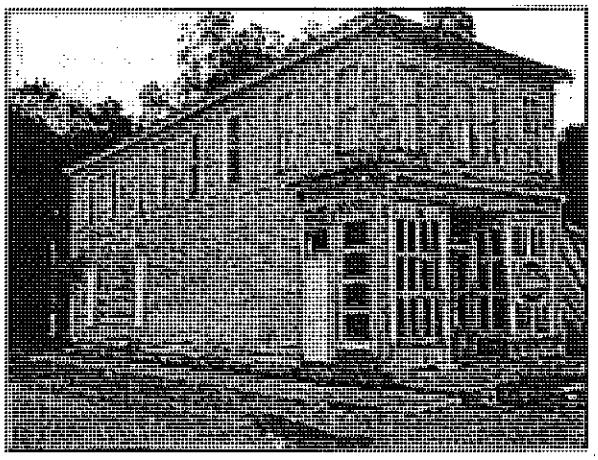
Why would anybody invest in a community that won't invest in itself?

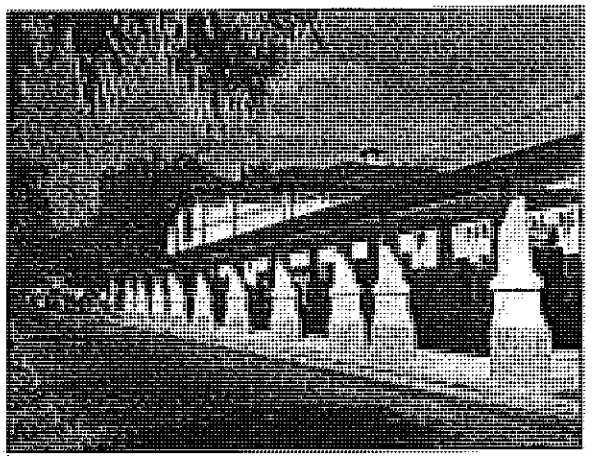


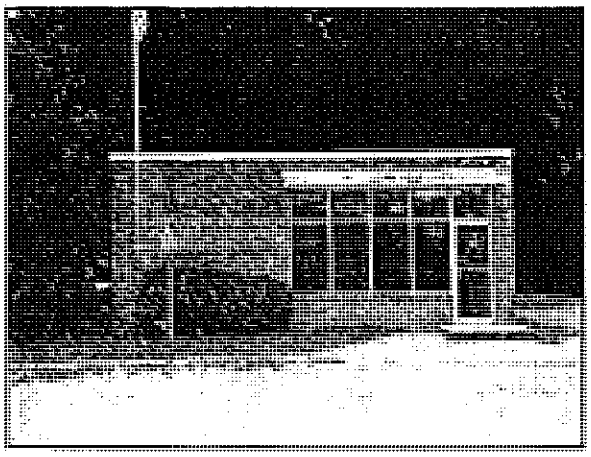




The Village of Red Devil



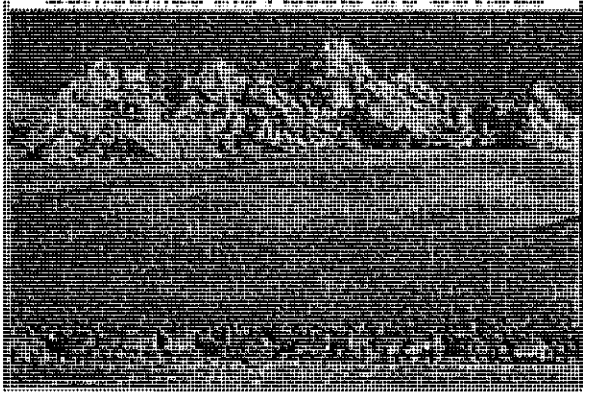


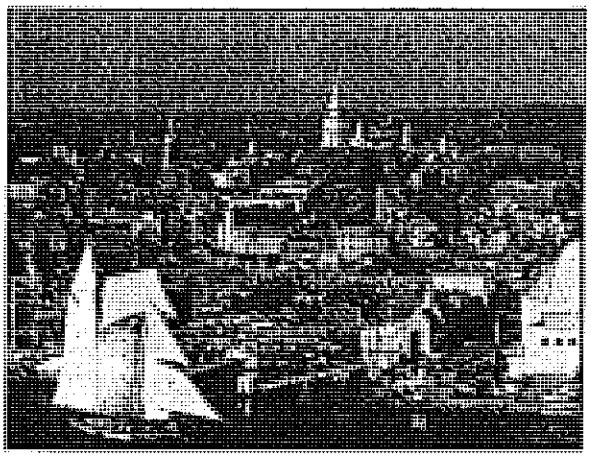


Inventory Assets

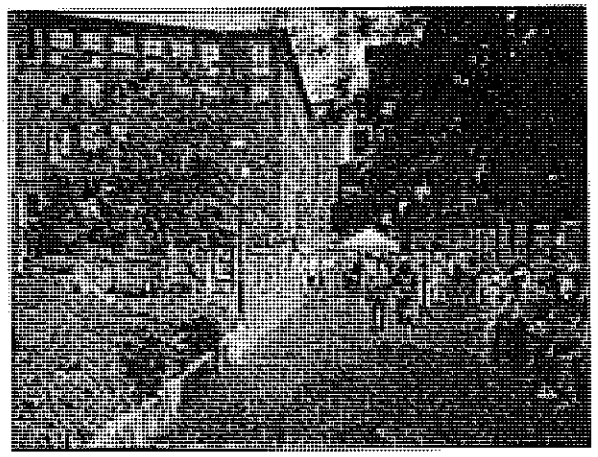
- Natural Resources
- Cultural Resources
- Human Resources
- Economic Resources
- Educational Resources

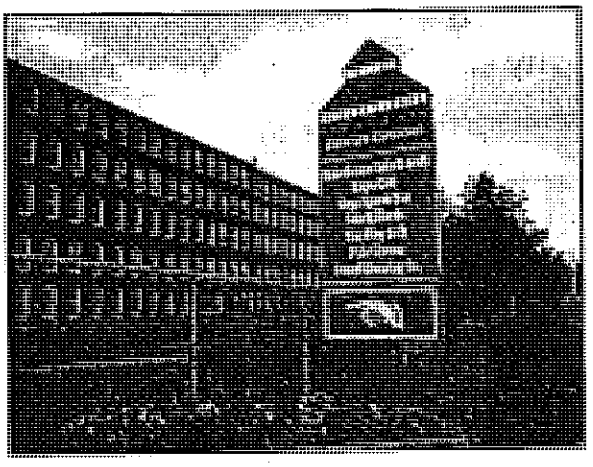
Sometimes the Assets are Obvious

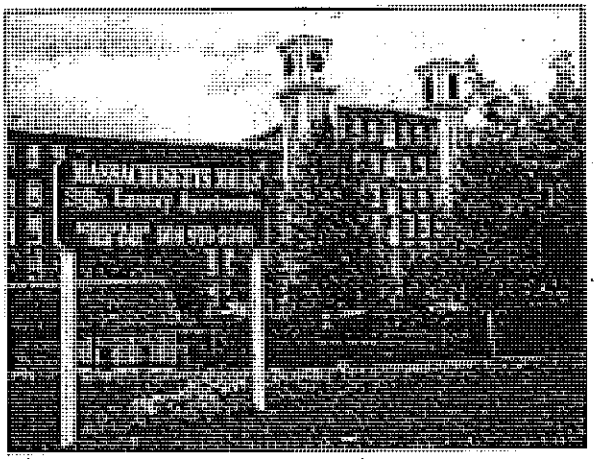


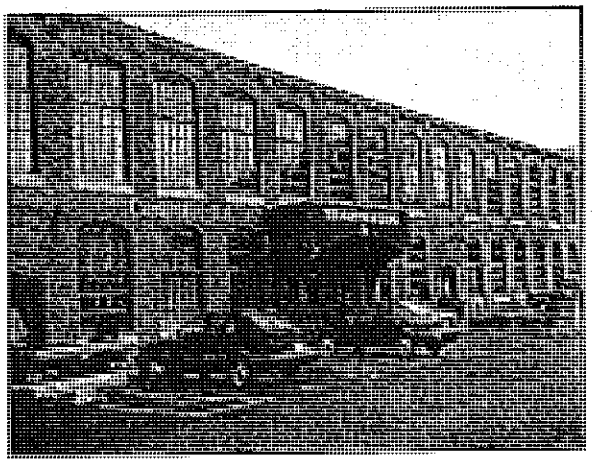


Sometimes They Are Not Obvious





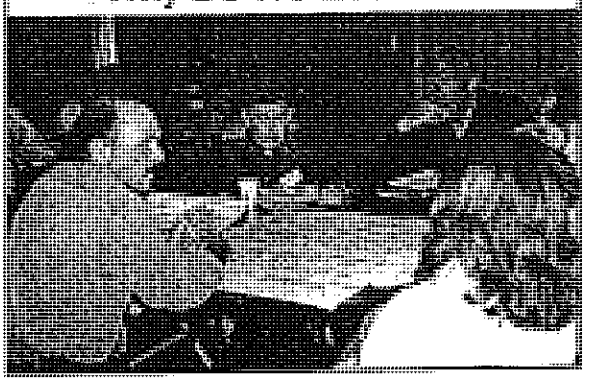




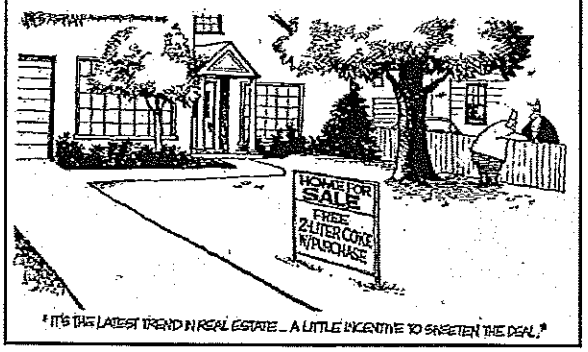
Explore Beyond Regulation

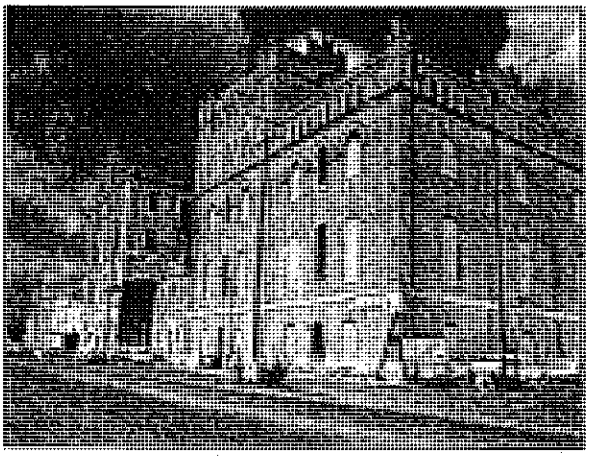
- Education
- Incentives
- Partnerships
- Voluntary Initiatives

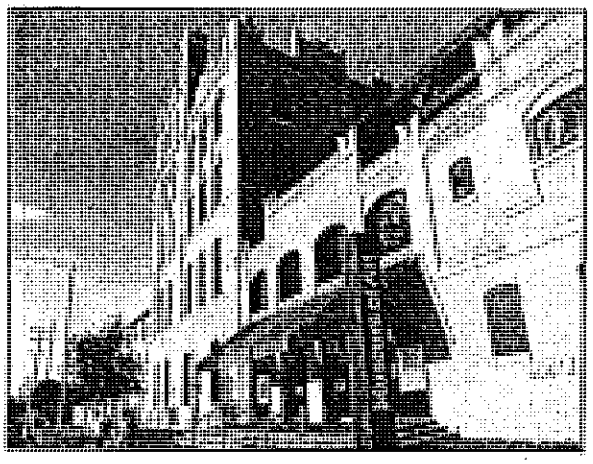
Why Do We Educate?



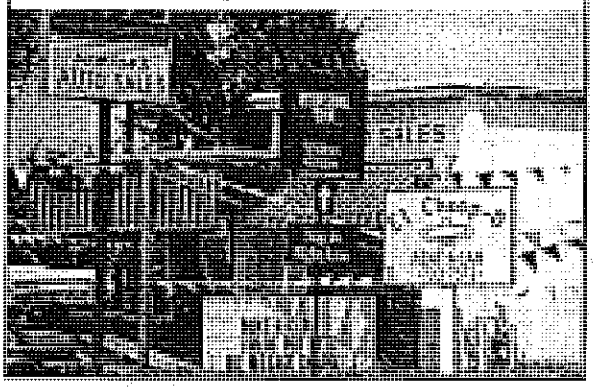
Why Should We Use Incentives?





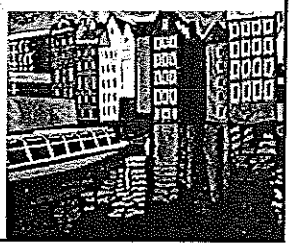


Community Character Matters

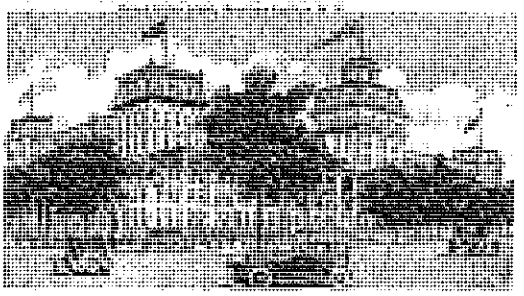


"We take stock of a city like we take stock of a man. The clothes or appearance are the externals by which we judge."

- Mark Twain



Community Character



Grand Union Hotel, Saratoga Springs, New York

Deteriorates One Project at a Time

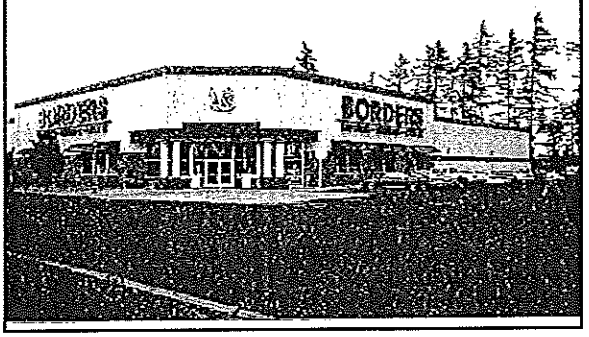
Grand Union Grocery Store, Saratoga Springs, New York

And it Can Get Better – One Project at a Time

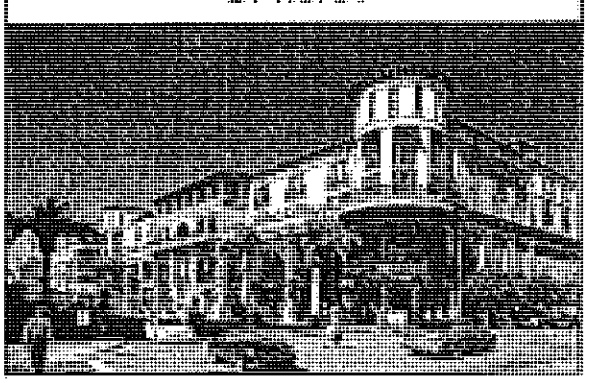
Grand Union Plaza & Hotel, Saratoga Springs, New York

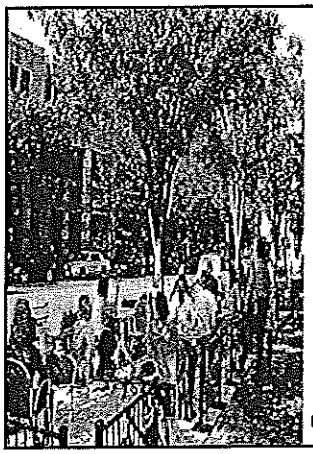
SUCCESSFUL COMMUNITIES PICK AND CHOOSE AMONG DEVELOPMENT PROPOSALS

Would you rather shop here?



Or here?





"People stay longer, spend more money and come back more often to places that attract their affection."

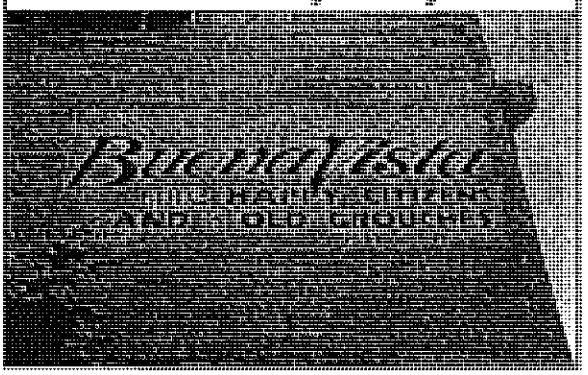
Source: *Urban Design and the Bottom Line*, ULI, 2009

Hometown Hero's!

"Never doubt that a small group of committed individuals can change the world. Indeed, it is the only thing that ever has."

- Margaret Mead

It Is Not Always Easy



Leadership is Important!

But Sometimes Unappreciated!

"Apart from medicine, education, wine, public order, roads, irrigation, public health and a fresh water system, what have the Romans ever done for us?"

Source: Monty Python's, *Life of Brian*

A Final Thought

Vision counts, but implementation is priceless!

Thank You!

Ed McMahon, Urban Land Institute
emcmahon@uli.org

Memorandum

OHM

Date: September 21, 2010

To: Donna Dettling, Village Manager

From: Rhett Gronevelt, PE
Christine Phillips, PE

Re: Updates on Village Projects

It was a busy summer in the Village, as the Village made several infrastructure improvements to their water, sewer and road systems. The Village residents will experience the benefits of the construction work with improved service and reliability. This memo is to provide an update on those projects that are in progress or near completion.

Equalization Basin Improvements Project

The Equalization (EQ) Basin Improvements project has been a smooth project, as the Contractor has worked diligently with the Village to complete the project on time and within budget. If you were to visit the site, you would notice that the EQ basin and diversion control structure construction is complete. Some of the site work, such as piping, grading, and concrete, has also been completed. There is only some site piping, paving, electrical and restoration work yet to be done.

While the rest of the EQ Basin project has been on schedule, one construction item has put the project approximately 45 days behind schedule. The project delay is due to the fabrication and delivery of sluice gates needed for the connection of the Parshall Flume to the diversion control structure. The ARRA funding of the project requires that materials are made in the United States. As such, the manufacturer was chosen based the ARRA requirement and they are behind on manufacturing, with little other option for the contractor. So, it is expected that the EQ basin and other improvements at the wastewater treatment plant (WWTP) will be fully operational just before Thanksgiving.

In addition, the project is currently expected to finish within 4% of the original construction costs (bid awarded at $1,654,000), which is well within than the amount of funding available to the Village through the SRF loan. Also, the EQ Basin funding was combined with the funding for the Sewer Rehabilitation Project, which is complete and came in under budget. Some additional costs at the EQ Basin are associated with an upgrade in the electrical service to the WWTP to provide additional electrical capacity that corresponds with the capacity of the new generator, reconfiguration of the connection between the Parshall Flume and the diversion control structure, upgrades to the HVAC service at the plant due to Washtenaw County Building requirements, relocating light poles on site, and providing access to the pump station manhole to allow for operation of the manhole from the ground surface.

34000 Plymouth Road | Livonia, Michigan 48150
p. (734) 522-6711 | f. (734) 522-6427
www.ohm-advisors.com

Water System Improvements Project

If you recall, the Dexter 2010 DWRF Water System Improvements project included installation of water main throughout the Village along with construction of the Fifth Well and well house and much needed improvements at the existing Water Treatment Plant (WTP). It is a diverse list of improvements, which the Contractor has been working hard to construct.

The Contractor worked quickly through the installation of the water main working around the school schedule and other Village events. All the new and upgraded water main on the project is constructed and working well. We are aware that there are some areas of restoration where the grass did not grow well. While this was for various reasons, such as vehicles driving on it or a washout during a heavy rain storm, it was compounded by the hot and dry August weather we experienced. The contractor is aware of the areas, as was detailed in the Village Manager report on the September 13, 2010 Council agenda. Additional restoration throughout the project limits will be completed before closing out the project.

The construction of the new Well House is also complete, including site grading, fencing and paving. The Fifth Well is operational; however, the chlorination system has not been functioning properly. This is likely due to the pumps, and OHM has been working on a daily basis with the contractor and the pump manufacturer to resolve the problem and ensure that the Fifth Well operates as it was designed. Because of the problems with the chlorine pumps, the Fifth Well was not brought online to pump directly to the water system for an extended period of time. In addition, due to the hot August temperatures and increased water use, it was determined that it would be wise to wait until the Fifth Well could reliably pump to the Village's water system prior to completing any work on the piping or pumps at the WTP.

Building work at the WTP has begun, as the contractor works on improvements that do not impact the water system operations, such as the building addition and roof replacement. As stated above, once the issues with the chlorine pumps are resolved and the Fifth Well is online, the contractor will begin replacing the high service pumps and piping at the WTP. Because the timing of the WTP improvements is dependent on the Fifth Well being brought online, it is difficult to estimate a completion date. If the Fifth Well is brought online by the end of September, it is possible that the DWRF Water System Improvements Project will be completed by the end of this year.

Currently, it appears that the project budget is within the construction budget approved by Council, which includes approximately $1,427,000 for DWRF eligible portion and $333,000 for the non-eligible portion. In addition, at this point in time, it appears that the effort in engineering services is close to the Council approved budget. Even though, the challenges at the Fifth Well House have resulted in the need to continually monitor the contractor's work. This has required additional observation; OHM is working to stay within the approved budget for construction services.

In addition, the design for the corrosion control at the existing WTP is near completion. Bids will be solicited from three contractors to complete the work after the improvements at the existing WTP (part of the current DWRF project) have been completed.

Inverness Street Project

The Inverness Street project provided the Village with a completely reconstructed roadway from Ann Arbor St to Grand St. This work was completed as a log-style project (without formal design plans), and was added to the contract work under the Dexter 2010 Water System Improvements Project.

As requested by the Village Council at the August 23rd Council Meeting and noted in the Village Manager Report on September 13, further restoration will be completed along Inverness Street. This includes additional paving at the driveways and near the mailbox. There will also be some areas where the contractor will clean up the lawn extensions. It is likely that the restoration work will be completed in conjunction with the paving work at the WTP that is being completed as part of the DWRF project.

Council originally approved a total budget of $120,000 for construction and engineering services. Current estimates show that the total project costs are likely to be approximately $130,000 for the additional construction and engineering work that has been or will be completed. Costs will be finalized when the additional restoration work is done.

Dexter-Ann Arbor Road Project

The construction of the Dexter-Ann Arbor Rd project is complete. The work was completed within schedule and within 1% of the January engineer's opinion of probable cost of $175,000. Because this project is being administered through the Michigan Department of Transportation's Local Agency Program, it is expected that the project will not be fully closed out for a few months. While a final balancing change order is expected to be completed in the next week, approval will be needed from MDOT and the Contractor.

Dexter Sidewalk Program

The project was designed and bid out with a bid opening scheduled for Monday, September 20. The Council will be presented with a bid award at the September 27th Council meeting. The sidewalk construction associated with this project is planned to be completed this fall. To date, seven contractors have picked up plans for bidding.

Road Maintenance Follow-up

Some of the roadways that were cape sealed and micro surfaced last year have experienced moderate to severe flushing, where excess asphalt cement has come to the road surface. The Contractor, Highway Maintenance and Construction Company, has placed additional sand in areas of moderate flushing and rolled those areas with a rubber tire roller. For the areas of severe flushing, the Contractor has proposed to place another layer of micro surface on these areas. It is expected that the additional micro surface layer will be done this fall. The Contractor has agreed to guarantee these repaired areas with a Maintenance and Guarantee Bond for an additional two years from the date of the repairs. We will monitor these areas to ensure that the repair meets the Village's standards.

MICHIGAN FITNESS FOUNDATION

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Marilyn R. Lieber

September 15, 2010

Ms. Donna Dettling
8140 Main St.
Dexter, MI 48130

Ms. Dettling,

Congratulations! The Michigan Fitness Foundation is pleased to announce that Dexter Village **has earned a Bronze award as part of the 2010 Promoting Active Communities Program.** Dexter Village is part of a growing movement throughout Michigan to create more active, livable, and economically viable communities and has joined a network of 127 Michigan communities in 53 counties who have participated in the Promoting Active Communities (PAC) Program and earned an award since 2000.

The PAC Program is like no other in the country. By completing the online self-assessment and earning an award, Michigan communities are recognized for using innovative approaches to make it easier for residents to lead more active lifestyles through supportive programs, public policies and community design. You are to be commended not only for your efforts to complete the PAC assessment, but also for helping Dexter Village become a more active, healthy community!

Each community is recognized for their efforts, receiving one of five award levels or an honorable mention. The highest level of award is platinum, while an honorable mention acknowledges communities that are working to establish the foundation for an active community. PAC team members are encouraged to periodically re-assess their community to see improvements and move up the awards ladder. The levels of awards are as follows:

Honorable Mention: Communities are at the first stages of embracing active living.
Copper: Communities have made a commitment to becoming a healthier place to live and have begun to take steps toward removing barriers to physical activity.
Bronze: Communities have taken important steps toward making it easy for people to be active.
Silver: Communities have achieved significant progress toward making it easy for people to be active.
Gold: Communities can document outstanding achievements in making it easy for people to be active.
Platinum: Communities are models of commitment to healthy, active living.

A news release announcing all PAC awards will be distributed to media outlets statewide within the next week. To help you celebrate at the local level, I will send you your award. I encourage you (or another key community member) to present the award at a public meeting (e.g., city council or planning commission, etc.). To assist you with this, I will send you a script and/or brief PowerPoint presentation that you can personalize and use.

P.O. Box 27187 Lansing, MI 48909 800-434-8642 517-347-7891 Fax: 517-347-8145 www.michiganfitness.org

MICHIGAN
FITNESS
FOUNDATION

A news release announcing all PAC awards will be distributed to media outlets statewide within the next week. To help you celebrate at the local level, I will send you your award. I encourage you (or another key community member) to present the award at a public meeting (e.g., city council or planning commission, etc.). To assist you with this, I will send you a script and/or brief PowerPoint presentation that you can personalize and use. You will also receive a personalized community news release template to assist you in sharing your accomplishments with media contacts in your community or region.

If you decide to present the award publicly, think about who you want to hear about your community's achievements. I encourage you to extend an invitation to your legislators and other key community members, including the media.

A community feedback report will soon be published on the Promoting Active Communities website (accessible with your username and password). This report offers a great way to share the assessment results with your PAC team and others interested in promoting health in your community. You will receive an email to notify you when the report has been published.

Congratulations again on achieving this award. I encourage you to continue collaborating with your partners to promote active, healthy lifestyles in your community and to use the PAC assessment results to enhance the community planning process. The momentum you have helped create will ensure that Michigan is a healthy place to live, work and play for years to come. Thank you for all of your efforts.

Sincerely,

Sarah L. Panken

Sarah L. Panken
Active Communities Coordinator

AGENDA 9-27-10
ITEM I-5.

Village President Report

Hello Residents and Fellow Council Members,

Here is a summary of my activity since my last report and some of my future planned activities:

Activities Since my Last Report

September 15, 2010 – Police Services Steering Committee – I attended this meeting on behalf of the Village. The committee is trying to determine the true cost of a Police Service Unit. Copies of the handouts from the meeting are attached. I plan to provide written comments to Sheriff Clayton and his team. Please let me know if there is anything you would like me to forward.

September 15, 2010 – Regional Fire Department Meeting at the Dexter District Library – we finalized the date, time and place (September 23, 2010 at 7 pm at Scio Twp Hall) for the regional presentation to all Boards.

September 16, 2010 – Downtown Development Authority meeting – pretty short meeting – the only action we took was approval of the bills.

September 16, 2010 – Suds on the River in support of the Huron River Watershed Council – excellent event and evening.

I have continued to trade emails with representatives of the North Campus Research Complex project at the University of Michigan and am attempting to set up either a phone conversation or face to face meeting.

Shannon Bellers from Adams Outdoor signs contacted me this past week. We spoke on Friday afternoon. She was inquiring again if there was any Village interest in converting the current advertising sign to a digital sign along Dexter AA Road. I told her that we briefly discussed their initial request at our July 26th VC meeting under my report and that it met with lukewarm support and very few comments. In fairness to her follow-up, I told her I would bring it up one more time to see if there was any interest or whether this was something we wanted the Planning Commission to discuss. Please be prepared to provide some input to me at the meeting.

Future Activities

September 21, 2010 – Union Negotiation meeting at Village offices

September 22, 2010 – Fire Detection Committee meeting - The committee recently met on August 25th, however, I was unable to attend. It is unlikely that I will be able to attend the Sept meeting, but I wanted everyone to know when it is scheduled

September 22, 2010 – Tupper Property Redevelopment Team meeting – It is unlikely that I will be able to attend this meeting, but I wanted everyone to know when it is scheduled

September 27, 2010 – MDNRE meeting at Village offices to discuss Mill Creek park

September 27, 2010 - Village Council Meeting

October 4, 2010 – Economic Development Committee meeting at 3:30 pm – It is unlikely that I will be able to attend this meeting, but I wanted everyone to know when it is scheduled.

October 11, 2010 – Village Council Meeting

October 20, 2010 – Regional Fire Department meeting

October 20, 2010 – Town Hall meeting – topics include Ann Arbor Transit Authority Master Plan plus general Village Topics.

November 13, 2010 – Tentative Date for Council Workshop – please try to reserve the date

As always, I welcome each of you to contact me with any questions and/or suggestions you may have. See you around our town.

Shawn Keough

Village President

(734) 426-5486 (home)

(313) 363-1434 (cell phone)

POLICE SERVICES 2011 COST ANALYSIS ***Scenario 1***
PSSC Financial Subcommittee Recommendation ***9/15/2010***

Scenario 1: Sheriff Admin Patrol assumes 50% of the Sheriff, Undersheriff, Director of Community Engagement, Director of Administrative Operations, Business Manager, 2 Adminstrative Assistants; 80% of a Lieutenant and 100% of the Patrol Commander, a Sergeant and a Community Service Officer salaries, fringes, uniform and gun allowance

Cost Category Breakdown				
Contract w/ Supervision		**2011 Estimate**		**74 PSU 2011 Per PSU**
Direct				
Salary	$	5,498,333	$	74,302
Fringe	$	3,350,548	$	45,278
Uniform Allowance	$	130,500	$	1,764
Gun Allowance	$	56,550	$	764
Fleet	$	973,163	$	13,151
Direct Subtotal	***$***	***10,009,094***	***$***	***135,258***
Indirect				
Central Dispatch	$	1,505,401	$	20,343
Net Revenue	$	(713,072)	$	(9,636)
Net Fire Dispatch	$	(161,860)	$	(2,187)
Liability Insurance	$	189,016	$	2,554
Sheriff Support Services Salary	$	478,954	$	6,472
Sheriff Support Services Fringe	$	325,510	$	4,399
Sheriff Support Services Overtime	$	8,725	$	118
Sheriff Support Services Uniforms	$	5,118	$	69
Info & Tech Systems	$	509,939	$	6,891
General Supplies	$	60,840	$	822
Other Services & Charges	$	197,425	$	2,668
Capital Outlay	$	8,223	$	111
Contract Related Legal	$	51,921	$	702
Indirect Subtotal	***$***	***2,466,140***	***$***	***33,326***
Contract Subtotal	***$***	***12,475,234***	***$***	***168,584***

POLICE SERVICES 2011 COST ANALYSIS

Cost Category Breakdown		**2011 Estimate**			
Overhead		**Contract Services**		**County**	**2011 Per PSU**
Sheriff Admin - Patrol	$	687,075	$	241,405	$ 9,285
Sheriff Admin - Non Patrol	$	-	$	504,402	$ -
Sheriff Support Services - Non Patrol	$	-	$	135,263	$ -
Central Dispatch - Non Patrol	$	-	$	1,430,573	$ -
General Supplies	$	29,576	$	10,392	$ 400
Other Services & Charges	$	95,974	$	33,721	$ 1,297
Capital Outlay	$	3,997	$	1,405	$ 54
Uniform Allowance	$	4,307	$	62,992	$ 58
Gun Allowance	$	1,443	$	22,607	$ 20
Fleet	$	-	$	314,729	$ -
CAP	$	-	$	1,402,034	$ -
WCERS Retirement	$	-	$	2,012,258	$ -
Overhead Subtotal	***$***	***822,373***	***$***	***6,171,780***	***$ 11,113***
				Cost Per PSU	***$ 179,697***

General Supplies include such expenditures as printing, office and operating supplies, and postage
Other Services & Charges include such expenditures as telephone, employee development, equipment rental/repair, and background checks

POLICE SERVICES 2011 COST ANALYSIS ***Scenario # 2***
PSSC Financial Subcommittee Recommendation ***9/15/2010***

Sheriff Admin Patrol assumes 33% of the Sheriff, Undersheriff, Director of Administrative Operations; 50% of the Director of Community Engagement; 75% of a Lieutenant; 25% of 2 Administrative Assistants, Business Manager; and 100% of the Patrol Commander and a Sergeant salaries, fringes, uniform and gun allowance

Cost Category Breakdown

Contract w/ Supervision	**2011 Estimate**	**74 PSU 2011 Per PSU**
Direct		
Salary	$ 5,498,333	$ 74,302
Fringe	$ 3,350,548	$ 45,278
Uniform Allowance	$ 130,500	$ 1,764
Gun Allowance	$ 56,550	$ 764
Fleet	$ 973,163	$ 13,151
Direct Subtotal	***$ 10,009,094***	***$ 135,258***
Indirect		
Central Dispatch	$ 1,505,401	$ 20,343
Net Revenue	$ (713,072)	$ (9,636)
Net Fire Dispatch	$ (161,860)	$ (2,187)
Liability Insurance	$ 189,016	$ 2,554
Sheriff Support Services Salary	$ 478,954	$ 6,472
Sheriff Support Services Fringe	$ 325,510	$ 4,399
Sheriff Support Services Overtime	$ 8,725	$ 118
Sheriff Support Services Uniforms	$ 5,118	$ 69
Info & Tech Systems	$ 509,939	$ 6,891
General Supplies	$ 60,840	$ 822
Other Services & Charges	$ 197,425	$ 2,668
Capital Outlay	$ 8,223	$ 111
Contract Related Legal	$ 51,921	$ 702
Indirect Subtotal	***$ 2,466,140***	***$ 33,326***
Contract Subtotal	***$ 12,475,234***	***$ 168,584***

POLICE SERVICES 2011 COST ANALYSIS
Cost Category Breakdown

Overhead	**2011 Estimate Contract Services**	**County**	**2011 Per PSU**
Sheriff Admin - Patrol	$ 506,422	$ 177,932	$ 6,844
Sheriff Admin - Non Patrol	$ -	$ 748,529	$ -
Sheriff Support Services - Non Patrol	$ -	$ 135,263	$ -
Central Dispatch - Non Patrol	$ -	$ 1,430,573	$ -
General Supplies	$ 29,576	$ 10,392	$ 400
Other Services & Charges	$ 95,974	$ 33,721	$ 1,297
Capital Outlay	$ 3,997	$ 1,405	$ 54
Uniform Allowance	$ 3,504	$ 63,795	$ 47
Gun Allowance	$ 1,198	$ 22,852	$ 16
Fleet	$ -	$ 314,729	$ -
CAP	$ -	$ 1,402,034	$ -
WCERS Retirement	$ -	$ 2,012,258	$ -
Overhead Subtotal	***$ 640,671***	***$ 6,353,481***	***$ 8,658***
		Cost Per PSU	***$ 177,242***

General Supplies include such expenditures as printing, office and operating supplies, and postage
Other Services & Charges include such expenditures as telephone, employee development, equipment rental/repair, and background checks

POLICE SERVICES 2011 COST ANALYSIS ***Scenario # 3***
PSSC Financial Subcommittee Recommendation ***9/15/2010***

Sheriff Admin Patrol assumes 33% of the Director of Administrative Operations; 50% of the Director of Community Engagement; 75% of a Lieutenant; 25% of 2 Administrative Assistants, Business Manager; and 100% of the Patrol Commander and a Sergeant

Cost Category Breakdown				
Contract w/ Supervision		**2011 Estimate**		**74 PSU 2011 Per PSU**
Direct				
Salary	$	5,498,333	$	74,302
Fringe	$	3,350,548	$	45,278
Uniform Allowance	$	130,500	$	1,764
Gun Allowance	$	56,550	$	764
Fleet	$	973,163	$	13,151
Direct Subtotal	***$***	***10,009,094***	***$***	***135,258***
Indirect				
Central Dispatch	$	1,505,401	$	20,343
Net Revenue	$	(713,072)	$	(9,636)
Net Fire Dispatch	$	(161,860)	$	(2,187)
Liability Insurance	$	189,016	$	2,554
Sheriff Support Services Salary	$	478,954	$	6,472
Sheriff Support Services Fringe	$	325,510	$	4,399
Sheriff Support Services Overtime	$	8,725	$	118
Sheriff Support Services Uniforms	$	5,118	$	69
Info & Tech Systems	$	509,939	$	6,891
General Supplies	$	60,840	$	822
Other Services & Charges	$	197,425	$	2,668
Capital Outlay	$	8,223	$	111
Contract Related Legal	$	51,921	$	702
Indirect Subtotal	***$***	***2,466,140***	***$***	***33,326***
Contract Subtotal	***$***	***12,475,234***	***$***	***168,584***

POLICE SERVICES 2011 COST ANALYSIS

Cost Category Breakdown		**2011 Estimate**				
Overhead		**Contract Services**		**County**		**2011 Per PSU**
Sheriff Admin - Patrol	$	423,547	$	148,814	$	5,724
Sheriff Admin - Non Patrol	$	-	$	860,521	$	-
Sheriff Support Services - Non Patrol	$	-	$	135,263	$	-
Central Dispatch - Non Patrol	$	-	$	1,430,573	$	-
General Supplies	$	29,576	$	10,392	$	400
Other Services & Charges	$	95,974	$	33,721	$	1,297
Capital Outlay	$	3,997	$	1,405	$	54
Uniform Allowance	$	2,771	$	64,528	$	37
Gun Allowance	$	880	$	23,170	$	12
Fleet	$	-	$	314,729	$	-
CAP	$	-	$	1,402,034	$	-
WCERS Retirement	$	-	$	2,012,258	$	-
	$	***556,746***	***$***	***6,437,406***	***$***	***7,524***
				Cost Per PSU	***$***	***176,108***

General Supplies include such expenditures as printing, office and operating supplies, and postage
Other Services & Charges include such expenditures as telephone, employee development, equipment rental/repair, and background checks

Police Services – PSSC Financial Subcommittee Recommendation

2011 Cost Analysis Assumptions

	Scenario 1	*Scenario 2*	*Scenario 3*
Contract - Direct			
	2011 salary & fringe projections Uniform & gun allowance alignment w/ union contracts 2011 Fleet budget	2011 salary & fringe projections Uniform & gun allowance alignment w/ union contracts 2011 Fleet budget	2011 salary & fringe projections Uniform & gun allowance alignment w/ union contracts 2011 Fleet budget
Contract - Indirect			
	2011 Central Dispatch budget Liability Insurance, Info & Tech, Legal based on 2011CAP budget 2011 General Supplies, Other Services & Charges, Capital Outlay budget	2011 Central Dispatch budget Liability Insurance, Info & Tech, Legal based on 2011CAP budget 2011 General Supplies, Other Services & Charges, Capital Outlay budget	2011 Central Dispatch budget Liability Insurance, Info & Tech, Legal based on 2011CAP budget 2011 General Supplies, Other Services & Charges, Capital Outlay budget
Overhead			
Sheriff Admin - Patrol	2011 salary & fringe of 50% (Sheriff, Undersheriff, Director of Community Engagement, Director of Admin Ops, Business Manager, 2 Admin Assistants); 80% of 1 Lieutenant; 100% (1 Sergeant, 1 Patrol Commander, 1 CSO)	2011 salary & fringe of 33% (Sheriff, Undersheriff, Director of Admin Ops); 50% of Director of Community Engagement; 25% (Business Manager, 2 Admin Assistants); 75% of 1 Lieutenant; 100% (1 Sergeant, 1 Patrol Commander)	2011 salary & fringe of 33% of Director of Admin Ops; 50% of Director of Community Engagement; 25% (Business Manager, 2 Admin Assistants); 75% of 1 Lieutenant; 100% (1 Sergeant, 1 Patrol Commander)
Sheriff Admin – Non Patrol	Remainder of the salary and fringes above	Remainder of the salary and fringes above	Remainder of the salary and fringes above
Sheriff Support Services – Non Patrol	Remainder of 2011 salary & fringe for 1 Prop Tech, 3 CSO, 5 Office Specialists, 4 Account Clerks	Remainder of 2010asalary & fringe for 1 Prop Tech, 3 CSO, 5 Office Specialists, 4 Account Clerks	Remainder of 2011 salary & fringe for 1 Prop Tech, 3 CSO, 5 Office Specialists, 4 Account Clerks
Central Dispatch – Non Patrol	Remainder of 2011 Central Dispatch Budget	Remainder of 2011 Central Dispatch Budget	Remainder of 2011 Central Dispatch Budget

Police Services – PSSC Financial Subcommittee Recommendation

2011 Cost Analysis Assumptions

General Supplies	Remainder of 2011 Police Services General Supply Budget	Remainder of 2011 Police Services General Supply Budget	Remainder of 2011 Police Services General Supply Budget
Other Services & Charges	Remainder of 2011 Police Services Other Services & Charges Budget	Remainder of 2011 Police Services Other Services & Charges Budget	Remainder of 2011 Police Services Other Services & Charges Budget
Capital Outlay	Reminder of 2011 Police Services Capital Outlay Budget	Reminder of 2011 Police Services Capital Outlay Budget	Reminder of 2011 Police Services Capital Outlay Budget
Uniform Allowance	Uniform related to non-contract Police Services; based on union contract	Uniform related to non-contract Police Services; based on union contract	Uniform related to non-contract Police Services; based on union contract
Gun Allowance	Gun related to non-contract Police Services; based on union contract	Gun related to non-contract Police Services; based on union contract	Gun related to non-contract Police Services; based on union contract
Fleet	Remainder of 2011 Police Services Fleet budget	Remainder of 2011 Police Services Fleet budget	Remainder of 2011 Police Services Fleet budget
CAP	Remainder of 2011 Police Services CAP	Remainder of 2011 Police Services CAP	Remainder of 2011 Police Services CAP
WCERS Retirement	8% increase from 2010 assessment	8% increase from 2010 assessment	8% increase from 2010 assessment

AGENDA 9-27-10

ITEM J-1

SUMMARY OF BILLS AND PAYROLL			27-Sep-10
Payroll Check Register	09/22/10	$34,973.14	Bi-weekly payroll processing
Account Payable Check Register	09/27/10	$76,474.60	
		$111,447.74	TOTAL BILLS & PAYROLL EXPENDED ALL FUNDS
Summary Items from Bills & Payroll		Amount	Comments

ALL PAYABLES ARE WITHIN ACCEPTABLE BUDGET LIMITS

DETAIL VENDOR LIST AND ACCOUNT SUMMARY PROVIDED

Exceptions:

"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."

VENDOR APPROVAL SUMMARY REPORT

Date: 09/21/2010
Time: 2:16pm
Village of Dexter Page: 1

Vendor Name	Vendor Number	Description	Check Amount	Hand Check Amount
ABSOLUTE COMPUTER SERVICES	ABSOLUTE C	hp laser printer	90.00	0.00
ALEXANDER CHEMICAL CORPORATION	ALEXANDER	CREDIT	985.00	0.00
ANN ARBOR LANDSCAPING INC.	LANDSCAPIN	TREE PLANTING & REMOVAL	1,515.00	0.00
ARBOR SPRINGS WATER CO.INC	ARBOR SPRI	OFFICE	11.50	0.00
AT&T	AT&T	734 424 1425 2430	44.76	0.00
BARRETT PAVING MATERIALS INC	BARRETT PA	STREET MAINTENANCE	58.30	0.00
ALLISON BISHOP	BISHOP	MILEAGE REIMBURSEMENT	55.00	0.00
BLUE CARE NETWORK OF MICHIGAN	BLUE CARE	COVERAGE 10/01/10-10/31/10	16,882.07	0.00
BOOTH MICHIGAN	BOOTH MICH	ANN ARBOR .COM	345.45	0.00
CMR MECHANICAL	CMR	LABOR FOR EXHAUST FAN MOTOR	580.00	0.00
COMCAST	COMCAST	DPW	143.95	0.00
CRIBLEY WELL DRILLING CO INC	CRIBLEY	WWTP	8.50	0.00
CULLIGAN WATER CONDITIONING	CULLIGAN	WWTP	7.49	0.00
DETROIT MEDIA PARTNERSHIP	DETROIT ME	LEGAL NOTICES	592.20	0.00
DEXTER SENIOR CITIZENS CENTER	DEX SENIOR	QUARTERLY RENT	750.00	0.00
DEXTER VILLAGE	DEXVIL	WATER BILLS	2,254.11	0.00
DR. BARBARA WEHR	WEHR	SAMANTHA AUGUSTINE	164.00	0.00
DTE ENERGY	DET EDISON	LIFT STATION	45.00	0.00
FORT DEARBORN	FORT DEAR	COVERAGE 10/01-10/31/10	116.70	0.00
GADALETO, RAMSBY, & ASSOCIATES	FORT-GAD	COVERAGE 10/1-10/31/10	539.92	0.00
HERITAGE NEWSPAPERS	HERITAGE N	LEGAL NOTICES	126.00	0.00
JOHN'S SANITATION	JOHNS SAN	PARKS	375.00	0.00
KENNEDY INDUSTRIES, INC.	KENNEDY IN	REPAIRED PUMP	4,960.00	0.00
MELLISSA KESTERSON	KESTERSON	08/15-09/15/10	45.00	0.00
LEXISNEXIS RISK SOLUTIONS INC	LEXISNEXIS	MILEAGE CDL	4.11	0.00
METRO ENVIROMENTAL SERVICES	METRO ENVI	PUMP SERVICE	865.00	0.00
NATIONAL RECREATION AND PARK	NRPA	MEMBERSHIP	145.00	0.00
NEXTEL COMMUNICATIONS	NEXTEL COM	CELLULAR	397.58	0.00
NORFOLK SOUTHERN CORPORATION	NOR S CORP	LEASE	250.00	0.00
NORTH CENTRAL LABORATORIES	NCL	LAB	35.60	0.00
RICOH AMERICAS CORPORATION	RICOH AMER	COPIER	660.21	0.00
ROTO ROOTER	ROTO ROOTE	JETTED 6" LINES	1,605.00	0.00
SHERWIN-WILLIAMS	SHERWIN	PAINT	123.68	0.00
SWANNS	SWANNS	CLOTHING	321.16	0.00
TRUCK & TRAILER SPECIALTIES	TRUCK & TR	SPINNER MOTOR	189.46	0.00
WASHTENAW COUNTY TREASURER	W CTY TREA	LAW ENF SEPT 10'	3,182.50	0.00
WASTE MANAGEMENT	WASTE MANA	COMMERCIAL	36,915.91	0.00
WASTE MANAGEMENT OF MICHIGAN	WASTE MGT	ROLL OFF	1,084.44	0.00
		Grand Total:	76,474.60	0.00

Fund / Department / Account	GL Number Abbrev	Vendor Name / Invoice Description	Check Number	Invoice Number	Due Date	Amount
Fund: General Fund						
Dept: Village Council						
101-101.000-943.000	Council Ch	DEXTER SENIOR CITIZENS CENTER QUARTERLY RENT	0	09/20/10	09/20/2010	600.00
				Total Village Council		600.00
Dept: Village Manager						
101-172.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	1,939.42
101-172.000-721.000	Health & L	FORT DEARBORN COVERAGE 10/01-10/31/10	0	187579	09/20/2010	116.70
101-172.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	130.59
101-172.000-802.000	Profession	BOOTH MICHIGAN ANN ARBOR .COM	0	0003811474	09/20/2010	345.45
101-172.000-802.000	Profession	DETROIT MEDIA PARTNERSHIP LEGAL NOTICES	0	0005031615	09/20/2010	592.20
				Total Village Manager		3,124.36
Dept: Village Clerk						
101-215.000-901.000	Printing &	HERITAGE NEWSPAPERS LEGAL NOTICES	0	2005044	09/20/2010	72.00
				Total Village Clerk		72.00
Dept: Village Treasurer						
101-253.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	1,404.63
101-253.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	38.02
				Total Village Treasurer		1,442.65
Dept: Buildings & Grounds						
101-265.000-727.000	Office Sup	ARBOR SPRINGS WATER CO.INC OFFICE	0	1215965	09/20/2010	11.50
101-265.000-803.000	Contracted	ABSOLUTE COMPUTER SERVICES hp laser printer	0	62428	09/20/2010	90.00
101-265.000-920.001	Telephones	NEXTEL COMMUNICATIONS CELLULAR	0	593543512-102	09/20/2010	56.80
101-265.000-935.000	Bldg Maint	CMR MECHANICAL LABOR FOR EXHAUST FAN MOTOR	0	5253	09/20/2010	580.00
101-265.000-936.000	Equip Serv	RICOH AMERICAS CORPORATION COPIER	0	409894466	09/20/2010	660.21
101-265.000-962.000	Community	MELLISSA KESTERSON 08/15-09/15/10	0	005	09/21/2010	45.00
				Total Buildings & Grounds		1,443.51
Dept: Village Tree Program						
101-285.000-731.001	Trees	ANN ARBOR LANDSCAPING INC. TREE PLANTING & REMOVAL	0	09/20/10	09/20/2010	1,290.00
101-285.000-803.000	Contracted	ANN ARBOR LANDSCAPING INC. TREE PLANTING & REMOVAL	0	09/20/10	09/20/2010	225.00
				Total Village Tree Program		1,515.00
Dept: Law Enforcement						
101-301.000-803.000	Contracted	WASHTENAW COUNTY TREASURER LAW ENF SEPT 10'	0	19210	09/20/2010	3,182.50
101-301.000-920.000	Utilities	DEXTER VILLAGE WATER BILLS	0	09/20/10	09/20/2010	136.05
				Total Law Enforcement		3,318.55
Dept: Fire Department						
101-336.000-920.000	Utilities	DEXTER VILLAGE WATER BILLS	0	09/20/10	09/20/2010	170.00
				Total Fire Department		170.00
Dept: Planning Department						
101-400.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	1,404.63
101-400.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	37.41
101-400.000-861.000	Travel & M	ALLISON BISHOP MILEAGE REIMBURSEMENT	0	09/20/10	09/20/2010	55.00

Fund / Department / Account	GL Number Abbrev	Vendor Name / Invoice Description	Check Number	Invoice Number	Due Date	Amount
Fund: General Fund						
Dept: Planning Department						
101-400.000-901.000	Printing &	HERITAGE NEWSPAPERS LEGAL NOTICES	0	2005044	09/20/2010	54.00
101-400.000-958.000	Membership	NATIONAL RECREATION AND PARK MEMBERSHIP	0	09/21/10	09/21/2010	145.00
				Total Planning Department		1,696.04
Dept: Department of Public Works						
101-441.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	1,306.31
101-441.000-721.000	Health & L	DR. BARBARA WEHR SAMANTHA AUGUSTINE	0	09/20/10	09/20/2010	164.00
101-441.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	39.56
101-441.000-745.000	Uniform Al	SWANNS CLOTHING	0	1986	09/20/2010	223.16
101-441.000-920.000	Utilities	COMCAST DPW	0	09588 353732 01 8	09/20/2010	143.95
101-441.000-920.000	Utilities	DEXTER VILLAGE WATER BILLS	0	09/20/10	09/20/2010	34.07
101-441.000-920.000	Utilities	DEXTER VILLAGE WATER BILLS	0	09/20/10	09/20/2010	44.02
101-441.000-920.001	Telephones	NEXTEL COMMUNICATIONS CELLULAR	0	593543512-102	09/20/2010	141.99
101-441.000-955.000	Miscellane	LEXISNEXIS RISK SOLUTIONS INC MILEAGE	0	770478	09/20/2010	4.11
				Total Department of Public Works		2,101.17
Dept: Downtown Public Works						
101-442.000-740.000	Operating	SHERWIN-WILLIAMS PAINT	0	0339-8	09/21/2010	123.68
101-442.000-802.000	Profession	DEXTER SENIOR CITIZENS CENTER QUARTERLY RENT	0	09/20/10	09/20/2010	150.00
				Total Downtown Public Works		273.68
Dept: Solid Waste						
101-528.000-805.000	Solid Wast	WASTE MANAGEMENT RESIDENTIAL	0	7049051	09/20/2010	18,086.03
101-528.000-805.000	Solid Wast	WASTE MANAGEMENT COMMERCIAL	0	7050369	09/20/2010	18,829.88
101-528.000-806.000	Contracted	WASTE MANAGEMENT OF MICHIGAN ROLL OFF	0	7052594-1389-0	09/20/2010	1,084.44
				Total Solid Waste		38,000.35
Dept: Parks & Recreation						
101-751.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	210.69
101-751.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	6.38
101-751.000-944.000	Portable T	JOHN'S SANITATION PARKS	0	29973	09/20/2010	375.00
				Total Parks & Recreation		592.07
Dept: Insurance & Bonds						
101-851.000-721.001	Retiree He	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	1,474.13
				Total Insurance & Bonds		1,474.13
					Fund Total	55,823.51
Fund: Major Streets Fund						
Dept: Routine Maintenance						
202-463.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	1,095.61
202-463.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	33.18
202-463.000-740.000	Operating	BARRETT PAVING MATERIALS INC STREET MAINTENANCE	0	122329	09/20/2010	58.30
				Total Routine Maintenance		1,187.09
Dept: Traffic Services						

Fund / Department / Account	GL Number Abbrev	Vendor Name / Invoice Description	Check Number	Invoice Number	Due Date	Amount
Fund: Major Streets Fund						
Dept: Traffic Services						
202-474.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	337.11
202-474.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	10.21
				Total Traffic Services		347.32
Dept: Winter Maintenance						
202-478.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	674.22
202-478.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	20.42
				Total Winter Maintenance		694.64
					Fund Total	2,229.05
Fund: Local Streets Fund						
Dept: Routine Maintenance						
203-463.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	337.11
203-463.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	10.21
				Total Routine Maintenance		347.32
Dept: Traffic Services						
203-474.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	84.28
203-474.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	2.55
				Total Traffic Services		86.83
Dept: Winter Maintenance						
203-478.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	168.56
203-478.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	5.10
				Total Winter Maintenance		173.66
					Fund Total	607.81
Fund: Equipment Replacement Fund						
Dept: Department of Public Works						
402-441.000-939.000	Vehicle Ma	TRUCK & TRAILER SPECIALTIES SPINNER MOTOR	0	C28988	09/20/2010	189.46
				Total Department of Public Works		189.46
					Fund Total	189.46
Fund: Sewer Enterprise Fund						
Dept: Sewer Utilities Department						
590-548.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	5,156.30
590-548.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	123.78
590-548.000-740.000	Operating	CRIBLEY WELL DRILLING CO INC WWTP	0	09/20/10	09/20/2010	8.50
590-548.000-742.000	Chem Plant	ALEXANDER CHEMICAL CORPORATION LAB WORK	0	0440162	09/20/2010	1,310.00
590-548.000-742.000	Chem Plant	ALEXANDER CHEMICAL CORPORATION CREDIT	0	0440165	09/20/2010	-325.00
590-548.000-743.000	Chem Lab	CULLIGAN WATER CONDITIONING WWTP	0	06248668	09/20/2010	7.49
590-548.000-743.000	Chem Lab	NORTH CENTRAL LABORATORIES LAB	0	274970	09/20/2010	35.60
590-548.000-745.000	Uniform Al	SWANNS CLOTHING	0	1988	09/20/2010	98.00
590-548.000-802.000	Profession	KENNEDY INDUSTRIES, INC. REPAIRED PUMP	0	523516	09/20/2010	4,960.00

Fund Department Account	GL Number Abbrev	Vendor Name Invoice Description	Check Number	Invoice Number	Due Date	Amount
Fund: Sewer Enterprise Fund						
Dept: Sewer Utilities Department						
590-548.000-802.000	Profession	METRO ENVIROMENTAL SERVICES PUMP SERVICE	0	42566	09/20/2010	865.00
590-548.000-802.000	Profession	NORFOLK SOUTHERN CORPORATION LEASE	0	9009011901	09/20/2010	250.00
590-548.000-802.000	Profession	ROTO ROOTER JETTED 6" LINES	0	665160,665199,665455	09/20/2010	1,605.00
590-548.000-920.000	Utilities	DEXTER VILLAGE WATER BILLS	0	09/20/10	09/20/2010	1,869.97
590-548.000-920.001	Telephones	AT&T 734 424 1425 2430	0		09/20/2010	44.76
590-548.000-920.001	Telephones	NEXTEL COMMUNICATIONS CELLULAR	0	593543512-102	09/20/2010	113.59
				Total Sewer Utilities Department		16,122.99
					Fund Total	16,122.99
Fund: Water Enterprise Fund						
Dept: Water Utilities Department						
591-556.000-721.000	Health & L	BLUE CARE NETWORK OF MICHIGAN COVERAGE 10/01/10-10/31/10	0	102530001809	09/20/2010	1,289.07
591-556.000-722.000	Life & Dis	GADALETO, RAMSBY & ASSOCIATES COVERAGE 10/1-10/31/10	0	10/20/10	09/20/2010	82.51
591-556.000-920.000	Utilities	DTE ENERGY LIFT STATION	0	09/20/10	09/20/2010	45.00
591-556.000-920.001	Telephones	NEXTEL COMMUNICATIONS CELLULAR	0	593543512-102	09/20/2010	85.20
				Total Water Utilities Department		1,501.78
					Fund Total	1,501.78
					Grand Total	76,474.60 ✓

AGENDA 9-27-10

ITEM J-3

Temporary Sign Request – Village Property

Examples of Village Property include public parks, the area between the sidewalk and the curb, public plaza areas, and Village facilities.

Name of Organization: Dexter Community Band

The organization qualifies as: non-profit charitable educational religious

Contact Person: Cartney Nicholls

Organization Address: PO Box 343, Dexter MI 48130

Contact Phone/E-mail: (734) 426-2734

Reason for Request: Public awareness of free concerts

Dates Requested: October 20 – October 31 ; December 1 – Dec 12

Number of Signs Requested** 4 Size** approx 2'x4'

**The Village's goal is to limit the number of signs and locations used for temporary signage. If the request exceeds five (5) signs and/or includes a sign larger than 18" x 24" please use the back of the form to explain why you need to exceed the guidelines.

Sign Locations: Select all that apply:

Entrances to the Village – Baker, Central, Dexter Ann Arbor, Main St – cemetery + the mill – Copeland – Alpine

Baker/Main

Monument Park

Near Each of the Five Schools

Other – please explain in detail: _____

By signing this application I understand/agree that:

1 – The signs must be approved by Village Council before they are posted.

2 – My request must be received at least three (3) weeks prior to the starting date of the request. (Village Council meets on the second and fourth Monday of every month and the request must be submitted by the Monday before the meeting)

3 – Placing the signs prior to Council approval is grounds for the request to be denied.

4 – The signs will be removed within 24 hours of the end of the approved period.

Cartney Nicholls — Signature of Applicant

9/17/10 — Date

Date Received: 9/17/10 Date Approved by Council: _____

The Dexter Community Board recognizes that an ordinance is currently under consideration that would limit the number of signs allowed over 18"x24" to 2. If this ordinance takes effect before our December concert we will abide by the new requirement.

We are requesting to use the larger signs because they are the signs we have been using for 28 years.

AGENDA 9-27-10
ITEM J-4

Temporary Sign Request

Name of Organization: DEXTER COMMUNITY ORCHESTRA

The organization qualifies as: (non-profit) charitable educational religious

Contact Person: ED WINFIELD

Organization Address: P.O. BOX 331 DEXTER, MI 48130

Contact Phone/E-mail: 734-355-4200 EDWINFIELD@AOL.COM

Reason for Request: ANNOUNCE/ADVERTISE ORCHESTRA CONCERTS

Dates Requested: 2010-11 SEASON 10/24/10 12/19/10 Dec 9 - Dec 19 Oct 14 - Oct 24,

Number of Signs Requested: 4 Size: 4'x3' SANDWICH BOARDS

Sign Locations: Select all that apply:

Entrances to the Village – Baker, Central, Dexter Ann Arbor, Main St (PEACE PARK) Cemetery Mill Alpine

Baker/Main

Monument Park

Near Each of the Five Schools

Other – please explain in detail: I MOVE ONE SIGN TO BAKER + MAIN ON THE DAY OF THE CONCERT

By signing this application I understand/agree that:
1 – The signs must be approved by Village Council before they are posted.
2 – My request must be received at least three (3) weeks prior to the starting date of the request. (Village Council meets on the second and fourth Monday of every month and the request must be submitted by the Monday before the meeting)
3 – Placing the signs prior to Council approval is grounds for the request to be denied.
4 – The signs will be removed within 24 hours of the end of the approved period.

Edward O. Winfield
Signature of Applicant

8/20/10
Date

Date Received: 9/21/10

Date Approved by Council:

THE DEXTER COMMUNITY ORCHESTRA RECOGNIZES THAT AN ORDINANCE IS CURRENTLY UNDER CONSIDERATION THAT WOULD LIMIT THE NUMBER OF SIGNS ALLOWED OVER 18" x 24" TO 2.

IF THE ORDINANCE TAKES EFFECT BEFORE OUR DECEMBER CONCERT WE WILL ABIDE BY THE NEW REQUIREMENT.

WE ARE REQUESTING TO USE THE LARGER SIGNS BECAUSE THEY ARE THE SIGNS WE HAVE BEEN USING FOR 5 YEARS. IT IS ALSO NOTED THAT THE LARGER SIGNS ARE DESIRED TO ADVERTISE TO DRIVE-BY TRAFFIC. WE RELY ON THE SIGNS TO REMIND PEOPLE OF THE CONCERT AND NUMEROUS PEOPLE HAVE COMMENTED THAT THEY HAD ATTENDED THE CONCERT BECAUSE THEY SAW THE SIGNS.

THANK YOU,

Edward D. Winfield

EDWARD D. WINFIELD

AGENDA 9-27-10

ITEM J-5

VILLAGE OF DEXTER-PARKS COMMISSION
8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Date Received:_____

APPLICATION FOR PARK/FACILITY USE
AND RELEASE OF LIABILITY WAIVER

Applicant/Sponsoring Party Dexter High School Phone/Email 734-424-4240

Primary Contact Mollie Sharrar Phone/Email 734-424-4240 x7002 sharrarm@dexterschools.org

Secondary Contact Ken Koenig Phone/Email 734-424-4240 x7003 koenigk@dexterschools.org

Address (City, State, Zip) 8200 N. Parker Rd., Dexter, MI 48130

Brief Description of the Event: Homecoming Parade.

Day and hours for which the permit is desired, and rain date, if applicable:

Friday, October 1, 2010 1:30pm - 2:30pm

CHECK ALL THAT APPLY

Park Use ☐ Facility Use ☐ List the Facility _____ Road Closure ☒ Fire/Burning ☐

FEES

Residents – $26/4 hours
Non Village Residents -$160/4 hours, $50 each additional hour,
*Exempt from Fee: Chamber, Non-profits (501(C)3), Community Events
Damage Deposit Required - $200 for ALL users

THE FOLLOWING ACTIVITIES REQUIRE A PARKS/FACILITY USE PERMIT (check ALL that apply)

☐ Conduct exhibitions.
☒ Hold a parade.
☐ Display, or offer for sale, any article in any park or recreation area.
☐ Hold assembly involving 30 participants or more (exempts classroom activities).
☐ Construct or erect any building or structure of whatever kind, whether permanent or temporary or sell or give away from such tent, stand or other structure any food, drink, or other thing, or run or string any public service utility into, upon or across such lands.
☐ Distribute, deliver or place any bill, billboard, placard, banner, circular, or other advertisement.
☐ Furnish and/or consume any beer, wine, or other alcoholic beverage within the boundaries of any park or recreation area.
☒ Road Closure
☐ Fire Pit or other fire activities

Donna Dettling

From: Mollie Sharrar [sharrarm@dexterschools.org]
Sent: Tuesday, September 21, 2010 1:45 PM
To: Kenneth Koenig; Deneen Smith; Sean Burton; Scott Lucas; Donna Dettling; Al Snider; gieskeb@ewashtenaw.org; Jeremy Hilobuk
Cc: Mary Marshall; Craig Mccalla; William Moran; Timothy Authier; Mary Cooper; Hyeuo Park; Jami Bronson; Frank Mcmurray
Subject: Homecoming parade meeting

Dear all,
You are cordially invited to attend a meeting regarding the Homecoming Parade scheduled for the afternoon of October 1st. The meeting will be at 9:30 on Thursday, September 23rd in the Dexter High School main office conference room. We are considering an alternative parade route this year (reversing the route) and would like your input if you are willing/able to attend. Thanks for your consideration and please let me know if you have any questions.
Mollie

--
"The best things in life aren't things."
-Anonymous

2010 Temporary Sign Requests

	Name of Group	Dates	Number Approved	Approval Date	Locations
January	Friends of the Library - Book Sale	7-9	9 - 18" x 24"	12/14/2009	1,4,16,17,18 19(2), 20(2)
February	Knights of Columbus - Rummage Sale	Jan 26-7	6 - 18" x 24"	1/25/2010	1,2,5,6,10,11
	Friends of the Library - Book Sale	4-6	9 - 18" x 24"	12/14/2009	1,4,16,17,18 19(2), 20(2)
	Encore Theatre - Intermittent	4-21	2 sandwich 3 directional	11/23/2009	15,16
	Community Band - Concert	17-28	4 - 2' x 4'	2/8/2010	2,3,4,5
March	Community Orchestra - Concert	Feb 24 - 7	4 - 3' x 4'	12/28/2009	2,4,5,9
	Friends of the Library - Book Sale	4-6	9 - 18" x 24"	12/14/2009	1,4,16,17,18 19(2), 20(2)
	Knights of Columbus - Fish Fry	9-26	5 - 18" x 24"	3/8/2010	1,5,6,7,10
April	Friends of the Library - Book Sale	1-3	9 - 18" x 24"	12/14/2009	1,4,16,17,18 19(2), 20(2)
	Encore Theatre - Intermittent	March 15-18	2 sandwich 3 directional	11/23/2009	15,16
	St. Andrews - Dinner	4-8	1 - 24" x 36"	3/22/2010	8
	Historical Society - Art Fair	4-17	6 - 28" x 25"	2/8/2010	1,5,7,10,12,13
	Dexter High Drama - Play	15-25	1 - 4' x 8' 5 - 3' x 3'	4/12/2010	3
	United Methodist - Rummage Sale	17-26	3 - 24" x 36" 4 - 18" x 24"	3/22/2010	1,2,4,6,7,10,21
	Community Band - Concert	14-25	4 - 2' x 4'	2/8/2010	2,3,4,5
	St. Andrews - Blood Drive	19-26	2 - 28" x 22"	4/12/2010	8, 22
May	Historical Society - Quilt Show	April 16-2	4 - 21" x 24"	4/12/2010	1,5,6,10
	Friends of the Library - Book Sale	April 29 - 1	9 - 18" x 24"	12/14/2009	1,4,16,17,18 19(2), 20(2)
	St. Andrews - Dinner	2-6	1 - 24" x 36"	3/22/2010	8
	Community Orchestra - Concert	12-23	4 - 3' x 4'	12/28/2009	2,4,5,9
	ACH - Songs, Slams, Smores	22	1 - 3' x 2'	5/10/2010	26
	Dexter Lions - White Cane Week	28-29	5 - 16"x30"	4/26/2010	23,24,25,10,16
June	Dexter Garden Club - Garden Walk	May 25-5	5 - 24" x 36"	5/24/2010	1,9,2,33,28
	Community Garden	May 25 - 15	2 - 18" x 24"	5/24/2010	31
	Dexter Chamber - Summer Music	May 21-7	1 - 8' x 3'	5/10/2010	1

	Name of Group	Dates	Number Approved	Approval Date	Locations
June Cont.	Encore Theatre - Intermittent	May 17-20	2 sandwich 3 directional	11/23/2009	15,16
	Dexter Soccer Club	May 28 - 12	5 - 18" x 24"	5/24/2010	10,4,5,11,32
	St. Andrews - Rummage Sale	1-12	2 - 36" x 24" 6 - 18" x 24"	5/24/2010	2,10,8,5,22,29, 30
	Friends of the Library - Book Sale	3-5	9 - 18" x 24"	12/14/2009	1,4,16,17,18 19(2), 20(2)
	Community Orchestra - Concert	8-18	3 - 3' x 4'	3/8/2010	4,5,9
	Relay for Life	19-27	5 - 18" x 24"	6/14/2010	1, 2, 4, 5, 10
	Boy Scouts - Rummage Sale	23-26	3 - 4' x 5'	5/10/2010	1,10,7
July	St. Josephs - Summer Festival	June 28-19	1 - 4' x 4'	6/28/2010	5
August	Alpha Coney - Cancer Fundraiser	July 27-3	5 - 18" x 24"	7/26/2010	1,4,21,7,2
	St. Andrews - Ice Cream Social	July 26-5	2 - 36" x 24" 3 - 18" x 24"	7/12/2010	1, 2, 6, 8, 10
	Encore Theatre - Intermittent	July 19-22	2 sandwich 3 directional	11/23/2009	15,16
	Dexter Daze	July 30-15	5 - 18" x 24"	5/24/2010	5,2,10,4,1
	Friends of the Library - Book Sale	12-14	9 - 18" x 24"	12/14/2009	1,4,16,17,18 19(2), 20(2)
	Lion's Club Leos - Senior Center Fundraiser	14-28	5 - 24" x 14"	7/26/2010	4,34,1,35,10
September	St. Andrews - Dinner	4-8	1 - 24" x 36"	3/22/2010	8
	Cub Scout Pack - Sign-up	14-15	2 - 24" x 18"	9/13/2010	9, 34
	United Methodist - Rummage Sale	17-27	3 - 24" x 36" 4 - 18" x 24"	3/22/2010	1,2,4,6,7,10,21
	St. Andrews - Blood Drive	20-27	2 - 28" x 22"	4/12/2010	8, 22
October	Dexter Lions Club - Apple Daze	Sept 28 - 2	5 - 18" x 24"	9/13/2010	5, 36, 6, 1, 34
	Knights of Columbus	Sept 20-3	4 - 18" x 24"	9/13/2010	2, 6, 7, 21
	Friends of the Library - Book Sale	Sept 30 - 2	9 - 18" x 24"	12/14/2009	1,4,16,17,18 19(2), 20(2)
	St. Andrews - Dinner	3-7	1 - 24" x 36"	3/22/2010	8
November	St. Andrews - Annual Supper-	21-Jul	2 - 36" x 24" 3 - 18" x 24"	9/13/2010	1, 2, 6, 8, 10
	St. Andrews - Dinner	Oct 31 - 4	1 - 24" x 36"	3/22/2010	8
December	Friends of the Library - Book Sale	4-6	9 - 18" x 24"	12/14/2009	1,4,16,17,18 19(2), 20(2)
	St. Andrews - Dinner	Nov 28 - 2	1 - 24" x 36"	3/22/2010	8
	Friends of the Library - Book Sale	2-4	9 - 18" x 24"	12/14/2009	1,4,16,17,18 19(2), 20(2)

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 - Cornerstone, 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, 34-Lions Park, 35-Dexter Crossing Entrance, 36 - Dan Hoey/Dexter Ann Arbor

**The Senior Center had signage approved on March 8 however they have informed the Village that they will not be putting out the sign.

**The Dexter Farmers Market received permission to place 8 signs on Tuesday & Saturday during the hours of the Market.

** Connexions Church received permission to place 4 signs on Sunday mornings through 2010 in locations - 1,5,36,21

AGENDA 9-27-10

ITEM K-1

VILLAGE OF DEXTER

ddettling@villageofdexter.org

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

MEMO

To: **President Keough and Council**
From: **Donna Dettling, Village Manager**
Date: **September 27, 2010**
Re: **Cost Range Fire Facility**

I met with Rich Henes and discussed the type of research Council is looking for to further the facilities discussion. He prepared a report that includes adjusted (to 2010 dollars and to 2013 dollars) costs for various Building types. Mr. Henes plans to attend the Council meeting to discuss his methodology.

Fire Department Building Comparisons

Village of Dexter

23-Sep-10

No.	Location	Year built	Building Type	Size	Total Hard Cost	Location Adjustment	Adjustment for 2010 dollars	Adjusted Total Cost	Cost /SF	Projected Cost/SF in 2013	Estimated Soft Costs/SF	2013 Total Cost/SF	
1	Waukesha, WI	2007	Masonry/Steel /Glass	27,100		93	101.8	$0	$0.00	$0.00	$0.00	$0.00	
2	Milford Twp., MI	2010	Masonry/steel	18,772	$3,200,000	98.1	100	$3,261,978	$173.77	$192.65	$34.68	$227.32	
3	Oxford Twp, MI	2002	Masonry/Steel	16,170	$2,303,000	98.4	121.4	$2,841,303	$175.71	$194.81	$35.06	$229.87	
4	Lincoln, CA	2008	Masonry	12,572	$3,211,705	133	101.4	$2,448,623	$194.77	$215.93	$38.87	$254.80	
5	Superior Twp, MI	2005	Masonry/Steel	10,500	$1,800,000	98	111.8	$2,053,469	$195.57	$216.82	$39.03	$255.84	
6	Kalamazoo, MI	2008	Masonry/Wood Truss	17,500	$3,409,618	100.7	101.4	$3,433,319	$196.19	$217.51	$39.15	$256.66	
7	Wayne, MI	2003	Masonry	22,528	$3,674,000	98.1	118.6	$4,441,757	$197.17	$218.59	$39.35	$257.93	
8	Beaumont, CA	2008	Masonry/Steel	4,605	$1,176,056	131	101.4	$910,321	$197.68	$219.16	$39.45	$258.61	
9	Lyon Twp, MI	2000	Masonry	12,300	$1,910,000	98.6	126.7	$2,454,331	$199.54	$221.22	$39.82	$261.04	
10	Norco, CA	2004	Masonry/Steel	16,110	$3,788,415	133	115.6	$3,292,788	$204.39	$226.60	$40.79	$267.39	
11	Farmington Hills, MI	2005	Masonry/Steel	23,220	$4,415,000	103.5	111.8	$4,769,053	$205.39	$227.70	$40.99	$268.69	
12	El Dorado, CA	2007	Masonry/Steel	13,229	$3,599,631	133	105.3	$2,849,933	$215.43	$238.84	$42.99	$281.83	
13	Lincoln, CA	2007	Masonry/Steel	13,730	$4,102,339	133	105.3	$3,247,942	$236.56	$262.26	$47.21	$309.47	
14	Madison Heights, MI	2004	Masonry/Metal Panels	20,540	$4,325,000	102.6	115.6	$4,873,002	$237.24	$263.02	$47.34	$310.36	
15	Goffstown, NH	2007	Masonry/Steel Truss	20,213	$5,700,000	121	105.3	$4,960,413	$245.41	$272.07	$48.97	$321.04	Not Built
16	Van Buren Twp.,MI	2006	Masonry/Steel	17,300	$4,133,578	99.5	108.2	$4,495,006	$259.83	$288.06	$51.85	$339.91	
17	Madison, WI (#11)	2008	Masory	12,693	$3,035,981	93	101.4	$3,310,199	$260.79	$289.12	$52.04	$341.17	
18	Madison, WI	2009	Masonry/Steel	13,535	$3,650,000	93	101.8	$3,995,376	$295.19	$327.26	$58.91	$386.17	Platinum
19	Gilroy, CA	2004	Stone/Steel	8,558	$3,230,314	133	115.6	$2,807,701	$328.08	$363.72	$65.47	$429.19	
20	Watertown, CT	2007	Masonry/Steel Truss	23,109	$7,500,000	93	105.3	$8,491,935	$367.47	$407.40	$73.33	$480.73	

Fire Department Space Allocation

Village of Dexter

23-Sep-10

AREA	SF
Reception	220
Lounge	420
Kitchen	240
Private Offices (3)	408
Plan Room	80
Sleeping (4)	320
Showers (2)	140
Locker Room (16)	450
Open Offices (4)	130
Training Room	600
Exercise	364
Laundry	96
Decontamination	200
Mech/Work/IT	286
Storage	160
Truck Bays (4)	2,800
Central Files	72
Radio/Call Room	150
Toilet Rooms	100
Subtotal	7,236
Circulation	869
Total	8,105

Fire Department New Station Details

Village of Dexter
23-Sep-10

Assign square foot cost and area; *find budget*

Anticipated cost per square foot of the Dexter fire station in 2013:	$255 (hard and soft costs)
Preliminary area estimate for current space needs:	8,105 (4 bays)
Budget this amount	**$2,066,775**

Assign area and budget; *find square foot cost*

Anticipated cost per square foot of the Dexter fire station in 2013:	**$160.39**
Preliminary area estimate for current space needs:	8,105 (4 bays)
Budget this amount	$1,300,000

Assign square foot cast and budget; *find area*

Anticipated cost per square foot of the Dexter fire station in 2013:	$255.00
Preliminary area estimate for current space needs:	**5,098** (4 bays)
Budget this amount	$1,300,000

AGENDA 9-27-10
ITEM L-1

VILLAGE OF DEXTER

ddettling@villageofdexter.org
8140 Main Street Dexter, MI 48130-1092 Phone (734)426-8303 Fax (734)426-5614

MEMO

To: President Keough and Council
From: Donna Dettling, Village Manager
Date: September 27, 2010
Re: Alpine/Main Sidewalk Bid Award

Sealed bids were received on September 20th for the Alpine/Main sidewalk and crosswalk improvement project. Also included in this bid was additional sidewalk repair/replace work throughout the Village and a price for adding new sidewalk on Edison and 2nd Street. Edison and 2nd Street were chosen because they are priorities for new sidewalk on our CIP (CIP sheets attached) and they are adjacent to school bus stops.

At this time, staff is recommending that Council award the bid to Olson Cement Work for an amount not to exceed $35,000 of which $20,000 will come from local streets – right of way funds and $15,000 will come from the $25,000 budgeted for sidewalks in general fund. This will complete the Main/Alpine Street Project and the Sidewalk Replacement as outlined in the attached list.

Staff will make a recommendation on spending the remaining $10,000 in sidewalk funds at a future meeting.

September 21, 2010

VILLAGE OF DEXTER
8140 Main Street
Dexter, MI 48130

OHM
Engineering Advisors

Attention: Donna Dettling
Village Manager

Regarding: Dexter Sidewalk Program 2010 - Recommendation Letter
OHM Job # 0130-10-0061

Dear Ms. Dettling:

Bids for the Dexter Sidewalk Program 2010 were received on Monday, September 20, 2010 at the Village Offices. Bids were received from five bidders, with bids ranging from $55,358.00 to $78,990.00, as shown on the attached tabulation. The apparent low bid was received from Olson Cement Work, Inc., 5610 Wellington, Dearborn Heights, MI 48125 in the amount of $55,358.00.

It is recommended that the Dexter Sidewalk Program 2010 contract be awarded to Olson Cement Work, Inc. of Dearborn Heights, Michigan, in the amount of $55,358.00 based on their bid unit prices. Olson Cement Work, Inc. meets the qualifications set forth in the contract documents and is capable of performing the work. Also, we have checked their references and have reason to believe that Olson Cement Work, Inc. is a reputable firm with adequate experience in these types of projects. Olson Cement Work, Inc. has shown that they have adequate resources needed to perform the work associated with this project in the time allotted.

As noted above, the project was bid as a unit price contract, and the final construction costs associated with the Dexter Sidewalk Program 2010 will be based on the amount of actual work completed. It is our understanding the Village is determining the exact work to be included in the Dexter Sidewalk Program 2010. To help in the determination, the following are approximate construction costs using bid prices for potential sidewalk projects throughout the Village.

Main/Alpine Intersection with Midblock Crosswalk on Alpine St	$20,000 ✓
Second Street from Central to Edison	$27,000
Edison Street from Second to Fourth	$27,500
Sidewalk Replacement Program – includes 700 feet of 5-ft sidewalk in 20 locations	$15,000 ✓

Please note that Edison St is a location where water main replacement is planned as part of the DWRF Project Plan. In addition, we are working to have Second St included as part of the DWRF Project Plan. Whether the water main work is completed in Fiscal Year 2011 or in the future, any new sidewalk along these streets may need to be removed as part of a water main replacement project. As part of the Dexter Sidewalk Program 2010, the Village may choose to construct sidewalk in other locations where sidewalk gaps exist.

Should there be any questions, please contact this office at (734) 522-6711.

Sincerely,
ORCHARD, HILTZ & McCLIMENT, INC.

Christine AC Phillips

Christine Phillips, P.E.
Project Engineer

34000 Plymouth Road | Livonia, Michigan 48150
p. (734) 522-6711 | f. (734) 522-6427
www.ohm-advisors.com

Tabulation for Bids Received on 09/20/10
Dexter Sidewalk Program 2010
Village of Dexter, Washtenaw County, State of Michigan
OHM Job No.: **0130-10-0061**

Item No.	Description	Estimated Quantity	Olson Cement Work, Inc. 5610 Wellington Dearborn Hts., MI 48125 Phone: 313-295-0600 Unit Price	Amount	Oak Construction Corporation P.O. Box 147 Flushing, MI 48433 Phone: 810-232-6100 Unit Price	Amount	Audia Construction, Inc. 2985 Childs Lk. Milford, MI 48381 Phone: 248-676-9570 Unit Price	Amount	GM & Sons, Inc. 6784 Whitmore Lake Rd. Whitmore Lake, MI 48189 Phone: 734-929-1259 Unit Price	Amount	E.T. Mackenzie Company 6400 Jackson Rd. Ann Arbor, MI 48103 Phone: 734-761-5050 Unit Price	Amount
1)	Traffic Maintenance and Control	1 LS	$ 550.00	$ 550.00	$2,000.00	$ 2,000.00	$8,000.00	$ 8,000.00	$3,000.00	$ 3,000.00	$4,101.00	$ 4,101.00
2)	Silt Fence	150 Ft	$ 2.00	$ 300.00	$ 3.00	$ 450.00	$ 2.50	$ 375.00	$ 5.00	$ 750.00	$2.00	$ 300.00
3)	Inlet Filter	3 Ea	$ 100.00	$ 300.00	$ 40.00	$ 120.00	$ 100.00	$ 300.00	$ 220.00	$ 660.00	$15.00	$ 45.00
4)	Pavement, Remove	10 Syd	$ 7.90	$ 79.00	$ 30.00	$ 300.00	$ 25.00	$ 250.00	$ 30.00	$ 300.00	$60.00	$ 600.00
5)	Sidewalk, Remove	490 Syd	$ 7.90	$ 3,871.00	$ 9.00	$ 4,410.00	$ 10.00	$ 4,900.00	$ 17.50	$ 8,575.00	$7.50	$ 3,675.00
6)	Curb and Gutter, Remove	47 Ft	$ 5.50	$ 258.50	$ 6.00	$ 282.00	$ 10.00	$ 470.00	$ 17.50	$ 822.50	$25.00	$ 1,175.00
7)	Sign, Remove	1 Ea	$ 50.00	$ 50.00	$ 30.00	$ 30.00	$ 200.00	$ 200.00	$ 125.00	$ 125.00	$25.00	$ 25.00
8)	Sign, Remove and Reset	1 Ea	$ 150.00	$ 150.00	$ 100.00	$ 100.00	$ 200.00	$ 200.00	$ 220.00	$ 220.00	$50.00	$ 50.00
9)	Curb and Gutter, Conc, Det C4	47 Ft	$ 20.00	$ 940.00	$ 25.00	$ 1,175.00	$ 20.00	$ 940.00	$ 30.00	$ 1,410.00	$35.00	$ 1,645.00
10)	Sidewalk, Conc, 4"	8750 Sft	$ 3.90	$ 34,125.00	$ 3.75	$ 32,812.50	$ 4.15	$ 36,312.50	$ 4.50	$ 39,375.00	$4.00	$ 35,000.00
11)	Sidewalk, Conc, 6"	450 Sft	$ 4.20	$ 1,890.00	$ 4.75	$ 2,137.50	$ 4.25	$ 1,912.50	$ 5.25	$ 2,362.50	$6.00	$ 2,700.00
12)	Sidewalk Ramp, ADA	400 Sft	$ 8.60	$ 3,440.00	$ 8.00	$ 3,200.00	$ 9.00	$ 3,600.00	$ 12.00	$ 4,800.00	$35.00	$ 14,000.00
13)	HMA, 13A, Hand Patching	10 Syd	$ 13.50	$ 135.00	$ 150.00	$ 1,500.00	$ 200.00	$ 2,000.00	$ 100.00	$ 1,000.00	$250.00	$ 2,500.00
14)	Pavement Marking, Thermoplastic, 24 inch, Stop Bar	12 Ft	$ 42.00	$ 504.00	$ 40.00	$ 480.00	$ 40.00	$ 480.00	$ 25.00	$ 300.00	$37.00	$ 444.00
15)	Pavement Marking, Thermoplastic, 12 inch, Crosswalk	50 Ft	$ 21.00	$ 1,050.00	$ 25.00	$ 1,250.00	$ 25.00	$ 1,250.00	$ 25.00	$ 1,250.00	$18.50	$ 925.00
16)	Sign, Type IIIA	9 Sft	$ 14.50	$ 130.50	$ 40.00	$ 360.00	$ 50.00	$ 450.00	$ 75.00	$ 675.00	$25.00	$ 225.00
17)	Adjust Structure	3 Ea	$ 165.00	$ 495.00	$ 50.00	$ 150.00	$ 300.00	$ 900.00	$ 250.00	$ 750.00	$500.00	$ 1,500.00
18)	Topsoil, Seed and Mulch, 3 inch	1700 Syd	$ 3.75	$ 6,375.00	$ 3.00	$ 5,100.00	$ 1.85	$ 3,145.00	$ 5.50	$ 9,350.00	$5.25	$ 8,925.00
19)	Topsoil and Sod, 3 inch	85 Syd	$ 5.00	$ 425.00	$ 5.00	$ 425.00	$ 5.00	$ 425.00	$ 15.00	$ 1,275.00	$12.00	$ 1,020.00
20)	Mulch Blanket, High Velocity	100 Syd	$ 2.90	$ 290.00	$ 9.00	$ 900.00	$ 2.00	$ 200.00	$ 10.00	$ 1,000.00	$1.35	$ 135.00
	TOTAL BID AMOUNT			$ 55,358.00		$ 57,182.00		$ 66,310.00 [1]		$ 78,000.00		$ 78,990.00

CORRECTIONS

[1] OHM corrected bidder's summation error.

2010 Proposed Repair /Replace Locations

Address	Feet		Drive		ADA
7910 5th	25				
8060 4th	45				
8048 4th	55				
8043 4th	95				
7809 4th	15				
7765 4th	15				
7775 4th	55				
7770 4th	20				
4th and Inverness	50				2
3031 Baker	15				
8090 Huron	10				
8080 Huron	15				
8074 Huron	25				
8068 Huron	15				
8040 Huron	25				
8036 Huron	25				
Cider Mill	30		15		
3249 Broad	15				
3330 Broad	20				
3294 Broad	35				2
Lexington	40		20		
Total	645		35		
Cider Mill closed					
Mon & Tues during seas					

PROJECT NAME: Edison Street Sidewalk Construction (South Side)

PROJECT ID: 03-3.0-2004 | **PRIORITY: IMPORTANT**

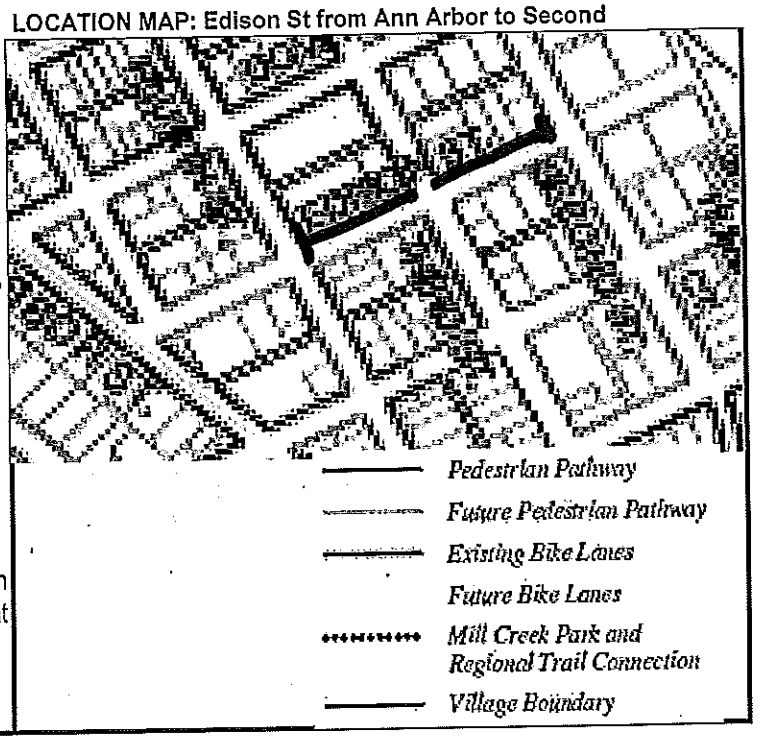
PROJECT TYPE: New Sidewalk Construction | **TOTAL COST: $60,000**

SUBMITTED BY: Village Staff | **YEARS IN CIP (Beginning year): 6 (2004)**

DESCRIPTION:

Installation of 2000 LF of new sidewalk along Edison Street to create at least one pedestrian connection along Edison Street.

LOCATION MAP: Edison St from Ann Arbor to Second



PROJECT JUSTIFICATION:

Value indicates the degree to which the project will help to: 0=Not Applicable 1=Somewhat Important 2=Important 3=Very Important

3	Protect health, safety, lives of citizens
3	Maintain or improve public infrastructure, facilities
3	Reduce energy consumption, impact on the environment
3	Enhance social, cultural, recreational, aesthetics opportunities
2	Improve customer service, convenience for citizens
14	TOTAL SCORE

BENEFICIAL IMPACTS:

This project provides a safe pedestrian system for the neighborhoods along Edison Street that are currently not served by sidewalks. Possible cooperation with Adair Printing parking project, potential cost share.

MASTER PLAN AND/OR STUDY REFERENCE:

CIP AND 2008 Non-motorized pathways inventory and map

SCHEDULE:

	Start Month	Start Year	End Month	End Year
Study:		2010		2010
Design/Acquisition:		2011		2012
Construction:		2011		2012

SCHEDULE JUSTIFICATION:

Project will be completed as funding permits, likely 2011-12, based on priority projects.

PROJECT COST DETAIL:

Sidewalk Construction and Design	General Fund	$30/LF	$60,000

EXPENDITURES (in thousands)

Funding Source	Prior Yrs	FY10-11	FY11-12	FY12-13	FY13-14	FY14-15	Beyond FY15	TOTALS
General Fund			$60					$60
Private								$0
								$0
								$0
TOTALS	$0	$0	$60	$0	$0	$0	$0	$60

PROJECT NAME: Second Street Sidewalk Construction

PROJECT ID: 06-3.0-2004 | **PRIORITY: IMPORTANT**

PROJECT TYPE: New Sidewalk Construction | **TOTAL COST: $60,000**

SUBMITTED BY: Village Staff | **YEARS IN CIP (Beginning year): 6 (2004)**

DESCRIPTION:

Installation of 2000 LF of new sidewalk to create a pedestrian pathway along Second Street where there is currently no non-motorized paths. Connection to the rest of the Village's non-motorized network.

PROJECT JUSTIFICATION:

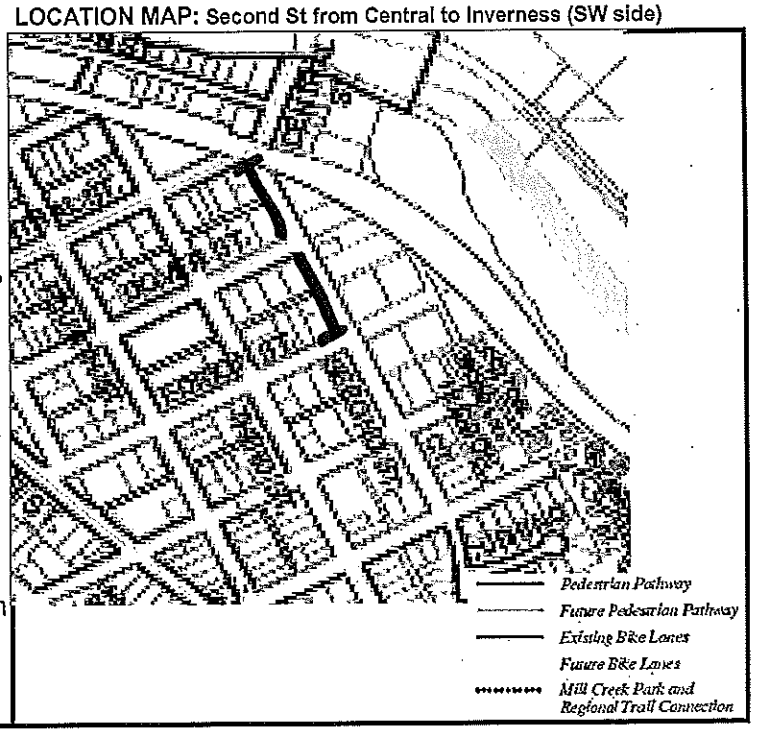
Value indicates the degree to which the project will help to: 0=Not Applicable 1=Somewhat Important 2=Important 3=Very Important

3	Protect health, safety, lives of citizens
3	Maintain or Improve public infrastructure, facilities
3	Reduce energy consumption, impact on the environment
3	Enhance social, cultural, recreational, aesthetics opportunities
2	Improve customer service, convenience for citizens
14	TOTAL SCORE

BENEFICIAL IMPACTS:

This project provides a safe pedestrian system for the neighborhoods along Second Street that are currently not served by sidewalks.

LOCATION MAP: Second St from Central to Inverness (SW side)



MASTER PLAN AND/OR STUDY REFERENCE:

CIP AND 2008 Non-motorized pathways inventory and map

SCHEDULE:

	Start Month	Start Year	End Month	End Year
Study:		2010		2010
Design/Acquisition:		2010		2011
Construction:		2010		2011

SCHEDULE JUSTIFICATION:

Project will be completed as funding permits, likely 2010, based on priority projects.

PROJECT COST DETAIL:

Sidewalk Construction and Design	General Fund	$30/LF	$60,000

EXPENDITURES (in thousands)

Funding Source	Prior Yrs	FY10-11	FY11-12	FY12-13	FY13-14	FY14-15	Beyond FY15	TOTALS
General Fund		$60						$60
								$0
								$0
								$0
TOTALS	$0	$60	$0	$0	$0	$0	$0	$60

AGENDA 9-27-10

ITEM L-2

VILLAGE OF DEXTER

ddettling@villageofdexter.org
8140 Main Street Dexter, MI 48130-1092 Phone (734)426-8303 Fax (734)426-5614

MEMO

To: President Keough and Council
From: Donna Dettling, Village Manager
Date: September 27, 2010
Re: Recommendation on RFP for contracted Utility Superintendent

This plan was developed from several options presented in June for Ed's transition into retirement, which was explored during a work session. Council agreed at that time that it was in the best interest of the Village to: Hire a contracted employee to replace Ed Lobdell, possibly including an overlap before Ed leaves. This contract could be temporary to allow time to define operational needs in all village service areas. The scope of services and the length of time would be set by Council. This contracted employee could help with the investigation, evaluation and transition into what is the best long-term alternative for the Village.

The selection team of Ed Lobdell, Courtney Nicholls, Rhett Gronevelt and I reviewed the Proposals and interviewed each of the candidates. References were contacted for the two top candidates. A scoring matrix is attached that provides quantifiable basis for the Team's recommendation to enter into a contract with Wade Trim for a six-month period. Below is a list of specifics that helped the team formulate unanimous agreement to recommend a contract with services provided by Jeff Bowdell of Wade Trim.

- Jeff's general approach to engage staff, learn from them, reinforce their knowledge and enhance their knowledge with his experience was a significant decision factor. The team felt this approach was more comprehensive than the other candidates.
- His goal is to make the organization self-sufficient. His success will be measured by his ability to work himself out of a job.
- Under this contract Jeff will have a minimum of 40 hours per week contact time on site, supervising and working with village staff. The team felt the supervision of staff and evaluation of the Village operations would be better served with this level of commitment.
- Jeff has 20 years of experience in the administration of the Departments of Water and Wastewater as well as Street Department and Code Enforcement with several communities.
- Jeff's experience in municipalities as an employee in comparable roles with similar responsibilities to Ed's moved this candidate ahead of other candidates. His field experience in water, wastewater and street departments is viewed as a major benefit to the village.
- Jeff doesn't hold Water or Wastewater licenses nor is he an Engineer, however he will be assisted 8-hours per week by Jason Karmol who possesses a Waterworks Operator F-1 and S-3 as well as a Wastewater Treatment Operator B, C, and D.
- The experience of Jeff and his team in conducting assessments was key to the decision. Several communities that benefited from this expertise; Taylor, Plymouth, Allen Park and Manistee.
- Jeff's budgeting experience, capital improvement planning and assistance in the hiring process for other communities will also be important in his service to the Village.
- Jeff's supervision experience and commitment to finding the best value for the dollar topped out his skill set to serve the village.

- Reference comments: "Jeff is hands on, but he lets employees do their job." "He looks 20 years down the line to determine how his decisions could impact the future." "He is a Big Picture guy." "Jeff is a strong advocate for the community." "He establishes solid relationships and morale is high under his leadership." "He worked on rate studies and developed new programs that benefited our Township." "Jeff will step up to the plate and do whatever is expected of him."

Please contact Ed Lobdell, Courtney Nicholls, Rhett Gronevelt or myself to address any question you have about the process.

In discussion with DNRE regarding the long-standing arrangement between the Village and DNRE which allows Andrea Dorney's licenses to satisfy the Village's license requirements it has been suggested that Ed's activities as the person in responsible charge of the treatment facility and the DNRE's confidence in his role allowed this arrangement to continue. DNRE is reconsidering this long-standing arrangement. DNRE Representatives Bethel Skinker and Deb Snell have been notified that Ed Lobdell is retiring and they have been updated on the Village's RFP process. I have not received additional feedback from DNRE as of the printing of the packet.

Dan Schairbaum, Village Attorney was contacted to review and address the potential for conflict of interest. He provided the relevant statute on this issue, MCLA 15.321, which specifically provides that "a public servant shall not be a party, directly or indirectly, to any contract between himself and the public entity of which he is an officer or employee. The statute does not provide guidance as to whether being an employee of the contracting agency makes one directly or indirectly a party to a contract. The statute also contains certain exceptions where the public servant is working less than an average of 25 hours/week, as well as an exception for a contract where: (a) the public servant promptly discloses any pecuniary interest in the contract to the approving body; (b) the contract is approved by no less than 2/3 of the full membership of the approving body (five votes); and (c) the relevant terms of the contract and potential conflict are reported in the official minutes of the approving body. In Dan Schairbaum's opinion; "it appears as though complying with (a), (b), (c) would allow the Village to meet the terms of the statute and avoid any potential conflict."

The cost of the six-month contract was evaluated to determine if the budget would cover this expenditure. The budgeted amount for Ed's wages and benefits that will not be expended covers the proposed contract.

During this process the team became increasingly convinced that this approach will benefit the Village. This approach is in the best interest of the village and staff in the short term as well as having potential to positively impact the Village long term. The goal is to develop our employees, empower them to do their jobs to the best of their ability and it is our opinion that this arrangement will secure this outcome. Our team did not approach this process or make this recommendation as an end run to contracting operations as a permanent solution for administrative or union staff. Our vision is to promote staff and or hire a replacement for the supervisor position. We believe that this arrangement will provide the best possible opportunity to achieve that goal. It is the recommendation from the selection team that Council take advantage of this opportunity and support this opportunity.

									Six Months			
				Reviewer					Estimated			
Project Manager	Company	Address		Total	DD	CN	EL	RG	Contact Hours	Cost	Phone	Reference Check
Jeff Bowdell	Wade Trim	25251 Northline, Taylor MI 48180		121	29	33	28	31	1248	$66,000	734-947-2646	Yes, positive feedback
Blaire Selover	Tetra Tech	710 Avis, Ann Arbor MI 48108		114	25	31	28	30	830	$59,160	810-252-8884	Yes, positive feedback
James Rabine	Anderson, Eckstein, Westrick	Shelby Township		85	21	25	21	18	596	$70,200	586-726-1234	
Bruce Pendzia	Mannik & Smith	721 N. Capital Suite 2, Lansing MI 48906		84	19	22	21	22	924	$96,708	734-289-2200	
Thomas	MacDonald	37245 Thinbark Street		79	22	19	14	24	1040	Not Provided	734-721-0397 734-664-1068	
Ron Perry	Great Lakes Municipal Service	1176 Cassiday Rd. Hope MI 48628		64	14	16	19	15	520	$39,000	989-689-4267	

AGENDA 9-27-10

ITEM L-3

VILLAGE OF DEXTER

cnicholls@villageofdexter.org
8140 Main Street Dexter, MI 48130-1092 Phone (734)426-8303 ext 17 Fax (734)426-5614

MEMO

To: **President Keough and Council Members**
From: **Courtney Nicholls, Assistant Village Manager**
Date: **September 27, 2010**
Re: **Dexter Ann Arbor Road ARRA Project**

Provided for your review is a request from Orchard, Hiltz and McCliment for an amendment to the original scope of work provided for the Ann Arbor Street project.

The amounts currently in the budget for this project are as follows:

2009-2010	$121,000
2010-2011	$10,000

As of today we have spent:

2009-2010	$94,736.32

Including the increased scope of work we have $31,000 in expenses remaining to be paid ($24,000 to the state for construction costs and $7,000 to OHM) bringing the total for the project to $126,000.

The remaining expenditures will be from the 2010-2011 budget, so an amendment will be required to add the unspent funds from 2009-2010 to the 2010-2011 budget. The amendment will be proposed with the Finance Director/Treasurer's next quarterly report.

OHM

September 17, 2010

Village of Dexter
8140 Main Street
Dexter, MI 48130

Attn: Donna Dettling, Village Manager

Re: Dexter-Ann Arbor Road
Additional Effort

Dear Donna:

The construction of the Dexter-Ann Arbor Road project between Meadowview Drive and Kensington Street is complete. It is expected that the project will be closed out over the next couple of months, as this is a project that is funded with Federal ARRA funding and is administered through the Michigan Department of Transportation. Such projects generally require additional oversight and paperwork, which result in a longer closeout timeframe.

Currently, it is estimated that final construction cost for the project will be approximately $177,000. This is approximately $15,000 more than the as-bid amount of $162,368.32, but just slightly higher than the estimate OHM provided in January 2010 of $175,000. The additional construction costs are associated the following:

- Curb and gutter, asphalt pavement, and pavement markings due to the addition of the bump outs at Kensington Street after the project was bid;
- Restoration and mulch blanket needed to restore the south side of the roadway a second time after a large rain event;
- Aggregate that was placed on the south side of the roadway between the residential driveways to provide additional stability in these areas; and
- Changes to the two driveways into the Bluewater Development;
- Removal and replacement of sidewalk to ensure compliance with ADA guidelines; and
- An additional driveway approach for the southernmost resident at 7395 Dexter-Ann Arbor Rd.

Of the above items, the bump outs added the most to the construction contract, approximately $11,000. This is within the estimate previously provided to Council in January 2010 of $10,000 to $12,000 added to the contract for construction of bump outs.

Due to the additional construction work and the fact that this job was a "log-style" job, OHM has provided additional effort associated with construction services. It is estimated that an additional $7,000 in effort has been provided on the Dexter-Ann Arbor Rd project. This included effort associated with the construction of the bump outs, the review of residential driveways and parking in the project area, and additional contract administration services due to the additional construction and ARRA funding.

As was stated in a previous letter to Council dated January 20, 2010, the construction services associated with the bump outs added $3,500 in effort. This included oversight of the construction of the bump out and additional survey layout associated with the placement of the bump outs.

34000 Plymouth Road | Livonia, MI 48150
p. (734) 522-6711 | f. (734) 522-6427
www.ohm-advisors.com

It is estimated that an additional $3,500 of effort is associated with the work completed as part of the review of parking and driveway changes for the residential properties along the south side of Dexter-Ann Arbor Road. The review included analyzing the possibility of use of gravel in the ROW, internal driveway changes, and a wider bike path. We also attended a resident meeting to discuss proposed driveway changes.

We would appreciate consideration of the additional effort completed on the Dexter-Ann Arbor Rd project. Feel free to contact us with any comments or questions.

Kind Regards,

Rhett Gronevelt

Rhett Gronevelt, PE
Client Representative

AGENDA 9-27-10

ITEM L-4

VILLAGE OF DEXTER

cnicholls@villageofdexter.org

8140 Main Street Dexter, MI 48130-1092 Phone (734)426-8303 ext 17 Fax (734)426-5614

MEMO

To: **President Keough and Council Members**
From: **Courtney Nicholls, Assistant Village Manager**
Date: **September 27, 2010**
Re: **Engineering Standards Update**

Included in the 2010-2011 budget is an update of the Village Engineering Standards which have not been updated since 2005. Staff would like to get this effort underway before Ed Lobdell's retirement.

The proposal will be paid for from the following accounts:

Major Streets - 202-451-000-803-000 - $1000
Local Streets – 203-451-000-803-000 - $1000
Sewer – 590-548-000-802-000 - $2000
Water – 591-556-000-802-000 - $2000

OHM
Engineering Advisors

September 17, 2010

Village of Dexter
8140 Main St
Dexter, MI 48130

Attn: Donna Dettling
Village Manager

Re: Engineering Standards Manual Update
Scope of Engineering Services

Dear Donna:

Thank you for this opportunity to provide professional engineering services to the Village. We have prepared the following project understanding and scope of services to be provided by Orchard, Hiltz, and McCliment, Inc. based on our previous discussions.

PROJECT UNDERSTANDING

The Engineering Standards Manual provides a listing of the required standards for development and construction of Village infrastructure. In July 2005, the Village of Dexter updated and adopted their current Engineering Standards Manual. Since that time, necessary revisions within the manual have been noted as outdated standards or inconsistencies within the standards have been brought to our attention. Based on the new engineering standards (i.e. stormwater quality, underground storage, ADA requirements, etc) and noted changes needed to the Engineering Standards Manual, it is recommended that the manual be updated.

SCOPE OF SERVICE

The scope of services to review and revise the Engineering Standards Manual includes the following effort:

- Review and revision of 87 pages of the Engineering Standards Manual and 54 pages of Appendices A and B. Revisions will be made to a Word document with the "Track Changes" option activated so that the Village can easily review the recommended changes.
- Two meetings with the Village, one specifically with representatives of the Department of Public Services, regarding recommended changes to the engineering standards.
- Incorporation of Village Staff recommendations and comments to the revised standards.
- Recommendation of changes to the Village for review.
- Provision of 5 hard copies and 5 CD's of the manual upon completion and Village acceptance.

34000 Plymouth Road | Livonia, Michigan 48150
p. (734) 522-6711 | f. (734) 522-6427
www.ohm-advisors.com

SCHEDULE
The work for the project would begin immediately upon approval of this scope of services. It is expected that the work will take approximately 4 weeks to complete.

COMPENSATION
The services outlined above will be performed on an hourly basis for the not-to-exceed amount of $6,000.00.

Should you find this agreement acceptable, please execute both copies and return one copy to us for our files. We look forward to providing professional services on this project. If you have any questions, please contact us.

Sincerely,
ORCHARD, HILTZ & McCLIMENT, INC.

Christine AC Phillips

Christine Phillips, PE
Project Engineer

Village of Dexter
Engineering Standards Manual Update
Engineering Services

Accepted By:_____

Printed Name:_____

Title:_____

Date:_____

AGENDA 9-27-10

ITEM L-5

VILLAGE OF DEXTER

cnicholls@villageofdexter.org

8140 Main Street Dexter, MI 48130-1092 Phone (734)426-8303 ext 17 Fax (734)426-5614

MEMO

To: President Keough and Council Members
From: Courtney Nicholls, Assistant Village Manager
Date: September 21, 2010
Re: LED Labor Bids

On September 21 the bid opening for the labor portion of the LED bids was held. Bids ranging from $4577 to $34700 were received.

The apparent low bid was received from McNulty Electric of Lexington, Michigan. Their bid was provided as a lump sum instead of as a per unit price. When I called to ask about whether the lump sum could simply be divided by 80, Mr. McNulty stated that the per unit price would be "under $70" per pole, but not the $57 which would be the unit price according to the bid document. The bid document clearly stated that the quantity was estimated and that the final cost would be computed by multiplying the actual quantity and the unit price. Due to the fact that I am unable to determine the intent of the bid, I am recommending that this bid be considered non-responsive.

The second lowest bidder is Corby Energy Services of Belleville, Michigan. Corby has experience with LED installation and works as a subcontractor for DTE. I spoke to a DTE employee who provided a positive reference. I also spoke with a Corby representative who confirmed that they have experience with LED installations. I am recommending that Council approve the bid submitted by Corby Energy Services.

The original estimate for the labor used in the grant was $175 per pole. I confirmed with the grant administrator that we can add lights to the project. If we decide to do all the metered lights on Baker, Main, Central, and Broad the total would be 124. The five lights on Alpine, three along the bakery alley, eight in the alley from the PNC to the Monument Park Lot, two in the back of the Monument Park lot, six along Forest, one in the Broad alley and one on Jeffords (26 total) would not be chonged. The amount currently budgeted for the project including the $50,000 in grant funds is $70,000. As of today we have spent approx. $1200 in engineering services to assist with the preparation of the bid document.

	Retrofit Kits	Installation	Engineering	Project Total
80	$38,000.00	$7,600.00	$1,200.00	$46,800.00
124	$58,900.00	$11,780.00	$1,200.00	$71,880.00

Staff is recommending that Council approve the following motion which will allow us to change 80% of our streetlights to LEDs at an amount very close to our estimated budget:

To award the LED Installation Bid to Corby Energy Services to install 80 LED lights downtown for $7,600 and, pending grant administrator approval, purchase 44 additional LED kits from McNaughton-McKay and expand the award to Corby Energy Services to $11,780.

2010 LED Installation - As Read Bids

Company	Price
McNulty Electric	$4,577.00
Rauhorn Electric	$16,553.60
J. Ranck Electric Inc.	$34,700.00
JR Howell Airport Lighting LLC	$19,200.00
Corby Energy Services Inc.	$7,600.00
Great Lakes Power & Lighting Inc.	$23,000.00
A.F. Smith Electric Inc.	$11,320.00
Hopp Electric Inc.	$9,600.00

McNulty

BID FORM for
LED Installation Project
Village of Dexter, Washtenaw County, State of Michigan

Item	Description	Estimated Quantity	Unit Price	Amount
1	Installation of LED retrofit kits, including removal of current fixture, installation of LED retrofit (see Appendix A for specific wage requirements due to use of A.R.R.A. funding) and disposition of current fixture according to required waste management plan (see Appendix B).	80	$ n/a	$ n/a
		Total Bid Amount:	Labor Only	$ 4,577.00

Corby

BID FORM for
LED Installation Project
Village of Dexter, Washtenaw County, State of Michigan

Item	Description	Estimated Quantity	Unit Price	Amount
1	Installation of LED retrofit kits, including removal of current fixture, installation of LED retrofit (see Appendix A for specific wage requirements due to use of A.R.R.A. funding) and disposition of current fixture according to required waste management plan (see Appendix B).	80	$ 95.00	$ 7,600.-

Total Bid Amount: $ 7,600.-